



MEMORANDUM

TO: Chair Barrera Ramirez and members of the Zoning and Platting Commission

FROM: Steve Hopkins, Planning Officer, LUR subdivision review supervisor

DATE: May 18, 2021

SUBJECT: Options available to the ZAP for action on subdivision applications

At the hearing on May 4, the Zoning and Platting Commission requested a briefing from staff regarding options available for action on subdivision applications. This memo will outline the options available to the Commission for action on subdivision applications and will clarify the staff recommendations. As used in this memo, the terms “Land Use Commission” and “Commission” refer to the Zoning and Platting Commission and the Planning Commission. Both Commissions have the same authority to act on a subdivision application. The term “subdivision application” refers to an application for a preliminary plan or final plat.

Below is a summary of the options available to the Land Use Commission for action on subdivision applications per the 2019 State Law HB3167:

Option 1: Disapprove for Reasons. This means the application requires changes that necessitate additional technical review and may impact other facets of code and criteria. If a plat has been Disapproved for Reasons, the next update is required to return to the commission at a hearing.

Option 2: Approve with Conditions. This means the plat will comply with all requirements after certain conditions are met. The conditions will be limited to routine administrative items which require no discretion, such as recording an easement or posting fiscal surety. If a plat is Approved with Conditions, the next update does not need to return to the commission at a hearing.

Option 3: Approve as Submitted. This means staff has found the application complies with code and criteria and is ready to be approved.

A postponement, lack of a quorum, or other failure to take action as outlined above, would result in the automatic approval of the application as submitted.

The city must act on a subdivision application, as outlined above, within 30 calendar days of initial submittal. The city must act on updates within 15 days. All subdivision applications have the same deadline whether they are administrative or require a hearing with the Land Use Commission. If a hearing is required for the initial submittal, it will occur on the 30th day. If a hearing is required for an update, it will occur on the 14th day.

The backup provided to the Commission prior to the hearing will include a cover page with staff's recommendation, a vicinity map, the plat or preliminary plan and the comment report containing staff's comments. Staff's recommendation is based on a technical review of the

application for compliance with applicable code and criteria. The specific reasons for disapproval are contained in the comment report and a code reference is included with each reason/comment. In the same manner, the specific conditions of approval are contained in the comment report and a code reference is included for each condition/comment.

A motion to disapprove for reasons is not a denial of the application, because the application can be updated to address those reasons until it expires. A subdivision application expires 90 calendar days from formal submittal. If an application has been Disapproved for Reasons, the next update is required to return to the commission at a hearing.

A motion to approve with conditions means the applicant must complete specific actions before the application expires. Any conditions of approval will be limited to administrative actions that do not require any discretion. The most common examples of conditions are the recording of an easement, paying a fee or posting fiscal surety. An application that has been approved with conditions does not need to return to the commission at a hearing. Instead, staff will verify compliance before initiating the recording process.

It is important to note that a motion to “approve with conditions” or “disapprove for reasons” must include a reference to the comment report that contains the conditions or the reasons. A motion to “approve as submitted” does not need to include this reference because staff will not have any comments and there won't be a comment report attached to the commission backup.