



American Planning Association  
**Texas Chapter**

*Making Great Communities Happen*

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**Title & Name**  
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**Via email:**

**RE:** SB 2370 Regarding Subdivision Plat Approval Timing

Dear \_\_\_\_\_,

I am writing on behalf of the American Planning Association Texas Chapter in opposition to SB 2370. APATX is comprised of over 2,500 professional planners and planning officials spread across the State of Texas. We are a diverse membership that includes planners employed by or that consult local government as well as planners employed by or that consult with the land development industry. In short, we represent the regulator and the regulated.

The proposes legislation, in seeking to address a *perceived* problem, will have the opposite effect as it removes flexibility for cities to work with applicants and cause the subdivision process to take longer. APATX supports reforms to the subdivision process to streamline and eliminate red tape, even working with legislators on HB 3314 and HB 3315. HB 3167, by contrast, is ineffective reform. In consultation with our membership, APATX has identified the following issues with SB 2370:

- The requirement to approve or disapprove prevents the governing body from “approving with conditions” or “disapproving pending resolution of outstanding issues administratively.” Cities have used this approach to simplify resolution of outstanding comments at the administrative level rather than requiring further delay while awaiting the next available meeting of the governing body.
- Disapproval of a plat ends the process, forcing a project to start over. This jeopardizes project vesting under Chapter 245, as the project risks becoming a new series of applications. It also prolongs the ultimate approval process, and results in more costs to the developer. This is why cities typically provide the option to waive the 30-day action calendar or have the project denied. Submitting engineers and surveyors prefer the waiver in order to keep the process moving productively rather than explaining a denial to a client.

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- The waiver of 30-day action is, at times, used to allow joint review of a final plat and construction plans. This is helpful on complex projects, as it ensures public infrastructure is properly located in easements and allows for adjustments to the plat, which are often easier than redesigning an entire site plan or public improvement construction plans. Shifting the location of a single building can cascade into requiring the relocation of easements and public infrastructure. Cities owe their citizens a detailed review of such plans, as the public is accepting an operation and maintenance burden that will last decades.
- The inability to meet 30-day action requirements rests with inadequate quality assurance and quality control by engineering and surveying firms tasked with preparing subdivision plats. Workloads for these consultants are stretched beyond their capacity, a result of the booming Texas economy in which cities have been key contributors. Simply put: Texas does not have enough experienced civil engineers and surveyors. These errors can be serious and cause long-lasting, complex title clouds that can be difficult and expensive to resolve. The effect has been to turn city staff into quality reviewers for the firms preparing the plats. Common examples of errors include:
  - Legal description of the property failing to match the acreage within the plat;
  - Errors of course and distance that cause the plat to exceed dimensions of the subject property;
  - Preparing a plat without reviewing the applicable zoning and lot standards, often times requiring drastic redesign of the subdivision;
  - Plat details so poorly prepared that experienced planners are unable to identify the location of the subject property;
  - Use of standards for other jurisdictions, such as incorrect dedication statements and incorrect stormwater drainage criteria, that would result in flooding upstream or downstream and cause violations of the Texas Water Code; and
  - Utility easements and rights-of-way that fail to meet accepted engineering standards.

In our experience, flexibility in the subdivision platting process benefits both the regulator (cities) and the regulated (developers). SB 2370 would erode that flexibility and make the relationship between cities and developers unnecessarily adversarial.

If the origin of SB 2370 relates to the actions of a single city or a group of cities, then we encourage the author to reach out to our organization. APATX has the ability to provide useful professional and community education on topics related to subdivision processing practices, including land planners that are also practicing land development attorneys. We are trusted advisors to cities and developers, and are happy to serve as trusted advisors to the Texas Legislature.

Sincerely,

Chance Sparks, AICP  
President-Elect  
American Planning Association Texas Chapter