

STAFF REPORT ON PETITION FOR LAND SUBDIVISION REGULATIONS TEXT AMENDMENT

SRA 2017-3: AMENDMENTS TO UPDATE THE MAJOR SUBDIVISION PLAN PROCESS

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: See attached text

STAFF REVIEW:

The Implementation Chapter of the 2013 Comprehensive Plan called for the staff to review the Subdivision Regulations for amendments to allow staff to review and approve final record plats in order to expedite the review times of plans and reduce development costs. In 2014, staff brought the issue to the Planning Commission for discussion and there was no consensus to proceed at that time. During the drafting of the 2018 Comprehensive Plan's Goals and Objectives, the issue was brought up again by the Planning Commission, and staff expressed their interest in revisiting the issue. Final Record Plats are defined in Article 4-2(c), and are filed with the Division of Planning after the developer prepares and files the improvement plan with the Division of Engineering. No lot may be sold or transferred, or building permit be obtained until the Final Subdivision plan is recorded with the County Clerk's office. These plans are normally filed during or immediately after actual infrastructure construction on a given site, but in advance of residential or commercial structures.

Final Record Plats are ministerial plans, whereby, if a developer has met all of the requirements of the Subdivision Regulations and the Zoning Ordinance, an approval is an administrative act. The thorough review of subdivision design is done at the Preliminary Subdivision Plan or Final Development Plan stage, and the submission of the Final Record Plan is meant to convey that all public infrastructure is in place and that roads and sewers are ready to be dedicated to public use. Under the revised text, all final record plans would still be classified as major subdivision plans, and be subject to review by the Technical Committee. At that point in the review process, the plan could be submitted for certification to the Divisions of Engineering and Planning. Staff is comfortable in their ability to evaluate final plans for adherence to the corresponding preliminary plan, and refer any that may not comply to the Planning Commission for their review. This amendment will eliminate a minimum of two weeks of the planning process and eliminate the second round of Technical Committee review signoffs, which will expedite the recordation of final plans considerably.

In updating the Land Subdivision Regulations, the staff also evaluated the efficacy of the Progress Report process and whether it currently serves its intended purpose. The staff has identified an opportunity to further improve the current process. Accompanying the alterations to the subdivision plan process timing, is a change to the Improvement Plan Progress Report, called for in Article 4-5(b). Currently, the report is required to be filed at the time the project engineer has reached 30% of the final *design* of the Improvement Plan. At that time, a report is required to be submitted to the Division of Planning for dissemination to the Planning Commission. The purpose of the report is to ensure that the infrastructure is designed in accordance with the approved subdivision plan or Final Development Plan and addresses any conditions required by the Planning Commission. No action is required by the Commission, and none is proposed at this time.

In most cases, the staff does not receive the Progress Report until the Final Record Plan is filed, at which time not only is infrastructure design fully complete, it is usually fully constructed. The Subdivision Regulations do not have any sort of trigger to require submission of the progress report, however Planning has been requiring it as a condition of approval on final record plans for the past 10 years. The revised text of 4-5(b) denotes that the permit to proceed to infrastructure construction (Notice to Proceed) cannot be issued until the Progress Report has been filed. Further, it modifies the stage at which the report is required, from 30% of design to 50% of design, in order to have more relevant information to review as may pertain the preliminary plan as approved by the Planning Commission.

The Staff Recommends: Approval, for the following reasons:

1. The proposed revision to the approval process for Final Record Plats will expedite recordation considerably by eliminating review by the Subdivision Committee and full Planning Commission.
2. The Planning Commission's opportunity to review the design of a subdivision still resides at the Preliminary Subdivision Plan stage, and no alteration to that process is proposed. Public input in a public meeting setting is most appropriate at the preliminary stage, not for a final record plat, once all the infrastructure is constructed and ready for dedication to the public.
3. Revising the timing for the submission of the Improvement Plan Progress Report will ensure that the document is submitted prior to any issuance of the "Notice to Proceed" by the Division of Engineering.