

BILL ANALYSIS

Senate Research Center
76R7926 DRH-F

C.S.S.B. 710
By: Wentworth
Intergovernmental Relations
3/25/1999
Committee Report (Substituted)

DIGEST

Currently, a developer who subdivides property, but does not dedicate land for public roads or other infrastructure is not required to file a plat, which means a project could be completed without notifying a public entity. The Elgin Bank v. Travis County court decision created a loophole in the county subdivision authority, which allows developments to bypass the subdivision platting process. Attorneys for Elgin Bank interpreted Section 232.001, Local Government Code, to mean that a plat had to be filed with the county, only if the owner subdivided land and dedicated land for public use, such as roads or streets. Otherwise, the county could not require a plat to be filed. Travis County requires a plat in almost all instances to be filed when land is subdivided, regardless of whether or not land in the subdivision is dedicated for public use. This requires the developer to provide basic infrastructure requirements that meet minimal road, drainage, water and wastewater needs for the subdivision. C.S.S.B. 710 would require a plat to be filed when land is subdivided, whether or not land is set aside for public use.

PURPOSE

As proposed, C.S.S.B. 710 requires a plat to be filed for certain subdivisions outside a municipality.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 232.001, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), to require the owner of a tract of land located outside the limits of a municipality to have a plat of the subdivision prepared, if the owner divides the tract into certain parts. Provides that a division of a tract under Subsection (a), rather than this subsection, includes a division. Deletes text regarding laying out lots or buildings. Makes a conforming change.

SECTION 2. Amends Section 232.0015, Local Government Code, by adding Subsections (c)-(g), to prohibit a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if certain conditions exist. Provides that the platting requirements of this subchapter apply, if a tract described by Subsection (c) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use. Prohibits a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3), to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. Provides that the platting requirements of this subchapter apply, if any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity. Prohibits a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared, if certain conditions exist. Prohibits a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3), to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.

SECTION 3. Amends Chapter 232A, Local Government Code, by adding Section 232.0025, as follows:

Sec. 232.0025. **TIMELY APPROVAL OF PLATS.** Requires the commissioners court of a county or a person designated by the commissioners court to issue a written list of the documentation and other information that must be submitted with a plat application. Requires the documentation or other information to relate to a requirement authorized under this section or other applicable law. Provides that an application submitted to the commissioners court or the person designated by the commissioners court that contains the documents and other information on the list is considered complete. Requires the commissioners court or the court's designee, no later than the 10th business day after the date the commissioners court receives the application, to notify the applicant of the missing documents or other information, if a person submits a plat application to the commissioners court that does not include all of the documentation or other information required by Subsection (a). Requires the commissioners court to allow an applicant to timely submit the missing documents or other information. Provides that an application is considered complete when all documentation or other information required by Subsection (a) is received. Requires the commissioners court or the court's designee to take final action on a plat application, no later than the 60th day after the date a completed plat application is received by the commissioners court or the court's designee, except as provided by Subsection (f). Requires the applicant to be given a complete list of the reasons for the disapproval, if the commissioners court or the court's designee disapproves a plat application. Provides that the 60-day period under Subsection (d) applies to certain provisions. Requires the commissioners court or the court's designee to make the determination under Subsection (f)(2) of whether the 60-day period will be extended no later than the 20th day after the date a completed plat application is received by the commissioners court or the court's designee. Prohibits the commissioners court or the court's designee from compelling an applicant to waive the time limits contained in this section. Provides that if the commissioners court or the court's designee fails to take final action on the plat as required by Subsection (d), certain actions can be taken.

SECTION 4. Amends Section 232.003, Local Government Code, to authorize the commissioners court to adopt reasonable specifications that provide for drainage in the subdivision to efficiently manage the flow of storm water runoff in the subdivision, and coordinate subdivision drainage with the general storm drainage pattern for the area.

SECTION 5. Amends Section 232.004, Local Government Code, to require a bond to be in an amount determined by the commissioners court to be adequate to ensure proper construction of the roads and streets in and drainage requirements for the subdivision. Makes conforming and nonsubstantive changes.

SECTION 6. Amends Section 232.008, Local Government Code, by adding Subsection (h), to authorize the commissioners court to deny a cancellation under this section, if the commissioners court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

SECTION 7. Amends Section 232.009, Local Government Code, by amending Subsection (c) and adding Subsection (f), to require the court to also give notice to each of the owners by certified or registered mail, except as provided by Subsection (f). Provides that the commissioners court is not required to give notice by mail under Subsection (c), if the plat revision only combines existing tracts.

SECTION 8. Effective date: September 1, 1999.

Makes application of this Act prospective to October 1, 1999.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause regarding the subdivision of land outside a municipality.

SECTION 1.

Amends Section 232.001, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), to require the owner of a tract of land located outside the limits of a municipality

to have a plat of the subdivision prepared if the owner divides the tract into a certain layout. Provides that a division of a tract under Subsection (a) includes a division.

SECTION 2.

Adds Section 232.0015(c), Local Government Code, to prohibit a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of subdivision prepared if certain conditions exist.

Adds Section 232.0015(d), Local Government Code, to provide that the platting requirements of this subchapter apply, if a tract described by Subsection (c) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use.

Adds Section 232.0015(e), Local Government Code, to prohibit a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3), to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. Provides that the platting requirements of this subchapter apply, if any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity.

Adds Section 232.0015(f), Local Government Code, to prohibit a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared, if certain conditions exist.

Adds Section 232.0015(g), Local Government Code, to prohibit a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3), to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.

SECTION 3.

Amends Chapter 232A, Local Government Code, by adding Section 232.0025, regarding the timely approval of plats

SECTION 4.

Amends Section 232.003(8), Local Government Code, to authorize the commissioners court to adopt reasonable specifications that provide for drainage in the subdivision to efficiently manage the flow of storm water runoff in the subdivision, and coordinate subdivision drainage with the general storm drainage pattern for the area.

SECTION 5.

Amends Section 232.004, Local Government Code, to require the bond to be in an amount determined by the commissioners court to be adequate to ensure proper construction of the roads and streets in and drainage requirements for the subdivision.

SECTION 6.

Amends Section 232.008, Local Government Code, to authorize the commissioners court to deny a cancellation under this section, if the commissioners court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

SECTION 7.

Adds Section 232.009(f), Local Government Code, to provide that the commissioners court is not required to give notice by mail under Subsection (c), if the plat revision only combines existing tracts. Makes conforming changes.

SECTION 8.

Adds Subsection (b), to make application of this Act prospective to October 1, 1999.

SECTION 9.

Adds Emergency clause.