

City Council Introduction: **Monday**, September 17, 2001
Public Hearing: **Monday**, September 24, 2001, at **5:30 p.m.**

Bill No. 01-146

FACTSHEET

TITLE: **MISCELLANEOUS NO. 01010**, a text amendment to Title 26 of the Lincoln Municipal Code (the Land Subdivision Ordinance), requested by the Director of Planning, regarding application filing fees.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/05/01
Administrative Action: 09/05/01

RECOMMENDATION: Approval (Newman, Hunter, Taylor, Carlson, Duvall, Bills and Steward voting 'yes'; Krieser and Schwinn absent).

FINDINGS OF FACT:

1. The purpose of this text amendment is to group all of the application filing fees into one chapter and to add a filing fee for a request to amend the conditions of an approved final plat, to vacate a final plat, to amend the text of the Land Subdivision Ordinance, and all other requests not listed.
2. The staff recommendation to approve this text amendment is based upon the "Analysis" as set forth on p.2-3.
3. The public hearing minutes are found on p.4.
4. There was no testimony in opposition.
5. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 10, 2001

REVIEWED BY: _____

DATE: September 10, 2001

REFERENCE NUMBER: FS\CC\FSM01010

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Misc #01010

DATE: August 21, 2001

PROPOSAL: Amend the Land Subdivision Ordinance to group all the fees into one chapter and to add fees for a request to amend the conditions of an approved final plat, to vacate a final plat, to amend the text of the Land Subdivision Ordinance, and to cover all other requests not listed.

CONCLUSION: The grouping of the fees into one chapter makes it easier to find the fees. The proposed fees will partially cover review and notification costs.

<u>RECOMMENDATION:</u>	approval
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GENERAL INFORMATION:

APPLICANT: Kathleen A. Sellman, Director of Planning
Planning Department
555 S. 10th Street
Lincoln, NE 68508

CONTACT: Ray Hill
Planning Department
555 S. 10th Street
Lincoln, NE 68508
PH# 441-6371

ANALYSIS:

1. The final plat requirements are established through the preliminary and final plat process. The subdivider has opportunities to request waivers during the process.
2. The City Law Department recently has been notifying subdividers that they have not completed the requirements of their final plat. Some of the subdividers have chosen to request a waiver rather than fulfill the requirement. Each staff review takes time. Notifications incur printing, postage and publication costs. At this time no fee is charged for such a request.
3. The proposed fee applies to requests made after the conditions of approval are determined and included in the documents approving the final plat and recorded in the register of deeds.
4. The Land Subdivision Ordinance provides a means to vacate a final plat but there is no application fee at this time.

5. At this time there is no fee for an application to amend the Land Subdivision Ordinance.
6. Rather than attempt to list each and every type of application request, a fee can be established for miscellaneous or unlisted requests.

Prepared by:

Ray F. Hill
Planner

MISCELLANEOUS NO. 01010

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 5, 2001

Members present: Newman, Hunter, Taylor, Carlson, Duvall, Bills and Steward; Krieser and Schwinn absent.

Staff recommendation: Approval.

Ray Hill of the Planning Department appeared to answer any questions.

Newman asked for clarification of the language in 26.33.080, "No fee shall be required when any action is recommended by the City Council on its own motion or by any person or group officially designated to participate in the administration of this title." Hill explained that this means that the City staff, City Council or Planning Commission have the right to request amendments but they do not have to pay a filing fee.

Steward wondered whether there was any process or circumstance to maintain these fees in an index so that the ordinance does not have to be amended each time a filing fee is changed. Rick Peo, City Law Department, assumes that it would be possible to adopt an ordinance that would attach fees to some type of index if you can show the relationship of the fee. But we then have the burden of being responsible to keep that index up-to-date and enforce it. Peo does not believe the fees are increased very frequently. The purpose of this legislation is to consolidate and add a fee for waivers that are being requested that previously did not require a filing fee.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 5, 2001

Hunter moved approval, seconded by Taylor and carried 7-0: Newman, Hunter, Taylor, Carlson, Duvall, Bills and Steward voting 'yes'; Krieser and Schwinn absent.