

Minutes of the Regular Meeting of the Lava Hot Springs Planning & Zoning Commission held Monday, December 28, 2020 at 6:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho. Guests were invited to participate in person or by teleconference through Zoom by calling (408) 638-0968, meeting ID number is 5731543907#, password 745563#.

Present:

Neil Anderson, Commission Chair

Canda L. Dimick, City Clerk

Fred Hinz, Commission Member (by phone)

James Page, Commission Member

Excused:

Curtis Waisath, Commission Member

Vicky Lyon, Commission Member

Guests: No guests in attendance and Yvette Cadeaux participated by phone.

Neil Anderson, Commission Chair called the meeting to order at 6:35 p.m.

#### **Approval of Minutes**

City Clerk reported that she had given commission members a copy of the November 23, 2020 minutes at the December 9<sup>th</sup>, 2020 special meeting. Fred Hinz, Commission Member reported by phone that he would accept the minutes as written. Neil Anderson, Commission Chair, entertained a motion to accept the minutes. Motion was made by James Page to accept the minutes as written. Fred Hinz seconded the motion. All voted aye. Unanimous.

#### **Parcel Split Request – 527 West Booth Street – Yvette Cadeaux, Owner**

Yvette Cadeaux participated in the meeting by phone. Yvette Cadeaux explained that when she bought the parcel in April, 2019, Julie Hill was the realtor and she told her that the parcel had already been approved for a parcel split and she had asked her if she wanted to buy half of the parcel or both halves. Yvette reported that she asked Julie for documentation showing that the parcel split had been approved so Julie sent her a copy of the February 14, 2019 City Council Meeting minutes and it had been sort of approved.

Yvette commented that the approval was a little confusing and she still just has one parcel number. She questioned what she needs to do to formally divide it.

Neil Anderson, Commission Chair, explained that if the parcel was purchased as a single parcel then it would only have a single parcel number. Yvette commented that she wants to formally subdivide the property now.

Fred Hinz, Commission Member participating by phone questioned how many lots the realtor said that Yvette Cadeaux had. Yvette Cadeaux stated that Julie had told her that she has four (4) city lots but you have to have a minimum of two(2) to build on.

Fred Hinz, Commission Member participating by phone asked Yvette if what she is asking the commission to give her a number for two (2) of the lots and another number for the other two (2) lots? Yvette clarified over the phone that she purchased four (4) city lots and it is her understanding that they could be subdivided into two (2) parcels with two (2) lots in each parcel.

Yvette is building a house on two (2) of the lots right now and it is almost done. It is the vacant lots that she would like to have separated with a different parcel number.

Fred Hinz, Commission Member participating by phone questioned where South 5<sup>th</sup> Street runs through; does it run through two (2) of the lots or off the end of one (1) of the lots? Yvette responded by phone that it is confusing to her to and that she understands that there is some kind of an easement in the middle of the two (2) lots. Yvette referred the Commission Members to look at the February 14, 2019 City Council Meeting minutes where it was discussed in depth. She had sent Commission Members a copy of the minutes. Fred Hinz, Commission Member acknowledged that he had a copy of the minutes.

Yvette commented that it is confusing to her because the minutes sound like that City Council already approved the parcel split if it needed to happen or if the owner wanted it to happen but nothing formal was done to follow up.

Yvette stated that she is also confused where Fifth Street runs because it is her understanding that it is never going to be developed into a street because it is too steep.

Fred Hinz, Commission member stated that he feels that the only move that the commission has is to be able to say that Yvette has two (2) parcels but the commission can't approve without knowing where the street is located. Yvette Cadeaux stated "that there is no street there now; the street stops at the top and continues at the bottom. Fred Hinz, Commission Member stated "that he realizes that but the designated street is there and it is a designated street for Lava Hot Springs."

Fred Hinz, Commission Member, did not realize that the adjoining street had been vacated. James Page, Commission Member stated that the street was never developed for a reason and probably it was because of the steep grade. Canda Dimick, City Clerk informed Commission Members that the Williams' (prior property owners) along with the neighboring property owner applied for the vacate and the street was vacated up to the alley, each adjoining property owner was deeded half of the street and each deed should show that they have ownership of the half of the street that adjoins their property. Neil Anderson, Commission Chair, explained that if the street is vacated that there will not be any problem with dividing the parcel because the street will never be developed.

Yvette Cadeaux commented that she is looking at the February 14, 2019 minutes and it says that a parcel split lots 1-2-3-4 vacate portion of 5<sup>th</sup> Street, Block 12 and City Clerk Dimick explained that the vacate area can be used for setbacks only and can't be used to build on and without the street it is no longer a corner lot. It appears that there was some concern at that time if it was a corner lot.

Yvette stated that she just doesn't know what she needs to do and that she is coming to the commission for guidance. She explained that the reason it is time sensitive right now is because the house that she

is building is almost complete and she is in the process of refinancing it and she asked her lender if she could just refinance the portion that is being built on and have a separate parcel on the other side and he said that she could do that but he didn't know what she needed to do to make it happen but it needs to be done with the title company during the escrow period while it is being refinanced.

Yvette reported that she called Bannock County and they said that she had to call the City Council because Bannock County doesn't have jurisdiction.

Canda Dimick, City Clerk asked Yvette if she was wanting the vacated portion plus lots 1 and 2 as one (1) parcel and then her house on lots 3 and 4 on another parcel? Yvette stated "that is correct because her house is already built on Lots 3 and 4 and she wants to separate Lots 1 and 2 on a separate parcel for the future; she might deed it to her children or build another house there or maybe sometime down the line she might sell it."

Yvette stated "that in the long term she probably doesn't need all the land attached to her house; she doesn't need a big side yard." She does want to keep all of her options open.

Canda Dimick, City Clerk, asked Yvette if she has retained ten (10) feet of property on the side of the house on Lot 3 for a side yard. Yvette understood that she would have to have ten (10) feet on the side as a clearance for a side yard setback and said "that she will need to research that".

Yvette asked if the ten (10) feet is how she is to take in account for the easement in the middle. Canda Dimick, City Clerk clarified that the vacated street is going to be on the very far edge of all of the lots; along the east edge of Lot 1, it is not going through the middle of any of the lots. To divide the parcel at the lot line between Lots 2 and 3, Yvette will need ten (10) feet from the side of the house to the west lot line of Lot 2.

Yvette asked if a formal survey would be required. Commission Members agreed that a formal survey would be to her advantage and protection. Yvette asked if there is not ten (10) feet if it meant that she can't subdivide. Neil Anderson, Commission Chair stated that is correct.

Yvette asked the commission if there is ten (10) feet setback she can subdivide and questioned what she needs to do next. Neil Anderson, Commission Chair advised Yvette to get the property that the existing home sits on surveyed and to bring back the legal description from the surveyor for the commission to review then the commission can take the survey information and move to split the parcel in accordance with the surveyor's findings.

Fred Hinz, Commission Member participating by phone questioned if the surveyor could tell the commission if Yvette could get another parcel number for the other two (2) lots. Canda Dimick, City Clerk explained that the parcel numbers are assigned by Bannock County and that the property owner will have to file paperwork with Bannock County after the City approves the parcel split.

Yvette confirmed that she understands that she needs to get the property surveyed first and then the City will give authority and then she goes to the County.

Yvette questioned if the setback is measured from the wall of the house. She was asked if the eaves of the house extend beyond two (2) feet from the wall. Yvette stated that she doesn't think the eaves extend out further than two (2) feet but she hasn't been onsite.

It was explained that the eaves can project two (2) feet into a setback but if they project further than two (2) feet the additional footage has to also be taken into consideration. Yvette stated that she understands that if she measures ten (10) feet from the wall to the property line but the eaves are extending more than two (2) feet from the wall she has a problem but if it is twelve (12) feet from the property line she is in good shape.

Yvette reported that her children will be visiting the home later on this week or next and maybe they can take a look at it to and figure out if it is worth pursuing to get a surveyor because it sounds like it may be complicated.

The City definitely needs a survey report to consider the parcel split. Yvette questioned if there is any surveyor that the City can recommend that she can use. Canda Dimick, City Clerk reported that the City has hired Gem Valley Survey to do some survey work for the City in January, 2021.

Yvette questioned if everything comes out good with the survey that she just has to be scheduled on the agenda for the next Planning and Zoning Commission Meeting or can it be done sooner. Neil Anderson, Commission Chair advised Yvette that the survey information will have to be brought back before the commission at a scheduled meeting and then a recommendation will be made to the City Council to approve or not approve.

#### **Other Business – AIC Fall Academies – P & Z Training**

Canda Dimick, City Clerk, reported that she has the video ready to roll but she is not sure how it is going to work for those participating by teleconference.

James Page, Commission Member suggested waiting until others can be in attendance. Neil Anderson, Commission Chair agreed.

James questioned doing the training at a regular meeting or scheduling a special meeting.

Canda Dimick City Clerk, reported that the last decision made was to try and do one at each monthly meeting. Commission Members decided to try one to see if Fred Hinz, Commission Member participating by phone can hear it.

The training sessions are mainly lectures lasting from thirteen (13) to thirty (30) minutes.

Fred Hinz, Commission Member suggested putting the training on the agenda for the January 25, 2021 meeting.

The shortest online training session was listened to.

Fred Hinz, Commission Member reported that he could hear parts of it but not very well.

Canda Dimick, City Clerk reported that she could give the commission members a log in and each of them could listen to the training individually. Neil Anderson, Commission Chair felt that would be best and then the Commission could get together and discuss them. All members were receptive to that approach.

**Other Business**

There was no other miscellaneous business.

**Schedule Next Meeting**

Next regular meeting is scheduled for January 25, 2021 at 6:30 p.m., Lava City Hall.

**Adjournment**

Motion was made by Fred Hinz, Commission Member participating by teleconference to adjourn. Motion to adjourn was seconded by James Page, Commission Member. All voted aye, unanimous. Meeting adjourned at 7:15 p.m.

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Neil Anderson, Commission Chair

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Canda L. Dimick, City Clerk