



**Agenda for Regular
Planning & Zoning Commission Meeting**
Thursday, February 24, 2022 @ 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/86221359669?pwd=d2ZRRjhkYjFHdkJlcTY3RjAvbnlVQT09>

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

Webinar ID:844 4058 6029; Password: 018646

1. CALL TO ORDER

2. ROLL CALL OF COMMISSION MEMBERS

3. APPROVAL OF MINUTES:

Commission to review and approve minutes of the regular meeting January 27, 2022-
ACTION ITEM

4. CITY PLANNER REPORT

5. CONSIDERATION OF MOVING MARCH 24, 2022 MEETING- **ACTION**

**6. DISCUSSION AND REVIEW OF DRAFT PROCEDURES FOR SHORT
PLATS AND SUBDIVISIONS.**

7. REVIEW OF COMPREHENSIVE PLAN IMPLEMENTATION ITEMS

8. DISCUSSION OF PLANNER PRIORITIZATION

9. DISCUSSION OF AGENDA ITEMS FOR MARCH 24, 2022, MEETING

10. PUBLIC COMMENT: Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters that relate 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: 2/17/2022

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
Regular Planning & Zoning Meeting Minutes
Thursday, January 27, 2022 @ 6:00 PM

Meeting was conducted via teleconference and in person.

*audio issues with people on Zoom not being heard in Chambers.

1. **CALL TO ORDER:** Chairman Becker called the meeting to order at 6:00 PM
2. **ROLL CALL OF COMMISSION MEMBERS:** Physically present were Commissioners Melissa Cleveland and Ron Sampert and Chairman Mike Bekcer. Commissioner Caitlin O'Brien attended via Conference Call. Also present were Ryan Hughes-City Planner and Teresa Janzen- City Clerk/Treasurer.
3. **APPROVAL OF MINUTES:** RSampert made a motion to approve the regular meeting minutes from November 30, 2021. MCleveland seconded.
MCleveland: aye **RSampert:** aye **CO'Brien:** aye Motion Carries.
4. **CITY PLANNER REPORT:**
 - Telecom Ordinance Draft from Mr. Campenelli was received in December, is currently a 47 page document that has been red-lined by the City Planner and City Attorney, and been sent back to the contracted Attorneys. Waiting for the second draft to come to the City.

***Commissioners asked to have the final draft for one month before their public hearing.**

 - Looking at Fee Schedule this month and submitting changes directly to Council
 - Prioritization for Planner Time:
 - Subdivision/Short Plat Ordinance Modification
 - Code Enforcement
 - Accessory Living Unit
5. **PUBLIC HEARING:** Opened at 6:12 PM by Chairman Becker
City Planner reviewed history: 20+ years ago, the City of Coeur d Alene, during subdivision process of adjacent land, requested this portion of land be deeded to the City of Dalton Gardens. Since that time, CODG has owned this parcel, but it was never formally annexed. Idaho Statute 50-22 outlines the process for annexation. Staff is not proposing any change to the Comprehensive Plan Land Use Map or the Zoning Ordinance, CODG 5-2-C. Seeking P&Z decision if it will require a zoning amendment or change to the Comprehensive Plan and recommendation to City Council.
Public Comment was opened at 6:21 PM
 - **Cheryl Christopherson-** 2423 E Dalton Ave: inquired about plans for any road improvements.Public Comment was closed at 6:25 PM

Residents were encouraged to bring their questions to the City Council Public Hearing at the time of annexation.

City Planner called out that HMH Engineering submitted the draft of the Transportation Plan update in October of 2021. On page 21, it lists potential capital improvement projects for the City and this portion is contemplated as a project.

6. **RECOMMENDATION TO CITY COUNCIL:** MCleveland made a motion to recommend to City Council to annex the east portion of Dalton Ave, east of 17th Street with Planning & Zoning determination that no comprehensive plan amendment needed and when annexed in, it becomes zoned residential. RSampert seconded.
RSampert: yes **MCleveland:** yes **CO'Brien:** yes **MBecker:** yes Motion Carries.

7. **DISCUSSION SHORT PLATS/SUBDIVISIONS PROCEDURES:**

City Planner discussed findings in Comp Plan 2019-2030 adopted 12/5/2019.

What is a subdivision ordinance? Reflection of community envisioning for its future.

- Agricultural characterization around the city
- Vital Commercial activity supporting retail and restaurants
- Lot size in residential district. Sewer Management Agreement is the current standard.
- Commercial lots on septic as subject same as residential. Commercial lots on sewer are subject to 10,000 sf lot size. Could decrease this to have more types of usage in the space.
- Non-motorized transportation- encourages trail alignment (Comp Plan p. 26), safe routes to school (p. 28), complete streets that serve all transportation uses (p.29). Any division of land is the typical time to ask for easements or ROW requests for trails.
- Aesthetic- landscaping, buffering between commercial and residential zones.

8. **AGENDA ITEMS FOR 02/24/2022 MEETING:**

- short plats and subdivisions draft ordinance revision
- draft telecom ordinance from contract attorneys if available.

9. **PUBLIC COMMENT:** Opened at 7:05 PM. Closed at 7:20 PM

- Clark Young- 7064 N 16th St- questioned sound buffering, regulation of hours of operation and decibels of sound in the commercial district
- Curt Jernigan-7439 Davenport St: suggested archway entrances north and south bound on 4th Street to call out unique nature entering into the City.
- Lucy Jernigan- 7439 Davenport St: Appreciated Christmas Lights on City Hall and would like a better light display in the roundabout next Christmas.
- Sue Supp- was online via Zoom but could not be heard in the Council Chamber.

10. **ADJOURN**:- MCleveland made a motion to adjourn meeting. RSampert seconded. All in favor. Meeting adjourned at 7:21 PM.

Mike Becker, Chairman

ATTEST:

Teresa Janzen, City Clerk/ Treasurer

DRAFT



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
ID 83815 Phone: (208) 772-3698 Fax:
(208) 762-5156

Monthly Planner Activity Report

December 31, 2021

Code amendments

City staff has received from the contracted attorney the proposed code amendment, Chapter 13 of the Zoning Title, entitled “Telecommunications Towers and Personal Wireless Service Facilities”. In our review, we note that the chapter introduces the notion of application ‘type’. This adds a layer of complexity not yet contemplated in the Dalton Gardens City Code. Staff have provided a number of inputs, comments, and requested revisions to help clarify to the reader (e.g. cross-referencing, definitions).

Staff, as well as the P&Z Commission, continue to identify potential updates to the city’s zoning and subdivision provisions. Although the P&Z Commission did not meet in December, the P&Z Commission has prioritized updates to the Subdivision ordinance for this month’s agenda. The work will seek to identify opportunities to improve procedures, implement comp plan policies, and ensure that code provisions align with state statutes.

Variances / Special Use Permits

No new variances or special use permit applications were received by the City during the month.

Subdivisions

No new subdivision requests have been submitted.

Building Permits

The City continues to manage a variety permit request. In December, the city received a variety of permit requests include primary and accessory Building Permits, Home Based Businesses, and Commercial Business License. These continue to be reviewed on a rolling basis. As the building permit activity slows, staff anticipates beginning to address a backlog of code enforcement complaints and cases. We will also address any needed updates or changes to the OpenGov application portal. A user survey may assist in collecting feedback on from users on the utilization of the system.

Code enforcement

Staff continues to receive, and address the backlog of, code-enforcement complaints. Issues brought forth by the code enforcement officer should be addressed, to ensure the officer's legal and personal protection.

Fee schedule

In November, staff reviewed proposed updates to the fee schedule. As the Kootenai County Fire District has increased their inspection rates, the fee schedule for building inspections may need to reflect these added costs to the city.

Annexation

Notice of public hearing will be sent for annexation of portions of Dalton Avenue at the P&Z Commission's January Meeting. Once a recommendation is issued (by P&Z), the issue will be forwarded for a public hearing at the next City Council meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ryan Hughes", with a stylized flourish at the end.

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

SUBJECT: DRAFT UPDATES TO DGCC 6-6, ‘SHORT SUBDIVISION’ AND DGCC 5-10-3, ‘POSTED SITE NOTICES (SIGNS)’

DATE: FEBRUARY 17, 2021

The following table outlines proposed updates to the Dalton Gardens City Code: ‘Short Subdivision’ (Title 6, Chapter 6) and ‘Posted Site Notices’ (Signs) (Title 5, Chapter 10).

<i>Section</i>	<i>Update / Remarks</i>
6-6-1	Removed reference to ‘no new dedications’. In fact, the city may determine that dedications are necessary to implement policies of the Comprehensive Plan. This includes provisions for pedestrian networks, safe routes to school, and complete streets.
6-6-2 (A)	Replace ‘commission’ with ‘city’. City staff and administration are charged with procedural aspects, while the P&Z commission is responsible for discretionary review and decision making.
6-6-2 (B)(5)(c)	Added ‘or as required by the city’ in regards to necessary easements or right-of-way. This is important to require subdividers to identify city right-of-way.
6-6-2 (B)(5)(f)	Requires compliance with Idaho Code as to the required elements of the subdivision (plat)
6-6-2 (B)(5)(g)	Adds the possibility of required dedications, to include any pedestrian or trail networks
6-6-2 (C)	Adds provisions for on-site noticing and mailed notice to adjacent properties within 300 feet.
6-6-2 (D)(2)	Gives more time for the P&Z Commission to make a decision regarding any short plat application
6-6-2 (D)(3)(d)	Adds the requirement that the resulting plat conforms with Zoning and the Comp Plan
6-6-2 (D)(4)	Defines clearly the filing requirements with Kootenai County.
6-6-2 (D)(4)(a)	Requires the subdivider to provide the recorded short plat to given to the city
6-6-3	Makes the definition of the minimum lot size consistent with the definition in Title 5 (Zoning)
5-10-3-3	Adds ‘Subdivisions and Short Subdivisions’ to the list of application types which require posted site notices.

CHAPTER 6

SHORT SUBDIVISIONS

SECTION:

6-6-1: Application Of Provisions; Exemptions

6-6-2: Application For Short Subdivision

6-6-3: Minimum Lot Size And Width Requirements

6-6-4: Administration Of Provisions

6-6-5: Appeals

6-6-6: Violation And Penalties

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. 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. (Ord. 225, 11-1-2012)

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 Required: The drawing, map and accompanying material 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 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. Must comply with Idaho Code 50-1301 et seq.
- g. Any dedications as required by the city
- h. A space for approval of the commission.

C. Noticing

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

C. D. Approval Or Denial Of Application

C. 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 thirty (60) (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 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. d. Newly dedicated roads are improved and paved according to standards set by Lakes highway district.

f. e. 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 transmit a copy of the approved application, and plans, record of decision, and deed of conveyance 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.~~ Failure to file within the allotted time frame will render the short plat approval void.

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.

a. The subdivider shall, immediately upon recording, furnish the city council with as many prints of the short plat as may be required by the city.

- 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. (Ord. 225, 11-1-2012)

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, not in excess of one-half (1/2) of the dedicated road right-of-way or width of streets required by other ordinances of the City. Nonconforming lots shall not be created. (Ord. 225, 11-1-2012)

6-6-4 : ADMINISTRATION OF PROVISIONS:

The planning and zoning commission, herein referred to as the commission, is vested with the authority to summarily approve or disapprove proposed short subdivisions. The commission shall prepare and require the use of such forms as necessary to administer this chapter. (Ord. 225, 11-1-2012)

6-6-5 : APPEALS:

Appeals concerning interpretation, administration or decisions rendered pursuant to this Chapter shall be processed in accordance with Section 1-11-1. (Ord. 225, 11-1-2012; amd. Ord. 264, 3-5-2020)

6-6-6 : VIOLATION AND PENALTIES:

A. No person shall sell or transfer any land subject to the requirements of this chapter until a short subdivision has been approved and filed.

B. Violation of any of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor and subject the offender to penalties in accordance with section 1-4-1 of this code. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense.

C. Nothing herein contained shall prevent the council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this chapter or of the Idaho Code.

D. Further, no short subdivision required by this chapter shall be recorded by the county recorder until such short subdivision has received approval by the commission.

E. No public board, agency, commission, official or other authority shall authorize any improvements on any land in violation of this chapter. (Ord. 225, 11-1-2012)

CHAPTER 10

ADMINISTRATION AND ENFORCEMENT

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

A. Posted notices are required for applications requesting:

1. Special use permits; and
2. Rezones.

3. Subdivisions and Short Subdivisions

B. When a posted notice is required it shall be the responsibility of the applicant to install or erect a sign and attached notice furnished by the city that meets the following specifications:

1. The sign shall be placed so as to be easily readable by the motoring public;
 2. The sign shall be installed on the subject property adjacent to the most heavily traveled public way;
 3. The sign shall be posted at least fifteen (15) days before the scheduled date of the public hearing; and
- C. The applicant shall remove the sign within seven (7) days following the public hearing.

DRAFT



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens, ID 83815

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

MEMORANDUM

TO: MIKE BECKER, CHAIRMAN, PLANNING AND ZONING

FROM: RYAN HUGHES

SUBJECT: PRIORITY LIST FOR PLANNER - UPDATE

DATE: FEBRUARY 17, 2021

In October 2021, the P&Z Commission identified the following tasks as the **top five priorities**:

1. Fees – amend sections of code that prescribe specific fee amounts, allow fees to be set by resolution
2. Subdivisions and short subdivisions – bring code into compliance with Idaho Code for platting, update procedures and standards
3. Signs – simplify and bring code into compliance with constitutional requirements
4. Update Commercial zone allowed and special uses, improve landscaping and buffering standards. Creation of commercial district design guidelines
5. Accessory Living Units – Further definition required. What constitutes accessory living?

Please update the P&Z Commission’s priority list.

Also, please review Page 52 of the Comprehensive Plan: “Implementation Items” to determine the prioritization of comp plan implementation (see attached).

Other activities to consider:

- Business licenses and home-based businesses – clarify and enhance standards for home-based businesses, improve process for regular business licenses to simplify renewals
- Mandatory pumping of septic tanks every 5 years – add violation provisions
- Wind power generators – eliminate variance provision
- Prohibit camping on city property
- Short-term rental policy



Dalton Gardens:
Relax, You're Home

IMPLEMENTATION ITEMS:

1. Develop, coordinate, and facilitate a pedestrian pathway committee to make recommendations on pedestrian traffic and circulation in Dalton Gardens.
2. Explore a streetscape concept for Government Way, addressing landscaping, street furniture, public art and other elements as appropriate.
3. Regulate nuisance yards.
4. Maintain agreements with Dalton Water Association regarding water consumption issues.
5. Develop a utility undergrounding standard.
6. Review and evaluate existing ordinances, resolutions and standards, and ensure that the provisions and regulations regarding community image goals are met.
7. Discourage through traffic from other communities by increasing communication with the Cities of Hayden and Coeur d'Alene, and Kootenai County. Participate in the land use process of adjacent cities and develop memoranda of understanding or joint powers agreements to ensure adequate traffic mitigation.
8. Continue to ensure compliance with the Sewage Management Plan Agreement with Panhandle Health District every five years.
9. Update zoning to incorporate appropriate uses for each district.
10. Review and implement buffer standards.
11. Consider appropriate designs for local streets intersecting Government Way.
12. Amend Commercial standards and regulations ensuring development is compatible with sewer design plans and strategies.
13. Review and update home occupation regulations to permit uses compatible with residential surroundings.
14. Rezone Dalton Market to allow small expansion and repair.
15. Amend the Municipal Code to ensure that design standards in the Commercial District offers adequate buffering from the Residential District.
16. Amend the Municipal Code to ensure that design standards are adequately addressed for Commercial and existing light industrial uses and focus on addressing impacts such as hours of operation, noise, traffic and lighting.
17. Amend Commercial standards and regulations that promote uses that will be compatible with future sewer design plans and strategies.