



CITY OF CHANHASSEN

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MEMORANDUM

TO: Planning Commission

FROM: MacKenzie Young-Walters, Associate Planner

DATE: March 2, 2021

SUBJ: Plat Recording Timeline

PROPOSED MOTION:

“The Chanhassen Planning Commission recommends that the City Council adopt the proposed ordinance amending Chapters 18 concerning plat recording.”

ISSUE

The city’s subdivision ordinance requires that final plats and metes and bounds subdivisions be recorded within 30 days of approval; however, due to circumstances beyond the applicant’s control this is not always possible.

SUMMARY

The current language in the Subdivision Ordinance mandates that final plats and metes and bounds subdivisions be recorded with the County Recorder Office within 30 days after receiving City Council approval. Failure of the applicant to comply with this timeline is listed as cause for revoking the city's approval. Often, multiple issues arise that are beyond the control of the applicant, property owner or city, and these issues make meeting the 30-day deadline impossible. In practice, the city does not act to revoke the approval when these issues arrive, due to the understanding that extenuating circumstances happen. That being said, a timeline is required in order to prevent developers from deliberately delaying recording an approved subdivision to artificially maintain a lower property tax valuation.

Staff proposes to balance these considerations by extending the timeline to record a plat from 30 days to 120 days, which would make it consistent with the recording timelines established for other recorded documents under the City Code. Failure to meet that deadline would void the approval unless a request for time extension is submitted in writing and approved by the City Council.

RELEVANT CITY CODE

Sec. 18-37(c) – This section establishes a 30-day timeline for recording metes and bounds subdivisions.

Sec. 18-41(e) – This section establishes a 30-day timeline for recording final plats.

Sec. 20-30 – This section establishes a 120-day timeline for recording variances, conditional use permits, interim use permits, site plans, wetland alteration permits, and mining permits. It also allows the City Council to approve extensions to the 120-day timeline.

ANALYSIS

Many items approved by the City Council and Planning Commission need to be recorded with the county. Examples of these documents are variances, conditional and interim use permits, site plans, wetland alteration permits, mining permits, and plats. All of these items alter how a piece of property can be used or, in the case of plats, create new parcels. In order to ensure that projects move forward in a timely manner and that time sensitive conditions of approval can be met, the city requires that most of these items be recorded within 120 days of being approved; however, subdivision approvals, i.e. final plats and metes and bounds, are subject to a 30-day timeline.

The rationale behind a shorter timeline for subdivision approvals is that dividing one parcel into multiple parcels can have significant property tax implications. Typically the total values of the divided lots is higher than the value of the original undivided lot. This can create an incentive for developers to delay recording until the last possible moment in order to minimize their property taxes. Since it is in the city's interest to ensure that property is taxed at its actual value and that subdivisions with their associated infrastructure and public improvements move forward in a timely manner, a 30-day timeline was established.

While the rationale behind wanting to require prompt filing makes sense, experience has shown that there are often circumstances that arise beyond anyone's control that render the 30-day timeline untenable. Many different entities are involved in the recording process including the city, the city's attorney, the applicant's attorney, county recorder, banks, and, in some instances, neighboring property owners. Any of these organizations can discover issues that delay the recording of a plat. For example, a bank or title company may express concern over issues with documentation from a previous mortgage recorded against the property. In some cases, individuals have passed during the subdivision process and delays associated with probates office have created difficulties. Any of these or other unforeseen complications can cause significant delays and prevent the applicant from meeting the 30-day requirement.

In practice, the city does not typically choose to revoke approval after the 30-day period passes; however, the City Code does not establish a process for extending the deadline. Given the frequency with which applicant's exceed the 30-day period, staff believes it would make sense to extend the deadline to 120 days and allow for the applicant to request an extension from the City