



FISK LAND SURVEYING & CONSULTING ENGINEERS, INC.
1022 Main Street • P.O. Box 8154 • Rapid City, SD 57709
Phone (605) 348-1538 • Fax (605) 341-1112 • E-mail: info@fisklandsurveying.com
www.fisklandsurveying.com

MEMO

Date: June 8, 2015
To: Public Works Committee
Re: Agenda Item 19 - Proposed Moratorium on Lot Line Adjustment/Consolidation Plats
From: Janelle L. Finck – President
Fisk Land Surveying & Consulting Engineers, Inc.
PO Box 8154, Rapid City, SD 57709

There have been 2 issues that have recently been discussed regarding the existing Lot Line Adjustment & Consolidation plat process

The first issue relates to the inclusion of “parcels” or unplatted pieces of property in this process.

The second issue relates to the exclusion of “subdivision improvements” as a requirement or consideration for this plat process.

When the Second Floor Review Committee crafted the Lot Line Adjustment/Consolidation plat process it was for the specific purpose of creating an amended or shortened version of platting when there was no increase in lot density – when 2 or more lots were being consolidated and/or when common lot lines were shifting between adjoining landowners. The rationale was that under the previous process (which took several months and required considerable financial investment to complete) the result was that subdivision improvements were waived in virtually all cases where there was no increase in density. So, being tasked with creating a more user friendly and direct process and reducing meeting times, etc. – we crafted this very specific process.

The Second Floor Review Committee worked for several months on this process (October 2010 – May 2011). The concept and process was presented to Planning Commission, City Council, the Design Community and general public. It was well received and enthusiastically endorsed.

Brett was not present or a participant in any of this process. He was not employed by the City or involved in the Second Floor Review Committee until the end of May 2011. He later participated in and assisted with writing the endorsed and approved concepts into Chapter 16 and assisting in working through modifications to the zoning ordinance and Planned Development process.

Today (3 years following the implementation of the Lot Line Adjustment platting process), Director Limbaugh and Public works staff have expressed concerns regarding the inclusion of parcels and the exclusion of subdivision improvements in the Lot Line Adjustment/Consolidation process.

To date there have been a total of 78 - 79 Lot Line Adjustment/Consolidation plats approved since the ordinance was adopted in 2012. Of those 78-79 plats I believe that only 8 or 9 have included unplatted parcels (approximately 11% of the total number of plats).

Subdivision improvements were not all in place for nearly every one of the 78-79 plats. But keep in mind that there was no increase in density – no “development” or actual division of property. With minimal exceptions this process is used by individual landowners to exchange areas of land to better suit the use/needs of their property – as it was envisioned and intended.

In Chapter 16.20 Subdivision is defined as "The **division** by plat of a lot, tract, or parcel of land". The Lot Line Adjustment//Consolidation process either maintains the status quo in terms of the number of lots or decreases the density of lots and the potential burden on public services.

This is a reasonable and good option for the public that was vigorously vetted and developed over time by committee and general public consensus.

What brings us to this question today is that recently (with no public notice or dialogue) 4 submitted Lot Line Adjustment/Consolidation plats were initially denied signatures by Public Works - allegedly based on the fact that they included parcels and/or that subdivision improvements were not in place. There was/is no basis in the current ordinance for the denial of signatures or denial of those 4 plats.

Discussions ensued and Bill Freytag and I met on Friday the 29th of May with department heads and members of staff (Joel Landeen, Terry Wolterstorff, Brett Limbaugh, Carla Cushman, Vicki Fisher, and David Kneafsey) to discuss the actions of staff and to come to an understanding of the existing ordinance and how/if changes should proceed.

In that meeting we agreed that it was reasonable to consider a moratorium on the inclusion of unplatted parcels in the Lot Line Adjustment/Consolidation plat process until such time as an ordinance amendment could be brought forward for public consideration.

We did not agree that the moratorium would include all or any plats where there were outstanding subdivision improvements.

Director Limbaugh failed to make that clear to you at the Council meeting on Monday, June 1, 2015.

Nor did he make it clear that your direction of approval for the 4 plats that were in progress was an approval based on the current ordinance. Those 4 plats should never have been questioned or held up in any manner. To suggest or allow you to believe that you were doing something outside of the ordinance was misleading at best and disingenuous at worst.

Additionally, Director Limbaugh has directed staff to change the requirements for the Lot Line Adjustment/Consolidation process by altering the procedures sheets - stating that subdivision improvements are now required as part of that process. Whereas, for the past 3 years the sheets have contained the statement that subdivision improvements are not required as part of that process.

He does not have the authority to individually and unilaterally make that change.

If he disagrees with the ordinance as it is written and been implemented he has had 3 years in which to make his opinions known and bring forward an ordinance amendment for public comment and your consideration. This (or any) ordinance must be implemented as it exists until such time as it is changed through the appropriate process.

My request to you is threefold:

1. That you clarify that the moratorium that is considered relates only to the inclusion of parcels within the Lot Line Adjustment & Consolidation plat process
2. That any changes (parcels, subdivision improvement requirements, or other) be brought forward through the appropriate ordinance process.
3. That the procedure sheets for the Lot Line Adjustment/Consolidation plat process be restored to their original and correct form based on the current ordinance.

There will certainly be additional discussion but all parties should have the opportunity to hear and comment before changes are made. We all deserve an open and honest dialogue and due process.