

<p>Recorded at Request of: The City of Albion, Idaho</p> <p>After Recording, Please Return to: The City of Albion Office Attn: City Clerk 225 South Main P.O. Box 147 Albion, ID 83311</p>	<p><b>Instrument # 2024003352</b>  <b>BURLEY, CASSIA, IDAHO</b>  9-11-2024 11:00:21 AM No. of Pages: 7  Recorded for : CITY OF DECLO  <b>JOSEPH LARSEN</b> Fee: 0.00 <i>EV</i>  <b>Ex-Officio Recorder Deputy</b>  Index to: ORDINANCE</p> <p>(This area for Recorder's Use Only.)</p>
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**BEFORE THE MAYOR AND CITY COUNCIL  
FOR THE CITY OF ALBION, IDAHO**

**ORDINANCE No. 2024-09-02**

**AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AMENDING ALBION CITY CODE TITLE 5, CHAPTER 1, TO-WIT: AMEND SECTION 13 FILING FEES TO RENUMBER AS 5-1-1-9; TO DEFINE LOT LINE, ADJUSTMENT IN SECTION 5-1-2-1; TO ADD A NEW SECTION 13 FOR LOT LINE ADJUSTMENT REGULATIONS; AND SETTING FORTH THE FOLLOWING SUBSECTIONS: 5-1-13-1 PURPOSE AND INTENT; 5-1-13-2 APPLICIAION CONTENTS; 5-1-13-3 APPROVAL PROCESS; 5-1-13-4 ISSUANCE OF BUILDING PERMITS; 5-1-13-5 FEE; 5-1-13-6 DEVELOPMENT OF APPROVED LOT LINE ADJUSTMENTS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISIONS; AND EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Council conduct regular review of City ordinances and policies; and

**WHEREAS**, the Mayor and City Council have found that there are no provisions in Albion City Code to allow for and regulate lot line adjustments; and

WHEREAS, the Mayor and City Council have determined to provide a process to allow for, and regulate, lot line adjustments within the City; and

**WHEREAS**, the Mayor and City council in making such amendments to its Zoning



Ordinance, have further determined, at Albion City Code, Title 5, Chapter 1, to add a new section 13 to provide regulations for lot line adjustments, including application process, approval process and development process to protect the health, safety and general welfare of all those owning property within the municipal boundaries; and

WHEREAS, the Mayor and City Council have further determined to re-designate the existing Section 13 regarding filing fees as part of Subsection 1, General provisions.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:

**Section 1.** That Title 5 Chapter 1, Subsection 5-1-1-9 will not provide for Filing Fees.

**Section 2.** That Title 5 Chapter 1, Section 2 on Definitions be amended to include the definition for Lot Line, Adjustment, as set forth in Exhibit A, which is attached hereto and is incorporated by reference as though fully set forth herein.

**Section 3.** That Title 5 Chapter 1, Section 13, as set forth in Exhibit A, which Exhibit A consists of three (3) pages sets for the new language amending the zoning ordinance to allow for regulation of lot line adjustments within the City.

**Section 4.** The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

**Section 5.** This ordinance specifically repeals any ordinance of the City of Albion that is in conflict herewith.

**Section 6.** This ordinance shall take effect, and be in full force, from and after its required reading, passage, approval and publication.

**Section 7.** The members of the City Council, by motion and vote and pursuant to Idaho Code § 50-902, waived and dispensed with the requirement of three (3) separate readings of this Ordinance, by title and in full. Therefore, this ordinance shall take effect and be in full force from and after its first and only reading, passage, approval and publication.

**PASSED** this 3<sup>rd</sup> day of September, 2024, by the City Council of the City of Albion, Idaho. Roll call vote of Council members in favor of said Ordinance being as follows:

Kevin Lloyd	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Dallan Doc Carlson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Wayne Winder	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tyson Tolman	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**APPROVED** this 3<sup>rd</sup> day of September, 2024, by the Mayor of the City of Albion, Idaho.

**City of Albion, Idaho**

**ATTEST:**

By:

  
Isaac Loveland, Mayor

  
Linda Hutchison, City Clerk

**CLERK'S CERTIFICATION**

I, Linda Hutchison, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2024-09-02, adopted by the Mayor and City Council of Albion, Idaho, on the 3<sup>rd</sup> day of September, 2024 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 3<sup>rd</sup> day of September, 2024.

Clerk of the City of Albion, Idaho

  
Linda Hutchison, Clerk



**City of Albion Zoning Ordinance Amendments**

5-1-1-9: Designated Fee: All applications for amendment, reclassification, conditional use, or variances, shall be accompanied by a filing fee set by resolution of the City Council and as well the applicant will be required to reimburse the city for all costs incurred in publication and/or mailing.

5-1-2-1: Definitions:

LOT LINE, ADJUSTMENT: A change or modification of the boundary lines between existing legally created lots or legally created parcels of land or between dwelling units which does not reduce the area, frontage, width, depth, or building setback lines of such lots below the minimum zoning requirements and which does not create additional lot(s) or dwelling unit(s).

**SECTION 13: LOT LINE ADJUSTMENT REGULATIONS:**

5-1-13-1: Purpose and Intent: It is the purpose and intent of this section to establish the requirements for adjustment of lot lines of platted lots or legally created unplatted parcels within the City of Albion. 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) adjoining legal lots or parcels if the proposed boundary adjustment does not:

- (A) Create any additional lots;
- (B) Include any lots or parcels which are not legal lots, as defined by City ordinance or regulation;
- (C) Impair existing access or easements, or create the need for new easements or access to any adjacent lots; and
- (D) Create any lot which does not conform with this Code.

5-1-13-2: Application Contents: An application for a boundary line adjustment must be filed with the City Clerk along with such other information as may be required. The application will not be deemed to be filed until a complete application has been tendered to the City Clerk, until such time it is only lodged. The application must include a current title report for the affected properties and three (3) scaled drawings of the proposed adjustment showing the following:

- (A) All existing and proposed boundaries of the affected lots with dimensions;

## Exhibit A

- (B) All existing structures with dimensions and distances to the existing and the proposed boundaries;
- (C) Existing sewer and water services to the affected lots;
- (D) Existing street frontages and accesses to each lot.

The City Clerk will refer copies of the application, including drawings, to the City maintenance official and the building official with jurisdiction over the City for review and comment.

5-1-13-3: Approval Process: 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 record of survey must contain a certificate of approval for the City Council. The City Council will approve the lot line adjustment only after determining that all of the following conditions have been met:

- (A) Only one common lot line between two lots or parcels is being adjusted;
- (B) Both lots are legally created;
- (C) No additional lots have been created;
- (D) The resultant parcels meet the minimum requirements for area, frontage and width for the existing zone;
- (E) The accompanying deed accurately describes the property to be transferred by a metes and bounds description and shall refer to the instrument number on the record of survey;
- (F) 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;
- (G) The adjusted lots are served by sanitary sewer and water services of the City. 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;
- (H) The record of survey has been prepared by an Idaho licensed surveyor in conformance with the requirements of Idaho State statutes and this chapter;
- (I) All new property corners have been monumented as generally required by this title and Idaho Code;
- (J) 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.
- (K) After such certificate of approval is granted, the applicant will then file the record of survey and deeds with the Cassia County Recorder's Office and obtain new parcel numbers from the Cassia County Assessor's Office.



## Exhibit A

5-1-13-4: Issuance of Building Permits: No building permits will be issued on lots or parcels whose boundaries have been adjusted, unless such adjustments have been approved by 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.

5-1-13-5: Fee: A non-refundable fee shall be payable to the City of Albion as part of a complete application filing, and before any review of the application will take place. Fees will be set by resolution, from time-to-time, by the City Council.

5-1-13-6: Development of Approved Lot Line Adjustments: Approved Lot Line Adjustments shall be developed according to the record of survey, drawings and legal descriptions submitted to, and approved by, the City. Any deviation from the proposal in the application will require re-application and a new fee.

**SUMMARY OF ORDINANCE NO. 2024-09-02**  
**City of Albion, Idaho**

This is the summary of City of Albion Ordinance No. 2024-09-02, an ordinance of the City of Albion, Cassia County, Idaho, amending Albion City Code Title 5, Chapter 1, to-wit: amend Section 13 Filing Fees to renumber as 5-1-1-9; to define Lot Line, Adjustment in section 5-1-2-1; to add a new Section 13 for Lot Line Adjustment regulations; and setting forth the following subsections: 5-1-13-1 Purpose and Intent; 5-1-13-2 Application Contents; 5-1-13-3 Approval Process; 5-1-13-4 Issuance of Building Permits; 5-1-13-5 fee; 5-1-13-6 Approved Lot Line Adjustments; providing for severability; repeal of conflicting provisions; and providing an effective date.

The full text of City of Albion Ordinance No. 2024-09-02 is available at the City Office, 225 South Main, Albion, Idaho. A copy of the full ordinance will also be provided to any citizen, upon personal request during usual City business hours as posted at the City Office, excepting City recognized holidays.

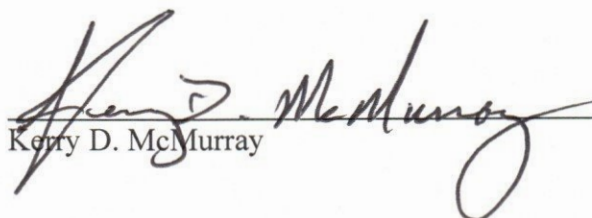
This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**CITY ATTORNEY'S STATEMENT**

I, the undersigned City Attorney for Albion, Idaho hereby certify that the foregoing Summary of Ordinance 2024-09-02, an Ordinance of the City of Albion, Idaho amending provisions of the Albion Zoning Ordinance, Title 5 Chapter 1, to provide for lot line adjustment regulations, is a true and complete summary of said ordinance, as is required by Idaho Code section 50-901A, and provides adequate notice to the public of said provisions.

DATED this 3rd day of September, 2024.

City Attorney for Albion, Idaho

  
Kerry D. McMurray