
Local Government Committee

HB 1862

Brief Description: Addressing the final approval of subdivisions of land.

Sponsors: Representatives Fitzgibbon and Rodne.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes the legislative body of a city, town, or county to delegate, by ordinance, final plat approval to an established planning commission, planning agency, or other authorized administrative personnel.

Hearing Date: 2/7/17

Staff: Desiree Omlie (786-7383)

Background:

There is a two-step process for the approval of subdivisions: the approval of the preliminary plat and the final plat. A "preliminary plat" is an approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision. The preliminary plat is the basis for the approval or disapproval of the general layout of a subdivision. A "final plat" is the final drawing of the subdivision which is filed and recorded with the county auditor, which meets all statutory requirements and local regulations.

Preliminary Plat Approval.

A preliminary plat of proposed subdivisions of land must be submitted for approval to the legislative body of a city, town, or county where the plat is located. The administrative officer who is responsible for administering subdivision regulations, or the city or county planning commission (commission) or agency (agency) if the city or county established one, receives the application for the preliminary plat and holds a public hearing to review the preliminary plat. The commission or agency must ensure that the preliminary plat conforms with local planning standards and specifications, and makes recommendations to the legislative body.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The legislative body of the city, town, or county sets a future date at their next public hearing to review the commission's or agency's recommendations. The legislative body may adopt, reject, or change the commission's or agency's recommendations and may adopt its own recommendations and approve or disapprove the preliminary plat. The legislative body, however, must make written findings in adopting or rejecting the preliminary plan. With some exceptions, the preliminary plat must be returned to the applicant within 90 days to modify or correct the plan. The legislative body's decision is reviewable by the court.

Final Plat Approval.

The applicant must submit a final plat to the legislative body for approval. The final plat must meet all terms of the preliminary plat as well as statutory requirements. Only the legislative body of the city, town, or county may approve final plats.

Summary of Bill:

The legislative authority of a city, town, or county may, by ordinance, delegate final plat approval to an established planning commission, planning agency, or other authorized administrative personnel in accordance with state law and local charter.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.