

CITY OF JAMESTOWN
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MINUTES

Planning Commission – February 10, 2020 - 8:00 a.m.

Members Present: Hillerud, Paulson, Trautman, Frye, Rath, Bensch, Ritter, Ostlie

Absent: Bayer

Others: Mayor Heinrich, Hellekson, Steele, Blackmore, Harty

1. Chairman Hillerud opened the meeting. Commission member Frye made a motion to approve the minutes from the January 13, 2020 Planning Commission meeting. Seconded by Commission member Bensch. Unanimous aye vote. Motion carried.

2. Review text amendment changes to various parts of Section 3 of Appendix B and Section 3 of Appendix C relating to the current minor subdivision process.

Scott Harmstead, SRF Consulting Group, Inc. presented the staff report relating to a text amendment redefining lots for zoning purposes. Scott gave a brief overview of the status of the minor subdivision process and the challenges faced by applicants. The minor subdivision process was put into place on May 7, 2018 which involves any plat that meets the following criteria.:

- Does not involve dedication of right-of-way
- Does not land-lock or otherwise impair ingress & egress to the subject tract or adjacent property
- Does not impact any planned or proposed street in the LUTP

This process was put in place to match what other cities of similar size in the region allow for simple subdivisions. Since the minor subdivision process began, there have been 14 total applications consisting of 1 major plat, 2 lot splits, 4 lot line adjustments and 8 lot combinations.

SRF Consulting Group, Inc. recommends lot splits and lot line adjustments be handled through the minor subdivision process to ensure the actions are documented and recorded at the County recorder's office. Lot combinations for zoning purposes are much easier to document and track and in many cases the city already considers multiple adjoining platted lots as one for taxing purposes; also, lot combinations can be tracked by the City assessor and tracked by the city's GIS mapping system. If an applicant still wanted to combine two or more lots by formally removing the interior platted lot lines; the applicant can still apply through the minor subdivision process.

As shown in the staff report, other cities were contacted about their existing practices for considering multiple platted lots as one for zoning purposes and minor subdivisions. After review of the 2019 subdivision applications and other cities' procedures the recommended ordinance changes are for Section 3 (Definitions), Appendix B – Zoning.

SRF Consulting Group, Inc. has prepared two alternatives for the text amendments. After discussion with the Commission, it was agreed to proceed with Alternative B which defines two new definitions of "lot" in Appendix C as follows:

- Proposed Definition 1 – Lot. The entire parcel of land or occupied or intended to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and accessory buildings, including the yards, setbacks and open spaces required by this ordinance and other applicable law. Includes a single tax parcel as shown on the City of Jamestown's Assessor records.
- Proposed Definition 2 – Legal Lot. A lot that is shown on a Subdivision plat that has been recorded in the office of the County Register of Deeds.

An administrative checklist for staff was discussed as a tool for staff when treating multiple lots as one for zoning purposes.

Chairman Hillerud questioned the wording relating to 'zoning purposes only' and asked if this applied to building code purposes as well. Scott Harmstead, SRF Consulting Group, Inc. confirmed the language applies to building code purposes as well.

The proposed process for staff would be to confirm ownership is exactly the same on all subject lots, confirm no impact to any easement or ROW and indicate subject area on the City's GIS system, Assessor system, and/or record an approval letter with an exhibit for tracking purposes.

Commission member Bensch agreed with SRF, that one tax parcel should be used for zoning purposes. Chairman Hillerud agreed that it would cut down process time and as we all know the building season is short. He also explained the minor subdivision process has opened other areas where language needed to be changed so we need to make sure policy matches practice.

Commission member Ostlie heard all positives but questioned if there any negatives. Chairman Hillerud stated there may be negative things discovered in the process that will have to be dealt with.

City Administrator Hellekson asked if it could be assumed that the City's letter approving the lot changes be recorded. The letter would have to meet recording requirements. If we go by tax parcel, there would be no letter needed, but we must have a tracking system.

Chairman Hillerud asked if we are putting more burden on the zoning administration. The Building inspector has to review the parcels to find easements, etc.

Commission member Trautman expressed people being upset about building a simple garden shed and needing to replat is very costly. She noted that the proposed alternative B should take care of this. The Title opinion should be available when the land is purchased. ND One call should be able to locate easements.

Scott Harmstead, SRF Consulting Group, Inc. stated the City and the County recorders should be working together more closely.

Commission member Trautman discussed lot splits, etc., and noted that the City & County need to get on same page regarding these issues. Commission member Bensch says recorders are having problems as the new plats are being named with a new name instead of calling them replats of the original subdivision. Commission member Ritter explained owners should research what they purchase to make sure things are recorded properly.

Chairman Hillerud asked if a public hearing is necessary or can we proceed to the Council level with our recommendations. Scott Harmstead, SRF Consulting Group, Inc. stated that the public hearing can be held at any level, but we will need the City attorney's opinion before that time. Commission member Trautman excused herself.

A motion was made by Commission member Bensch to proceed with recommending proposal - alternative B to the City Council and City attorney for review. Seconded by Commission member Ritter. Roll Call. Unanimous aye vote. Motion Carried.

Commission member Frye made a motion to adjourn. Seconded by Ritter. Meeting adjourned.