



Agenda for Regular Planning & Zoning Meeting

Thursday, January 26, 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/86921308633?pwd=TVNURmVzdWFrQTFwajlTYzQya1hYZz09>

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

Webinar ID 869 2130 8633; Password: 605249

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES OF THE DECEMBER 15, 2022 MEETING- **ACTION ITEM**
4. CITY PLANNER REPORT
5. PUBLIC HEARING FOR SHORT PLAT ORDINANCE DRAFT & CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL- **ACTION ITEM**
6. DISCUSSION OF LOT LINE ADJUSTMENTS & PROTOCOL
7. DISCUSSION OF POTENTIAL JOINT WORKSHOP DATES COMPREHENSIVE PLAN PRIORITY LIST
8. DISCUSSION OF CITY COUNCIL EXECUTED MINUTES FOR DECEMBER 2022
9. DISCUSS AGENDA MEETING ITEMS FOR FEBRUARY 23, 2023
10. **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.
11. **ADJOURN- ACTION ITEM**

Original Posting: 1/19/2023

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.

NOTICE OF PUBLIC HEARING
CITY OF DALTON GARDENS
PLANNING AND ZONING COMMISSION

NOTICE IS HEREBY GIVEN that the City of Dalton Gardens Planning and Zoning Commission will conduct a public hearing on Thursday, January 26, 2023, at 6:00 p.m. at the Dalton Gardens City Hall, 6360 N. 4th Street, Dalton Gardens, Idaho, to receive testimony from interested and affected agencies and citizens for amendments to Short Subdivisions in Title 5 and Title 6 of Dalton Gardens City Code. Written testimony may be sent to the City of Dalton Gardens Planning and Zoning Commission, 6360 N. 4th Street, Dalton Gardens, Idaho 83815. Written testimony should include the signature, email address and mailing address of the submitter; and should address the issue at hand. If written testimony fails to meet these requirements, the Chairman may declare such testimony inadmissible. All persons desiring to provide oral testimony should appear at the hearing. Persons with disabilities requesting special accommodations should make such request of the Clerk at least twenty-four (24) hours prior to commencement of the public hearing. The clerk's telephone number is (208) 772-3698.

Published on January 11, 18, 2023

Teresa Janzen, City Clerk

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 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; 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 5, CHAPTER 10, SECTION 3.

5-10-3-3: POSTED SITE NOTICES (SIGNS):

A. Posted notices are required for applications requesting:

1. Special use permits; ~~and~~
2. Rezones; ~~and~~
3. Subdivisions and Short Subdivisions.

SECTION 2: AMENDMENT TO TITLE 6, CHAPTER 1, SECTION 4.

6-1-4: DEFINITIONS:

SHORT SUBDIVISION: Every division of land ~~for the purposes of lease or sale~~ into two (2), three (3) or four (4) lots, plots, sites, parcels or tracts within the residential district of the incorporated area of Dalton Gardens ~~and where no new dedications are required.~~

SECTION 3: AMENDMENTS TO TITLE 6, CHAPTER 6.

6-6-1: APPLICATION OF PROVISIONS; EXEMPTIONS:

A. Every division of land ~~for the purpose of sale or transfer~~ into two (2), three (3) or four (4) lots, tracts or parcels within the residential district in the incorporated area of Dalton Gardens, ~~where no new dedications are required,~~ shall proceed in compliance with this chapter. All

division of land in the commercial and utility districts must comply with Title 6, chapter 2. No short subdivisions in the commercial district are allowed.

B. The provisions of this chapter shall not apply to the following:

1. Any division of land for the purpose of adjusting the boundary line or the transfer of land between two (2) adjacent property owners which does not result in the creation of any additional building site.
2. Any division of land made by testamentary provision, the laws of descent or upon court order.
3. Any acquisition or division of land by a public agency for public right of way purposes.
4. Any application for a division of land that is deemed complete prior to the adoption of this chapter shall be vested under the previously adopted ordinance.

6-6-2: APPLICATION FOR SHORT SUBDIVISION:

- A. Form And Fees: Any person who undertakes a "short subdivision" as defined in section 6-1-4 of this title shall submit to the city commission a completed application form provided by the city commission accompanied by a nonrefundable fee in an amount to be established by resolution of the city council.
- B. Contents Of Application; ~~Plats And Plans~~ And Plat Required: The ~~drawing, map and accompanying material and accompanying plat~~ submitted with an application for short subdivision approval shall include, at a minimum, the following information:
1. The name, address and telephone number of the applicant and the property owner if different than the applicant.
 2. A legal description of the entire area being subdivided and a legal description for each of the proposed lots.
 3. The size of each lot indicated by square footage computation sufficiently accurate to determine that each lot meets the minimum established lot size requirements.
 4. A copy of any existing or proposed restrictions or covenants.
 5. A large plat, including the signature page and all supplemental pages which has been prepared by and Idaho licensed surveyor and complies with the requirements of this chapter and title 50, chapter 13, Idaho Code ~~survey by a licensed engineer or surveyor of the property~~ containing the following:
 - a. Boundaries and dimensions of the entire area being subdivided and the proposed boundaries and dimensions of the proposed lots.
 - b. All existing buildings and structural improvements.
 - c. The location of any roads, easements or rights of way that exist or are proposed or as required by the city to serve the short subdivision.
 - d. Proposed access and approach areas.

- e. Location of all water ~~and sewer~~ lines servicing the proposed lots.
- f. Any dedications as required by the city.
- g. A space for approval of the commission.

C. Noticing

The applicant and the city shall follow the procedures delineated in title 5, chapter 10 section 3 of this code for public hearing notification.

D. Approval or Denial of Application:

1. Distribution Of Plats And Plans: Upon receipt of a completed application for short subdivision approval, the ~~city commission~~ shall forward copies of the proposal to the following agencies for comment:

- a. Dalton Water Association.
- b. Panhandle health district.
- c. Kootenai County fire and rescue.
- d. Other appropriate agencies, ~~including the city of Coeur d'Alene wastewater treatment official and the city of Coeur d'Alene street department or similar agency having jurisdiction over granting approaches off of Government Way.~~

Agencies requested to review a proposed short subdivision will have thirty (30) days upon receipt of a request for review in which to return their written comments. Failure by an agency to reply within the established review period shall be interpreted to mean that the particular agency has no concern over the proposal.

- 2. Decision; Time Limitation: Within ~~sixty (60) thirty (30)~~ days after receipt of a completed application ~~or at its next regular meeting~~, the commission shall approve or disapprove the proposed short subdivision and shall within 30 days ~~immediately~~ notify the applicant, in writing, of such decision. If an application is disapproved, the commission shall cite the specific reason for disapproval.
- 3. Requirements For Approval: The commission shall not approve a short plat unless:
 - a. The proposed lots meet all established lot size and width requirements.
 - b. Adequate water supply ~~and sewage disposal are~~ is available.
 - c. The decision to approve a short subdivision will not be contrary to the public interest.
 - d. The plat conforms with the zoning ordinance and comprehensive plan.
 - e. Newly dedicated roads are improved and paved according to standards set by Lakes highway district.
 - f. No cul-de-sacs or dead end streets are allowed, ~~unless they comply with this subdivision ordinance, and shall only be allowed in the commercial and light industrial~~

zones.

4. Filing: ~~Upon approval~~ Within thirty (30) days after the date of approval of a short subdivision, the ~~applicant commission~~ shall provide final copies of the plat for city acknowledgment. Once executed, the city will contact the applicant for recording of the same and require a copy of the recorded plat be returned to the ~~transmit a copy of the approved application and plans to the county recorder for filing. The fee collected at the time the application was submitted will be used to cover the cost of filing. The commission shall also forward a copy of the approved short subdivision to the city clerk for permanent file at the city clerk's office.~~

D. Variance Request: In the event the application for short subdivision does not meet the requirements of section 6-6-3 of this chapter, the person requesting the short subdivision shall apply for a variance before the city council and the provisions of section 6-5-4 of this title shall apply to the variance request.

6-6-3: MINIMUM LOT SIZE AND WIDTH REQUIREMENTS:

All lots within a short subdivision in the Residential District shall have one hundred ten feet (110') of frontage on a publicly created and maintained street and contain not less than one acre, less such portions which may have been granted, dedicated or conveyed for use as road right of way or other easement. Nonconforming lots shall not be created except as approved through the granting of a variance.

SECTION 4. 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 5. 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

DRAFT

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

Proposed recommendation language:

In recommending adoption of the proposed amendments, the Planning and Zoning Commission notes the value of including provisions allowing city-required dedications of easements or land when needed, and if in the public interest, and where a nexus is established mitigating any adverse impacts.

Therefore, the Planning and Zoning Commission recommends adoption of proposed amendments, including:

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

CHAPTER 10

BOUNDARY LINE ADJUSTMENTS

SECTION:

12-10-1: Applicability

12-10-2: Application

12-10-3: Review And Approval

12-10-4: Issuance Of Building Permits

12-10-1: APPLICABILITY:

A. The provisions of this chapter establish the requirements for adjustment of common boundary lines of platted lots or legally created un-platted lots and not to lots that are being consolidated. An application for a boundary line adjustment may be submitted to adjust a boundary between adjoining lots or parcels if the proposed boundary adjustment does not

1. Create any additional lots;
2. Include any lots or parcels which are not legal lots, as defined by city ordinance;
3. Already have a boundary line adjustment which had been completed on the subject lot(s) within the previous 365 calendar days other than minor revision as determined by the Community Development Director; or
4. Contain land, where an application for a subdivision be proposed within three (3) years; unless the application for a subdivision includes:
 - a. All lots that were part of the boundary line adjustment; or
 - b. For the lot not included in the subdivision, the frontage improvements and sewer connections at a minimum shall be included unless this is a part of a Phased Subdivision, Condominium Plat or Planned Unit Development pursuant to Hayden City Code Title 11 and 12. (Ord. 572, 6-13-2017; amd. ord. 615, 12-29-2020)

12-10-2: APPLICATION:

A. An application for a boundary line adjustment must be filed with the City on a designated form along with such other information as may be required. Required submittal shall include but may not be limited to the following: Current Deed(s), draft deed of conveyance, resulting deeds, record of survey, vicinity map, a certificate from a title insurance company licensed under the laws of the State of Idaho, issued no later than thirty (30) days prior to the date of the application submittal for each of the affected properties and a scaled drawing of the proposed adjustment showing the following:

1. All existing and proposed boundaries of the affected lots with dimensions;
2. All existing structures with dimensions and distances from both eaves and foundation lines to existing and proposed boundaries;
3. Existing sewer and water services to the affected lots;
4. Existing street frontages and accesses to each lot;
5. Existing easements and their purposes. (Ord. 559, 7-12-2016; amd. Ord. 572, 6-13-2017; Ord. 615, 12-29-2020)

12-10-3: REVIEW AND APPROVAL:

A. Once the application has been accepted, reviewed, and has been determined by the staff to be complete so that sufficient information regarding the proposal can be provided, notice will be provided to outside agencies and jurisdictions which in the opinion of staff, may be affected by the proposal, and lienholders of record, as identified in the title policy submitted with the application. Said notice shall include: one copy of the completed application, a vicinity map, and the proposed plan. Agencies, jurisdictions and lienholders will have thirty (30) days from the date that the materials have been mailed to submit comments. The Community Development Director or his/her designee will approve the boundary line adjustment only after determining that all of the following conditions have been met:

1. Nothing impacts the ability to consolidate two (2) or more lots into one.
2. If one or both existing lots are currently nonconforming as to lot size, setbacks, and lot coverage, they may be adjusted so long as neither resulting lot exceeds the original degree of nonconformity of the other and so long as no additional nonconformities are created if the lots currently conform to this Code.
3. The lot line adjustment does not result in lots spanning a public right-of-way or private road easements unless such a condition(s) existed pre- boundary line adjustment.
4. The lots being adjusted were legally created.
5. No additional lots are being created.
6. The accompanying deed of conveyance accurately describes the property to be transferred and the remainder

property. Said deed shall also include new aggregate legal descriptions of the adjusted areas. A statement shall be included on the deed of conveyance indicating that the instrument is being recorded for lot line adjustment purposes, and that the portion of property being transferred is not of itself a buildable lot.

7. No existing easements or accesses have been impaired without appropriate remedy.

8. Adjusted lots that are currently served by sanitary sewer and water services have not been adjusted so that they do not, or cannot, have sewer and water services that conform to applicable City policies and standards.

9. The record of survey has been prepared by an Idaho licensed surveyor in conformance with the requirements of Idaho State Statutes and this chapter.

10. All new property corners have been monumented as required by this title and Idaho Code.

Upon determining that all of the above requirements have been met the boundary line adjustment will be approved for recordation by the Community Development Director or his/her designee. (Ord. 578, 1-9-2018; amd. Ord. 615, 12-29-2020)

12-10-4: ISSUANCE OF BUILDING PERMITS:

No building permits will be issued on lots or tracts whose boundaries have been adjusted without the approval of the City. (Ord. 582, 7-10-2018)

10-2-8: LOT LINE ADJUSTMENTS:

An owner wishing to adjust lot lines in an existing plat, as hereinabove defined in section 10-2-2 of this chapter, shall file an application with the planning director for administrative review. Additional information reasonably required for thorough review of the application and plat may be required of the applicant. The planning director shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners that they may comment on the application during a period of not less than fifteen (15) days after mailing of the notice and prior to final action on said application. Following expiration of the said comment period, and upon a finding by the planning director that the request conforms to the readjustment of lot line definition and is in compliance with the provisions of this chapter, the planning director shall approve same or approve with conditions necessary to find same in compliance with the provisions of this chapter. Upon a finding by the planning director that the application does not conform to said definition or is not in compliance with this chapter, the planning director shall deny said application and shall state the reasons therefor in writing. Upon approval of an application and upon satisfaction by the applicant of any conditions attached thereto, the planning director shall determine if the lot line adjustment requires a plat or may be done with other documentation filed with the county recorder. The owner may be required to bring adjacent public improvements up to city standards. The approval or rejection of the lot line adjustment can be appealed by an affected person within ten (10) days to the city council. (Ord. 1157, 10-18-2006)

17.04.030: APPLICABILITY AND JURISDICTION:

A. These regulations shall apply to all *Subdivision* of land within the city limits and within the city's area of city impact unless exempt as provided in this title. All divisions of land that were the result of a legal conveyance in compliance with prior *Subdivision* ordinances of the city or county prior to the effective date hereof, and which meet the requirements of the underlying zoning classification, shall be considered eligible to apply for building permits. Certain provisions of this title shall apply to the division of any tract of land outside the corporate limits of the city, but within the area of city impact as agreed between the city and Kootenai County pursuant to Idaho Code.

B. It shall be unlawful for any person to carry out actions constituting the *Subdivision* of land without first complying with the provisions of this title, and any other provisions of this code.

C. It shall be unlawful for any person to transfer ownership of *Lots* constituting the *Subdivision* of land as defined or required by this title before a *Plat* has been prepared and recorded pursuant to procedures in Idaho Code, title 50, chapter 13, or its successor, and all required improvements have been constructed and accepted by the city or suitably guaranteed.

D. Exemptions to the *Subdivision* ordinance include:

1. Divisions of a tract of land made pursuant to testamentary provisions, the laws of descent, or similar orders of partition entered by court proceedings to distribute undivided interests. Parcels of land so created must comply with *Lot* size, frontage, and other standards established by this code and other applicable laws to be eligible for a building permit or to qualify for establishment of a regulated land use.

2. Approved divisions made for the purpose of *Lot Line Adjustments* or legally created unplatted parcels where no additional *Lots* are created and where the resultant tracts comply with the requirements of the underlying zoning classification and the following requirements:

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

b. Adjusted *Lots* or parcels must meet *Lot* coverage requirements and must accommodate minimum required setbacks.

c. Such adjustments may necessitate access and utility easements to be recorded.

d. *Lots* or parcels being adjusted must be adjoining and may not be separated by right-of-way.

e. A *Lot Line Adjustment* has not been completed on any of the *Lots* or parcels within the previous three hundred and sixty-five (365) calendar days.

f. The *Lot Line Adjustment* must be consistent with all conditions of approval and agreements regulating *Development* and use of the property, including but not limited to, annexation agreements, *Development Agreements*, and regulating plans.

g. *Lot Line Adjustments* are applied for, and approved, or denied by the *Administrator*. The *Administrator*, when deciding, must consider the following:

(1) That the *Lot Line Adjustment* is consistent with the applicable zoning district, the general intent of the zoning ordinance and related provisions of this code.

(2) Granting the *Lot Line Adjustment* will not be detrimental to any neighboring *Development*.

3. Divisions made as the result of exercise of the powers of eminent domain as defined and allowed for by Idaho Code.

4. Divisions made for the expansion or acquisition of road rights of way by a public agency.

5. Divisions for conveyance of land to the city, a public entity, homeowners' association or public utility for a public or common purpose (well site, drainage site, fire station, school site, park site, etc.).

6. Divisions made for cemeteries or burial plots. (Ord. 1448 § 1, 2022; Ord. 1147 § 1, 2008)

12-9-10: BOUNDARY LINE ADJUSTMENTS:

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

1. Create any additional lots;
2. Include any lots or parcels which are not legal lots, as defined by City ordinance;
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. (Ord. 568, 4-11-2017)

B. Application: An application for a boundary line adjustment must be filed with the City Council along with such other information as may be required. The application must include a current title report for the affected properties and a scaled drawing of the proposed adjustment showing the following: (Ord. 595, 4-18-2019)

1. All existing and proposed boundaries of the affected lots with dimensions;
2. All existing structures with dimensions and distances to existing and proposed boundaries;
3. Existing sewer and water services to the affected lots;
4. Existing street frontages and accesses of each lot. (Ord. 568, 4-11-2017)

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 Council. The City Council will approve the boundary line adjustment only after determining that all of the following conditions have been met: (Ord. 595, 4-18-2019)

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 warranty deed accurately describes the property to be transferred by a metes and bounds description;
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 sanitary sewer and water services. Lots shall not be adjusted so that they do not, or cannot, have sewer 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; (Ord. 568, 4-11-2017)
10. Upon determining that all of the above requirements have been met, the City Council will affix its certificate of approval to the record of survey. (Ord. 568, 4-11-2017; amd. Ord. 595, 4-18-2019)

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 Council, 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 recorded. (Ord. 595, 4-18-2019)

- 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. Does not result in the creation of any additional lots;
 2. Include any lots or parcels which are not legal lots, as defined by City ordinance;
 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. A current title report for the affected properties,
 2. 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 and the portions of lots being transferred.
 3. 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 warranty deed accurately describes the property to be transferred by a metes and bounds description;
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 recorded

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. An increase or decrease in any lot size of more than twenty percent (20%).
3. Any adjustments between a platted lot and an unplatted lot.
4. An increase or reduction in the number of lots within a subdivision.

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. Does not result in the creation of any additional lots;
 2. Include any lots or parcels which are not legal lots, as defined by City ordinance;
 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. A current title report for the affected properties,
 2. 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 and the portions of lots being transferred.
 3. 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 warranty deed accurately describes the property to be transferred by a metes and bounds description;
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 recorded

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. An increase or decrease in any lot size of more than twenty percent (20%).
3. Any adjustments between a platted lot and an unplatted lot.
4. 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