

Minutes of the Regular Meeting of the Lava Planning and Zoning Commission held Tuesday, February 24, 2009, 6:30 p.m. at Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho

Present: Rita Anderson – Vice-Chair Trish Avery - secretary  
Curtis Waisath  
Nick Nelson  
Fred Hinz

Guests: Julie Hill and Nancy Turecek

The meeting was called to order by Rita Anderson at 6:30 p.m.

Minutes: A motion was made by Fred Hinz and seconded by Curtis Waisath to approve the minutes as written. All voted aye, unanimous.

Facts & Findings  
E. & J. Hill: Curtis Waisath stated that this is a tri-plex which the ordinance does not allow as a bed and breakfast. Mrs. Hill stated in her opening statement at the public hearing that she had done research; a Bed & Breakfast is where people bring guests into their home. He said that Mrs. Hill needs to bring the guests into her home. A tri-plex is three (3) dwelling units. If we want to give this permit there would need to be conditions in place to correct this.

Nick Nelson said that they could make it into one (1) dwelling by adding a stairway between the basement unit and the upper units and an opening between the upper units which would make it a single dwelling.

Curtis Waisath said that there are issues with the grade of the parking and the driveway. This would also need to be corrected.

Rita Anderson questioned where snow can be put when plowed. She also referred to the zoning ordinance and the comprehensive plan. The zoning ordinance says that when we make a decision it will be harmonious with the comprehensive plan. In the 1996 Comprehensive Plan on page 5 under Goals and Objectives it says “to preserve the small town atmosphere, flavor and culture of Lava Hot Springs”. She stated that there has been a lot of dialogue recently in training sessions and public meetings that the general consensus of the residents have been very vocal that they don’t want more vacation rentals.

Julie Hill said that we have a handful of individuals that are very vocal. The nature of her block of town is different than the west side of town. Of the 23 residences, only 6 of them are owned by full time Lava residents, 10 are vacation homes, 4 are multi unit buildings. She said that much of the complaints about vacation rentals are from the residents in the commercial zone who have lived there for years and now are being surrounded by vacation rentals.

Rita Anderson said that there are two big issues before the comprehensive plan, which are protecting the residential zones and affordable housing. Page 6 of the comprehensive plan talks about hillsides, Mrs. Hill's area exceeds a 20% slope, it should be left open space or very low density residential housing. The comprehensive plan shows that this area of Booth Street is R7, which means that there should be no more than seven (7) homes per acre. Mrs. Hill's property has three (3) units and there is a duplex next door so that is making it very dense.

Nick Nelson asked why Julie wants a bed & breakfast instead of a long term rental. Julie Hill explained that some tenants aren't desirable. She is a social person, the idea of people coming from different areas and staying in her home is appealing. Also the money is better. She can make the same amount by renting four (4) nights to vacationers as for a full month as a monthly rental. She also referred to the dwelling & dwelling unit definitions, the ordinance refers to a dwelling not a dwelling unit.

Curtis Waisath stated that the definition of a dwelling also refers to the dwelling being the principal residence of those living there, therefore the bed & breakfast needs to be located in her personal residence not in the other apartments.

Fred Hinz asked if Julie would be willing to join the three (3) units by putting in a stairway and an opening between the two (upper units) making it one (1) unit instead of three (3) units. Julie Hill said that she would be willing to look into this. Fred said this would change his whole attitude about the project.

Julie Hill asked if she would be allowed to convert one of the living rooms and kitchens into bedrooms which would allow her more area for guests. This idea was discussed between Mrs. Hill and the commission. If these rooms were converted to bedrooms there would be a total of seven (7) bedrooms.

Rita asked if Julie had thought about doing summer rentals to "snow birds". Julie said that she had tried that last summer and it wasn't very successful. Rita said that she has had several calls from people wanting to rent for the whole summer, but she already has reservations for some of the weekends.

Fred Hinz asked if it would be possible to create more parking. Julie said that she has had Kit Tillotson look at it and they are already making plans for more parking.

A motion was made by Fred Hinz and seconded by Curtis Waisath to move ahead on the conditional use recommendations. Fred Hinz, Curtis Waisath and Nick Nelson voted aye, Rita Anderson abstained.

The commission discussed what conditions to recommend.

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A motion was made by Fred Hinz and seconded by Curtis Waisath to recommend that Eric & Julie Hill's conditional use permit be approved with the following conditions:

1. The application for a Conditional Use Permit for a Bed & Breakfast on the above described property be approved so long as the same conforms to all provisions of Ordinance 1983-2, as amended and as further amended by Ordinance No. 2006-5.
2. Four off-street parking spaces on Applicant's property shall be provided by the Applicant. The off-street parking and driveway must be brought to a grade which is safe. The applicant must provide all maintenance on the driveway and parking area. The applicant must meet city requirements for drainage off the parking area.
3. All guests shall be required to arrive and depart before 10:00 p.m.
4. The guests and owner/manager shall observe quiet hours between the hours of 10:00 p.m. to 6:00 a.m.
5. The owner/manager shall occupy the Bed and Breakfast at all times when there are guests present.
6. A sign shall be attached to the front of the home located upon the property to comply with Ordinance No. 2006-5, of a size of 12" x 12", which sign shall include telephone numbers for the owner and any and all managers of said premises.
7. The maximum number of guests allowed will be eight with a total occupancy of thirteen including the owner/manager.
8. The units shall be joined by installing a stairway to the basement unit and putting an opening between the upstairs units which can not be locked and take out one kitchen, thus making the building a single dwelling unit.
9. Prior to occupancy of the residence as a Bed and Breakfast by guests, the Applicant shall be required to pass a change of use inspection by Bannock County Building Inspector to insure that the establishment meets all fire code requirements.
10. Prior to occupancy of the residence as a Bed and Breakfast by guests, the Applicant shall be required to pass an inspection to insure that the establishment

meets all the conditions of this permit. The applicant shall have 1 year to complete all required conditions.

11. In the event that the Conditional Use Permit is violated by the owner/manager, the Conditional Use Permit and license be revoked and that the Bed and Breakfast business be discontinued.

All voted aye, unanimous.

Nancy Turecek asked what was meant by non-locking doors. The commission explained that this is on the interior opening between the units so that this becomes a single dwelling. Nancy also asked about the parking requirement. Trish explained that Mrs. Hill can still use her street parking but she is required to have an off-street parking spot for every two (2) bedrooms.

Special Mtg.: A special meeting was scheduled for March 4, 2009 at 6:30 p.m. to approve and sign the Statement of Facts, Findings & Recommendation.

Comp. Plan Review: Rita Anderson reviewed the P.I.C.s (Problem, Issues & Concerned) which was started by the comprehensive plan committee and asked the commission for their input for additions to the P.I.C.s. The commission discussed several issues before the city and added to the P.I.C.s; parking on east end of town, and curb & gutter through town.

Other business: None

Next mtg.: The next regular meeting will be held March 24, 2009 at 6:30 p.m.

Adjournment: A motion was made by Fred Hinz and seconded by Nick Nelson to adjourn. All voted aye, unanimous. The meeting adjourned at 7:28 p.m.

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Trish Avery – secretary

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Dave Sanders - Chair