

An overview of the development application process in Superior

When someone wants to do something to land in Superior (rezone it, build houses, etc.), the applicant submits a land use application to the Town of Superior. That application needs to contain a number of specific documents and information. Depending on the project, the land use application can involve a significant amount of information. Our Town's Planning Department reviews the application to determine if it is complete. Often, this involves a dialogue with the applicant, who is required to amend or supplement the application to meet various requirements under our Town Code. This administrative process can take several months.

While this is happening, our Town's Planning Commission and Town Board are purposefully left out of the process. That is because our Planning Commission and Town Board serve as "Quasi-Judicial" bodies for purposes of reviewing land use applications. Essentially, both the Planning Commission and Town Board must act as a Judge would in a Court of Law and consider the application impartially, only applying the facts that are presented in a Public Hearing to the Law, to arrive at an ultimate decision as to whether or not to approve or deny the land use application.

Throughout this process, because the Planning Commission and the Town Board are required to act as if they are Judges -- they also must ensure that they do not "prejudge" the application, whether "for" or "against" it. As part of that process, they cannot engage in "ex parte" communications (communications that are outside of the formal public hearing), because if they did, that could create an "appearance of impropriety" -- as if there were discussions going on behind closed doors, which would undermine the Public's confidence in the fundamental fairness in the process. All of this, taken together, ensures that the due process rights of the land use applicant, as well as the Public, are protected.

The practical result of this process (which is governed by State Law) is that the Public is frequently left in the dark on development applications. But, so are the Planning Commission and Town Board. Thus, while Town staff (through the Planning Department) ensures that the Application is "complete," it is ultimately the responsibility of the Planning Commission and Town Board to make a determination as to whether or not the Application should be approved, in light of the evidence presented at the Public Hearing and the Town's Code.

During the Planning Commission's consideration of the Application, the Public is given the opportunity to make Public Comment for the record. The Planning Commission then considers the Application, and the comments received during the Public Hearing, in making its recommendation to the Town Board. Then, based on the Planning Commission's recommendation, its independent consideration of the Application, and the Public Hearing developed at the Town Board Public Hearing, the Town Board makes an ultimate decision as to whether or not to approve or deny the Application.

While Town Staff does make recommendations to the Planning Commission and Town Board, these recommendations are recommendations only -- and are provided to assist the Planning Commission and

Town Board with the substantial amount of time and work involved in reviewing a land use application for compliance with Town Code.

The Town of Superior is committed to keeping our residents informed, while balancing that against the due process rights of land use applicants. We encourage our residents to come and speak at the Planning Commission and Town Board meetings, to make sure that their voices are heard.