

**CITY OF POST FALLS
STAFF REPORT**

DATE: November 19, 2021

TO: POST FALLS PLANNING & ZONING COMMISSION

FROM: JON MANLEY, PLANNING MANAGER, 457-3344, jmanley@postfallsidaho.org

SUBJECT: STAFF REPORT FOR THE DECEMBER 14, 2021 P&Z MEETING
TITLE 17 LOT LINE ADJUSTMENT

FILE NUMBER/NAME: TA-0003-2021 / TITLE 17 TEXT AMENDMENT- LOT LINE ADJUSTMENT

APPLICANT: City of Post Falls Planning Division

REQUESTED ACTION: The Planning Division is seeking to amend Post Falls Municipal Code Section 17.04.030. pertaining to lot line adjustments.

PROPOSED CHANGES: Exhibit S-1 (Draft Ordinance), details the code section that is being requested to be modified, with the underlined text being the proposed new language and the ~~struckthrough~~ text being removed. The following is an overview of the proposed changes:

Purpose: To reign in the overuse of utilizing the lot line adjustments to avoid project related improvements.

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

Post Falls Post Office	PF Park & Rec	East Greenacres Irr. District
Kootenai County Fire	Kootenai Electric	Time Warner Cable
PF Highway District	Ross Point Water	PF Police Department
PF School District	Verizon	Utilities (W/WW)
Avista Corp. (WWP-3)	Idaho Department of Lands	Urban Renewal Agency
Department of Environmental Quality	Panhandle Health District	Kootenai County Planning
Conoco, Inc. (Pipeline Co.)	NW Pipeline Corp.	KMPO
Yellowstone Pipeline Co.	TransCanada GTN	TDS



MOTION OPTIONS: The Planning Commission must provide a recommendation pertaining to the requested amendment to City Council, of which at a later date, an additional Public Hearing will be heard by City Council. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a later date certain. If the Commission has heard sufficient testimony but needs additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a later date certain.

ATTACHMENTS:

Staff Submittals:

Exhibit S-1 Draft Title 17 Ordinance

Testimony:

DRAFT

ORDINANCE NO. [Category]

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING MUNICIPAL CODE SECTION 17.04.0030 TO PROVIDE REGULATIONS OF LOT LINE ADJUSTMENTS AND PROVIDING THAT LOT LINE ADJUSTMENTS WILL BE PROCESSED FOLLOWING THE PROCEDURE FOR MINOR SUBDIVISION APPROVAL; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW

WHEREAS, the Mayor and City Council find that additional regulation of lot line adjustments is needed to insure that lot line adjustments comply with the requirements of city code and all agreements regulating the development of the property; and

WHEREAS, The Mayor and City Council also find that it is necessary to provide a procedure for reviewing and approving lot line adjustments; and

WHEREAS, after public hearing on the hereinafter provided, and after recommendation of the Planning and Zoning Commission, it is deemed by the Mayor and City Council to be in the best interests of the citizens of the City of Post Falls that the following be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Post Falls as follows:

SECTION 1. That Post Falls Municipal Code Section 17.04.030 is amended as follows:

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 ~~D~~ivisions made for the purpose of lot line adjustments of lots 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. Only one common lot line between two (2) lots or parcels is being adjusted. If lot line adjustments are conducted on "nonstandard" lots then the resulting adjusted lots should better conform to the applicable zoning standards.
 - 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, using the process for minor subdivision review and approval contained in Section 17.12.050.
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.

SECTION 2. All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of

Post Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on November ____ 2021.

APPROVED, ADOPTED and SIGNED this day of November, 2021.

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

SUMMARY OF POST FALLS ORDINANCE NO. [Category]

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING MUNICIPAL CODE SECTION 17.04.0030 TO PROVIDE REGULATIONS OF LOT LINE ADJUSTMENTS AND PROVIDING THAT LOT LINE ADJUSTMENTS WILL BE PROCESSED FOLLOWING THE PROCEDURE FOR MINOR SUBDIVISION APPROVAL; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. [Category], which [DESCRIPTION]; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of Ordinance No. [Category] is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the City Clerk. Dated this ____ day of November, 2021.

/s/

Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, the legal advisor for the City of Post Falls, I have examined the attached summary of Ordinance No. [Category], which [DESCRIPTION], and find it to be a true and complete summary of said ordinance and provides adequate notice of the contents to the public.

Dated this ____ day of November, 2021.

Warren J. Wilson, City Attorney

DRAFT