

Legislation Text

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Presenter/Contact

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SUBJECT:

Presentation and briefing to City Council on HB 3167, state-mandated changes to the platting process.

BACKGROUND / RATIONALE:

HB 3167 was adopted by the Texas Legislature this past Session, and was signed into law by Governor Abbott. This new law, going into effect on September 1, 2019, makes changes to the time allowed to review and approve subdivision plats or related “plans”. Many Texas cities are having to modify their processes and, as a result, will likely be more consistent with each other.

The current process in New Braunfels is structured around a monthly submittal calendar based on the dates of Planning Commission meetings. Applicants presently submit their plat or master plan applications 43 days ahead of the Planning Commission meeting. Staff reviews applications for completeness, then distributes copies of each submittal to the various reviewing agencies, including local utility providers, different city departments, and other state agencies as applicable.

These entities review the submittals against the adopted codes or respective agency rules. If deficiencies are noted (presently referred to as “comments”), the reviewing entities work with applicants to resolve before the Planning Commission meeting. If resolution is not possible, the applicants will sometimes delay their Planning Commission hearing to work out issues.

The new state law makes several major changes:

1. Establishes a 30-day “shot clock” for review of plans and plats. Once a plat/plan is “filed”, the governing body must approve, approve with conditions, or deny within 30 days.
2. Defines “plan” for the purposes of this chapter of the Local Government Code. It includes documents typically associated with the plat review and approval process, including subdivision infrastructure “construction plans”.
3. Requires cities to provide written statements to applicants following Planning Commission action on their application. The letter must clearly articulate the decision of Planning Commission including details of any conditions required. All conditions must be directly related to an ordinance requirement or state law.
4. After the Planning Commission decision, the new law allows the applicants unlimited time to “respond” to the Planning Commission outcome and demonstrate how they will comply with the conditions or decision.
5. Provides the city 15 days to take action on the applicant’s response. This city’s action should be approval, or disapproval if the applicant did not meet all of the conditions.
6. Neither the city nor the Planning Commission can require an applicant to waive these

deadlines. However, an applicant may request a 30-day extension.

7. Failure of the city to meet these deadlines, deems a plat or plan application automatically approved.

One additional, slightly related change is in regards to replats. Public hearings will no longer be required for every replat; however some very specific types will require public hearings. Regardless of whether a public hearing is required, within 15 days after the replat is approved by the Planning Commission, the city is required to send written notice to each owner of a lot in the original subdivision that is within 200 feet of the replat.

Staff has received guidance from the Texas Municipal League (TML) and the American Planning Association (APA) on implementation. Staff has also consulted with an outside attorney for additional assistance, and is working closely with NBU, other utility providers, the two counties in which our ETJ extends, and is comparing notes with neighboring municipalities to drive a regionally consistent outcome. Staff is also reaching out to development community representatives for preliminary discussions.

Changes to the process must be in place in time for the November Planning Commission meeting deadline in October. (The deadline for the October Planning Commission meeting, based on current process, has already passed; applications filed under the current process are following the current procedures.) Once a new process draft is completed, staff will share and discuss with the development community for their input before implementation.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

CITY PLAN/COUNCIL PRIORITY	Ensure policies and ordinances are in compliance with state statutes.
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FISCAL IMPACT:

The hiring of outside consultants to assist with implementation of this new law.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A