

Minutes of the Monday, April 24, 2023  
Meeting of the Planning & Zoning Commission  
Of Lava Hot Springs, Idaho

Those in attendance: Commission Chair, Vicky Lyon, Commission members: Jim Page, Mark Lowe, Lisa Guthrie. City Staff: Jill Makuaole and Chandra Taylor. Guests: Kim Harris, Chris Johnson, Matt Hill, Kristin Steffler, Jeanie Avery, Marci Kramer, Tom McBride, Renee McBride, Brenda Hatfield, Kyle Hatfield, Bill & Kay Goldberg.

Meeting called to order at 6:30 pm by Vicky Lyon. Next meeting will be May 22, 2023 at 6:30 pm and the agenda deadline will be May 15, 2023 at 5:00 pm.

Approval of minutes from the March 27, 2023 meeting.

Motion to approve the minutes of the March 27,  
2023 Minutes

Motion by Lisa Guthrie

Second by Jim Page

All Aye

Public Hearing – Goldberg, Oram & Banner Investments

Motion to open the Public Hearing.

Motion by Lisa Guthrie

Second by Mark Lowe

All Aye

Staff Report

Bruce Parker, City Planner – The applicants would like to proceed to get city water and sewer. They are asking for 3 separate family homes one on each lot including an accessory dwelling unit on the Goldberg lot. We have worked with the City Engineer and all agreements are in front of you.

We are all in agreement. Items that the Fire Chief wanted to address is the access road 20 feet access as long as it is never restricted. Also a hammerhead turnaround is ok with the fire chief. Also emergency access to the property. Only guests are allowed to access the

property. The fire chief would like to work closely with the owners and city engineer on the spacing for the fire hydrants. The only outstanding is the installation of residential sprinkler system. The fire chief will not budge on this. We all agree to stand behind the Fire Chief.

William Goldberg – This annexation has to be beneficial to both the city and us. There are a couple of issues the city is desirous of one is annexation and there is a provision for you to gain a right of way across my property. The others not so much. These are advantages to the city. The only advantage for us is to hook on to your services. There is an issue that I hope we don't run up against a brick wall on. But I want you guys to understand very clearly where we stand on this. The only reason we propose short term rentals or very, very periodic rentals is to subsidize the expenses incurred in owning a second property. To impose an expense for the next 20, 30, 40, 50 years of them paying taxes, bills and so on. On a property is not going to cut it they have to have a rental capability to subsidize our expenses. That's bottom line. And if that can't be reconciled then we are out of here. That's a non-starter. We already have an agreement with Bannock County and we can rent if we stay in Bannock County. The only difference is that we have to punch a well and septic. Other than that we are good to go. But we are approaching the city because we think it would be a slight improvement for us. And besides that the city would gain access across the property. This business of the sprinkler system has to be reconciled. Why would we want to take on an expense of a sprinkler system of somewhere between \$15,000 – \$30,000 per house? When we are already putting in a fire hydrant right outside. The expense of putting those sprinkler systems in would take not years but decades to pay off. That's a non-starter. We have to get past that. If we get past that we are good to go. I will provide you with access across my property. Access to be determined later by mutual agreement. This easement is highly restrictive in terms of using my property – buildings as well as landscaping,

Mark Lowe – You are aware that the county has adopted the international building code as well? That requires sprinkling.

William Goldberg – We already have a determination from them.

Mark Lowe – But they have adopted that fire code. They have chosen not to enforce it. My question is - how do you meld in the liability concerns? It is only a matter of time, I don't know if it will be your property, before we have injury or death in these overnight rentals that don't have sprinkler system. It concerns me that the personal liability is there for you but if the recommendation is for the city to wave that international fire code requirement. Keep in mind that fire suppression system is to allow people get out. It is not to save the building. It is a health and safety issue. My concern is that the city would be opened up for legal address at that point.

William Goldberg – I can't see that all.

Mark Lowe – In this litigious society? What lawyers are not going to be lining up to carry this suit into court.

William Goldberg – Each and every one of these homes around here have people in and out of them all day long. In case of fire, a private home has a standard exits. The same as we

will have. This international fire code makes all the difference in the world and is very important for say a large rental unit where there are multiple units probably multiple floors. These are private homes for the most part they will basically be ground level. Safety exit is not an issue. This is the first time I have ever encountered a municipality requiring a sprinkler system. These are private homes not for renting out. There other homes here with no sprinkler systems. We have rented all over the United States and have never seen any fire suppression systems. The county has already given us approval to go ahead. If the city does not agree, I will NEVER give the city permission of right of easement. The city has everything to gain and nothing to lose if we annex in. We are going to rent whether we are in the city or not. The impact on the city is going to be the same. These are strictly vacation home. We can't afford a lifelong bill with taxes, power and insurance. We have to protect ourselves.

Bruce Parker – I do agree with Mr. Goldberg, he and his family members have been excellent to work with. There are significant benefits for the city annexing this property.

Lisa Guthrie – If we let you build without fire suppression are we then setting a precedent that others will also want to build without fire suppression.

Audience Commentary –

For:

Vicky Lyon – I don't see anyone who wants to speak in favor.

Against:

Kim Harris – My concern is with the fire suppression. We have had people all through the city itself that were made to put it in. If they are going to be part of the town then they need to follow code.

Letter from Alvin Guthrie – Vicky Reads: If the said properties are to be annexed into the city, shouldn't all city codes and ordinances apply? Including no short-term rental more than one block from Main Street. Maughan Road would have to be considered Main Street and about one-half of this property would be beyond a projected extension of west Elm Street making them contrary to code. As far as our sprinkler system they would be quite a bit less money to install it in a new build than to retrofit as many owners on Main Street can attest.

Jeanie Avery – A couple of questions 1) is a fire hydrant going to be installed on their property and according to code?

Vicky Lyon – They are installing it at their cost and on their request on their property.

Jeanie Avery – So the question in limbo at the moment is whether to annex or not.

Vicky Lyon – Correct.

Jeanie Avery – If they annex to follow city code they would have to have the fire suppression system if there is going to be short term rentals.

Vicky Lyon – That is correct.

Jeanie Avery – That is what I would be in favor of as would many other in town that I have spoken with would also be in favor. As has been pointed out if there is an exception then that would open the door to everyone else to not want to put in fire suppression.

Vicky Lyon – That piece of property is not zoned yet.

Tom McBride – The hydrant would be good. But in city limits it needs fire suppression. Locked gate? County does not let you make money out of an accessory building.

Chris Johnson = There are enough rentals in this town. I have already had trouble with this guy. I oppose it.

Mrs. Goldberg – We are only building for our family. West Jordan is becoming not where we want to be. We are not going to be building a bunch of homes.

## Motion to close the Goldberg Public Hearing.

Motion by Jim Page.

Second by Lisa Guthrie

All Aye

### P & Z Discussion

Jim Page - What zone is proposed for this new annexation.

Mark Lowe - That won't be determined until it is annexed.

Bruce Parker – Commission don't get hung up in the zoning now that will be determined later. The issue now is this development agreement. It is what controls what can be developed. This agreement runs with the land meaning if the property is sold the agreement is still in effect and the new owner is bound by this agreement. Unless the agreement is amended.

Mark Lowe - Where these homes are used as overnight rentals I think it is incumbent on the city to apply the International Fire Code on those rental units as a health and safety issue. Again it's not a fire suppression, it's to allow –A little back ground, if you go to the swimming pool down here. It is a cinderblock building with concrete floors. There are sprinklers there. I fought tooth and nail against putting them in. It was ridiculous. I lost that fight because it was a health and safety issue. I have a real concern for liability of the city of recommending to the city to approve a variance from that requirement. Just because I think the city's behind will be hanging out there the

first time somebody gets hurt in a fire that the city allowed to go in. In this litigious society that lawyers are not going to be lining up to carry that suit into court.

Mr. Goldberg – I believe that we have already bent over backwards in putting in the fire hydrant-

Mark Lowe - The hydrant will not keep the fire down while people get out of the house. That is for structural firefighting not for health and safety. They are two different things.

Mr. Goldberg – If that be the case then I want to see you put fire suppression in your house.

Mark Lowe – I will just as soon as I start renting it out as an overnight rental. And I'm not. It is my recommendation to approve this with the exception of the exemption for fire suppression.

Mr. Goldberg – I will suggest to you that under those conditions you have everything to lose and nothing to gain. You will not be annexing my property.

Recommend approval of the Goldberg  
Annexation & Development Agreement as proposed  
with the exception of requiring compliance with the  
International Fire Code. Not exempting the  
requirement for sprinklers.

Motion by Mark Lowe  
Second by Jim Page

All Aye

Ten minute break

Meeting called back into session

Presentation on Junto Project

Motion per the City Attorney we are to have a  
proposal and agreement prior to the project coming

to P & Z. So we will take no action on Junto until we receive a proposal and agreement from Junto. Then we will take the necessary actions.

Motion by Mark Lowe.

Second by Lisa Guthrie.

All Aye

Bruce Parker – Just a reminder of a special meeting May 9<sup>th</sup> to review the Comprehensive Plan with City Council.

Motion to adjourn.

Motion to adjourn.

Motion by Jim Page.

Second by Mark Lowe

All Aye