

**CITY OF DALTON GARDENS, IDAHO**

**ORDINANCE NO. 285**

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 CHAPTER 3 TO ADD SECTION 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 3

### 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 Professional Land Surveyor (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:** 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 describe 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. 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 scaled drawing or site plan prepared by an Idaho PLS 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;

Upon determining that all of the above requirements have been met, the City will affix its certificate of approval to the scaled drawing or site plan prepared by an Idaho PLS.

**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 scaled drawing or site plan prepared by an Idaho PLS and deeds have been recorded. A copy of the scaled drawing or site plan prepared by an Idaho PLS 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 9<sup>th</sup> day of November 2023.

ATTEST:



DAN EDWARDS, Mayor



TERESA JANZEN, Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. 285

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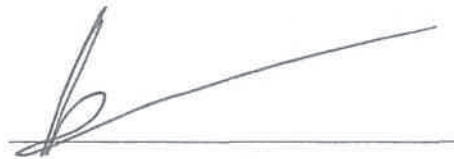
A handwritten signature in cursive script, appearing to read "Teresa Janzen", written over a horizontal line.

Teresa Janzen, City Clerk

**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. 285 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 11 day of Nov, 2023.

A handwritten signature in black ink, appearing to be 'C. Gabbert', is written over a horizontal line. The signature is stylized and cursive.

DRD. 285

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

RikkiJade Lindstrom, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

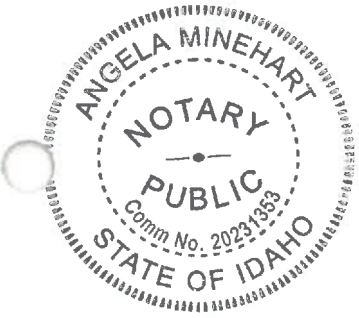
3. The Legal Notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 1 consecutive day commencing on the 16 day of November, 2023, and ending on the 16 day of November, 2023, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

RJ Lindstrom

On this 16 day of November in the year of 2023 before me, a Notary Public, personally appeared RikkiJade Lindstrom, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

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Legal#11641  
AD#16783  
November 16, 2023



Angela Minehart  
Notary Public for the State of Idaho  
Residing in Coeur d'Alene, Idaho

**My Commission Expires 03/20/2029**