

- SUBJECT:** Modifying alternative procedures available to counties for plat revisions
- COMMITTEE:** Land and Resource Management — favorable, without amendment
- VOTE:** 6 ayes — Mowery, Orr, R. Cook, Y. Davis, Pickett, Ritter  
0 nays  
3 absent — Zerwas, Callegari, Geren
- WITNESSES:** For — Joe England  
Against — None  
On — Donald Lee, Texas Conference of Urban Counties
- BACKGROUND:** Local Government Code, sec. 232.009 establishes procedures for revising plats in county jurisdictions, including posting notice of public hearings in a general circulation newspaper. On or after the 30th day following the first posting, the commissioners court may meet to determine if the plat revision application interferes with established rights of any owner in the subdivided land or whether applicable owners have offered their consent to the revision. If one of these conditions is met, the revised plat application may be granted.
- Sec. 232.0095 allows counties to adopt alternative procedures for revised plats, including vacating plats, replatting, and amending plats, for areas within a municipality's jurisdiction. Counties that adopt these procedures may administer petitions for revised plats in the same manner as a municipality. Procedures for plat revisions in municipalities are established in secs. 212.013 - 212.016, which call for different procedures depending on the type of application and extent of the requested revision.
- DIGEST:** HB 3410 would permit counties to adopt procedures under sec. 232.0095 for plat revisions in unincorporated areas. Plat revisions would apply only to applications involving six or fewer lots in a subdivision covered by the preceding plat, and only if the proposed changes:

- did not affect applicable zoning and other county regulations;
- did not attempt to amend or remove any covenants or restrictions;  
and
- were restricted by plat notes to residential use only.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

Plat revisions are restricted to modifications of existing plats and allow only for minor changes. Current law allows municipalities to adopt procedures for plat revisions and extends this authority to counties for plats located in a municipality's jurisdiction. Procedures for revised plats for municipalities are more flexible than those now available for counties.

HB 3410 would broaden the scope of counties' authority to adopt alternative procedures for plat revisions in unincorporated areas and reduce procedural burdens on small-scale development proposals. The bill would restrict the eligibility of revised plat applicants to residential developments involving six lots or fewer and only if they did not change existing development regulations. The bill merely would allow counties to adopt such procedures and would not establish any additional regulatory requirements.

HB 3410 would remove unnecessary burdens on developments that require small modifications to existing plats. Allowing more flexibility in posting and other requirements, depending on the type and extent of application, would enhance efficiency in processing and reduce costs associated with financing. The bill would be restricted to the narrow definitions of plat vacations, replats, and amendments codified in ch. 212, and would not alter counties' authority to authorize or deny plats.

**OPPONENTS  
SAY:**

No apparent opposition.