



# Agenda for Regular Planning & Zoning Meeting

**Thursday, April 27, 2023 @ 6:00 PM**

**Location: DALTON GARDENS CITY HALL,  
6360 N 4<sup>th</sup> St., Dalton Gardens, ID**

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

<https://us02web.zoom.us/j/88928545921?pwd=eVV4eGhtZGt2UlhMMURvSDB0ZkN3QT09>

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

**Webinar ID**

**889 2854 5921; Password: 705003**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES OF THE MARCH 23, 2023 MEETING- ACTION ITEM**
- 4. CITY PLANNER REPORT**
- 5. PUBLIC HEARING FOR LOT LINE ADJUSTMENT- ACTION ITEM**
- 6. DISCUSSION OF JOINT WORKSHOP WITH CITY COUNCIL**
- 7. 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.
- 8. DISCUSS AGENDA MEETING ITEMS FOR MAY 25, 2023**
- 9. ADJOURN- ACTION ITEM**

Original Posting: 4/21/2023

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**  
**Planning & Zoning Meeting Minutes**  
**Thursday, March 23, 2023 @ 6:00 PM**

Meeting was conducted in person and via Zoom.

1. **CALL TO ORDER:** Chairman Becker called the meeting to order at 6:01 PM
2. **ROLL CALL OF COMMISSION MEMBERS:** Present were commissioners Chad Haunschild, Melissa Cleveland, and Chairman Mike Becker. Caitlin O'Brien joined via Zoom at 6:07 PM. Also present were Ryan Hughes- City Planner and Candi Baker- Deputy Clerk.
3. **APPROVAL OF MINUTES:** MCleveland made a motion to approve the regular meeting minutes from February 23, 2023. CHaunschild seconded. CHaunschild: yes MCleveland: yes MBecker: yes **Motion Carries.**
4. **CITY PLANNER REPORT:** City Planner reviewed the proposals for Lot Line Adjustments made by the commission and gave update of approval of amendments from the City Council's public hearing on the recommendations for Short Plat provisions given by the commission. City Planner updated commission of Code Compliance Manual revisions discussed by City Council and clarified the anonymous complaint provisions and exceptions in the manual.
5. **UPDATED DRAFT ORDINANCE FOR LOT LINE ADJUSTMENTS:** City Planner reviewed the changes made and addressed the commission's question of lot line adjustments bringing conformity to non-compliant lots by means of lot consolidation. Planner asked the commission for clarification of corner perpetrating and filing (CP&F) as it would apply to the city. Chairman Becker explained the benefits of the city obtaining both legal description and accompanying graphic exhibit as a part of the LLA process. The requirement would assist the city's future staff and maintain accurate record from both county and city. Chairman Becker suggested that the next steps would be a public hearing at the April 27, 2023 P&Z meeting. The commissioners agreed with the approval of the city attorney after the public hearing.
6. **REVIEW OF COMMERCIAL DISTRICT DESIGN STANDARDS:** The city planner presented the commission with the history of the comprehensive plan and its progression to date. The commission discussed the current allowed uses in the commercial district and provisions in code for uses not listed. City planner suggested a visual preference presentation/survey, allowing the commission and council to view options of other cities successful implementation of commercial corridor designs for inspiration and next steps, to be held at the April 13, 2023 joint workshop. The commission suggested discussing ways to have community involvement with an emphasis on business and property owners in the commercial district.

7. **DISCUSSION OF JOINT WORKSHOP WITH CITY COUNCIL:** The commission discussed establishing a first step with the city council based on the visual preference survey. City Planner will consult with the city clerk and mayor to determine additional topics for the joint workshop.
8. **DISCUSSION OF CITY COUNCIL EXECUTED MINUTES FOR FEBRUARY 8, 2023:** The commission had no comments or discussion.
9. **DISCUSS AGENDA ITEMS APRIL 27, 2023 MEETING:**
  - Public Hearing for the Lot Line Adjustments
  - Post workshop discussion of commercial district design next steps.
  - Presentation of workshop conclusion for public input and comments.
10. **PUBLIC COMMENT:** None
11. **ADJOURN:** CHaunschild made a motion to adjourn the meeting. MCleveland seconded. All in favor. Meeting adjourned at 6:54 PM.

\_\_\_\_\_  
Mike Becker, Chairman

ATTEST:

\_\_\_\_\_  
Candi Baker, Deputy Clerk



## City of Dalton Gardens

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

### Monthly Planner Activity Report

**March 31, 2023**

#### Code amendments

At their March meeting, the Planning and Zoning Commission reviewed further updates to amending Lot Line Adjustment provisions of the Dalton Gardens City Code. The Commission has requested that the draft amendment be published for public hearing at the Commission's April meeting. The Commission also continued to discuss Commercial District design considerations. They affirmed staff's suggestion of developing a visual preference survey and making it available at the April joint P&Z/CC workshop. The visual preference survey can be used to gauge community desire for change along the corridor.

#### 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. At their March meeting, City Council reviewed and approved an amended sign permit for Dalton Market. New building permit requests are received weekly and are reviewed on a rolling basis. Additional permit reviews 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.

#### Code enforcement

Final updates to the City's code compliance manual have been made following the City Council's March meeting. They revisions are reflected in the final code compliance manual which will be presented to City Council at their April meeting for final adoption. The city's newly hired code enforcement staff member has been active in March. He has begun investigating a backlog of code enforcement cases and seeking resolutions per the policy manual and city code. This has resulted in some case closures.

Respectfully submitted,

Ryan Hughes,  
City Planner

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, April 27, 2023, at 6:00 p.m. at the Dalton Gardens City Hall, 6360 N. 4<sup>th</sup> Street, Dalton Gardens, Idaho, to receive testimony from interested and affected agencies and citizens for amendments to the lot line adjustment ordinance. Written testimony may be sent to the City of Dalton Gardens City Council, 6360 N. 4<sup>th</sup> 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 Chairperson 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 April 13 & 20, 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 6, CHAPTER 3, SECTION 6 TO REMOVE LOT LINE ADJUSTMENTS; AMENDING TITLE 6 [CHAPTER 3](#) TO ADD [CHAPTER 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 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 ~~scaled drawing or site plan prepared by an Idaho PLS 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 ~~scaled drawing or site plan prepared by an Idaho PLS 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 ~~scaled drawing or site plan prepared by an Idaho PLS record of survey~~ and warranty deeds have been recorded. A copy of the ~~scaled drawing or site plan prepared by an Idaho PLS 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

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TERESA JANZEN, Clerk