



Agenda for Regular Planning & Zoning Meeting

Thursday, June 23, 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/82455703488?pwd=NUN4UVNFNW9yejM2c0JsQ3FHUWFrZz09Phone>

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

Webinar ID 824 5570 3488; Password: 577107

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1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES:
Commission to review and approve minutes of the regular meeting May 19, 2022- **ACTION ITEM**
 4. CITY PLANNER REPORT
 5. PUBLIC HEARING FOR SHORT PLAT SUBDIVISIONS: 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.
 6. CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL FOR CODE AMENDMENTS TO TITLE 5, CHAPTER 10, SECTION 3 -**ACTION ITEM**
 7. DISCUSSION ON HEIGHT MEASUREMENTS OF FENCES AND STRUCTURES
 8. DISCUSSION OF PLANNER PRIORITIES
 9. PUBLIC COMMENT: Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
 10. DISCUSS AGENDA ITEMS 7/28/2022 MEETING
 11. ADJOURN- **ACTION ITEM**

Original Posting: 6/16/2022

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
Planning & Zoning Meeting Minutes
Thursday, May19, 2022 @ 6:00 PM

Meeting was conducted via teleconference and in person.

1. **CALL TO ORDER:** Chairman Becker called the meeting to order at 6:03 PM
2. **ROLL CALL OF COMMISSION MEMBERS:** Physically present were Commissioner Ron Sampert, Caitlin O'Brien, and Chairman Mike Becker. Commissioner MCleveland was absent. Also present were Ryan Hughes- City Planner, Chris Gabbert- City Attorney, Teresa Janzen- City Clerk/Treasurer, and Candace Baker- Deputy Clerk.
3. **APPROVAL OF MINUTES:** CO'Brien made a motion to approve the regular meeting minutes from March 21, 2022. RSampert seconded.
RSampert: aye **CO'Brien:** aye **MBecker:** aye Motion Carries.
4. **CITY PLANNER REPORT:** City Planner, Ryan Hughes advised Commission that council passed the recommended update for Accessory Dwelling Unit definition. Code compliance policy and procedure manual has been adopted by City Council as proposed. Fee schedule was adopted by City Council from the April meeting. Progress and revenue update regarding building permits reflected in Open Gov. Completion of the Annexation of E. Dalton Ave, E of 18th Street.
5. **PUBLIC HEARING REGARDING TELECOM ORDINANCE:**
Opened at 6:22PM; Closed at 6:36 PM
 - Carrie Chase- 7512 N 4th St would like to see this recommendation pass to City Council. Passed remainder of speaking time to Sue Supp.
 - Daniel Chew- 6591 N 4th St observed that the definition of wireless facility was not defined in the proposed telecom ordinance and would like to see a correction made to read "independent consultant".
 - Sue Supp- 7024 N 16th St referenced pages in the proposed ordinance requesting specific language and/or clarification of language provided. Norm Samanko, obliged with clarification to language in question.
 - Cheryl Junkin- 1423 E Deerhaven feels strongly that any towers permitted within Dalton Gardens would have an adverse impact on the residents and urges the commission to reconsider allowing this to move forward to the City Council for action.

Contract attorney, Norm Samanko addressed the referenced pages of concern with the need for minor changes to be made. Gave a thorough explanation and clarification of language concerns, including definition of "material change", and verbiage "town" changed to "city".

6. **CONSIDERATION OF RECOMMENDATION OF TELECOM ORDINANCE TO CITY COUNCIL:** CO'Brien made a motion to recommend the proposed Telecom Ordinance to City Council. RSampert Seconded.
CO'Brien: aye **RSampert:** aye **MBecker:** aye Motion Carries.
7. **AGENDA ITEMS FOR 06/2022 AGENDA ITEMS:**
 - a. Short/Long Plat Ordinance change
 - b. Sign Code
8. **PUBLIC COMMENT:** None submitted
9. **ADJOURN:** Chairman Becker adjourned the meeting at 7:11 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

May 31, 2022

Code amendments

In May, the Planning and Zoning Commission conducted a public hearing for the proposed (updated) Telecommunications Ordinance (DGCC 5-13). The P&Z Commission voted unanimously to recommend adoption of the proposed ordinance. Additionally, City Council considered (and adopted) the proposed updates to the definition of Accessory Living Units, renaming ALU's as ADUs as corresponding with the International Residential Code. The P&Z Commission further requested staff to prepare an update to the Short Subdivision Code to provide 1.) require on-site noticing, 2.) require recording of the final plat, and 3.) allow for land dedications if necessary and promoting city policies. Other future items to be considered by the P&Z Commission include updates to the sign code and design requirements in the commercial zone.

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 receive and manage a variety permit request. In May, the city received a number of applications, including building permits for both accessory structures and new home construction. Commercial Business License Renewals have also begun coming through the OpenGov platform. As a note, the continued development on residential lots in Dalton Gardens will require further discussion over dimensional standards including height measurements, setback requirements, fencing, lot coverages and other neighborhood design elements.

Code enforcement

The city continues to receive, on a rolling basis a variety of code-enforcement / compliance complaints. At their May meeting, the City Council voted to adopt the draft of city's code compliance policy and procedures handbook. Code enforcement constitutes a significant portion of staff time, to develop and track Voluntary Compliance Request

(VCR) letters and Notice of Violations. Letter to violators of the Water Overage restrictions in the commercial zone along Government Way have been issued. Some overage assessments have been delayed due not having access to addresses. Staff continues to investigate and work through these cases based on the priority policies outlined in the code compliance handbook. A dedicated Code Enforcement Staff resource should be allocated in order to field current cases and the backlog of cases currently on the books.

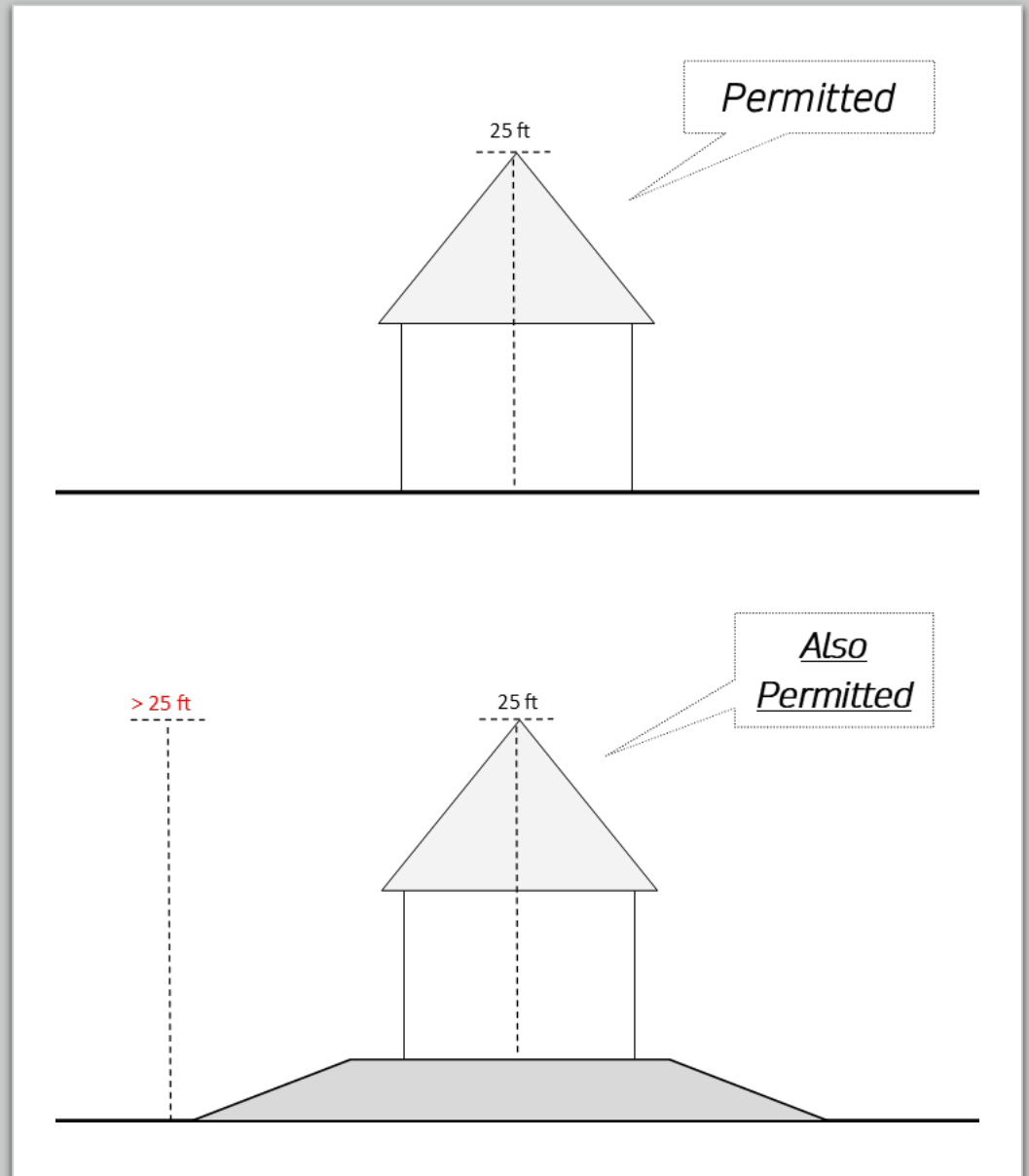
Respectfully submitted,

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

Ryan Hughes
City Planner

Current code structure height measurement:

- “A measurement of the distance from the bottom to the top of something which is upright. Structure height is measured from natural grade to the highest ridgeline or peak on the roof.” (5-1-4).

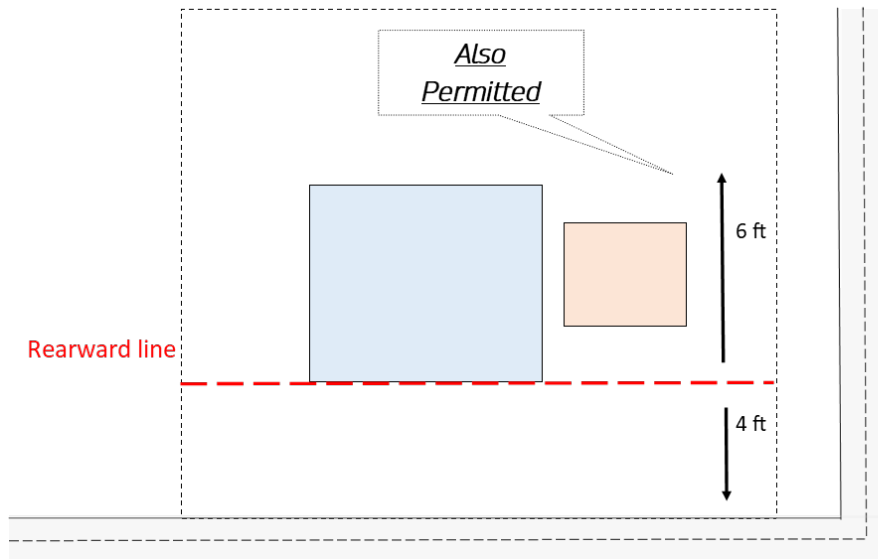
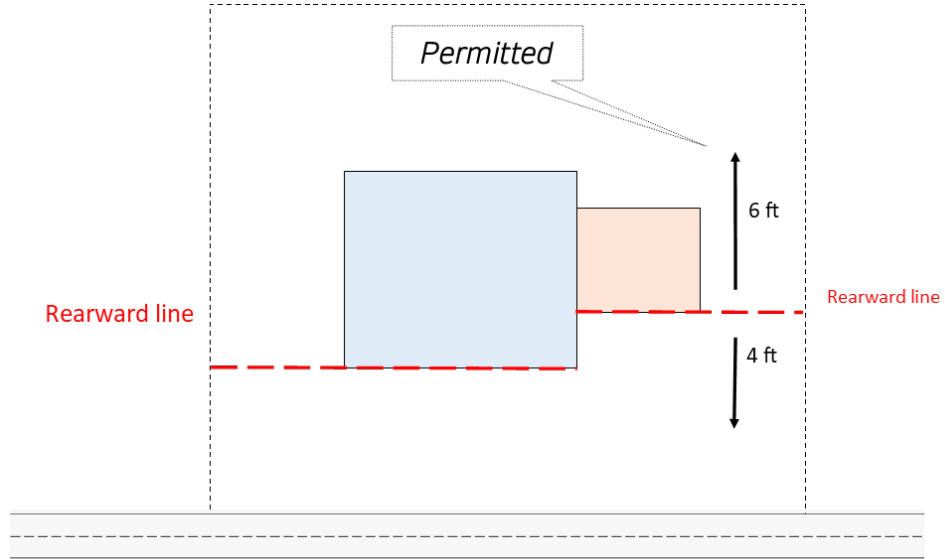


Fence Height

Current code fence height measurement:

“Fences erected in the area in front of the primary structure (defined by a perpendicular line from the closest corner of the primary structure to the side property line on each side) shall be no more than four feet (4') in height, and shall not be required to meet any setback requirements. Fences located rearward of those lines may be up to 6 feet in height and shall not be required to meet any setback requirements.”

(5-5-7(B)(1.)(a)).



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. 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 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 execution. 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.

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 _____, 2022.

ATTEST:

DAN EDWARDS, Mayor

TERESA JANZEN, Clerk

DRAFT

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

NOTICE IS HEREBY GIVEN that the City of Dalton Gardens Planning and Zoning Commission will conduct a public hearing on Thursday, June 23, 2022, 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 and consider a recommendation to the Dalton Gardens City Council for updates to the City's Zoning Ordinance as it relates 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 June 9, 2022 and June 16, 2022.

Teresa Janzen, City Clerk