

Notes from York Public Hearing regarding the Proposed Land Division Ordinance
January 20, 2009

Comments	Plan Commission (PC) Response
<p>1. We will need to think about the trade off between reducing the number of clusters to minimize fragmentation and the possibility that we will need to have town roads service the clusters of 6 or more houses.</p> <p>The Town needs to decide whether we are willing to accept new town roads, and if so, what are the standards going to be?</p>	<p>The town board recently voted to not accept any new roads. This means that a maximum of 5 houses may be served by a private road, or there can be a maximum of 5 houses per cluster.</p>
<p>2. What will we do if people don't comply?</p>	<p>The performance of the ordinance will be assessed one year after the adoption date. If developers are not utilizing Tier 2, the PC will need to mandate compliance and/or tighten the restrictions within Tier 1 to make Tier 2 more appealing.</p>
<p>3. We should eliminate the Tier 1 option.</p>	<p>The PC feels there is not broad approval among residents to eliminate Tier 1 at this time. If developers do not opt for Tier 2 in the next year, Tier 1 will be altered as mentioned above.</p>
<p>4. We need to adjust incentive levels (with Tier 1 eliminated).</p>	<p>See the two comments above.</p>
<p>5. There should be restrictions for building on soils class 1-4.</p>	<p>The PC feels this would be too restrictive and could potentially hamper the effort to place homes in the most appropriate locations when considering all of our goals. Under Tier 2, lands in class 1-4 would be given high priority for conservation using the conservation design process.</p>

<p>6. We should require that a homeowner's association be formed for any clustered housing (to facilitate fencing and other shared maintenance).</p>	<p>The PC feels that the developer or homeowners are responsible for forming a homeowners association. The town's fencing ordinance already covers the issues regarding fencing next to subdivisions.</p>
<p>7. Developers should have to pay some kind of financial compensation to the town to off-set the costs of servicing the new development.</p>	<p>The town board and PC are investigating impact fees. There are currently many restrictions on what can be charged and what the money can be spent on. Charging impact fees does not currently offer a good long term solution to off set the cost of residential development in the town.</p>
<p>8. New developments should carefully consider the placement of mailboxes and school bus stops.</p>	<p>Placement of mailboxes and bus stops will be part of the plan review that the PC and town board does when a developer presents their plan. Mailbox placement is also dictated by the USPS and the local carriers.</p>
<p>9. We should consider some kind of landscaping requirements for new developments so they are not unsightly.</p>	<p>The PC does not feel it should regulate these matters with the ordinance. This will be left to the developer and the homeowners association.</p>
<p>10. We need to consider the cost of the rural/suburban conflicts that arise when urban people move into rural areas.</p>	<p>The PC and town board will review the "Code of Country Living" document that we currently have to make sure it clearly states the conditions and services in York Township. The town board is making a concerted effort to tell potential new residents about the services provided by the town and what they can expect in taxes when they come before the board for permits.</p>
<p>11. The goal of protecting 50% of our land is too low. We should consider 60% at least based on the amount of prime ag land in the town (class 1-4).</p>	<p>The PC decided to leave this level at 50% for the first year and review this at the annual review.</p>

<p>12. How much residential development can the town afford to service? (Cost of Community Service Studies show that residential development nearly always costs more for a town to service than the town gains in new taxes).</p>	<p>This is related to comment number 7. The PC and town board are interested in conducting a Cost of Community Services Study to determine what new residential development will cost the town to service. We are looking for several people who would like to help conduct this review- can you help? If so, contact the town board or PC.</p>
<p>13. How can we fill current empty lots before more new developments are made in the town? (This comes into play when we ask the question of how much residential development can the town afford to service. There may already be more lots for sale than the town can afford to service if they are sold.)</p>	<p>This question is related to comment 12. When we have more information about the cost of services, we can make a more informed decision regarding growth caps or a moratorium on new development and we would have the necessary data to back up any growth limitations in court.</p>
<p>14. CLARIFY: Page 6, section 7a. This seems vague- does this mean that current landowners are exempt from the ordinance?</p>	<p>We will bring this up in the legal review. We need to check the language in our previous ordinances to see if there are grandfather clauses in them. If there are, we will need to decide what the implications will be for longtime landowners and then have the legal counsel advise us on wording.</p>
<p>15. Page 7, section iii: This section should be eliminated.</p>	<p>The majority of the PC members voted to leave this as it is, meaning that existing houses will not be counted as a density unit. In 5 years, this will be reviewed and changed if it is no longer relevant.</p>
<p>16. What would happen on a lot of 21 acres that already has a house on it? Would they get a second dwelling unit? (Related to the previous 2 comments).</p>	<p>This depends on when the house was built. If it was built before the passing of our current ordinance and it has been occupied, then they would get another dwelling unit.</p>
<p>17. The town should continue to watch for a Statewide <i>Transfer</i> of development rights, which is different from the <i>purchase</i> of development rights.</p>	<p>The PC agrees with this in principle, but currently there is no state program. We will continue to watch the development of this program.</p>

<p>18. What are our criteria for determining whether the plan is working or not?</p> <p>We could see if any developers utilize tier 2.</p>	<p>The PC will review the ordinance a year after it is passed. We will see whether developers are opting for Tier 2. We will also consider the objective of the ordinance and review whether they are being met or not.</p>
<p>19. An annual review of the ordinance should be made. The first review would be scheduled for a date one year from the adoption date of the ordinance.</p>	<p>The ordinance will be reviewed annually and amended as necessary.</p>
<p>20. We should hold another public hearing after the revisions are made to give the public another chance to comment.</p>	<p>Since there will be no major changes made to the ordinance that was presented at the public meeting on 1/20/09, the PC does not feel that a second public hearing is necessary. Any new information or comment regarding the ordinance not covered in this document can be brought to the attention of the PC for inclusion in the first annual review.</p>
<p>21. The town website should be more up-to-date with Plan Commission meeting minutes and other items of concern.</p> <p>The comments from this public hearing and the Plan Commission's responses should be posted on the website for public review.</p>	<p>Good feedback- The PC will try to be timelier in posting materials to the website.</p>