

A regular Meeting of the Planning and Zoning Commission of the City of Lava Hot Springs, Idaho will be held on Monday, October 28th, 2024 at 6:00 pm, Lava City Hall 115 West Elm Street, Lava Hot Springs, Idaho.

In attendance: Diane Beckstead, Lisa Guthrie, James Page, Mark Lowe, Amantha Sierra.

Absent: Jeff Jones

Guests: Susan Thomas

Regular Agenda

Chairman Lowe calls meeting to order, its 6pm we'll call the meeting to order of the planning Zoning Commission for the city of Lava Hot Springs.

Roll call Diane here, James here, Lisa here, and I'm here. Jeff.

Jeff absent, yeah, let the minutes reflect that.

Rodney Burch

Chairman Lowe responds, Okay, Rodney Bannock County, ACI, agreement update,

Rodney Burch city planner responds, yes, I'm excited to report this, actually, if you recall, I think it was back in June, maybe in July, we did a quick review of what we thought? Well, I'm going to have to talk to the screen to see if you recall this map. The Red polyline that's around the outside is what is currently the area of city impact. And so it's a big area. I think everybody recognizes that it's certainly larger than what the new state law is, which says it needs to be reasonably able to be annexed to it in five years. Well, we're never going to grow to that red line in five years.

James Page responds, well, do they have to this corner, which all uphill? So, how was that ever? Yep, good takedown.

Rodney Burch city planner responds, yes. From a planning slash infrastructure standpoint, we're probably never going to build up the right. So does it need to be in the ACI or not? It's probably if it's not going to develop. County doesn't have any gears. No, I shouldn't say any zoning that probably is going to encourage development, but that can come into play. I guess the short answer is yes, we try and pay attention to resources and infrastructure. That's part of how we get to so red is what it is now. Green is the existing city limits, that little orange piece is what the county has previously wanted the area of city impact to be, which is too small, and they're acknowledging that we started talking about the blue areas being included in the area of city impact, and the justification why is on the next map, broken into three categories. The Red we are including because they are single owner, contiguous parcels. So the claim to the county is that if you have a property that's touching the city, it should be in the heritage city impact, because as a developer, if a developer goes to the county and wants to do something, the first thing the county says is, go ask for annexation. So we should always include contiguous parcels.

Chairman Lowe responds, so this area is, BLM?

Rodney Burch city planner responds, yes. BLM, I think that North piece is state of Idaho. It might be BLM, I think its transportation department, but there, yes, governmental agency owned properties, the green we're working on our water and wastewater capital improvement plans with the intent of being able to service those areas in the future. And so we've included green because it's what we call our urban service boundary. We could extend our city infrastructure with, without, actually,

Diane Beckstead responds, with annexing?

Rodney Burch city planner responds, yeah, part of that. So that's a very good question. This is, this is like a high level planning vision, right? We want to have some influence in ordinances of the county and development that goes on even though it's in County jurisdiction. We're trying to include them in our area of city impact so that we have some input. We would hope that the first. First piece of input is, go annex into the city that you develop in those in those areas. It may not always be possible. The third area is blue, and we describe that as a resource protection area and the thought process is there. The city is working on wells that have influence from the Dempsey Creek drainage and so from a water quality,

James page responds, yeah, we want to protect that.

Rodney Burch city planner responds, Yeah, and, interestingly enough, when I met with just county staff, this hasn't been to the commissioners yet, or the county staff, they indicated that maybe that blue area should extend further south and pick up a golf course. And it's and it's whole development which does make some sense. You're probably where they help operate their own water system that doesn't have any more capacity. My understanding is they can't sell or build any more I guess they could sell, but they can't build any more homes until they solve for their water. They start having water. So all those vacant lots out there. So at the county's invitation, they didn't say, go do it. They said, give some consideration to extending down into this area.

(Inaudible cross talking)

Rodney Burch city planner responds, Sorry that wouldn't have that great question that classification wouldn't show up in the final plan. It's just our justification of why we're including that area.

Does that make sense? So it's not a zone, it's not a land use issue. It's just us justifying we want to have some influence on those decisions, because we're trying to protect our,

Chairman Lowe responds, so that would be included as part of the ACI,

James Page responds, I would think,

Rodney Burch city planner responds, and that's our justification to do so you'd compare to.

James page responds, it would come clear to this road that makes it loop. Another quick run through that right there on this side.

Rodney Burch city planner responds, Yeah, you're speaking about clear out to Merrick, right,

James page responds, yeah, that loop that goes back in, yeah.

Rodney Burch city planner responds, Okay, let me look at that and see you think from a resource standpoint, like, does that?

James page responds, Well, I know the creeks on the golf course side through there. But if somebody decides to come in here and build a bigger airport, I know you probably can't do it on top of that hill, but

Chairman Lowe responds, this, this drainage right here. All drains right down, yeah, that city well, ends up being here, (inaudible cross talking, not sure who was speaking) close in there somewhere, right

James Page responds, yeah, it actually would be okay. I don't know how much water runs out of there, depending on the winter, I'm sure. But that is a low side. It's

Chairman Lowe responds, it's an odd it's not groundwater flow in there, because I got a spring just down over the just down over the hill, and right now I'm seeing water where I've never seen water before, and this time here, we shouldn't be usually

Rodney Burch city planner responds, one of the one of the difficult. Actually, I'm grateful that the county's staff level is nodding their head yes at this, because it's a bigger area than I anticipated we would end up with. And I say that from the standpoint that the new ACI statute from the state puts that five year criteria on it, that you have to be able to reasonably annex that in five years and that's a small footprint. I mean, we've annexed the junto piece, and in the last 20 years, what else is annexed? We'd de-annexed probably more than we've annexed. So it's a criteria that's hard to expand that footprint if you have that five year criteria,

James Page responds, but how many houses are up there now that we would gain around the golf course on that hill?

Chairman Lowe responds, but you can't just gain them. You've got to provide services.

James Page responds, well, yeah, that's true. And you got to go up that hill or come around.

Chairman Lowe responds, Yeah. Potentials there. It's realistically,

James Page responds, because they're putting in right here on this corner, there's a housing development going in right here too, yeah. So how many houses are going to be? 21 I think houses there is that. Know how far our sewer line

Diane Beckstead responds, golf course we're talking about those weird houses,

James Page responds, yeah, in the corner of the blue, it's kind of squared off.

Chairman Lowe responds, the three story chicken coops? Yeah,

Diane Beckstead responds, it's exactly what they look like now. Are those people's homes that they're building, or these are going to be Bed and Breakfast?

James Page responds, we don't, well, we don't want vacation homes, but we want tax revenue, you know. And then some of the houses on the golf course are probably million dollar homes, aren't they?

Lisa Guthrie responds, Oh yeah.

Diane Beckstead responds, they're that barns for sale for 1,695,000.

Chairman Lowe responds, that's a big flipping house.

Rodney Burch city planner responds, so there's two pieces to all this. One is this area of city impact that we're talking about that's to allow us to have some influence on county development. That's going to closely be followed by an annexation plan that then identifies what parcels are eligible for annexation and that, but that plan has a detailed financial analysis of, how do we provide services to them? Effectively, both tax provided services and fee provided some water and sewer.

Diane Beckstead responds, is this annexing existing homes.

Rodney Burch city planner responds, that it could, yeah, okay, the annexation plan could include existing homes. The new legislation strengthened the homeowner's position to the city can't just go annex because it wants to, and we that that authority is gone.

Diane Beckstead responds, Okay, so what have we if we go and tell them we want to annex them, what would be the reason why the debt to get more taxes, or why would you annex an existing home? If they're on their own, well, and all that stuff.

Rodney Burch city planner responds, I would advocate that there is to nobody's benefit for us to go pick up somebody that's on their own well septic outside the city. It's not great tax revenue for the city either, because now we have to provide services to the road in front of them, and so annexation, in and of itself, is not a financial boon to the city. This is how I would say that.

Diane Beckstead responds, so why do we want even annex development?

Rodney Burch city planner responds, There may be a path that if someone's going to buy the 1.6 million barn dominium and wants to develop that, if they're one parcel away from the city, we may seek annexation of the parcel that's between us and them.

Diane Beckstead responds, now that makes sense.

Rodney Burch city planner responds, to make sure that we have some influence on that development. I can see us doing that. Okay, on parcels where we are providing water and sewer, Diane Beckstead responds, they should be annexed.

Rodney Burch city planner responds, yeah, they should be.

Diane Beckstead responds, do we have a lot of them?

Rodney Burch city planner responds, do we have a lot of them? I think we have a few dozen maybe,

Diane Beckstead responds, okay,

Rodney Burch city planner responds, but, but we're not in the position or philosophy that we want to just go annex property, just because.

Diane Beckstead responds, there has to be a strong necessity.

Rodney Burch city planner responds, we would need necessity and a purpose. The annexation plan has to have a purpose. Why is this in the best public interest?

Diane Beckstead responds, there you go.

Chairman Lowe responds, Well, a lot of a lot of times, a developer will request annexation to get water and sewer, and then you go from a one acre parcel down to five parcels per acre or more,

Diane Beckstead responds, like the one behind my house, they annex their annex into the city. Right? When are they going to start building on that I wonder?

Rodney Burch city planner responds, there will be a discussion. But I think it's reasonable to say that someone may apply for annexation, and we may do the analysis of that and choose not to,

James Page responds, what's it going to cost us for a road, sewer, or water?

Rodney Burch city planner responds, correct. So I guess my point is it goes both ways. There are times when the city would pursue annexation, and there are times when an applicant may pursue annexation, and we're going to look at them both with the same magnifying glass if they're good or bad, but this statement right here in this document is what was the summation of the discussion of the county is that they will support what we're doing, as long as it's logical which this plan is and it's defensible, Which this plan is, and so at a staff level, they're all on board. In fact, as I indicated, they're suggesting we may expand a little further south. So we're going to move it forward.

Chairman Lowe responds, so, so what happens if, okay, we agree on the previous slide, the area of city impact as Uh, the blue, yeah, out into the blue area. What happens in five years if that's not been annexed?

Rodney Burch city planner responds, nothing. But there are no penalties associated with that. We have to have a reasonable plan that we can execute on that. But there's no uh, saying that you have the language says that your area of city impact should be reasonably available for annexation in five years. They're just trying to put some constraint on the fact that we're not going to go use the red line, okay, but, but if we missed by a parcel or two or weren't able to accomplish it, we go renegotiate them with the county in five years, pick a new line or new boundary.

Diane Beckstead responds, so after we can still annex,

Rodney Burch city planner responds, yes,

Diane Beckstead responds, okay,

Chairman Lowe responds, so we're not under an obligation to move toward annexation on that ACI,

Rodney Burch city planner responds, I think we need a reasonable plan, but I don't think we're going to annex everything in blue in the next five years. I mean, we're just not going to, but I'm working on a plan that gives us that opportunity. Ultimately, the goal would be that inside that blue area, it's still county jurisdiction, right? Because it's an area city impact. But it's not inside the city of Lava Hot Springs that we end up with an ordinance, a development ordinance, and zoning that reflects Lava's desires equally as it does the county's desires, right? And they're open to that.

James Page responds, so they're not, somebody's not going to come and say, I want to build whatever in your blue area. And they're not just going to say, go ahead and do it without talking to the city.

Rodney Burch city planner responds, we can create a set of zoning regulations and processes that are unique to the area and I think it's going to be a negotiated ordinance, right? We're not going to get everything that we asked to as if it was an r2 or an r3 zone, but it's not going to stay as their recreation zone that it's currently zoned now, so it's going to be something in between.

Diane Beckstead responds, so what about the fire? That is that included in the in your plan, because that's.

Chairman Lowe responds, fire protection. Yeah, we're, we're part of a fire district. So the city does not have its own fire department.

Diane Beckstead responds, we don't have to worry about that. Okay? Some of these people live,

Rodney Burch city planner responds, yeah, sometimes the lines of jurisdiction get blurred in the area. City impact, it is all within jurisdiction of the other entities, right? The city has no legal authority inside the area of City impact, we have a negotiated relationship with the county. We can't enforce the rules. We can't send our code enforcement guy. We hide its county jurisdiction. Okay, any other thoughts or questions on that item? When?

Chairman Lowe responds, when are we going to proceed with the ACI proposal with the county?
For the ordinances governing that ACI.

Rodney Burch city planner responds, that part will hit probably January, February, okay, the goal of both the city and the county is that we have that final plan of doctor. I think it's around the first of May. Is there a concern? A lot to get that?

Chairman Lowe responds, well, yeah, there's a lot there. I mean, there's a lot there, and it's got to go through the ordinance process. I guess that's their cross bare isn't it?

Rodney Burch city planner responds, they have agreed to commit to that timeline. We'll see what happens if another solar ordinance pops up. It probably pushes but, but that's the current agreement. Okay, let's look at Mr. Chair, if we can you. Okay, if we go to number two, local option tax. Wanted to just take the opportunity with this brief to share what we're asking the voters to consider in the election. We held an open house last Wednesday, Tuesday, Wednesday, in the afternoon. There's another one tomorrow night, from seven to nine at the Senior Center. But this is the information that we are distributing to the residents in hopes of being able to educate and answer any of their questions about local auction tax. The reason that we put it in front of you here tonight is the more messengers that we have that understand the facts, not the theory behind it, the better. And so wanted to just go through this quickly with this group. Idaho code allows resort cities to create a local option tax, and we qualify as a city that is afforded that opportunity. So as you're aware, we've had local option tax, I think since, I think, is when it was originally instituted. But the theory behind that, and we actually title it the tourism tax, because it is the impact that tourism has on our community. We're asking tourism to fund that's the simplest, simplest way to represent that. Currently we assess that tourism tax on three types of activities, hotels, motels, nightly rentals, liquor, by the drink and retail sales, with some exceptions, groceries. Remember, building materials, auto parts and services. So there's a few things that there's some recognition that you as the locals are also consuming that product. Therefore the local option tax doesn't apply. Beer.

Chairman Lowe responds, Beer and wine, retail sales are taxed by the drink, isn't it? They're not considered groceries, no, okay.

Amantha Sierra city clerk responds, and if you're in the grocery store and you're buying from the deli, that's not considered groceries, so it's taxed. Your fountain drinks are taxed, but any type of groceries are not taxed.

Rodney Burch city planner responds, Yeah, I think the way that state law characterizes that if it's been prepared or prepackaged for consumption, versus right buying something off the shelf that I'm going to use as ingredients. So those are the three areas you're probably all aware of that I'm going to come back. Don't Amantha help me remember to come back to this property tax relief fund. The three questions that we're asking are Question one, do we want to raise the hotel, motel, from 3% to 5% yes or no? Is that?

Chairman Lowe responds, is that still earmarked for tourism promotion?

Amantha Sierra city clerk responds, Not all promotion, it's also earmarked. Are you do that? Back to the slide.

Rodney Burch city planner responds, we have the eligible cost, it's going to be different than the 1% but I think question two do we want to increase liquor by the drink from 2% to 3% Question three, you're a good advocate. Question three, the retail sales from two to four.

Chairman Lowe responds, the hard part there is one and three have itemized bills. You buy a motel room for \$100 and then the tax is added on to that liquor by the drink is not \$1.50 for the beer, plus 6% sales tax, plus this, plus this, so it's, you know? So those guys lined up.

Rodney Burch city planner responds, the consumer sees it.

Chairman Lowe responds, Yeah. Liquor, liquor, by the drink a quarter more for a nickel increase.

Amantha Sierra city clerk responds, but our sales in the city are very low for liquor. Your highest sales is on retail and then lodging. So liquor, you know, there was a lot of businesses wanted to raise that more, but we don't have that much sales in liquor to justify hotel versus.

Rodney Burch city planner responds, for round numbers. If, if all three questions pass, it's about a \$400,000 increase in local option tax collections. 320 of it is retail sales. Nine of it is liquor.

Chairman Lowe responds, swimming pool tickets are considered retail. Absolutely, yeah, absolutely.

James Page responds, Hotels and motels are \$200 a night drinks, or what, five bucks a piece, yeah. And

Rodney Burch city planner responds, so we were surprised when we actually looked at what they generate. And then the other

James Page responds, surprising until you look at it,

Diane Beckstead responds, does this include the restaurants?

Lisa Guthrie responds, yes,

Diane Beckstead responds, they have the option tax, because they prepare the food and serve it. Okay,

Rodney Burch city planner responds, let me see, where is the piece that is what we can spend it on.

Diane Beckstead responds, do we have a lot of the businesses opposed to these.

Amantha Sierra responds, yes, the hotels were probably the most opposing against it was the hotels.

Rodney Burch city planner responds, Can I go ahead?

James Page responds, how many hotel owners live in town that can vote for this?

Rodney Burch city planner responds, 1,

James Page responds, but how many bnb's or owners live in town?

Rodney Burch city planner responds, none. This is my overreaching personal opinion of that tax on the hotel rooms or even the drink or the retail sales piece. I don't like legislation or ordinances that treat what the person on the left side of Main Street different than the person on the right. It's an unfair advantage that the city is instituted based on some geographic designation. This applies to everybody. So we're not favoring one business owner over another. We're, in my opinion, indicating that when I used to come to lava and pay \$200 for a motel room, I'm now going to pay 205 and I'm still coming, right? I'm going to go down and get a drink if the buck 50 is now a buck 53 and I'm still going to order it with that resort economy that we have, the people are going to continue to come, I don't think that they're going to cancel the renovations. So that, that's my opinion. So I jumped down to probably page three or four or five, the local optional tax facts. And in the last, just in the last five years, we've collected \$3.2 million that has benefited this community. Currently, we are approved by the voters, so the voter has to approve what we can spend the money on, right? That's not up for the city to decide it's up for the city to put the question in front of the voters. But currently, capital projects, emergency services, Recreation Administration, tourism in school buildings, professional services, code enforcement and maintenance are the categories where the local option tax expenditures are allowed to be assigned at the bottom of that slide. This, this, we prepared this just to represent that if you look at how much local option tax revenue flows into the city versus how much property tax local option tax is 79% of the tax generated in the city. Only 28% of it comes from property tax. Now I understand that there is not a person alive who likes to pay property taxes.

Chairman Lowe responds, wait a minute, that's 109%, 107%

Rodney Burch city planner responds, Yeah, that doesn't add up to, it doesn't even come close to adding up 21 sorry, the pie chart shows it is 21 I got a typo of 29 or, excuse me, 28 Yeah, this number should be 21

Diane Beckstead responds, mine says 21

Lisa Guthrie responds, but then you're down your bottom, there's 28 that little box down there at the bottom, hands on it.

Diane Beckstead responds, Oh, got it.

Rodney Burch city planner responds, Okay. This is intended to at least represent the benefit to property taxes because of local option tax and again, we acknowledge no one likes paying property taxes, and they go up based on assessment and other taxing districts. But if you just look at the levy rate for the

city of lava hot springs compared to the levy rate of our surrounding peer communities, we chose Arimo, Downey, Inkom, and McCammon. We are 38% less than the average of the five in our tax level because of local option tax, the tourism tax makes up that difference, right? So property taxes are allowed to remain low again we make that statement. No one's no one agrees with that statement.

James Page responds, who decides what the city gets? County commissioners or

Rodney Burch city planner responds, for property tax?

Diane Beckstead responds, the state,

Rodney Burch city planner responds, the levy rate is the result of taking the budget needed from property taxes divided by the valuation of the city. So the assessment, you get your assessment notice that says your house is worth 300,000 right? You combine all those together and you divide that into what the city's property tax budget needs to operate the city and creates this levy rate good. What it means is that in the other communities who don't have local auction tax, they then rely 100% on property tax to fund their operations.

Diane Beckstead responds, we're sort of unique in the aspect,

Lisa Guthrie responds, yeah, so many more people that drive up and down our roads.

Rodney Burch city planner responds, it's worth it's worth interjecting here that The property taxes paid by our residents is divided amongst, I think it's eight. Do I say, Yeah, eight separate taxing entities. So the county takes the biggest share. It takes 42% of it. The city takes 28% of it, and then it falls down to the school district and cemetery and library and County Road & Bridge. And so there's a lot of people that have their fingers in our pockets, yeah, but, but as residents of the city, we usually look to the fact that the city's taking all my property tax. We're actually don't get that much, 1/3 of it, a little less than a third of it. What? That's our last well, we've gone back yet. Thank you. Idaho code when we create the tourism tax Idaho code requires us to create a property tax relief fund. I don't know, but we tracked this in the past.

Amantha Sierra city clerk responds, not that I'm aware of.

Rodney Burch city planner responds, nor I. I just want to make sure I wasn't I'm not aware of making a statement that wasn't fair to previous administration. What paraphrasing, what this says is, if we budget, an example, if we budgeted a million dollars in revenue from local option, and we collected 1.1 that \$100,000 surplus goes to offset property taxes the following year.

Chairman Lowe responds, so your levy rate that could go down?

Rodney Burch city planner responds, go down again, right? The point is, there's no risk to the property owners. If we collect less than we budgeted, we just don't have the monies to fund our program. If we

collect more than we budgeted, that \$100,000 falls to the budget next year, and we greatly reduce the property tax burden from our residents,

Chairman Lowe responds, but next year, you would budget 1.1 million.

Rodney Burch city planner responds, probably.

Diane Beckstead responds, explain that to me, okay, we get our tax notices, and it's broke out, like you just showed on that other page. So where would I see if we had a surplus, where would I see the reduction on that portion of my tax bill?

Rodney Burch city planner responds, Great question. Of those eight taxing districts, you would only see that reduction in the city's levy rate.

Diane Beckstead responds, Okay, I'm going to watch that.

Chairman Lowe responds, well the city ought to notify everybody in the city and their monthly so taxes went down this year,(inaudible cross talking, to many talking at once) absolutely for a lot of years.

James Page responds, this meeting their having tomorrow night, you're going to be there just doing the same stuff to the city.

Rodney Burch city planner responds, myself, Amantha, and five elected officials, I think,

James Page responds, I think why it hasn't passed anyway before, because everybody thought the property taxes were going to go up there weren't informed, right?

Rodney Burch city planner responds, If, I think, if you, if you learn about it a little bit, it's, in my opinion, fairly easy to see. It's local option.

James Page responds, Go downtown and buy a hotel room

Rodney Burch city planner responds, now, long standing fact that uneducated voters vote no right, and we're trying to overcome right by just offering the opportunity to learn. Okay. Amantha, anything that I missed that? Are we okay? I think any questions about it,

Chairman Lowe responds, what's being proposed? Just play the devil's advocate question that cannot okay, you're increasing. You got the three questions, should those three be raised? What are those additional monies being used for?

Rodney Burch city planner responds, so I will admit these aren't concrete projects. These are ideas, right? We're trying to figure that out, but we're saying that we intended use of the revenue city street maintenance, downtown beautification, traffic remediation, infrastructure improvement to vacant lots.

Diane Beckstead responds, and what does that mean?

Rodney Burch city planner responds, those actually that one, I don't know that we can currently do with our approved eight categories. It's pointing towards, let's advocate for infill development, right? 1/3 of the city sits vacant, the existing city. If we can fill homes into that area. It's better than filling homes out in the blue annexation area. So we're looking for tools that allow us to help facilitate.

Susan Thomas asks, how is it better to infield city than it is to go out?

Rodney Bruch city planner responds, Great question. The short version is, there's already a water line in the street. There's already a sewer line in the street. There's already a paved road. So if we can add a house there, we don't have to plow any more streets. It's already done. When we go they use the term urban sprawl in the planning narrative when we start to go pieces out and about now we got to put our roadway system out to get to school. District has to bus kids. There's a lot of impacts to just annexing and spreading the city out. It's better to grow a piece at a time. It goes completely against what the planning philosophies have been in our country for the last 60 years. Right? That it's cheaper to buy the hay field half a mile outside of town. For the developer, he's got the freedom to do whatever he wants with it, and with the expectation that we're going to extend water and sewer lines and streets to him, and it comes in a burden to the municipality to operate.

Chairman Lowe responds, that should be on the back of the developer, but then all of those it is.

Rodney Burch city planner responds, but as soon as he signs the flat and he gives us that infrastructure, we're not going to maintain it forever. Granted, He's given us a new product day one, but they do it's now, and year 20, we're now repaving streets and sorry, did that help? Yeah, infill is financially much better for everybody involved,

James Page responds, how much is actually empty downtown? You got where the Blue Moon was. Is that ever going to be rebuilt at an empty lot?

Chairman Lowe responds, well, you got, you got the lot between you and the brick house to the east.

James Page responds, there's no lot between me and the house. There's a house there.

Rodney Burch city planner responds, we looked. We had our GIS people look. And just if it's the criteria that we use, if it's a taxable parcel that doesn't have improvements on it, and it's about 1/3 of the city, 1/3 of the parcels, not just summer block, yep, yep,

Diane Beckstead responds, there's several vacant lots driving down here. Yeah,

James Page responds, \$500,000 a lot.

Rodney Burch city planner responds, Okay, if we're, if we're good with that, let's move to item three. This is a maybe a new discussion to this group about accessory dwelling units. It's been an up and coming topic for probably a decade. Southeast Idaho is in the last two or three years, has started to pay

attention to it. And I included some information here from the American Planning Association, mostly this definition of what an accessory dwelling unit is, or can be. But the underlying philosophy of an accessory dwelling unit is that you are allowed to put a secondary structure on your property and offer that for rent long term. Look, this isn't so let's be clear, this is not short term rentals, right? It is about this so much applies in Lava Hot Springs, it right where I live in Chubbuck, I could build an accessory dwelling unit on my property in the backyard, and my son could move out of my house and into that while he's going to college.

James Page responds, is there like, obviously, there's size restrictions.

Rodney Burch city planner responds, We've got to determine it, yep, if we want to move forward with this, we can determine that the reason that I bring it up is that it could be one of the solutions to single family home ownership here, if people are going to have to pay \$400 to acquire a home, if they could have an accessory dwelling unit that generated 800 or \$1,000 a month, it really helps that financial model for people who want to live in this community, rentals got to live in this community to work. So that's the overlying theory with accessory dwelling units.

Chairman Lowe responds, that was one of the sticking points with Goldberg's. Yeah, that's they wanted to do it and ran it out on as a nightly rental. But one of the problems policing issues to be aware of in doing the ACI with ordinances with the county is we have a case, in fact now where they got an accessory dwelling unit for mother in law, and then, after everything was approved and whatnot, that's where everybody moved in the main house.

Rodney Burch city planner responds, Um, I guess my response would be, one, we have to make sure our ordinances accomplish what we intend. And two, we have to make sure our enforcement accomplishes the ordinance.

Chairman Lowe responds, yeah, but that's ours, I'm just saying when correct when the county is doing their ordinance, because they've got no enforcement at all. They are hiring a south county code enforcement officer.

Diane Beckstead responds, Bannock County is?

James Page responds, where are they going to be stationed?

Rodney Burch city planner responds, probably in their vehicle. They're going to come out of the planning and zoning department, but their primary responsibility is code enforcement in the county. I was encouraged to hear that. So the graphic there is just a depiction in most communities, an accessory dwelling unit can be a separate structure. It could be attached to the home. It could be a conversion of a garage or something above the garage. It could be your basement, like, oh,

Diane Beckstead responds, make it a walk in closet. And like, live down there.

Chairman Lowe Responds, Oh, we've got, we've got those down.

Rodney Burch city planner responds, typically, that's how that's applied. On the second page of that I've addressed to what most people are putting in their ordinance to try and

Chairman Lowe responds, would that require a business license. And

Rodney Burch city planner responds, typically not we should. I don't know. I don't know. In other communities that I've experienced with they, we're not, yeah, a lot of

Chairman Lowe responds, city of Pocatello doesn't require a business license at all.

Rodney Burch city planner responds, they've considered doing away with them, but they currently, I think they still are, oh, mostly driven by emergency services. Wants to know what's going on in the business, right? Are they hazardous chemicals or what? So here's the kind of the key issues that pop up. Ownership is the biggest everywhere that I know that has adopted an accessory dwelling unit ordinance says that the primary structure has to be owner occupied. We're not going to let this turn into just an accessory dwelling unit is a second rental, because my primary house right now become, in essence, a duplex property. Yeah, you have the main structure has to be owner occupied.

Chairman Lowe responds, so if you lose your job and have to move out of the area, you've got to sell your house. You lose,

Rodney Burch city planner responds, yes, yes. But.

Chairman Lowe responds, or those arguments,

Rodney Burch city planner responds, yeah, understood location. They're typically only allowed in residential there are a few communities who do allow them in the commercial setting. I'm initially cautious about that here, but I can't tell you why. It just doesn't because it's in the commercial area, they can do an overnight short term, right? That product, I guess, is already there commercial. They put some criteria for size and height. And the goal there is that we want to make sure the example that Mark brought up, we want to make sure the accessory dwelling unit is the term uses subservient, right? It shouldn't be the main structure with six bedrooms. That's not the goal. So they usually limit them. A lot of them are telling, you know, no more than 800 or 1000 square feet, which turns into apartments. Yeah, yep, exactly. Parking and access. Most are requiring some off street parking, one per bedroom, or whatever we determine that criteria to be. And again, I go back to the usage that the restrictions cannot be short term rentals. In essence, they're going to follow our land use zoning requirements. So I know that's just a discussion, but do you have thoughts in opposition to support us? Is this something you would like to see us move forward?

James Page responds, People are getting ready to hold that rental now, yeah, but it happens every day. It does, and we're no matter, my only concern is enforcement of the code.

Chairman Lowe responds, so under current ordinance, could I build a mother in law's house?

Rodney Burch city planner responds, I've had someone ask that question, and I've looked at it and

James Page responds, I can build a garage with an apartment above it, right?

Amantha Sierra city clerk responds, we do have a couple of those. Yeah.

James Page responds, if I want to put a garage, an apartment, that's all been allowed,

Chairman Lowe responds, but that's the only structure on the property.

Amantha Sierra city clerk responds, No, they have the house and then he's got the garage. There's a connection part. There's a breeze way on top, and that's how it was allowed back, being built right on the corner.

Lisa Guthrie responds, by the park the Red House by your house.

Rodney Burch city planner responds, before I would advocate, if we choose to move this forward, it would there would be a parallel effort to change our current zoning right that allows, I think it says, up to four units in our two we need to strengthen our multifamily ordinance and make them little more difficult to obtain. That's my personal viewer status, and it would be a parallel. This will be title piece to structure that you talked about, rather than just as we, as they get approved today with our ordinance, we have potential to lose control of that long term entities, depending on where it is in the zoning, this would actually strengthen so what have they done?

Diane Beckstead responds, What Are We? Are? Are we doing for these people that are illegally? Have a nice overnight.

Amantha Sierra city clerk responds, I have contacted a few and told me I need a business license. Actually, lately it's one, I should say, a few, and they are in commercial. They need to get fire suppression we have another one that is not in commercial. We're just collecting data right now because she insists that she is not.

Diane Beckstead responds, I propose the fines be pretty stiff.

Amantha Sierra city clerk responds, we have to be able to prove it first. Collect data, stamp it so we are and then once we get our water meters in, I think it'll be a lot nicer, because our water meters are going to show the use all the way through the 24 hours. So you think about a seven week no water, Monday through Thursday, come Friday to Sunday, you got water, and you're saying you're no you got information, then you're going to get more data to be able to say, okay, then explain why there's all this usage on the weekend, when you say you're not here,

Diane Beckstead responds, that that guy that has that Bed and Breakfast behind my house, does he have a license?

Amantha Sierra city clerk responds, He's another one that's hard because the attorney doesn't want anybody really going door to door, because it can fit somebody in harm that's just a bed and breakfast.

Diane Beckstead responds, they do not live there, right? We know they do not fix for breakfast. They come and clean after the people have left. That's it. That's all they do.

Amantha Sierra city clerk responds, that's tough. You've got to get proof, and we don't have any.

Lisa Guthrie responds, Take a picture Diane.

James Page responds, how much do the meters cost? Were we replacing our meters anyway?

Amantha Sierra city clerk responds, it's just the meter head. Yeah, we're going to replace, yeah, nice. I think it'll come in handy for you know, plus, if somebody that doesn't think they have that usage, we've been audited a couple times by a couple people, and this is going to show us exactly where you're why usage is. I mean, it's going to show but during the day, your waters are using this many gallons at night time.

Rodney Burch city planner responds, Okay, what I'm sorry, what I'm hearing from the group is we're okay to at least continue to look at the ad. Jump to the next version is relative to our future road classification. This has been part of our comprehensive plan. I know Coach says that we have to identify but your roads, I'm grateful that they do. It's something that we should be paying attention to. Any anything against making them realistic.

Chairman Lowe responds, I'm just looking at them running through Casperson's fields.

Lisa Guthrie responds, they won't like that one.

Rodney Burch city planner responds, Let me share with you that. Road not knowing, and then get educated. The goal of a future road classification map really is twofold, one that we pay attention to our transportation infrastructure, and it's more than just residential vehicles, right? It's emergency response, its school busses, bikes and pedestrians. It's how this area surrounding a lot of hot springs going to function for the transportation standpoint 50 years from now? This is one of the hard things with the future Road, is that that a lot of the planning things we do are like in the one to three year window, and this really is in a 30 to 50 year window. And the reason I say that is that we don't want somebody to come develop. And I'm just going to use this as an agreement right here. You see where my cursor is up. We don't want somebody to come develop right there and only build a little two lane local road, if in 20 years from now, we wished it was a three lane or a four lane, or it was an entrance to the second entrance into the town. So this is as much about preserving corridors as it is, creating corridors. Your red line is a proposed road. Red Line is a major road. We would call that an arterial. In most communities, at the five lane road, I don't know that it's five lanes here, right, but, but that is in most urban settings that's a five lane road. The yellow is what we would call a collector in most urban settings, that's a three lane roadway. Beyond that, the local roads that we talk about, they just happen. We don't we don't plan those. They happen as development comes and they figure out their own roadway networks. But

ultimately, what happens, and maybe this addresses Mark's education of me, we're not intending to go acquire and build this road, right? Teach me. Teach me.

Chairman Lowe responds, the one that this is their house, okay?

Rodney Burch city planner responds, Property, okay. I. Um, let's actually address that piece. Then, because that is in the county, it would be outside of our area of city impact. State Code allows us to have a comprehensive plan that extends beyond both of those right, we can do our compensate planning outside of our area of city impact. So what we don't want to happen is that the Casperson's decide to come and develop and they don't want to build any transportation network, and we just let them do whatever you could have five entrances with cul de sacs, nowhere to get into that one correct you look at you think of South Dempsey. How do we get to South Dempsey? If Mr. Jones's development occurs that he's discussing all that traffic has to go down south Dempsey, if it's on our future, road classification and development occurs that would preserve the right away meaning and so same here, right? This is through the Holladay's, right? If we have that corridor designated, if this property develops, they would be required to preserve a transportation corridor through their not build houses that stop the road from moving on to the future. It is very high level. Again, it's not detailed, but it's at least some concept. Here's my concept. One I want to get a second interest in. There is this one comes up.

Chairman Lowe responds, this is a private lane, yep, this is a public road.

Rodney Burch city planner responds, Okay, just over. Got it, yeah, good point. Let me just share my approach to where I've put the lines, at least in this this east half. This is a big parcel potential for development. We should get some kind of connection and potentially line up with the cross, okay, reach all, yeah. This is, this is splash hollows already developed. It has a roadway stub here and a roadway stub here, just trying to connect from the ball fields past the old fairgrounds and get another and connect back to Maughan Rd right? So that we get more than one and even more than two or three options of how do we get from point A to point B? I put the big red line going out through South Dempsey along the creek. I can envision. I'm a pedestrian bike enthusiast. If we can get if we can get people on their bikes or walking, we don't have to have as much parking downtown. That solves a lot of problems. So I see this as a really good corridor for combined Multi-Purpose transportation. Somehow we've got to tie back into bond road. These are just connections to Maughan Rd intermediate. That's the general philosophy of trying to put some framework to it again. Let me clarify. We are not out trying to obtain interest in and build these roadways. But it empowers us from waiting to, if winning comes, when development comes, that they would then be required to preserve or build those corridors, rather than,

James Page responds, I think that's something that should be there. I see, like the golf course this side of fourth, or whatever you call it, going out fourth, that's going to be developed, I think, faster than most places around town because of creek in the golf course.

Rodney Burch city planner responds, well, and there's two big parcels for sale out there. No, I think that's good. Any from the four of you, or am I missing some connection that you think we should pay attention to? I did learn we made your right there, I'd look today, and this is not part of the gone off. It's intended to be a driving range or what, but there could be a connection there.

James Page responds, because, yeah, right below. That's what Dempsey Creek is, right, yeah.

Chairman Lowe responds, now, from that corner going back to that waste piece, you're crossing either T box, in there,

James Page responds, because the golf course is clubhouses right in the middle of Dempsey road

Chairman Lowe responds, on the north side, probably should have in what the state's plan is on Highway 34 do I pass, going around there, at least show that.

(Inaudible cross talking)

James Page responds, when they did Fish Creek, what they're going to go around that mountain. And they know Fish Creek, those all.

Chairman Lowe responds, the bypass Bancroft that way.

James Page responds, but they wouldn't do it because the railroad wouldn't move, and they're not going to make the railroad move.

Chairman Lowe responds, so should have the biggest it'll be, it'll be largest span in the state system,
Cross talking

Rodney Burch City Planner responds, they've invested, they've invested a lot of money in property acquisition, the state transportation.

Diane Beckstead responds, Oh, that's right, I remember they been talking about how they were going to do that around that mountain.

Lisa Guthrie responds, they've been talking about for a while now.

Diane Beckstead responds, that was a long time now.

Rodney Burch City Planner responds, so this is that connection area. Yeah. I, as I said, I look today and I think there's some potential that that could happen. There is even some width down here that you may put lots on one side or the other of it that access the new roadway back up to the golf course. Right?

Chairman Lowe responds, that's in the middle of the golf course,

Rodney Burch City Planner responds, yep.

Chairman Lowe responds, currently, that's a T box for that dream on a bad night. I

Rodney Burch City Planner responds, um, we'll continue to move that forward. And thank you for your input and consideration. Admittedly, the West half of this I'm trying to do, really, to just plant the seeds

with the county that you guys need to pay attention to it. We're not going to have much influence on what's going on, but, but I don't mind putting it in our comp plan. That shows that we're at least thinking about that and hopefully encouraging others to think about, yeah, okay, I'm done with my four items.

Chairman Lowe responds, Okay? Amantha comprehensive plan, yeah,

Amantha Sierra City Clerk responds, Vicky wanted me to put a bug in your ear that we probably should start looking at what we would like to see happen with the comprehensive plan. That's what that was, what Bruce Parker started. So I printed it out there. We ready to just, kind of, you know, put the bug there, and you guys can start thinking about it. She said, in the past, they took an ordinance and they reviewed it, P and Z did, and then they sent their recommendations to council, and council also reviewed it, and could have went back, and it's nothing that we need to do right away. We're just practicing there. So you guys know that it's coming up and might be something about next month's agenda.

Rodney Burch City Planner responds, yeah, and it really does play into all these other discussions. I think there's three handouts, three of them, so we have a differentiation this one the strategy says amend in the top. Left box amendment so many ordinances necessary to provide for a full range of housing options and choices across various projects. If we start looking at ADUs, we're doing it right. So the comp plan feeds into all of these other discussions that we're adding and ultimately, that document should guide the decisions of the city.

Diane Beckstead responds, which documents?

Rodney Burch City Planner responds, and the structure that that Mr. Parker has created. Kudos to him. Oftentimes, the comp plan is like the old version. It's just a narrative that talks about stuff and doesn't accomplish anything. This structure where we define a goal and an action, who participates, what the timeline is, how are we going to measure success and what's the resources is? That's the new approach that communities have been taking, probably in the last three to five years. It's more than just a narrative. It's actually an actionable plan with measurement matrices and ultimately, potentially rolling through the budget too. If we think that's important, is there a cost associated with. So it's a great, great start. About a lot of it came up. We, have a location on this, because I thought I could find this a funding source next fiscal year to accomplish the comp plan. But Mayor Vicki's credit. Wanted to start working. Sorry, what was that? Sorry, there's grant moneys out there. Fund the creation of those, however you do if it's through.

Amantha Sierra City Clerk responds, we do have SICO's working on our park and well grants.

Chairman Lowe responds, they were instrumental in the plan, then for the comprehensive plan done the last time.

Amantha Sierra City Clerk responds, I thought I'd heard something.

Diane Beckstead responds, up there, across from that hot pools, where they've got that all done, that's going to be a parking lot, right? They've got to do a little park for,

Amantha Sierra City Clerk responds, yeah, they have to, because it was grant funded before once the date that's going to be.

Cross talking

Announce Next Meeting

Rodney Burch City Planner responds, so we're looking for meeting. Looking for meeting.

Amantha Sierra City Clerk responds, the 25th and then the one December is will be the 23rd.

Cross Talking discussion about meeting dates for November and December

Chairman Lowe responds, Can we just change that to the 16th?

Rodney Burch City Planner responds, you guys tell me, sure I'm grateful that you 16th. Thank you.

Lisa Guthrie responds, it's the week earlier one that I have to remember, the fourth Monday. Can remember those? It's like fourth Monday, P and C, they change it to the third.

Rodney Burch City Planner responds, any other questions?

Chairman Lowe responds, it's not on the agenda, so probably isn't appropriate, although we're not taking any action on it with the meeting Wednesday. Did you want to touch base on that at all?

Rodney Burch City Planner responds, Yes, City Council's meeting Wednesday, yeah, has a special meeting Wednesday. It's relative to the junto project that's been in the approval process for the last couple years. Probably there is an affordable housing entity, kind of Boise, called Leap housing that provides, they're the facilitators for affordable housing in a variety of communities across the state, very successfully with a lot of different programs. They are under contract to purchase and complete the junto project.

Diane Beckstead responds, that's the one of the by the park.

Lisa Guthrie responds, that's one by you,

James Page responds, by the power company.

Rodney Burch City Planner responds, necessity, those actions have to happen in a public setting. I would just ask this commission that we don't go, they're only in a letter of intent period. They haven't acquired the property. I wouldn't openly go tell the whole city that's going on and jeopardize that at all.

Chairman Lowe responds, but who am seeing the proposed from the new general sector? What they're actually proposing.

Rodney Burch City Planner responds, right now? They take the product that's been approved, strengthen the deed restriction, affordable housing piece, to actually make it viable as that product, and build what's been proposed. That's the current plan. So

Diane Beckstead responds, when's that meeting? I want to be there. Can I be there?

Rodney Burch City Planner responds, absolutely,

Lisa Guthrie responds, the public meeting. So I think its Wednesday.

Diane Beckstead responds, Yeah, and what day is that?

Lisa Guthrie responds, Two days, two days,

Rodney Burch City Planner responds, not public hearing, the LEAP housing director is, is going to share with the City Council. So that's your one because of the shortness of the window, right? They haven't accepted offer. They have 45 days to figure out if it works.

Chairman Lowe responds, so if it goes into, if leap carries through that, then that would have to become owner occupied, basically, well, no, because,

Diane Beckstead responds, not necessarily it would.

Rodney Burch City Planner responds, I can't answer the details of it, other than I know their vision and their mission as a nonprofit is affordable housing, affordable, not rentals, right? And so, but, but they acknowledge there's 48 units there, and so the absorption rate of 48 units in Lava Hot Springs might be at. 10 year plus period. But I do know that their goal is to strengthen the Affordable Housing piece that's currently in the development agreement, to get to get much closer to we're trying to do than what we ended up with. So that's Wednesday's meeting is I think that's a positive thing for our community.

Chairman Lowe responds, that's cool.

Adjourn Regular meeting

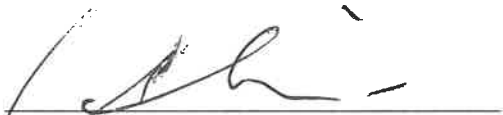
James page responds, I make a motion we adjourn.

Lisa Guthrie responds, I'll second it.

Chairman Lowe responds, seconded by Lisa. We are adjourned.


Mandy Frandsen, Transcriber


Mark Lowe, P&Z Chairman


Amanda Sierra, City Clerk