



MEMORANDUM

TO: Mayor and City Council Members

FROM: José G. Roig, Director of Development Services Department
Erika López, Assistant City Attorney

DATE: August 30, 2023

RE: Items #141 and #142 on Thursday's 8/31 Agenda

Two bills that directly impact the City's development process were passed during this year's regular legislative session. The first bill, HB 3699, amends state law regulations related to subdivisions, and the second bill, HB 14, creates a right to third-party review and inspection for development documents under certain conditions. Both bills go into effect on September 1st.

Currently, the Land Development Code processes do not align with these new laws. On your agenda are Items #141 and #142, which propose amendments to Title 25 and Title 30 of the Land Development Code to implement changes necessitated by the passage of House Bills 14 and 3699.

Below is a short summary of these bills.

Summary of HB 3699:

This bill modifies Chapter 212, which governs how municipalities approve subdivision applications. Specifically, this bill allows the City to make decisions on a subdivision application administratively and formalizes a review process for administrative completeness. The bill also addresses the standards applicable to subdivision approval.

Additional changes include:

- Removes subdivision construction plan applications from the 30-day shot-clock requirement.
- Regulates the types of analyses/studies/documents a city can require as part of a subdivision application.
- Requires cities to publish a list of all required subdivision application materials.

Summary of HB 14:

This bill allows applicants to seek a third-party review or inspection if the City fails to timely act on the application or conduct the inspection. This bill also allows applicants to appeal decisions related to the applications and the inspections.

Additional changes include:

- Applies to development documents, which are defined broadly and include preliminary plans, final plats, site plans, certain license agreements, and building permits.
- If the City fails to approve, conditionally approve, or disapprove an application within a state-mandated deadline and 15 days pass without a decision, the applicant has a right to seek a third-party review or inspection.
- If City staff conditionally approves or disapproves a development document or a third-party inspection, the applicant may appeal that decision to the Council.

Proposed Ordinance Changes:

Below is a summary of the significant changes to Title 25 and Title 30 of the Land Development Code.

<u>Proposed Change</u>	<u>Title 25</u>	<u>Title 30</u>
Changes the approval process to allow preliminary plans and plats to be approved, approved with conditions, and disapproved administratively. Land Use Commission or commissioners court approval will still be required for certain variances.	Yes	Yes
Modifies the requirements for concurrent review to make it easier for certain applications to be reviewed simultaneously.	Yes	Yes
Makes Project Assessments voluntary.	Yes	Yes
Allows an application that is denied in accordance with state law to be updated until the application expires.	Yes	Yes (applies to subdivision construction plan applications only)
Requires an applicant to obtain a certificate of completeness for certain applications.	Yes	Yes (applies to subdivision construction plan applications only)
Extends the expiration of preliminary plat and plat applications from 90 to 180 days.	Yes	Yes
Adds an option for extending the initial 30-day review period for preliminary plans and plats.	Yes	Yes

Allows the expiration period to be tolled for preliminary plans, plats, and subdivision construction plan applications.	Yes	Yes
Allows some transportation variances to be administratively approved.	Yes	No
Modifies the requirements regarding flag lots.	Yes	Yes (new section)
Adds a new section in the Chapter 25-4 (<i>Subdivision</i>) that requires applicants to demonstrate all lots in a proposed development will have a useable lot area that can allow for future development.	Yes	No
Modifies the types of documents required for preliminary plan and plat applications.	Yes	Yes
Modifies the requirements for subdivisions where water and wastewater services are not available.	No	Yes

Staff requests that Council approve this ordinance for emergency passage to be effective August 31, 2023, to have the ordinance in place prior to the September 1st effective date. Travis County Commissioners Court approved the order implementing the proposed changes to Title 30 at their August 29th voting session.

As City staff and applicants adjust to the new processes created because of the new legislation, we anticipate that additional amendments could be needed. If you have any questions or require additional information, do not hesitate to get in touch with Keith Mars in the Development Services Department or Erika López in the Law Department.

CC: Jesús Garza, Interim City Manager
Veronica Briseño, Assistant City Manager
Anne Morgan, City Attorney