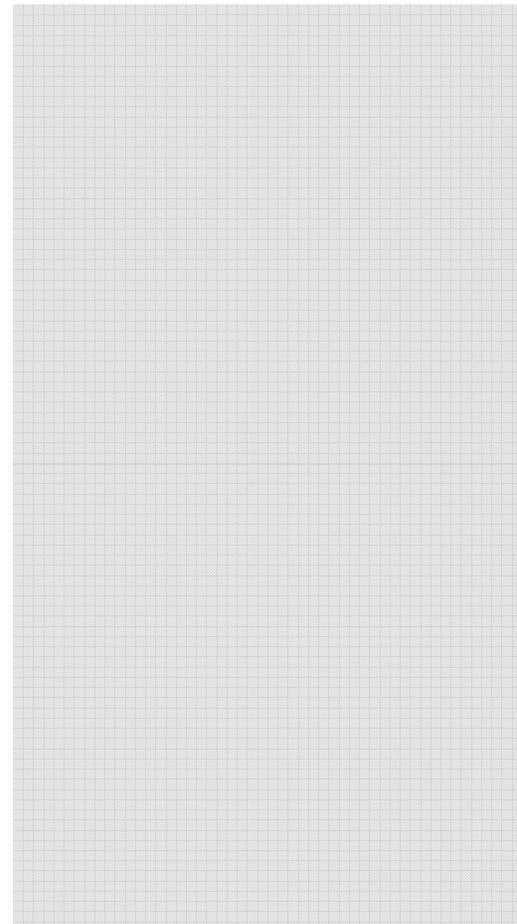


# City of Bonners Ferry



December 6, 2016 Council Hearings and Deliberations



# MINOR SUBDIVISION TITLE 12 CODE AMENDMENT

File: AMo4-16

# Minor Subdivision changes AMo4-16

- The Planning Commission has recommended to the City Council to modify, Title 12, Chapter 5 Minor Subdivisions.
- The purpose of the change is to stream line review of minor subdivisions by removing the requirement for a public hearing; to provide additional applicability language; to provide for clarity in the exemption standards; to provide administrative procedures for reviewing and entitling minor subdivisions; and to remove further division of land standards.

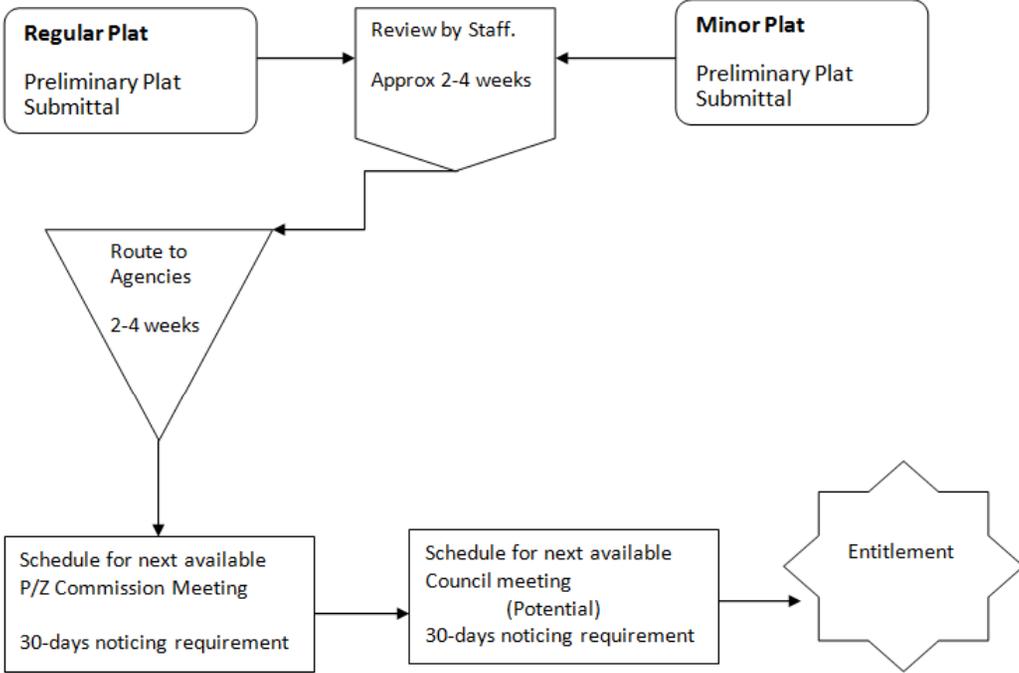
## AMo4-16

- Initiated by Staff and supported by the Planning Commission who held a public hearing on September 15, 2016.
- Notification has been provided to the taxing districts, the news media outlets and the paper regarding the two public hearings on this matter.
- Council discussed the matter at the October 4, 2016 meeting

## Background / Summary

- Existing Platting requirements for Regular and Minor subdivisions don't deviate from the same track. So the minimum time to process a regular plat is essentially the same as a regular plat.
- Staff asked, **"So What's The Incentive?"**

# BACKGROUND



## NEW PROCESS

- New proposed language seeks to make preliminary plats of minor subdivision approval administrative, instead of by recommendation of the P/Z and then approval by City Council.
- No changes to how final plats are administrative, those are still accepted by the council and signed by the Mayor.

# NEW PROCESS



# Draft Language

- **12-5-1: APPLICABILITY:**
- B. All lots shall ~~have~~ maintain frontage on and access onto an existing public street or a private street acceptable by city and generally meeting the city street standards and the standards contained herein. Dedication of additional right of way for future improvements may be required as a condition of approval.
- C. At the time of preliminary plat submittal, all lots shall have adequate sewer and water services available to the subdivision.
- D. The subdivision does not require extensions or improvements to sewer or water mains other than individual lateral connections to serve the future lots. Including installation of booster stations, pressure mains, and lift stations.

# Draft Language

- **12-5-2: EXEMPTIONS:**

The provisions of this chapter shall not apply to the following:

- A. The transfer of land between two (2) adjacent property owners, which does not result in the creation of any additional ~~building~~ site-lot or parcel.

# Draft Language

- **12-5-3: APPLICATION:**
- An application for a minor subdivision must be submitted to the city with the following:
- ~~A. Each application shall be accompanied by a fee if an amount is established by resolution of the council~~ A fee, if an amount is established by resolution of the council;
- B. Proof of ownership and consent from any lien holder granting authorization to subdivide the property;
- ~~C. A list, prepared by a title company licensed to do business in the state of Idaho, of the names and mailing addresses of all property owners whose property is adjacent to the property being proposed for development and others as required by the city. Such list shall be provided on self-adhesive labels in the number of copies necessary for the hearing(s) scheduled;~~
- ~~D. Legal description and tax parcel number of the parcel being divided;~~
- C. One full sized copy of the proposed plat, one eleven inch by seventeen inch (11" x 17") copy of the proposed plat, ~~plus one copy of the proposed minor subdivision drawn in ink on a reproducible material eighteen inches by twenty seven inches (18" x 27") in size~~ and one digital copy of the proposed minor subdivision, prepared by a surveyor licensed in the state of Idaho, and which shall contain all applicable items listed at section 12-3-4(A) of this Title and shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code as it now exists or is subsequently amended.

Review for  
completeness by  
Staff (2-4 weeks)

# Draft Language

- **12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:**
- A. The applicant shall file an application for a preliminary minor plat with the city, pursuant to the procedures of this title.

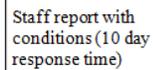
# Draft Language

Route to Agencies  
and notice to  
public and  
newspaper  
(14-days)

## 12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:

B. Upon the determination of by the administrator that an application is complete, the city shall:

- Provide copies of submitted documents, as necessary, by first class mail to agencies, departments and jurisdictions, which, in the judgment of staff, may be affected by the proposal, allowing not less than fourteen (14) days for response.
- Provide notice of the proposed subdivision by first class mail to all property owners of record within three hundred feet (300') of the external boundaries of the land being considered. The notice shall, at a minimum, include the applicant's name, a description of the proposed subdivision and the general location of the property. The notice shall advise of a fourteen- (14) day written comment period beginning the day after notice is postmarked.
- Provide notice to the official county newspaper of record. The notice shall provide a summary of the proposal and advise of the fourteen-(14) day comment period.



Staff report with  
conditions (10 day  
response time)

# Draft Language

- **12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:**

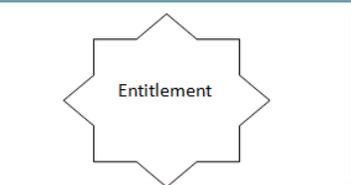
- C. At the close of the comment and review period and upon a determination by the administrator that the agency review comments have been addressed by the applicant, the administrator shall issue a staff report containing, at a minimum, proposed findings, reasoned decision and conditions of approval and a recommendation for action. Any response to the staff report by the applicant or interested parties shall be received by the city not later than ten (10) days after the issuance of the report.

Staff report with  
conditions (10 day  
response time)

# Draft Language

- **12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:**
- D. Following the ten (10) day response period, the administrator shall consider the application for the preliminary minor plat, any comments received, the facts on the record and the standards for considering the subdivision application and may:
  - Approve the preliminary minor plat, as presented;
  - Approve the preliminary minor plat, as modified;
  - Continue action on the minor plat, pending changes to be made in the application, the subdivision design or the receipt of additional information;
  - Deny the application for preliminary minor plat;
  - Recommend the council hold a public hearing pursuant to the public hearing noticing requirements and procedures set forth in Idaho Code 67-6509, based upon the extent of public comment or other contested factors in the case which warrant a full hearing before the council. This option may be selected at any time following the initiation of the review and comment period when evidence of the record supports it, to ensure prompt processing of the application for hearing.

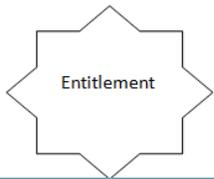
Draft  
Language



Entitlement

- **12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:**

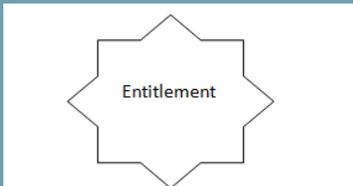
- E. The administrator shall render a written decision, setting forth the ordinance provisions and standards as provided for at section 12-3-4H, the facts of the application and such conclusions that support the decision. If the administrator denies the preliminary minor plat, the administrator shall specify in the decision the actions, if any, which the applicant could take to obtain approval.



# Draft Language

- **12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:**
  - F. As a part of the decision for approving an application for a preliminary plat, the administrator may stipulate conditions to be placed on the final plat provided evidence of record is sufficient, which may include:
    - Minimizing adverse impacts on adjacent properties.
    - Designating the exact location and nature of development.
    - Requiring the provision of on- or off-site public facilities or services.
    - Assuring the development is maintained properly.

Draft  
Language



• **12-5-4: PROCEDURE FOR APPROVAL OF MINOR PRELIMINARY PLAT:**

- G. The preliminary minor plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the preliminary minor plat, an applicant may make a written request to the administrator for an extension of the preliminary minor plat for a period up to two (2) years. The administrator shall consider such request for extension and the request must be approved or denied prior to the expiration date of the preliminary plat.
- H. Any determination made by the administrator in the administration of this section may be appealed to the council by notifying the city in writing of the intent to appeal within ten (10) calendar days from the date of the written determination. Upon receipt of the appeal, the administrator shall schedule the application for a public hearing before the council, allowing sufficient time for notice. The council shall conduct a public hearing and consider the application, in accordance with the noticing procedures set forth in Idaho Code 67-6509.

# Draft Language- Final Plat

## ~~• 12-5-5: FURTHER DIVISION OF LAND:~~

- ~~• Any parcel of land used for a minor subdivision, the plat of which has been approved previously, will be reviewed by the city staff to determine if the applicant will use the minor subdivision or the subdivision method. (Ord. 495, 12-20-2005)~~

## • 12-5-5 MINOR PLAT, CONTENTS OF FINAL PLAT, AND PROCEDURES FOR APPROVAL OF FINAL PLAT:

- A. The contents of the final plat for minor subdivisions processed under the minor plat procedure shall be as set forth in Chapter 4 of this title.
- B. The procedure for processing final plats of minor subdivisions utilizing the minor plat procedure shall be as set forth in Chapter 4 of this title.

# Public Comments

## **PUBLIC COMMENTS**

- Staff forwarded the draft language to the surveying companies in town and had not heard any formal response regarding the draft language.
- No other public comments have been received regarding the proposed changes to the minor subdivision language.

# Decision Making Powers

- **Idaho Code 67-6511**, authorizes cities to make changes to zoning ordinances after considering the comprehensive plan. Staff has provided on Page 7 of the Staff Report correlating sections of the existing comp plan that support the decision to modify these sections. Those include
  - §6.0 Land Use, Goal #9
  - §9.0 Public Services, Facilities and Utilities
  - §13.0 Housing

# Decision Making Powers

Draft Motions are provided on page 9 of the Staff Report with one (1) Reasoned Statement that needs to be made.

The amendment **IS/IS NOT** supported by the City of Bonners Ferry Comprehensive Plan.

Questions?

