City Council Introduction: **Monday**, September 12, 2011
Public Hearing: **Monday**, September 19, 2011, at **3:00** p.m.

Bill No. 11-142

FACTSHEET

TITLE: **MISCELLANEOUS NO. 11004,** requested by the Director of Planning, to amend Title 26 of the Lincoln Municipal Code relating to Procedures for Processing Subdivisions.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/24/11
Administrative Action: 08/24/11

RECOMMENDATION: Approval (9-0: Gaylor Baird, Lust, Esseks, Cornelius, Larson, Partington, Francis, Taylor and Sunderman voting 'yes').

FINDINGS OF FACT:

1. This is a request to amend Title 26 of the Lincoln Municipal Code (Land Subdivision Ordinance) relating to the processing and form of final plats as follows:

   A. Amending Section 26.11.060 to provide that the Planning Director shall within ten (10) days following receipt of all required city department approvals or reports notify the subdivider of approval, conditional approval or disapproval of a final plat (this will reduce the total review time from 25 to 20 days);

   B. Amending Section 26.19.010 to allow utility provider release of easement and lien holder consent and subordination signature blocks and acknowledgments to be attached to final plats on separate 8 ½" x 11" sheets; and

   C. Amending Section 26.19.035 to revise the additional information required to be submitted with a final plat, i.e. eliminate the requirement that all requests for use permits, special use permits, planned unit developments, changes of zone and vacations be submitted with the final plat; and eliminating the requirement to show street profiles, which is done at the time of the preliminary plat, planned unit development or community unit plan process.

2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that these changes will streamline and simplify the processing of final plats, making it more efficient for both applicants and staff. The changes can be implemented without jeopardizing the integrity of the platting process and will allow staff to better serve the public.

3. There was no testimony in opposition.

4. On August 24, 2011, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: September 6, 2011

REVIEWED BY:_____ **DATE**: September 6, 2011

REFERENCE NUMBER: FS\CC\2011\MISC11004 Text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 24, 2011 PLANNING COMMISSION MEETING

PROJECT #: Miscellaneous No. 11004

PROPOSAL: To amend Title 26 - Land Subdivision Ordinance with regard to the processing and form of final plats

TEXT AMENDED: Section 26.11.060©) Action Required on Final Plats
Section 26.19.010(a) Form of Final Plat
Section 26.19.035 Additional Information Required

CONCLUSION: These changes will speed-up and simplify the processing of final plats making it more efficient for both applicants and staff. The changes can be implemented without jeopardizing the integrity of the platting process and will allow staff to better serve the public.

RECOMMENDATION: Approval

ANALYSIS:

1. Over the past several years the Planning Department has initiated multiple process and code revisions with the goal of improving and streamlining development review and permitting. Subdivision review, or final platting, is one of the more complicated processes mainly due to the numbers of people, departments, agencies and steps involved.

2. The Planning Department had identified the subdivision review process as a good candidate for a thorough examination to look for potential efficiencies and simplification. A group was formed earlier this year for this purpose and included both members of Lincoln's development community and city staff that are often involved in the platting process.

3. The Subdivision Process Review Committee prepared a set of recommendations designed to shorten and simplify the final platting process. Of the three changes being proposed by this amendment, two are the result of recommendations from the group. The third is suggested by staff finding it is consistent with other recommendations made by the group.

4. This request includes three amendments, each is discussed individually below:

   A. Section 26.11.060©) Action Required on Final Plats - This change proposes to reduce the amount of time staff is allowed to review a plat and prepare a response back to the applicant. The ordinance now allows 25 days from the date of application to the date a response is due to the applicant. During that time reviewing agencies are allowed 10 days for review and comment, and then the Planning Department has 15 days to resolve any outstanding issues, consolidate agency reviews, and deliver the response. With other process improvements already implemented including electronic plan review and submittal, Planning staff is confident the response time can be reduced from 25 to 20 days without compromising the review process and that it will still allow adequate time for staff to complete

the work. The goal is to complete the reviews as quickly as possible, and many times that is accomplished in less than 20 days.

B. Section 26.19.010(a) Form of Final Plat - Another recommendation of the Committee involves allowing lien holders to execute the plat by signing on separate 8 ½" x 11" sheets. Currently, all sheets of the final plat must be 16" x 22" in size, and all lien holders must sign the same document. To help make this process go faster, this change would allow the lien holders to sign the plat simultaneously rather than sequentially, thereby potentially saving weeks in cases where the lien holders are located far away.

The group also made a recommendation that the utility providers be allowed to release easements by final plat, instead of by separate release. For this reason, staff is recommending that utility providers also be allowed to acknowledge plats on 8 ½" x 11" sheets when necessary, so the utilities are included.

C. Section 26.19.035 Additional Information Required - This change proposes to delete the following provisions (in strikeout) from this section:

Accompanying the final plat submittal, the following information shall be submitted:
(a) A statement from the subdivider indicating:
(1) Any interest the subdivider has in the land surrounding the final plat and the nature of such interest.
~~(2) All requests to be submitted to the city for use permits, special use permits, planned unit developments, changes of zone, and vacations which are required to complete the development.~~
(3) The name, telephone number, mailing address of the subdivider, record owner, and any other person the subdivider may want informed of the final plat process, and any person who has the authorization to act on behalf of the subdivider.
(b) ~~Street profiles that show existing ground surface elevations based on a current field survey, the curb grades, and the lengths of all vertical curves of the streets within the final plat which are to be dedicated to the public. The grades shall be in accordance with the minimum standards of the city and, upon acceptance by the city, shall become the official established grades.~~
~~(c)~~ The proposed species and location of trees for each street and private roadway within and adjacent to the subdivision, including the common and botanical name, size at planting, method of handling, and the quantity of each species. The landscape plan shall have a note stating a certified landscape contractor as approved by the Parks and Recreation Department shall be used to install street trees.
(d) The proposed location, design, and materials to be used in all required landscape screens.

The provisions identified for deletion are requirements already stated in other sections of LMC and required as part of another process. Restating them here makes them redundant, and final platting is not the appropriate time to request this information.

5. These proposed changes are all consistent with the recommendations of the Subdivision Process Review Committee, and should serve to both shorten the review period and simplify the process thereby resulting in efficiencies for both applicants and staff.

Prepared by:

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Planner
August 5, 2011

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MISCELLANEOUS NO. 11004

PUBLIC HEARING BEFORE PLANNING COMMISSION August 24, 2011

Members present: Taylor, Esseks, Partington, Larson, Lust, Sunderman, Francis, Gaylor Baird and Cornelius.

There were no ex parte communications disclosed.

Staff recommendation: Approval.

Staff presentation: **Brian Will of Planning staff** explained that two of the three changes being recommended by staff are the outcome from a group that was formed earlier this year by the Planning Director, consisting of both public and private sector individuals involved in development review specifically for the purpose of looking at the subdivision process. A series of recommendations came out of that group and a couple of them are included in this proposal in an effort to modify Title 26 (the subdivision ordinance) to simplify and streamline the final platting process.

There are three changes being recommended:

1. The amount of time that is allowed for staff to complete the review and respond back to the applicant after a final plat has been submitted. Currently, the ordinance allows 25 days. This amendment recommends to modify that time to 20 days. In practice, staff believes the 20 days will be sufficient for staff review and comment due to changes to the process and technology. This will allow better service to the development community.

2. The second amendment relates to the form of the final plat. Currently, the final plat sheets are required to be 16 x 22 inches. The group noted the requirement that lien holders sign a final plat. With multiple lien holders in other states, you have this original document potentially going around the country and taking a lot of time to obtain the proper signatures. This amendment would allow those lien holders to sign separate 8 ½ x 11 sheets rather than the original final plat. This will reduce the amount of time to get the final plat recorded. This also allows utility companies to sign separate sheets to release easements.

3. For purposes of housekeeping and clarification, the staff is recommending the deletion of two sections relating the to requirement to submit use permits, special permits, community unit plans and planned unit developments at the time of final plat. The reality is that the final plat is about the last step in the process and there are other sections in the code that require those separate applications to be done. The language is redundant.
The same is true for street profiles, which are considered in the larger picture during the preliminary plat, PUD or CUP process.

Francis inquired whether the signatures from lien holders could be done electronically. Will stated that at this time, the city is not doing electronic signatures. The final plat has to have original signatures.

Lust wondered why there needs to be a paper size specification at all. Will acknowledged that issue to have been debated in the past. There are multiple reasons. Without a standard size, it could range from 8 ½ x 11 to something really large. The 8 ½ x 11 standardizes the recording fees. We are allowing the signatures to be on 8 ½ x 11 – we are not requiring it. The signatures can be on the final plat document itself, if so desired. Lust inquired whether they could use 11 x 14, for example. Gaylor Baird suggested that the intent is to make it a simpler, normal size page. Lust stated that she is in favor of the simplification, but she just wonders why the signature pages need to have a size specification. If you are going to allow a separate acknowledgment sheet, do you care what size it is? Will stated that it is for convenience and it did not appear it would cause any complications. Recording fees are established on the 8 ½ x 11 and 16 x 22, so this proposal fits into the system and will accommodate simultaneous signatures.

Esseks inquired about the release of easements. Will explained that the Commission is not voting for a change in how that is done. This is merely a change to allow a separate sheet other than 16 x 22 to record a final plat. It was part of the larger discussion with the group about easement releases. Typically, easements are not released with final plats, but if you are replatting existing lots and there is an easement that is no longer needed, it is done by a separate process from the final plat. This does not affect that process, although we are discussing and will be attempting to work with the utilities and city staff to do that as part of the final plat. Up to this point, everyone is agreeable, but we have to iron out the details. This will accommodate that.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: August 24, 2011

Larson moved approval, seconded by Francis.

Gaylor Baird believes this is another great example of city government improving its customer service. She hopes developers find that this make the system more amenable and more simple and efficient.

Cornelius commented that perhaps this will ease some of the onerous administrative requirements without changing the ability of the city to regulate what it needs to regulate.
Motion for approval carried 9-0: Taylor, Esseks, Partington, Larson, Lust, Sunderman, Francis, Gaylor Baird and Cornelius voting 'yes'. This is a recommendation to the City Council.