

A regular Meeting of the Planning and Zoning Commission of the City of Lava Hot Springs, Idaho will be held on Monday, March 25, 2024 at 6:00 pm, Lava City Hall 115
West Elm Street, Lava Hot Springs, Idaho

Present: P&Z Commission

Mark Lowe - Chairman

James Page

Lisa Guthrie

Jeff Jones via phone

Diane Beckstead

City Clerk Amantha Sierra

Mandy Frandsen

Rodney Burch

Guests: Daniel Cox

Spence Ward

Susan Thomas

Julie Hill

Steven Mutsaers

Regular Agenda

Mark Lowe, I'd like to call the regular meeting of Lava Hot Springs Planning and Zoning Commission to order roll call please.

Roll Call

Lisa Guthrie, Here

James Page, here

Mark Lowe here and Diane Beckstead has lost her voice so somebody with American Sign Language.

Okay. We have the first step the preliminary plat public hearing for Junto, open the public hearing for the preliminary plat with report from Rodney.

Junto

Rodney Burch, Thank you, Mr. Chairman, commission members. Just so we're aware, I think we already are. But we do have the applicant in the audience with history and also his consultants. Excuse me helping him through this process. To refer you to the staff report that's in your packet for the preliminary plat. For the record, that one identifies the location of this property as being located on the west side of Sixth Avenue, just south of the Utah Power and Light. We're all familiar with that. But the one that seems to be on the record, so we know which piece we are speaking about the item before you try is the preliminary plat, this is kind of halfway through the process. We spoke at last meeting. This is the opportunity though for public to give input. You want to share with the group in the audience that this development is subject to a previously approved development agreement. So the steps that they're following are in compliance with that agreement. And also acknowledgement of that decision or the recommendation of this body today is just that its recommendations to the council for final action. And

then acknowledgement that they have been before us in the past also with their concept plan, which was approved by this body in February 26 and was approved by city council on March 14. If you thumb through the packet information, you should see the actual preliminary plat document. Looking at this for reference, very similar in content to what we saw as the concept doesn't meet the criteria after development agreement. It does meet the criteria of the underlying. And so if you warrants if the board requirements, and appropriate requirements to continue to move that forward. This is a quasi-judicial action provide a board that's like given subject to City Council gives you the authority to either recommend approval, approval with conditions or recommended denial. And if we choose to recommend it now we must state the reasons that we choose to do so. Just a brief overview, probably as a renewal but a brief overview. Again, this is a 52 unit affordable housing project over 14 different structures 14 decks for 12 keep going but again it is the product that we see in the map attached to what was approved and with that I'm happy to answer questions of the commission if they have them

Mark Lowe responds, any questions for Rodney

Lisa Guthrie responds, No questions

Marl Lowe responds, presentation by applicants do you have anything to add to that

Steven Mutsaers responds, No after almost two years I think we're good

2. A

Mark Lowe responds, In that case I will open up for from public anyone who wishes to provide public comment, please provide your full name age, current address

Julie Hill responds, Can we ask questions

Mark Lowe responds, certainly

Julie Hill responds, Okay, Julie Hill one zero nine three six Westchester I guess my question would be about the irrigation water that is included with it that is lots will have irrigation water is that with the fish creek or Dempsey creek lines?

Mark Lowe responds, I believe it will come off one or the other

Julie Hill responds, question is this I know that having property out on Maughan Road where I've got mine it's very inconsistent as to when that water is available. So are they planning on that being the water for the landscaping or what is the intent with the irrigation water?

Mark Lowe responds, is available when available like any other water user,

Julie Hill responds, okay, so

Rodney responds, I can try to address that Mr. Chairman if you can, Spence, the designer, this and I have talked about the potential use of water rights on this property and our desire to use them as much as possible but we between the two of us we determined it's probably unrealistic to rely upon that as our only source just because of the inconsistency of adequacy may be of the water and so the landscaping will be supplemented by the culinary system

Julie Hill responds, Thank you

Mark Lowe responds, anybody else

Rodney responds, you have three comments in our packets that we did receive input on this application

Mark Lowe responds, for this one or for

Rodney responds, I think we'll have some on all of them actually

Lisa Guthrie responds, I have one from Ken Fagnant

Rodney responds, this is for 340 N Main. This one is from Brenda Ehrler

Amantha Sierra responds, that's on the main street one

Rodney responds, let's carry on then figured out all the local landmarks and ownership
James Page responds, give me an order okay, we're close
Mark Lowe responds, with that being done I'd entertain a motion to close the public hearing
Lisa Guthrie responds, I'll make a motion to close the public hearing on Junto.
James Page responds, I'll second
Mark Lowe responds, been moved and seconded discussion. All in favor Aye.
All Aye.
Mark Lowe responds, There you are Jeff our fourth commission member. You snuck in on us
Jeff Jones responds, I know it I'm the sneaky kind of guy.

2.B

Mark Lowe responds, Okay, with that being done, then our next agenda item is on the preliminary plat the Junto plat means a model on page four of that section Yes
Rodney responds, Mr. Chair and commission members I want to add track but on the conditions that I've listed there I indicated by the preliminary plat that I think we should limit that just to the preliminary when they add the other two
Mark Lowe responds, has that fee been established by the city yet?
Rodney responds, it's going to be on a resolution on April 11th it would be so much per lot it's I think it's \$150 plus??
James Page responds, okay so it's not I make a motion to approval with conditions have been approved having reviewed the application for testimony presented as part of the record. Ordinance 1962. That zoning list amendments 2006-2 subdivision and having found that the criteria for approving a preliminary plat request as satisfied we've moved to recommend approvment of the preliminary plat as described in application materials with the list of conditions. Payment of concept review fee. Payment of preliminary plat fees.
Mark Lowe responds, is there a second to that?
Lisa Guthrie responds, I second it.
Mark Lowe responds, Moved by James Seconded by Lisa All in favor Aye.
All aye.

Mark Lowe responds, any opposed? Motion carries the preliminary PUD plan public hearing
Jeff Jones responds, only thing was open was the filing fee wasn't it?
Mark Lowe responds, there to two different fees associated with that that were still haven't been established by the council. So with that the item before the zoning commission is the review of the preliminary PUD plan application for Junto affordable housing. We open the public hearing for that. Mr. Burch

2.C

Rodney responds, again Mr. Chairman and commission members repetitive was released. You're on the record the way that it should be. Added before you is the preliminary PUD plan for the same junto development. This is the public hearing phase that allows residents and others to provide testimony if they feel so inclined to do this PUD plan is in alignment with the development agreement has been previously approved and also with the concept, PUD plan that we heard was just a discussion with planning and zoning Council heard that item. Council and it's the same affordable housing project that we just previously spoke of that has 48 units The reason that we're going through the PUD process with this is wanting to agree to the uniqueness of the property and provide some also gives some space

associated with that and that is reflected project there's a significant amount of open space for use of the residents there. And so it the process or the tool of the PUD allows that to occur again meets the criteria My recommendation would be approval of their own plan with the same condition about fees I guess I should share that this is not the final step we will ultimately see a final PD Plan that will have significantly more detail with restrictive covenants who cares for the open space all of those types of things of how that site will function? Those are not the final communities

James page responds, I have a question the open space that you are speaking of how big is that? Four feet wide?

Spence Ward responds, the open spaces about 28,000 square foot so it's that two thirds of an acre roughly

Steven Mutsaers responds, we're hoping to build like a playground and stuff for kids and

James page responds, I've seen I've seen properties that's hard to imagine exactly because there's no yellow flags markers

Steven Mutsaers responds, it's hard to visualize yeah I get it.

Rodney responds, with that Mr. Chairman commission happy to answer your questions additional questions that you may have

Mark Lowe responds does anyone have any questions?

Diane Beckstead asks, is it going to have tiny homes on it?

Rodney responds, no, isn't going to have tiny homes no

Diane Beckstead responds, then this is different.

Rodney responds, this is correct. I think I picked up on what you're saying that this is not a tiny home development it's individual owned units on site

James Page responds this is out by the power company.

Rodney responds, this is the Junto development yes two different yeah

Mark Lowe responds, this one that's adjacent to work okay. Is point of clarification to cut that's on the side of the hill it's just made this last year. How close is that property right on the right side?

Rodney responds, right adjoining parcel not this person right yes right on

Spence Ward responds, that's not their first No. They guy said they were doing some kind of water sliders. Yeah.

Rodney responds, Diane there is another development that is looking at tiny homes south of this property but it's not part of this.

Mark Lowe asks, what is the square footage for each?

Steven Mutsaers responds, they are about 1,000 square feet, 2 bath 2 bed that's with garages.

Mark Lowe asks, is there anything you would like to add

Steven Mutsaers responds, No. unless there's any questions.

Mark Lowe asks, do we have anyone in the audience who would like to comment in favor of neutral of or in opposition to?

Mark Lowe responds, No clarification then I'd entertain a motion to close the public hearing.

Lisa Guthrie responds, I make a motion to close the public hearing.

Diane Beckstead responds, I second it.

Mark responds, Made by Lisa seconded by Diane. All in favor closing public hearing.

All Aye

Mark Lowe responds, no opposed.

2.D

Mark Lowe responds, Motion carries. I will entertain a motion regarding the preliminary PUD plan in Lisa Guthrie responds, Having reviewed the application Staff report and testimony presented as part of the record pertaining to ordinance 2007 dash 5 PUD and having found the criteria for approving the preliminary PUD plan request are satisfied and moved to recommend approval of the preliminary PUD plan as described the application material with conditions of the payment of PUD established.

Mark Lowe responds, is there a second?

James Page responds, I second

Mark Lowe responds, ok seconded by Jim any other discussion all in favor?

All aye

Mark Lowe responds, any opposed? Did you say aye Jeff? Motion carries. Next agenda item which is J unto affordable housing variance request opening the public hearing

2.E

Rodney responds, Thank you. Mr. Chairman, commission members, this is the third item that requires a public hearing. Affordable housing development is a variance request from the applicant. The issue that's in front of us is for them to add effective use of the garages to those homes and forces the unit Well, combined with the fact for what the city requires for our streets, sidewalks, utilities, and it pushes the units into the backyard setback, and then ask for a variance to change that from 20 feet of setback to 10 feet setback. Keep in mind that the exchange for that is this open space that they've spoken about. It's going to be on the west end. Because townhomes are fairly narrow. And so if you consider how narrow they are just the 20 feet of the backyard it's not much usable space. Anyway. And so we felt to staff that they needed support that request reduced that setback again, exchanging that for open space in the communities that's what I have

Mark Lowe responds, questions?

James Page asks, as the developer are you going to fence the whole place? Or is that up to the owner to fence around the back of there.

Steven Mutsaers responds, you know, we haven't really addressed that. Very well good in the development agreement originally agreed upon States in there that we are looking for this because we knew we're going to need this variance agreement. So I mean, obviously we want to make sure there's some kind of backyard or whatever but no, it's not I get that I want to be able to have a lot is you know, and with the row and then the units that we're having and these are these are individual townhomes and so to sell them that way opens up the lending opportunity for the buyers because yeah, so I get it I get what you're saying. But I mean we could we could definitely do.

James Page responds, we have no control yet over what happens on either side.

Steven Mutsaers responds, I get that. We could definitely entertain that idea. It's all about you guys keep talking about all these fees that keep getting added on so we can take that off and I can put a fence or

Mark Lowe responds, an HOA would pretty much regulate tight since those fences give the homeowner Yeah, I would have one foot one.

Steven Mutsaers responds, that's why we've worked his way of doing parcels for each door so to eliminate the HOA as much as possible. So obviously on the green space going to have to have an HOA to manage that and we can you know include that into the covenants as far as you know the fence and so forth or just put a fence up just more so but yeah we can definitely entertain

Mark Lowe responds, any other questions. Okay, did you have anything you need to add?

Steven Mutsaers responds, No, no, just one recognize because you know, Rodney presented it but it was in the initial agreement that it does state and they're like variance agreement that whatever that is you guys would work with us and so forth

Mark Lowe responds, okay we'll open floor up to testimony from people in town or the public please state your full name and address

Mark Lowe responds, No takers ok I'll entertain a motion to close public hearing for the Junta variance request meeting

James Page responds, I'd like to motion to close the public hearing

Lisa Guthrie responds, I second

Mark Lowe responds, all in favor of closing the public hearing

All aye

2.F

Mark Lowe responds, any opposed? Motion carries I'll entertain a motion concerning the variance request

James Page responds, Approval with condition Having reviewed the application, staff report, and testimony presented as part of the record pertaining to ordinance 1982-2 zoning with amendments and having found that the criteria for approving the variance request are satisfied, I move to recommend approval of the variance as described in the application materials, payment of variance fee when they are established.

Mark Lowe responds, anyone want to second?

Diane Beckstead responds, I second.

Mark Lowe responds, all in favor

All aye

3.A

Mark Lowe responds, any opposed? Motion carries. All right. We have before us a variance request from Julie Hill regarding property at 3.4 West Main Street. And with that I'll open the public hearing. Rodney do you have a staff report?

Rodney responds, I do I would like to first recognize this commission directly insert the city's request that the applicant is in front of us. So she's willingly going through this process somewhat to meet our standards and criteria. But the request is there are three we're trying to explain this math and the science behind it. So there are three platted lots that are currently divided into two parcels. One parcel contains two lots. The other parcel only contains one lot the over lying goal of the two applicants here is to split those three lots into a lot and a half each. So it's basically a lot line adjustment. Still two parcels so we're not increasing the number of parcels at all. In doing so it puts the new parcels under the square footage criteria that's listed in our current zoning ordinance

Mark Lowe responds, for residential

Rodney responds, for residential yes. So as I list here in the staff findings, those original plats of lots are 110 by 30 or 3300 square feet that the proposal would be as they combine those together, they will each be 4950 square feet, which is just shy of the requirements of 5500. My take of this and the reason that we're guiding the applicants through this process is there are two parcels there now. They can apply for use permit on each one of those, I think the city would have to grant them. And I say that because those original parcels were created in 1915, when Lava Hot Springs was platted at that 110 by 30. And along comes our zoning ordinance some 75 or 80 years later, and sets a minimum block size, minimum parcel size that doesn't really adhere to and comply with the plat. So the goal is to allow one

of the parcels to get bigger and one of the partials to get smaller than net effect is still just two parcels. But to formalize on Julie's behalf, she's going to if I misspeak, he's going to convert that to a to a commercial use which letter of the lot doesn't have a minimum square footage requirements. But we've asked her to mitigate this potential in the future if that use ever changed back to residential, that wouldn't pop up and be a burden. So we're trying to clean that all up today at this point in time, so no matter what the use on the parcel is moving forward, a she will never have to deal with this again. To last that's where we said it's my recommendation that commission consider recommending this

James Page responds, it's on a commercial street so residential had no effect is it a rental now?

Mark Lowe responds, if they were to want to convert, use it as a residential property it's not big enough.

James Page responds, it's on the main Street. So why would you want to live there?

Julie Hill responds, but for right now, professional office there, which you know, in the future 10 years down the road? Who knows?

Mark Lowe responds, there's not currently a short term rental

Julie Hill responds, yes. This would take it out of the use as a short term rental.

Mark Lowe responds, Right. Right. Which actually is good. Yeah, but no, it's got it. It's got a list on its current usage, residential, which that

Julie Hill responds, is the residential use short term.

Rodney responds, Short term rentals and residential.

Mark Lowe responds, Okay, any other questions for Rodney? Or anything you'd like to add?

Jeff Jones responds, Mark?

Mark Lowe responds, Hello. Yes Jeff Yeah.

Jeff Jones responds, then, hey okay, part of that is going to be commercial. Did you see the two we require three requests in there. Against that? There will be how are the parking is going to be an issue. If there's a commercial and a home there. Where are they going to park?

Julie Hill responds, there's no commercial and a home it's going to be a business and the variance is just to retain the right in the future to turn it into residential parking is going to be we're planning on parking up the alley.

Mark Lowe responds, Can you hear all that

Jeff Jones responds, the parking will be in that part of it? It's bad connection. So part of the parking is going to be in the alley.

Mark Lowe responds, coming off the alley.

Jeff Jones responds, be because it wouldn't be too fair for Catherine to have people parking in her front yard all the time. Going And she, and she's right there on the corner. And it's not in the parking isn't enforced in town because you see, Bruce and Brenda's concerns. Brenda doesn't there is nothing control there in front of Brenda's house. They use her front yard for parking. Right. And there's no, it's not been enforced. And that's just not it's not fair. We need to cater to the residents more than Airbnb's. The park

Rodney responds, Jeff, can you hear me this is Rodney can you hear me?

Jeff Jones responds, a little bit.

Rodney responds, we may have to reiterate that. Julie's already indicated our ordinance requires two stalls for that size of a business that will be accomplished as part of normal business application and site remodel that buildings.

Julie Hill responds, yeah, but it does nothing. My contractor tells me there's nothing that needs to be done that needs a building permit.

Rodney responds, so we'll work with the applicant through the parking piece. And I see that as separate from the variance because the use is already established. She's going to improve the use by adding parking in the alley.

Jeff Jones responds, Okay,

Rodney responds, she's going to improve the parking. And so the item before you tonight is really just that deficiency of that 600 square feet.

Mark Lowe responds, with this property with Julie Hills property. It is currently a short term rental. And that's being taken out of that short term rental status and just as a business, but really a low traffic business flow.

Julie Hill responds, Yeah. Very low traffic.

Mark Lowe responds, so one customer at a time two tops so and that's during daily business hours, not at night. Most of the problems Okay, any other questions for the applicant? Julie Hill?

Susan Thomas asks, I have one, which property will be your business office?

Julie Hill responds, I only have the one. I bought the one with the house on it next to Kevin and Tara. That's going to be my business office, that house might be converted to a professional office.

Susan Thomas responds, Okay. And then what happens to the other?

Julie Hill responds, I don't know somebody else bought it. I'm not

Mark Lowe responds, that's the next agenda item.

Susan Thomas responds, Got it Thank you. Good luck.

Rodney responds, Mr. Chairman, I do think we have three letters of input. When you're ready

Mark Lowe responds, do you want to read those?

Rodney responds, the first is from Kathryn Demott I'm writing regarding their request for variance at 344 to 384 West Main Street, Lava Hot Springs, Idaho, I am against this proposal. Setbacks and ordinances were established to maintain a barrier and allow for open space we continue to push our town to its limits with overcrowding. This variance quotes residential, let's define residential. I have watched the neighborhood homes that once housed a true residents a home that one or two people lived in full time become overstuffed the same homes now accommodating 20 or more people. These are now motels. This request for a variance does not indicate the future plans for the property is it to build a residential structure to be lent as to the rent as a vacation rental from Airbnb. It is crucial that we maintain a buffer around these properties to preserve our old growth trees and maybe vegetation as well as allow the few existing true residents privacy. Both of these lots would impact neighboring residents that live there full time. We need open space to maintain the integrity of our town limits on building high rises that forever obstruct our beautiful views. City revenue from taxation and licensing is in question. Many of these new residences are strictly for the use of rental through Airbnb. It is my understanding that Airbnb does not supply a detailed report when submitting taxes. Do we actually know if these places are paying tax? Parking is another consideration. Our current ordinance does not allow for adequate parking. I have watched the overcrowded neighboring properties line both sides of the streets with vehicles. We need to restate parking requirements for vacation rentals within our ordinance. Parking spaces are currently required according to the number of bedrooms and a home. You have people have overcrowded the homes filling one room with multiple beds. We need a minimum of two parking spaces for any property and at least one space for every three persons that may occupy the place. The integrity of our community is at stake. We need community. Please let us preserve the space we have available. That's why setbacks were created to begin with. It's time that we take a stand and preserve our community and begin to encourage community and well planned development. We need

to maintain the integrity of our charming village. I asked you to stop for a moment and consider what is the future of our community? Lava Hot Springs? Do we have a plan? Is there a vision? First and foremost, we do. Excuse me, we need to know if we're in alignment with our vision for Lava Hot Springs thank you for your consideration number two is from Leonard Ware he writes on the surface I have no real objection to the proposal pertaining to lots 15 through 17 and the US the two parcels number the third is from Bruce Bronson. Planning commissioners this document is concerning the recent proposed variances per city subdivision ordinance 2006 dash two and PUD ordinance 2007 Dash five as well as the criteria of Idaho code 6765 13. For lot 17 And the east half a lot 16 block two 344 West Main and lot 15 In the West, half a block 16 block to between 344 and 384 West main no matter what development was to take place. Structure size, easement, and parking issues would be just some of the problems leave the ordinance alone. I disagreed and I'm opposed. Excuse me, I disagree. And am against the variance proposal. Mr. Bruce Bronson That means any questions

Jeff Jones responds, and there was one there was one from Brenda to wasn't there.

Mark Lowe responds, yes.

Rodney responds, Takes a team from Brenda Erhler concern. Public Hearing of Lava Hot Springs Planning and Zoning Commission on March 25 2024. Whether the proposal satisfy requirements of approval per city subdivision ordinance 2006 dash two and PUD ordinance 2007 Dash five as well this criteria in Idaho Code 6716 13 Whether the request is consistent with the 2013 city of Lava Hot Springs comprehensive plan as the owner of the property at 56 North third West Lava Hot Springs Idaho I am writing to inform you that I am against both proposed request and modified minimum lot size requirements were the two parcels listed for the following reasons increased traffic that this will cause and parking issues this request will cause more lots mean increased vehicles. Signed Brenda Erhler.

Mark Lowe responds, okay

Jeff Jones responds, there are legitimate concerns.

Mark Lowe responds, do you want to address that?

Julie Hill responds, yeah, yeah, a couple things one. There's not going to be a bedroom. No one is staying overnight at the house. Is it currently my intended use for it? Putting two parking spots in the back I don't know that the previous owner encouraged his guests to use any parking off the alley because it wasn't there's no gravel or anything there. It's just grass and some wooden, you know, tie down kind of things, railroad tie type things. We're going to actually put gravel back there and have it be parking and I've actually been parking back there when I've gone over on the grass as far as You know, the lots, it's the commercial zone, folks. I mean, he may be there in a residential area. You know, you've got to allow commercial in commercial. And my understanding is there are no setbacks in commercial that I could build right up to the property line if I wanted to, as the codes currently stance, so I'm putting in the parking, I understand Brenda's frustration with her neighbors and what goes on with the twin home. She purchased that home, it was already a vacation rental when she purchased it, and she purchased in the commercial zone. You know, businesses got to go somewhere. That's where it means,

Jeff Jones responds, well, you know, the businesses have got to take care of themselves, too. We've got all these businesses in town, and they need to be out cap. And they're not they want the money to come in. But they're not ready to put forth the effort to make their places better.

Julie Hill responds, I understand. And if you

Jeff responds, and we need to cater, and we need, we need to cater to the residents in my opinion. I if we need to cater to the residents. That should be our first priority. But I'll shut up. That's all I got to say.

Julie Hill responds, the only thing I was going to add to what you said is that if you've been by the house in the last week, I've already started to the property

Jeff Jones responds, see when they're parking in the back, they're going to be going down that Third. Third, West and they're going to go down there and drive up that alley, and they're just going to make that that block right there. Busy. Just thrown out my concern.

James Page responds, do you anticipate your customers parking behind your building?

Julie Hill, No I anticipate is important. You know, myself. I come from Dempsey, I turn up and go up forthwith to go over. And I don't anticipate, you know, one car maybe two there at most at any given time. I don't anticipate a lot of traffic far less traffic than what you've had with the nightly rental.

Lisa Guthrie responds, it won't be at nighttime,

Julie Hill responds, no it won't be at nighttime.

Mark Lowe responds, Okay. Any further comments? I would entertain a motion to close public hearing.

James Page responds, I'd like to motion we close the Public Hearing

Lisa Guthrie responds, I'll second it.

Mark Lowe responds, Motioned by Jimmy seconded by Lisa. All in favor, aye.

All aye.

3.B

Mark Lowe responds, any opposed? Motion carries public hearings closed. Now we have the action, which is consider request for variance by the property in question. Motion to approve, approve with conditions, or deny the request. Have a question for you Rodney. If this if the request for variance was denied. That property still functions exactly as the applicant intends to use it now in a commercial.

Rodney responds, that is correct. If we're trying to mitigate a future concern on behalf of the city, she's willing to go through this process. But yes, the use that she proposed as represented as commercial use allowed in that zone on that property regardless of action tonight.

Mark Lowe responds, Looking for a motion personally, I was questioning why you're going through this exercise. Because it's not changing what's going to be interesting. At some point in the future somebody wanted someplace to live we've seen the residential requirements

James Page responds, but it's not really additional areas anyway

Mark Lowe responds, where it's in a commercial zone right now we're not having those problems converting commercial properties in residential properties it's going the other direction.

James Page responds, We have any idea what when they split two she wants her business what's going to happen that's going to jump right in and ask what that's going to be?

Mark Lowe responds, it's really immaterial to this process.

James page responds, I say we approve it, but that's just my opinion

Mark Lowe responds, well I'll entertain a motion

James Page responds, Approve with no conditions

Mark Lowe responds, No we've got to have conditions

James Lowe responds, Oh we've got to have that okay. Sorry, have reviewed the application and staffing for testimony presented as part of the record pertaining to ordinance 1982 dash two zoning with amendments and having found that criteria for variance requests are satisfied I moved to recommend approval of the variance as described in application materials with condition payment of variance review fee once established.

Mark Lowe responds, do we have a second

Diane Beckstead responds, I have a question is this going to set a precedence

Mark Lowe responds, I don't believe so

Diane Beckstead responds, what we do for one over there we have to do for the other.

Mark Lowe responds, Approval of this is obligating city in the future to allow that commercial property be used as a residential property. Instead of going the other way, we're not committing to city residential and being able to use this commercial it's already commercial, or we're just saying that in the future, they want to make a home on there instead of a commercial property they can do that. There's a motion on the floor is there a second,

Lisa Guthrie responds, I second it

Mark Lowe responds, seconded by Lisa. Any further discussion? All in favor Aye.

All Aye.

4.A

Mark Lowe responds, Motion carries. Okay, thank you Julie. Next item on the agenda is variance request by Daniel Cox for property next door. Variance request for

Rodney responds, do we have an address between 344 and 384. REST

Mark Lowe responds, I call the public hearing to order. Rodney a staff report

Rodney responds, Thank you, Mr. Chair commission members. This is the second half of the previous item. Mr. Cox is also here. This is the variance request with the same criteria previously mentioned. But for the record, there are three existing platted lots now that contain two parcels. The size of those two parcels or have been sold and purchased at a different shape than they originally existed. The net effect is there are still two parcels on the same piece of ground. One is larger, but a smaller combination of the two orbit as individuals say they get the square feet so they fall just short. The driver extra fee required for residential use in a commercial zone. So the variance is before you tonight to consider allowing that parcel size to be the 4950 square feet. This one is a vacant piece of property. The applicant speak to what his intended use is, but my understanding it is a residential use. And that's why again, we are seeking this although it is commercially zoned. It's a residential use the rest we've spoken of and so unless there's questions from the commission I don't have anything else to add.

Mark responds, Questions I have the three lots there, which two different parcels, which parcel has the distance structure on it was a one lot first,

Rodney responds, it was a two lot.

Mark Lowe responds, so this lot is becoming larger

Rodney responds, or bigger Yeah, that's actually a good point. So this may seem confusing, but if an individual bought that parcel that 30 feet by 110, I think we would have to give them a building permit. It's a recognized parcel, it's been established in this community for more than 100 years. This action tonight, although their request falls deficient on our current zoning, it is actually an increase in the parcel size of what they could use and apply for.

Mark Lowe responds, I was just curious on which one carries the two lots.

Rodney responds, the subject parcel for this hearing is increasing in size.

Mark Lowe responds, Okay, is there anything you'd like to add to that Daniel? Go ahead and

Daniel Cox responds, sure, hi everyone I'm Daniel. So I this is my first time being part of something like this. So I don't know all the formalities. So bear with me, do something and upturn. But I think something I learned was like the interest of the community here is like such a vital part of lava hot springs and reading those concerns. One of the lines stuck out to me, it's like, if we're looking forward, what do we look for in our community? Like, what value or like, what things are being brought by having these projects here? Something I've learned in my life is to add, how do I say this? I Think people bring

the community, the passionate people to a community is what like increases everything and I have grown up my whole life coming here to lava hot springs. And it was always a dream of mine to build a home here to live in a part time, but also, I live in Salt Lake. So it only be a part time residents. The other part would be disclosure, short term rentals, or rented at some point to help supplement income. But as part like, I think we'll build a community as passionate people. And as if we look forward to what lava hot springs is, is I hope to be an active part of that community because it's been an active part of my life, regardless whether it knew it was or not, and I plan to do the exact same. And so there is a small, not small, I matched it to the current existing one. I want it to be as uniform as possible, because I don't want anything to look different. And so I tried to match the size of it, to what currently there. I hope that with some idea of what I'm planning to do their questions, thoughts, comments? I'm also subject to change. Like I just want to be part of this in any way I can and so I do in the best information I have. Sometimes it's hard.

Lisa Guthrie responds, how many bedrooms does that one have?

Daniel Cox responds, Yeah, I think there's just going to be a small pool right now. It's either two ways there's going to be either no bedrooms on the main floor and then a little loft up top or a small bedroom downstairs and then a loft up there. So like one and a half, if that makes sense, if you want to class it like that. It was just to maximize as a space of a small

Mark Lowe responds, two to two story structure, that

Daniel Cox responds, kind of it would be the same size really as like a one story. There's just no like flat this to the inside. So we vaulted ceilings. And so upstairs is very small, but just enough to put like a bed. And that's it. So it wouldn't be like two stories are very tall

Rodney responds, for clarity if I may add Mr. Chair may help with the Commission's decision to use is not in question here, what is allowed within this zone? And so it's similar to the previous question, the issue for you tonight is to be willing to grant the variance to increase the size, although it falls short of a residential.

Daniel Cox responds, and all the concerns I'm willing to fight for, to always take parking easy, I understand how difficult that is I live downtown when I went to college. Parking is a tough thing and something that I can always be conscious of. But I also understand

Rodney responds, that's a good comment, thank you for sharing that. As he goes through his building permit process, he will be subjected to off street parking. And so it should actually similar to the last application should benefit the parking problems they are going to have. That parking criteria is based on the number of bedrooms, and we don't know that yet. But he will have to fulfill off street parking requirements per ordinance.

Mark Lowe responds, I was just thinking on that. Well, you have worked through you have come down that also. Same, same ones. But in light of that one of their concerns is the traffic of that alley, because there are residences all along that on the backside of that push that go into where people are willing to get into the alley of feasible or feasible that it'd be just throwing it out there as for consideration of how you're parked on the front, on the main street side of the building, rather than coming off the alley and aesthetically it's not as nice but there is a driveway right next to it.

Daniel Cox responds, totally.

Mark Lowe responds, Tahra's got her parking off Main Street.

Daniel Cox responds, is there a sidewalk? I don't remember what that'd be allowed to like to that

Mark Lowe responds, Yeah. You'd have to cut the curb or whatever. But I think that would address a lot of concerns. But it's not something before us tonight just

Susan Thomas responds, I have questions assuming

Mark Lowe responds, wait a minute as public hearing name and address

Susan Thomas responds, last name too okay. No smiling. Just look at the camera. Thomas 244 West Fife here in lava. If my can tell me if I'm on the right track of historic it's currently commercial zoning, three plats they're going to divide into two residential zone plats Oh properties,

Mark Lowe responds, still be commercial

Susan Thomas responds, it will still be commercial available, it

Mark Lowe responds, will still be commercial zone.

Susan Thomas responds, Okay

Mark Lowe responds, we are not changing the zoning.

Susan Thomas responds, variance for residential in case in the future. But both of these entities will be these properties will be utilized by commercial entities know,

Rodney responds, the first application is commercial the second is residential.

Susan Thomas responds, Okay, okay. Thank you. And if they want to go commercial on the residential so called property will it would then

Mark Lowe responds, there's its residential use in a commercial zone instead of commercial in a commercial zone.

Susan Thomas responds, thank you. I was so confused.

Mark Lowe responds, Okay thank you Daniel. We will open up or public comment Rodney if you would like to read them

Rodney responds, from Kathryn Demott to the city of Lava Hot Springs Planning and Zoning committee I'm writing regarding request for variance 344 to 384 West Main Street in Lava Hot Springs, Idaho. I'm against this proposal, set maps and ordinances were established to maintain a barrier and allow for open space we continue to push our town to its limits with overcrowding. This variance quotes residential, let's define residential and watch the neighboring homes that once housed a true residents. They home that one or two people lived in full time become overstuff the same homes now accommodating 20 or more people, they are now motels. This request for a variance does not indicate the future plans for the property. Is it to build as a residential structure you meant as a vacation rental through Airbnb? It is crucial that we maintain a buffer around these properties to preserve our old growth trees and maybe vegetation as well as allows the few existing true residences since pride Excuse me, sir privacy. Both of these lots would impact neighboring residents that were there full time. We need open spaces to maintain the integrity of our town limits on building high rises that forever obstruct our beautiful views. City revenue, taxation and licensing is in question many of these new residents are strictly for the use of rental through Airbnb. It's my understanding that Airbnb does not supply the detailed report. Taxes. Do we actually know if these prices are parking another consideration? The current ordinance does not allow for adequate parking. I have watched the overcrowded and neighboring properties line both sides of the street with vehicles. We need to restate parking requirements for vacation rentals within our ordinance. Parking spaces are carefully required according to the number of bedrooms in a home. Again, going one room with multiple beds, we need a minimum of two parking spaces for any property, and at least one space for every three persons that may occupy the place. The integrity of our community is at stake. We need community. Please let us preserve the space we have available. That's why setbacks were created to begin with. It's time that we take a stand to preserve our community and begin to encourage community and well planned development. We need to maintain the integrity of our charming village. I asked you to stop for a moment and consider

what is the future of our community Lava Hot Springs? Do we have a plan? Is there a vision? First and foremost, we need to know if we're in alignment with our vision. For our heartstrings. Thank you for your consideration. Concerned Catholic sacraments from Leonard where he writes on the surface I have no objection to the proposal pertaining to lots 15 through 17 and he lists the personal numbers sign later. Third is from Bruce Johnson. This is concerning the recent proposed variances per city subdivision ordinance 2006 dash two PUD ordinance 2007 Dash five as well as the 6765 15 for lot 17 And the east half of what 16 block two, which is 344, West vane and lot 15 in the West half of last 16 blocks, which is located between 344 and 384. W main no matter what the development was to take place structure size easement and parking issues would be just some of the problems with the ordinances alone. I disagree. And I'm against the various proposal signed Bruce Bronson, resident of Lava Hot Springs Idaho and the fourth is from Brenda Erhler. To Whom It May Concern or even public hearing of Lava Hot Springs Planning and Zoning Commission on March 25 2024. Whether the proposal satisfy the requirements for approval per city subdivision ordinance 2006 dash two and PUD ordinance 2007 Dash five as well as Idaho code 67 Dash 6513 whatever the request is consistent with the 2013 city of Lava Hot Springs comprehensive plan as an owner of the property at 56 North third West lava hot springs Idaho to inform you that I am against the both proposed request to modify the minimum block size requirements for the two subject parcels for the following reasons increased traffic request and parking issues this request will cause more lots the increased vehicles signed Brenda Erhler.

James Page responds, the trees on the west side of the property are they on your side or the neighbor's property?

Daniel Cox responds, I believe both are on mine.

Julie Hill responds, I believe they are

Daniel Cox responds, and I have no intention of those going anywhere I planned

James Page responds, do you plan on living there 90% of the time, 50% of the time, 10% of the time

Daniel Cox responds, I don't have that number. I imagine it's not a high percentage. I just work in Salt Lake full time and anytime we get a chance to come up here we come up here very president at the hotels here and it would be nice to have a place so

James Page responds, a couple of years you would pay for a hotel at \$400 a night I'm just curious if the trees were on there

Mark Lowe responds, okay anything you want to add Daniel

Daniel Cox responds, I think like with the last hearing my last statement

Mark Lowe responds, Ok ill entertain the motion close public hearing on Daniel Cox variance requests

James Page responds, I make a motion to close the meeting

Diane Beckstead responds, I second it

Mark Lowe responds, James motioned seconded by Diane, all in favor aye

All aye

Mark Lowe responds, any opposed is that an aye to close it, Jeff.

Jeff Jones responds, yes.

4.B

Mark Lowe responds, Okay. We just had Public Hearing is closed now we have considered the approval disapproval or approval and amendments to the variance request.

Lisa Guthrie responds, having been reviewed with application staff report and testimony presented at this part of the record pertaining to the Ordinance 2006 dash two subdivision and having found the

criteria for approving the variance requests as satisfied I move to recommend approval of variance in the application material within conditions of payment and variance fee when established

James Page responds, I second

Mark Lowe responds, Moved and seconded any further discussion? Motions All in favor Aye.

All aye

Mark Lowe responds, Motion carries Okay, next

Daniel Cox responds, thanks. Thanks for inviting me

5.A

Mark Lowe responds, Ok Rodney your up for revisions to the R three zoning. First question I have for you get going what is zoned R-3 here?

Rodney responds, that is a great question. I wish I had the map for you it is mostly the South West part of town. Is that the eastern border of it?

Julie Hill responds, the West, 4th west is where it's at. And then I think there used to be a part that was like where Becky and Jordan live, they rezoned that to R two.

Rodney responds, they need to update those maps often what's going on here commission and this isn't an extranet. Man, I just wanted to put this in front of you to engage your concerns or interests. Property that is just south of the Junto development. We refer to it as the C J. K, the Jessie property. That is the piece I think there's an old home or a barn and the big halfpipe or water slide or whatever that

Rodney responds, is this still in the county,

Rodney responds, It is currently still in the county. They are everywhere. There's long history with that property in the city and litigation over a conditional use permit the county granted, the short version is their proposal is going forward, either in the county or in the city. And so as a council last month, we met with council with the applicant and the council has made the determination that probably better serves the community, they're going to build that product anyway to have it be inside the city. thereby allowing us to receive some of the tax compensation wherever more importantly, that it go through the process and procedures that Lava Hot Springs would like to see rather than what Bennett county would like to see. And I think there's valid merit in that decision by the council. They their proposal is a tiny home, short term rental development. I don't say oh, yes, yes. The Jessie family is proposing that the current owners many units, long term rentals, not just short term rents.

Mark Lowe responds, how many total?

Rodney responds, 22 Total Units for committed to long term rentals. So as

Jeff Jones responds, long term not nightly,

Rodney responds, correct

Mark Lowe responds, 30 days and longer.

Rodney responds, Correct.

Jeff Jones asks, Will it be enforced?

Well hopefully.

Jeff Jones responds, Yeah.

Rodney responds, so our challenges, what zone when we annex that property? What zone does it go in that will allow for tiny home short term rental development? And as the ordinances that are currently written that is only commercial. And we don't want to rezone that property commercial, so that if this use goes away, the underlying zoning commercial would still sit there. So we, our current approach, we think is the simplest way to approach this is to modify the R three zone. That's what's in your packet that would allow conditionally allow vacation rentals in our three zone. So, in your packet, there's, there's

four items there on page one, we're talking about a redefinition of vacation rentals. Do tiny homes on the page. In Section A there for vacation rentals that permitted in C one and c two, we would add that they would be conditionally permitted or three flipping the page is conditionally uses in our three zone after discussion with the council and want to remove motels from our three zone, but add in item D vacation rental with some considerations, such as minimum areas size, no conversion of existing single family homes. Some criteria in there that preserves the existing residential that is in our three zones limit the number of units and somewhat up for discussion with this group of what we think we can do to accomplish that. And then on page four of four material requirements where we need some language that indicates that you can have multiple units on the same parcel, as long as the density isn't greater than the underlying or three zones. So for example, North rezone, you can have one structure per 5500 square feet. So if they would want to put two structures, although it's not planted as a single lot, they would need 11,000 square feet. That makes sense, you can't be denser than the underlying zone. But you can group multiple units together on a single parcel, because then the Jessie proposal is not to subdivide and create individual lots of each of those 20 units, they're going to stay on one parcel with common ownership. That so we're trying to create a mechanism that allows that to happen, but doesn't sacrifice the integrity of the items.

Mark Lowe responds, but any changes we make to the R three zone applies to all the R three zones. So it's not just Jesse's property, but everything back up and around. So your residential zone has become a nightly rental zone. So

Rodney responds, the two things that we think mitigate that is, it's conditionally permitted. It's not an inherent right. Okay. And I admittedly, it depends on how strong this commission and the council believes in the goal of single family residential in that R three zone. It is not a permitted use. So you have the right to say no, or you have the right to put specific criteria on the application.

Mark Lowe responds, but all's it will take is one commission to say yes, once and there's the Pandora's Box is open, R three become short term rental,

Rodney responds, understood. That's why we tried to put the additional criteria minimum square footage of no conversion of existing single family homes to short term rentals with some safeguards into which to try and preserve that.

Mark Lowe responds, Could we accomplish the same thing with an R four zone and apply it specifically to the Jessie's Rather than change the R three that applies today

Rodney responds, answer is yes, we can do in essence what is contract zoning something specific for the Jessie parcel that only applies to that piece. The downs, there are some pluses and minuses to that. The plus is you in essence, negotiate a very specific set of standards that the city would like to see that property develop as and that becomes the zone. What do you do when the use changes? And underlying zoning? Does that make sense? That's the only use that we would likely write a zone that is the only use inside of that zone.

Mark Lowe responds, and then use the same R three zoning definitions that then just add in those these stipulations.

Rodney responds, right. Typically in the contractual zoning you don't we could answer your question we could typically it's specific to that property. So it gets hard if that use fails for whatever reason, what's your underlying zone, it can be hard for that mirrors the requirements of R three. Then from the city enforcement standpoint, the more zones we have with different criteria the harder it is for us to interpret rules and regulations to

Mark Lowe responds, the next area comes up to be annexed in then says okay, we want to be R four also. So do we still give? There? We need to be sure at that point

Rodney responds, well to make sure we're staying there feature land our comp plan defined what that future property so there's a little bit of safeguard there

Mark Lowe responds, once their annexed we're going to have to zone it

James Page responds, will give a quick run, but you can't change that, right?

Mark Lowe responds, if you've got an existing use,

Rodney responds, it's going to stay

Mark Lowe responds, I mean, is that given a variance upon annexation,

Rodney responds, I think it's going to get zoned to our R two to this is my prediction zone to R two zoning with the benefit of grandfather right of nightly short term rental

Mark Lowe responds, for those that are currently short term then

Rodney responds, yup no expanded use in that area but what is what's there now.

Amantha Sierra responds, that's the same as the Jessie's, its part of Bannock County

Rodney responds, right. The more we can do these developments under our standards, the more we mitigate those future problems. It is true I didn't concern that if we created a separate zone we now are affording others to apply for that zone

Mark Lowe responds, but then again they can always apply for an R three zone and have the say

Rodney responds, yeah, I personally feel the conditional use permit is the way to go with as strict limitations as the law would allow us to do on existing R three uses. I think it's the simplest step forward. I really like conditional use permit process if the applicant brings a product to us that meets our goals and our comprehensive plan. They may get an approval, approval with conditions when it's very common to have a conditional use permit to you have the authority to apply what other conditions you and the council think is appropriate for that specific case. But that in front of you just for discussion it sounds like there's some consideration that maybe we shouldn't do a new zone any other thoughts or worries that this group has? Just needed your input no decisions

Mark Lowe responds, I'll kind of jump ahead to discussion on the agenda anybody in the audience. We have discussion on the agenda

Diane Beckstead responds, so how big are the homes?

Rodney responds, to meet the standard they have to be less than 400 square feet. So it depends on the manufacturer but they're usually between three and 400 square feet. There's no... Shame they're not...

Julie Hill responds, are they going to be permanently or

Rodney responds, some of that's going to depend on what our zone requirements ...use permit...

Mark Lowe responds, I would assume Otherwise, otherwise you're a mobile home. There not on a permanent foundation

Rodney responds, there is a debate of how we are going to classify these RV's for seasonal use what we're heavily leaning the other way that these they'll need to meet all of the HUD standards for building requirements fire sprinkled treated as a regular structure. Although they are moved here on wheels as a mobile home.

Julie Hill responds, the campground at the KOA of Kody's what he's doing to those have fire suppression systems, sprinkle,

Rodney responds, they did not what we are requiring. Historically, we have not but as we move forward.

Julie Hill responds, so this new things....

Rodney responds, we're trying to get better. I guess not everybody would say that.

Susan Thomas responds, I have a question with regard to the property that I own at 321 South Fourth Street West. It was purchased and operated as a bed and breakfast. It was prior to my ownership of bed and breakfast. I operated it as a bed and breakfast. My current city license turned into long term rental. So with consideration to the R three zoning, that grandfather's usage into a property, what's my status on my current? How did my current status get changed to residential? Always residential

Mark Lowe responds, so residential use was you had it as short term rental.

Julie Hill responds, it's a bed and breakfast

Susan Thomas responds, I had it as been breakfast, I never changed that.

Amantha Sierra responds, is it changed your business license change to a bed and breakfast

Susan Thomas responds, I noticed this year now it says residential but why would I call it serenity house Bed and Breakfast LLC and set up the property set up the entity. When I purchased that property. If I wasn't running a b&b, it was directly connected. And this year, I recognize that it has changed to residential.

Mark Lowe responds, are you still operating it as a bed and breakfast.

Susan Thomas responds, it is not a bed and breakfast. It is a long term rental, which is

Mark Lowe responds, so that's changing use and I know nothing about it.

Susan Thomas responds, what do you mean that's a change in use? That's a residential

Mark Lowe responds, you've changed the use from short term rental bed and breakfast to a long term rental

Diane Beckstead responds, that would have to be a residential in a commercial right

Mark Lowe responds, well, not according to

Julie Hill responds, bed and breakfast ordinance states that you have a manager or owner on site, right? That's right. So you're not using it that way because so they've converted your license to how you are using it. You can still go in if you want to run it as a bed and breakfast and put a manager and owner in there. With the current ordinances that are in place. You can apply to have it back to a bed and breakfast. That's just not how you are using it right now

Susan Thomas responds, and is that because of the R three grandfathering?

Julie Hill responds, No, that's nothing according to current city code is you, a bed and breakfast R two R three with a conditional use permit. An owner or manager has to be present on site

Rodney responds, either of those are an allowed use long term rental or your bed and breakfast. Are an allowed use in R three residential zone.

Susan Thomas responds, yeah so my license is reflecting my current usage. And if I said that I'm going to move into one of the units and I'm going to operate a bed and breakfast in the other unit, then I would have to get another license

Rodney responds, to change your use you would apply for a new license but the zoning will allow you to do that

Jeff Jones responds, where this located at on fourth is

Susan Thomas responds, corner of fourth and Fife

Mark Lowe responds, the house the Gerald Potter built

Julie Hill responds, last house on the right

Jeff Jones responds, oh

Susan Thomas responds, the only one with a mailbox

Jeff Jones responds, split entry there that brown one

Susan Thomas responds, yeah

Jeff Jones responds, on look out

Announce next meeting

Mark Lowe responds, okay next meeting date April 22nd deadline for materials is the 15th Okay any other discussion from

Julie Hill responds, thank you appreciate your time

Adjourn regular meeting


Mark Lowe responds, with that I'll entertain a motion to adjourn

Lisa Guthrie responds, I'll make a motion we adjourn.


James Page responds, I second.

Mark Lowe responds, motioned by Lisa seconded by Jim all in favor aye.

All aye


Mandy Frandsen, Transcriber


Mark Lowe, Commission Chair


Amantha Sierra, City Clerk

