Date: November 16, 2018
For the Elbert County Planning Commission meeting:
Date: November 27, 2018

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: ETHAN WATEL, AICP (BASELINE CORPORATION)
APPROVED: CHRISTINA STANTON, AICP, DIRECTOR OF CDS
VINCE HARRIS, AICP (BASELINE CORPORATION)

RE: AMENDMENTS TO THE ELBERT COUNTY SUBDIVISION REGULATIONS

APPLICANTS: ELBERT COUNTY BOARD OF COUNTY COMMISSIONERS
THRU: Elbert County Community and Development Services

REPRESENTATIVE: Christina Stanton, AICP, Director of CDS

SUMMARY OF REQUEST
The Elbert County Board of County Commissioners (BOCC) directed CDS Staff to propose a wholesale amendment to the Elbert County Subdivision Regulations (ECSR). The main goals of these revisions are to:

- Create/Begin a true codified Code for land development application processes
- Simplify the number of processes
- Clarify overlapping & conflicting regulations
- Streamline timeframes
- Ensure developers prepare quality plans and designs and understand the process
- Increase citizen communication and clarify expectations

AMENDMENTS TO THE SUBDIVISION REGULATIONS
Section I. K. of the ECSR identifies the required procedure for amending the Subdivision Regulations.

The Board of County Commissioners, following recommendation from the County Planning Commission, may amend the requirements of these Regulations, after giving
public notice of any such proposed amendment, and after holding a public hearing thereon.

DESCRIPTION OF PROPOSED AMENDMENTS

The current Elbert County Subdivision Regulations (ECSR) were adopted in 1983 and revised many times over the years. The last revisions occurred in 2017 with the adoption of a patch to cover Administrative Parcel Consolidations. The revisions proposed today have taken the numerous resolutions that comprise the ECSR and compiled, combined, and removed overlapping regulations into a new version.

Given the large scale re-write of the ECSR, it is not possible to provide a single document that tracks changed from existing to proposed wording. This staff report seeks to provide a summary of the keys points of difference between the current and proposed ECSR.

Note: The proposed ECSR contains Articles while the current ECSR contains Sections.

ARTICLE I. ENACTING CLAUSES
- Much of the text in this article comes from current ECSR Section I.
- Approval Criteria (Article I.C) was added. There are no specific approval criteria for subdivisions in the current ECSR.
- Section I. I. is expanded in new Article I.H with more power on variations at time of plat. Variations of zoning standards up to 10% may be considered during the plat process.

ARTICLE II. GENERAL SUBDIVISION REQUIREMENTS AND PROCEDURES
- This is a new section, however it pulls text that exists throughout the current ECSR.
- Article II.C. General Responsibilities comes from current ECSR Section II.C.
- Outlines responsibilities of all parties
- Article II.F. Submittal Process comes from current ECSR Section IV. Revisions were made to account for new Administrative Decisions.
- There is now one section that describes all common processes.
- One section describes and defines all submittal materials for all subdivision applications.

ARTICLE III. PRE-APPLICATION CONFERENCE
- Expanded from current ECSR Section VI to match proposed Pre-App process in ECZR.

ARTICLE IV. CONCEPT PLAN
- Concept Plans are currently required before Preliminary Plat submittal.
- Concept Plans are reviewed at work sessions with the PC and BOCC. These are not public hearings, but a chance for feedback (from the PC and BOCC) to be given before formal submittal.
Currently applicable to all subdivision making 8 or more lots for single family detached homes
- Community meetings are required before the work sessions.
- The new process will require Concept Plan for all subdivisions of four or more lots.
- The concept plan can be waived if within the past year a formal meeting (hearing) occurred on the same proposal/property.
  o For example, a PUD rezoning is approved at a BOCC hearing allowing 350 lots. If the formal application for subdivision preliminary plat is submitted within one year of that hearing, then Concept Plan may be waived.

ARTICLE V. PRELIMINARY PLAT
- For subdivisions proposing four or more lots (down from 8 lots)
- New regulation: No concurrent ‘public hearing’ (not on same agenda) for Preliminary & Final Plats
- All conditions of Preliminary Plat must be met before hearing for Final Plat
- CDS may still review the preliminary and final plat concurrently, but no concurrent public hearings will be allowed on a same agenda.
- Still reviewed by Planning Commission and approved by BOCC

ARTICLE VI. FINAL PLAT
- For subdivisions proposing four or more lots (down from 8 lots)
- Cleaned up the requirements for the plat exhibits and separated out items that are to be included as separate documents
- Added regulations on concurrent review/approval (see above).
- Subdivision Improvement Agreement (SIA) must be negotiated and approvable with Final Plat, before Final Plat goes to public hearing.
- Still reviewed by Planning Commission and approved by BOCC

ARTICLE VII. MINOR SUBDIVISION
- The Minor Subdivision process is a new process for all subdivisions creating three or fewer lots
- It replaces the Minor Residential Development (Section X) and Minor Business/Commercial/Lt. Industrial Development (Section XI) processes
- It is now clarified that Minor Subdivisions have to adjoin a public road (not a private road with public easement) and not through an existing subdivision.
- Current Minor Residential Developments
  o For “1 to 7 residential lots, parcels, or tracts”
  o Reviewed by PC and approved by BOCC
- Current Minor Business/Commercial/Lt. Industrial Developments
  o Criteria: 1 lot, less than 2 ½ acres, 1 use
  o Reviewed by PC and approved by BOCC
  o Not allowed with PUD (despite many instances to the contrary)
  o If more than 200 vehicle trips per day, or building larger than 10,000 SF, then must do concept, prelim, final plat
- Proposed Minor Subdivision process is for
• Creation of 1 to 3 lots
• Single family residential homes or non-residential uses
• One (1) principal use on each lot,
• Any number of non-buildable tracts. Current regulations seem to only allow 7 lots and/or tracts.
• Review and Approval is delegated to a new administrative review and approval process.
• Approved or denied by CDS Director, with notice of decision – can appeal decision to the PC with justification that plat does not meet Elbert County regulations. Ultimately can be appealed to BOCC.

ARTICLE VIII. AMENDMENTS TO APPROVED PLATS
• Current regulations are unclear what is applicable for the different types of plat amendments
  o BOCC or administrative approval? What is the threshold?
  o Plat Amendment/Replat/Lot Line Adjustment
  o Administrative Lot Line Adjustment/Plat Amendment
  o Administrative Lot Line Adjustment for A/A-1 parcels (Found in the ECZR in the Rezoning Section)
  o Administrative Parcels Consolidation (ECSR Section XVIII)
• The goal is to simplify the plat amendments processes to one common process, approved or denied by the CDS Director instead of BOCC or Administrative Hearing Officer.
• Proposed Article VIII. New process approved or denied by CDS Director for any of the following:
  a) Adjustments to property lines and the elimination of interior property lines involving any combination of lots, parcels or tracts, which does not increase the number of existing legal building sites and does not increase the number of lots, parcels or tracts.
  b) Adjustments to any approved and legal subdivision plat, as enumerated above, to correct errors.
  c) Adjustments or eliminations of previously established building envelopes regarding location and configuration.
  d) Adjustments to previously established non-buildable areas and non-disturbance areas regarding size, location and configuration.
  e) Creation of non-buildable tracts.
  f) Changes to or elimination of notes, restrictions and certificates which do not adversely affect traffic safety, visual impact, wildlife, drainage, soil erosion, wildfire hazard, noise, or the provision of open space

ARTICLE IX. EXEMPTIONS
• In the current ECSR, Subdivision Exemptions are buried in the Plat Amendment Section XII
• Exemptions are moved to their own Article IX
• Exemptions are allowed by state statute and the County can define what is exempt
• Current ECSR Section XII.E only allows for one type of Exemption:
Legalization of an illegal division of land/illegal transfer

- Proposed Article IX contains the following types of two types of exemptions:
  1. Improper division of land / illegal transfer
     - Applies to private party who swears they were unaware of the unlawfulness of the division (existing) OR
     - Applies to land that is being used for public or quasi-public purposes including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, water/sewage facility, cemetery, and school district facilities (new)
  2. A boundary line adjustment between unplatted parcels
     - Only for unplatted A-zoned parcels
     - This section is moved from the Admin Lot Line Adjustment process that is presently in the Zoning Regulations.

ARTICLE X. VACATION OF RIGHT-OF-WAY, PUBLIC EASEMENTS, AND PLATS
- The current Vacation regulations are buried in Section XIII. Design Standards.
- Creates standards for the content of the Vacation Exhibit
- Process is unchanged except for standardizing notice periods
- Creates approval review criteria (as opposed to “conditions”)
- Clarifies vesting of property per State Statute

ARTICLE XI. DESIGN STANDARDS AND STUDIES
- Article XI contains elements from current Section XIII.
- Street standards
  - Many of these standards have been removed from ECSR because they are in the PW Standards & Specs
- Minimum lot sizes (related to water & sewer/septic) are memorialized
  - Well & septic: 1 dwelling unit per 10 acres
  - Central Water & septic: 1 dwelling unit her 5 acres
  - Central Water & Central Sewer: Less than 1dwelling unit per 5 acres
- Dedications – remove specific requirements and default to school, park, and fire district feedback at time of referral
- Water: 300 year supply requirement
  - A new 300 year water rule will be incorporated. Current requirements are cited from 1041 regulations. A revision is forthcoming.
- Open space – the open space recommendations of the “Housing Section” of the previous Master plan will be incorporated here.

ARTICLE XII. IMPROVEMENTS
- Article XII contains elements from Section XIV.
- Street requirements are removed and left to DPW

PROPOSED AMENDMENT # 12. ARTICLE XIII. VESTED PROPERTY RIGHTS
- Text comes from ECSR Section XVI.
No changes.

APPENDIX A. MAP REQUIREMENTS
- This appendix will incorporate the current ECSR Section XV, to be modernized and updated.

APPENDIX B. CERTIFICATIONS, DEDICATIONS, AND ACKNOWLEDGEMENTS
- The certificate blocks were updated as necessary for new titles. Who signs which documents was revised.
- A standard dedication statement with guidelines for individuals, corporations, partnerships, LLCs, etc. was added.

APPENDIX C. DEFINITIONS
- Definitions are from the current ECSR. Definitions for Lot and Tract were added.

CRITERIA FOR REVIEW
Adopting new and revised regulations is a legislative process and there are no specific criteria for review. A noticed public hearing must be held. Notice of public hearing was published (or will be published)
- In the Ranchland News on October 25, November 15, and December 6, 2018
- In the Elbert County News on November 1, November 15, and December 6, 2018

PUBLIC WORKSHOP/OPEN HOUSE
Elbert County staff and consultants conducted a public workshop/open house in December 2017 in which some of the concepts of the revised ECSR was presented to the public and feedback sought.

PUBLIC HEARING DATES
Public hearing dates are set for
- Planning Commission: November 27, 2018
- Board of County Commissioners: December 19, 2018

RECOMMENDATION
Community and Development Services staff recommends that the Planning Commission recommend that the Board of County Commissioners approve the
proposed revised Elbert County Subdivision Regulations, with any textual edits that may be proposed.

Respectfully submitted to and on behalf of Elbert County,

Ethan Watel, AICP
Planning Manager
Baseline Corporation
Contract Planner for Elbert County

CC. Sam Albrecht, Elbert County Manager
Bart Greer, Elbert County Attorney

Attachment A – Clean version of proposed ECSR dated November 16, 2018

Attachment B – Redline version of proposed ECSR dated November 16, 2018 as compared to last draft from October 2018

Attachment C - Current adopted Elbert County Subdivision Regulations