

ORIGINAL IN RED

**City of Stanley
Town Hall Meeting Minutes
March 21, 2012**

Mayor Herb Mumford called the Town Hall meeting to order at 5:32 p.m. Wednesday, March 21, 2012 in the Stanley Community Building.

IN ATTENDANCE FOR THE CITY:

Mayor Herb Mumford, Council President Steve Botti, Councilwoman Melinda Hadzor, Councilwoman Laurii Gadwa, and City Clerk Doug Plass.

OTHER ATTENDEES:

John Gaeddert, Pete Whitehead, Michelle Wetzel, Alison Beechert, Ellen Roche Libertine, Kathy Piva, John Piva, Gary Gadwa, Huck Adams, Dia Therese, Dave Kimpton, and Keith Reese

NEW BUSINESS:

This meeting was called to receive community input regarding the Stanley City Code's current lacking of a procedure to handle lot splits outside of the Subdivision Ordinance which handles splits into 4 or more parcels. The City of Stanley has an ordinance which addresses lot line shifts, but the creation of more lots is specifically excluded. Council President Botti prepared a briefing paper which he summarized, expressing that the council would like to be able to allow these activities if it is the will of the community. He noted that other municipalities have provisions for this sort of thing without requiring the full subdivision requirements. He suggested that there are a few issues that the public may want to consider, including preexisting non-conforming setbacks, status of easements, the creation of buildable parcels, and utility access.

There is some confusion as to what has been done in the past, and what is currently done at the county level. However, the community and council would like to look forward, and not concern themselves with the history of the current lots. Any procedure should therefore, be the same for any lot in the city. It appears that since Stanley does not have an ordinance to accomplish splitting lots, the county will record a record of survey and issue deeds without the city's approval. Although this has been done in the past without objection, the possibility exists that illegal lots could be created in this manner without the city's consent. Also, since it is difficult and unpopular to disallow existing uses, abuses could occur and the community would be to a great degree stuck with them. Therefore, without a procedure in place, someone could end up buying a lot on which no permitted use exists. There is consensus among the community that this issue needs to be addressed and that as simple a procedure as is practical be followed. Furthermore, community members suggest that non-conforming setbacks be grandfathered in, as long as the new lots created do not create more non-conformities.

In an effort to create a simple system, community members suggested that this process not require a public hearing, but rather be an administrative process carried out by the city clerk who would confirm that zoning requirements are met. As the current ordinance for lot line shifts requires a public hearing, it was further suggested that the lot line shift procedure be modified to conform with any lot split

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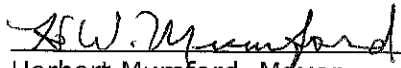
procedure. Indeed, the addition of a lot split procedure could most easily be inserted into the Stanley Municipal Code in the lot line adjustment section.

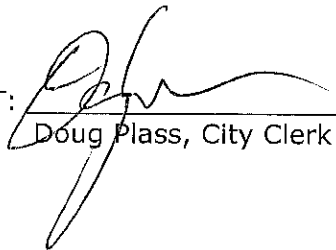
The issue of the creation of a de facto subdivision by repeated splits of the same parcel was considered. It was agreed that some procedure to avoid this was needed. Two alternatives were proposed. First, it was suggested that a time limit, perhaps 5 years, be put on repeated splits of the same parcel. Another idea was to declare 'mother parcels' at the time of the ordinance's enactment which could only be split into three pieces without going through the subdivision requirements. Consensus was not achieved on which alternative is preferable.

The issue of utility access was considered, and it was agreed that private extensions to individual properties were not a concern. Rather it is the extension of public utilities that require the provisions of the subdivision ordinance to be followed. Lot splits which do not require the addition of public infrastructure are what the community is concerned with in updating the code.

The meeting was adjourned at 6:42 pm.

The briefing paper produced by Council President Botti is included with these minutes. An audio recording of this meeting is available at the Stanley City Office.


Herbert Mumford, Mayor

ATTEST: 
Doug Plass, City Clerk



Issue: Proposed Change To Stanley Subdivision Ordinance To Permit Lot Splits within the City of Stanley

1. Most Idaho cities have adopted the following or similar definition of a subdivision:
Subdivision means division of a parcel of land into two or more tracts, lots or parcels for transfer of ownership, building development, leasing or encumbering with mortgage or deed of trust; which also includes the dedication of a public street and the addition to, or creation of a cemetery.
2. Currently Stanley defines an approval process for subdividing a property into more than three plots, but has no process to approve lot splits that would result in division of a parcel into two or three lots. Custer County cannot approve such action because it has no planning and zoning jurisdiction within the Stanley municipal limits.
3. Stanley is proposing to change its subdivision ordinance to allow approval of lot splits without such actions being subject to the full requirement of creating a subdivision.
4. RECOMMENDATIONS:
 - a. Lot splits should still conform to existing zoning regulations for road access, street frontage, minimum lot size, use (commercial or residential), setbacks, connection to required municipal or private sewer, etc.
 - b. No new streets are created, there is no extension of public utility lines, or other infrastructure associated with the creation of subdivisions.
 - c. In lieu of normal subdivision requirements, require a Record of Survey for Minor Land Division.
 - d. No property involved in a Minor Land Division shall be involved in a subsequent Minor Land Division for a period of one year from the recording date of the previous Record of Survey for a Minor Land Division.
 - e. Created lots can accommodate a permitted use
 - f. Lot splits should conform to all other requirements for lot line shifts currently in the Stanley Municipal Code.
5. OTHER ISSUES TO CONSIDER
 - a. Pre-existing non-conforming setbacks
 - b. Status of existing easements or need for new easements
 - c. Creation of buildable parcels
 - d. Availability of sewer service
 - e. Contents of Record of Survey
 - i. Conform to requirements of Idaho Code Title 55, Chapter 19, and
 - ii. Location of utility lines, wells, and easements
 - iii. Area in square feet of each parcel established

16.10.010: LOT LINE SHIFTS AND CHANGES: (*Existing language*)

A change or modification of the boundary lines between existing lots or parcels of land which does not reduce the area, frontage, width, depth, or building setback lines of each lot below the

minimum zoning requirements of the district in which the lots or parcels are located, and which does not create additional lots, shall be accomplished by the following procedure:

A. Application to the city for such lot line shifts or changes. A written application shall be filed with the city clerk and shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Legal description of property and proof of ownership and/or agency.
3. Documentation of the permission of the owner of the parcel to be changed.
4. Zoning district the property is in.
5. Name of proposed plat amendment.
6. Name, address and telephone number of the engineer or surveyor who is preparing the final plat map.
7. Descriptions of existing use and any proposed changes of use inclusive of any changes to traffic flow or access.
8. Description of lots after proposed lot line shifts or changes.
9. Names and addresses of all owners within three hundred feet (300') of the properties, whether or not bisected by a public right of way as shown on record at the county assessor's office.
10. A preliminary map showing all existing buildings, lot lines, blocks and boundaries along with the proposed lot line changes, including description of lot sizes and setbacks as they would exist after the changes, shall accompany the application. Adjoining streets, street names, rights of way, alleys and roadway widths must be included on the preliminary map. The map shall be to scale.

B. Prior to approving an application under this section, the city council shall make the following findings:

1. That the minimum requirements under this code for acreage, density, lot area and setbacks have been complied with;
2. That the proposed lot line shift or change is in conformity with the comprehensive plan; and
3. That the proposed lot line shift or change is in the public interest and will not adversely impact adjoining property interests.

C. Within ten (10) days after a decision has been rendered, the city council shall provide the applicant with written notice of the action on the request.

D. Upon approval of the application and preliminary map, the applicant shall be required to submit a final plat map, prepared by an engineer or surveyor, for final approval by the city council. The city shall require:

1. Two (2) Mylars for final approval and sign off by the city council. One shall be retained for the records of the city. The second shall be returned to the applicant for their submission to Custer County for county approval.

2. Two (2) blue line copies of the final plat map for city records. (Ord. 132, 3-4-1998)