



Agenda for Regular Planning & Zoning Meeting Thursday, February 23, 2023 @ 6:00 PM

Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID

The meeting will be conducted in person and with online access using ZOOM:

<https://us02web.zoom.us/j/85208950665?pwd=UkJRNU1IQ3NSbzVOZ2FTdFIFZnVpUT09>

Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID 852 0895 0665; Password: 522439

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES OF THE JANUARY 26, 2023 MEETING- **ACTION ITEM**
4. CITY PLANNER REPORT
5. DISCUSSION OF LOT LINE ADJUSTMENT FOR STAFF DIRECTION
6. DISCUSSION OF COMMERCIAL DISTRICT DESIGN
 - ESTABLISHING COMMUNITY IDENTITY
 - IDENTITY DESIGN PROBLEMS & SOLUTIONS
7. DISCUSSION OF CITY COUNCIL EXECUTED MINUTES FOR JANUARY 2023
8. DISCUSS AGENDA MEETING ITEMS FOR MARCH 23, 2023
9. **PUBLIC COMMENT:** Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
10. **ADJOURN- ACTION ITEM**

Original Posting: 2/17//2023 REVISED: 2/21/2023

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
ID 83815 Phone: (208) 772-3698 Fax:
(208) 772-3698

Monthly Planner Activity Report

January 31, 2023

Code amendments

At their January meeting, the Planning and Zoning Commission conducted a public hearing for recommended updates to the city's short-plat subdivision code. The P&Z recommended approval of the proposed changes. A public hearing will be held by City Council at their March regular meeting. In addition, the P&Z discussed staff-proposed updates to the Lot line adjustment portion of Title 6. The P&Z has requested staff provide updated proposed code for their February meeting. Furthermore, the Commission discussed work plan priorities. These include Commercial District design considerations, Zoning provisions related to Dalton Market, and development of a Park Plan. These priorities will be shared with City Council at their March regular meeting. Commercial District design considerations will be discussed at the P&Z's February meeting.

Variances / Special Use Permits

No new special use permits or new variance requests were received in past month.

Subdivisions

No new subdivision requests have been submitted.

Building Permits

The City continues to receive and manage a variety permit request. New building permit requests are received weekly and are reviewed on a rolling basis. Other permits requests include commercial business license renewals, home based business permits, and others. The City also continues to receive permit applications for both accessory structures and new home construction. Updates to the city's OpenGov portal are forthcoming and will include creation of specific permit types, including road approach permits, beer and wine sales licenses, and sign permits.

Code enforcement

The city continues to receive variety of code-enforcement / compliance complaints. A backlog of code enforcement complaints exists. With limited staffing capacity, application of the code compliance policy is applied on a prioritized basis. City Council has scheduled code compliance policy handbook workshop to proceed their February regular meeting. The purpose of the manual is to assist current and future staff in providing guidance, instruction and prioritization of enforcement / compliance activities. Code enforcement has historically constituted a significant

portion of staff time, including developing and tracking Voluntary Compliance Request (VCR) letters and Notices of Violations. Research is often necessary to establish a comprehensive approach to resolving compliance cases. Staff recommends that a dedicated code enforcement staff member is hired and trained to administer the backlog of enforcement cases.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ryan Hughes", written in a cursive style.

Ryan Hughes,
City Planner



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens, ID 83815

Phone: (208) 772-3698 Fax: (208) 762-5156

MEMORANDUM

TO: MIKE BECKER, CHAIRMAN, PLANNING AND ZONING

FROM: RYAN HUGHES, CITY PLANNER

SUBJECT: UPDATES TO DALTON GARDENS CITY CODE REGARDING LOT LINE ADJUSTMENTS

DATE: FEBRUARY 15, 2023

Please find the following items regarding proposed changes to the city’s Lot Line Adjustment Code provisions in Title 6. I have outlined several relevant issues (with discussion) and the proposed resolution.

Issue. Can a Lot Consolidation be accomplished with a Lot Line Adjustment?
Discussion. Yes. A Lot Consolidation can be considered through the lot line adjustment process and standards.
Resolution. If necessary, further language clarify lot consolidations. As per Kootenai County <i>Lot “consolidation shall be effective upon filing and approval by the department. Upon filing and approval, interior lot lines within the consolidated lot shall be disregarded for purposes of determining setbacks and building envelopes. Upon consolidation, no subsequently built structures shall materially interfere with any preexisting easements or rights-of-way. Any subsequent redivision of any consolidated lot must be accomplished via the major subdivision or minor subdivision process, as appropriate.”</i>

Issue. Where does the 20% rule come from? See 3-6-3 (2)(b.)
Discussion. The 20% rule is found in none of the other municipalities studied. According to the Kootenai County Surveyor, this was a rule that the County used to have. At some point it was removed, and the County no longer considers this relevant. As an alternative, the County

Surveyor suggests simply stating that resultant lots cannot become non-conforming as a result of the lot line adjustment.

Resolution. While there is no requirement for the 20% rule, removing this provision will not affect the underlying requirement that resultant lots remain conforming to dimensional standards and other requirements. As per Post Falls, language can be added such as:

“Existing Lots or parcels may not be reduced in size below the minimum Lot dimensions established by the applicable zoning district.”

Issue. Should a record of survey be required as part of a Lot Line Adjustment Request?

Discussion. According to the Kootenai County Surveyor, a Record of Survey is NOT required for a lot line to be legally adjusted (with the County). Recorded deeds with new legal descriptions are required.

Only requiring deeds can make the process quicker for the property owner.

However, only requiring deeds presents an important issue for the City. Any immediate subsequent construction on the property must rely simply on a legal description (per the recorded deed). The City does not have the capacity to translate the deed into mapped (or surveyed) lines, and therefore cannot adequately assess setbacks, lot coverage, and any other development standards.

The City has the option whether to require a survey. The cities of Hayden and Spirit Lake both require a survey. It is unclear whether Post Falls or Sandpoint does.

Resolution. Staff recommends that a scaled drawing (does not have to be a record of survey) is submitted to the City and is reviewed by the City. Once the drawing has been approved by the City, a record of survey must then be submitted.

Issue. Should the LLA section be made into a separate chapter?

Discussion.

Resolution. Yes. A separate chapter is warranted given the attention that LLAs require.

Issue. Should improvements be required as a condition a LLA approval?

Discussion.

Resolution. If necessary and at the discretion of the Planning Administrator. As per Sandpoint, language can be added such as:

“The owner may be required to bring adjacent public improvements up to city standards.”

Issue. Should LLA's be noticed?

Discussion. According to HMH's Land Surveyor, Dan Inloes, "In my opinion, LLA's very rarely if ever pose a threat to the public's interest. The public's interest was considered when the subdivision was being reviewed by City Council. Modifying interior lot lines within a platted subdivision has no impact on the public's interest. The subdivision as a whole does."

Resolution. No requirement for public noticing.

Issue. Who decides whether a LLA application should be approved?

Discussion. Lot Line Adjustments are meant to be non-discretionary administrative decisions. If they meet standards and requirements of the code, then they should be approved accordingly. Unlike short plats or subdivisions, there's no need for review by P&Z and/or City Council.

Resolution. Provision is made for decision by the Planning Administrator.

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 6, CHAPTER 3, SECTION 6 TO REMOVE LOT LINE ADJUSTMENTS; AMENDING TITLE 6 TO ADD CHAPTER 8 'LOT LINE ADJUSTMENTS'; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:

SECTION 1: AMENDMENT TO TITLE 6, CHAPTER 3, SECTION 6.

6-3-6: LOTS:

~~H. Lot Line Adjustment: A lot line adjustment is adjustment of an existing lot line.~~

~~1. Lot line adjustments are allowed only under the following conditions:~~

~~a. Does not result in the creation of any additional building sites.~~

~~b. A parcel of land that is not buildable because it does not conform to municipal code regulations, or was created improperly, cannot be converted to a buildable parcel through a lot line adjustment.~~

~~c. Lot line adjustments require review and approval by the city. Adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries (so that an additional parcel of land is not inadvertently created). Deeds shall be submitted to the city for review and approval prior to recordation.~~

~~2. The following shall require replatting or filing an amended plat and shall not be considered a lot line adjustment:~~

~~a. A change in a lot line that results in a change in the location of an approach, utilities, easements and/or septic tank or drain field.~~

~~b. An increase or decrease in any lot size of more than twenty percent (20%).~~

~~c. Any adjustments between a platted lot and an unplatted lot.~~

~~d. An increase or reduction in the number of lots within a subdivision.~~

SECTION 2: AMENDMENT TO TITLE 6, CHAPTER 8

6-3-8: LOT LINE ADJUSTMENTS

A. **Purpose And Intent:** It is the purpose and intent of this section to establish the requirements for adjustment of lot lines of platted lots. Lot line adjustments will not be approved for lots that were not legally created. An application for a lot line adjustment may be submitted to adjust a single common boundary between two (2) or more adjoining legal lots if the proposed lot line adjustment does not:

1. Result in the creation of any additional lots;
2. Include any lots or parcels which are not legal lots, as defined by City Code;
3. Impair existing access or easements, or create the need for new easements or access to any adjacent lots; and
4. Create any lot which does not conform with this Code.

B. **Application:** An application for a lot line adjustment must be filed with the Planning Administrator for administrative review along with such other information as may be required. The application must include

1. Written consent for such adjustment by all record owners of the properties,
2. A current title report for the affected properties,
3. Draft Deeds of conveyance. Adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries (so that an additional parcel of land is not inadvertently created). Deeds shall be submitted to the city for review and approval prior to recordation. New legal descriptions must be created for each new lot.
4. A scaled drawing or site plan prepared by an Idaho PLS of the proposed adjustment showing the following:
 - i. All existing and proposed lot lines and lot areas of the affected lots;
 - ii. All existing structures with dimensions and distances to existing and proposed boundaries;
 - iii. Existing septic system and drain field, sewer (if applicable) and water services to the affected lots;
 - iv. Existing and proposed easements;
 - v. Existing street frontages and accesses of each lot.

C. **Approval:** Once the application has been accepted and comments forwarded to the applicant, a record of survey must be submitted for review and approval by the City. The Planning Administrator will approve the lot line adjustment only after determining that all of the following conditions have been met:

1. Only one common lot line between two (2) lots or parcels is being adjusted;
2. Both lots were legally created;
3. No additional lots have been created;
4. The resultant parcels meet the minimum requirements for area, frontage and width for the existing zone;
5. The accompanying deeds accurately describes the properties by metes and bounds descriptions;
6. No existing easements or access have been impaired nor has the need for new easements or access to the subject lots or adjacent lots been created;
7. The adjusted lots are served by on-site septic, sanitary sewer (if applicable) and water services. Lots shall not be adjusted so that they do not, or cannot, have on-site septic, sewer (if applicable) and water services that conform to applicable City policies and standards;
8. The record of survey has been prepared by an Idaho licensed surveyor in conformance with the requirements of Idaho State Statutes and this chapter;
9. All new property corners have been monumented as generally required by this title and Idaho Code;
10. Upon determining that all of the above requirements have been met, the City will affix its certificate of approval to the record of survey.

D. Issuance Of Building Permits: No building permits will be issued on lots or parcels whose boundaries have been adjusted without the approval of the City, nor will they be issued on lots or parcels whose boundaries are being adjusted until all the requirements of this section have been met and the record of survey and warranty deeds have been recorded. A copy of the recorded survey and deeds shall be provided to the City.

E. Plat required. The following shall require replatting or filing an amended plat and shall not be considered a lot line adjustment:

1. A change in a lot line that results in a change in the location of an approach, utilities, easements and/or septic tank or drain field.
2. Any adjustments between a platted lot and an unplatted lot.
3. An increase or reduction in the number of lots within a subdivision.

SECTION 3. SEVERABILITY.

If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall control.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS.

All provisions of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE.

Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this _____ day of _____, 2023.

ATTEST:

DAN EDWARDS, Mayor

TERESA JANZEN, Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 5, CHAPTER 10, SECTION 3 TO ADD SUBDIVISIONS AND SHORT SUBDIVISIONS FOR NOTICING REQUIREMENTS; AMENDING TITLE 6, CHAPTER 1, SECTION 4 TO DEFINE SHORT SUBDIVISIONS; AMENDING TITLE 6, CHAPTER 6 TO REVISE APPROVAL REQUIREMENTS FOR SHORT SUBDIVISIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. ____ IS AVAILABLE AT DALTON GARDENS CITY HALL, 6360 N. 4th STREET, DALTON GARDENS, ID 83815 IN THE OFFICE OF THE CITY CLERK.

Teresa Janzen, City Clerk

DRAFT

STATEMENT OF LEGAL ADVISOR

I, Christopher Gabbert, am the City Attorney for the City of Dalton Gardens, Idaho. I have examined the attached summary of the City of Dalton Gardens Ordinance No. _____ and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this _____ day of _____, 2023.

DRAFT