

BILL ANALYSIS

Senate Research Center

C.S.S.B. 542
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Intergovernmental Relations
3/23/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, county authority to regulate subdivision platting is provided in Chapter 232, Local Government Code. General authority for the commissioners court of a county to regulate subdivision platting is provided in Subchapter A (Subdivision Platting Requirements in General), Chapter 232, Local Government Code, while authority specific to counties on or near the Texas-Mexico border is found in Subchapter B (Subdivision Platting Requirements in County Near International Border), Chapter 232, Local Government Code. Options available to certain urban, suburban, and border-area counties regarding authority to regulate subdivision platting are provided in Subchapter E (Infrastructure Planning Provisions in Certain Urban Counties), Chapter 232, Local Government Code. Testimony offered to the Senate Committee on Intergovernmental Relations during the 79th Legislature interim suggested that there is a desire to make the authority provided in Subchapters B and E available to all Texas counties on a permissive basis.

C.S.S.B. 542 authorizes the commissioners court of a county to choose whether to use the platting requirements set out in Subchapter A, Chapter 232, Local Government Code, or those in Subchapter B, Chapter 232, Local Government Code. This bill further expands application of the provisions of Subchapter E to all counties. Furthermore, this bill authorizes the commissioners court of a county to require fire suppression systems for residential subdivisions. Finally, this bill authorizes the commissioners court of a county, if granted the authority to do so, to regulate land development in the unincorporated area of the county by requiring a buffer zone between the land used for a purpose specified by this subsection and certain residential areas.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 232, Local Government Code, to read as follows:

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT

SECTION 2. Amends the heading to Subchapter E, Chapter 232, Local Government Code, to read as follows:

SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS

SECTION 3. Amends Subchapter E, Chapter 232, Local Government Code, by adding Sections 232.108 and 232.109, as follows:

Sec. 232.108. PLAT REQUIREMENTS. (a) Authorizes the commissioners court, in addition to having the authority to adopt rules under Section 232.101 (regarding rules related to county regulation of subdivisions) and other authority granted by this chapter, to impose the plat requirements prescribed by Section 232.023 (Plat Required). Requires any rules adopted under Section 232.101 to be consistent with plat requirements imposed by the commissioner's court under Section 232.023.

(b) Provides that the document required by Section 232.023(b)(6) (regarding water and sewer facilities in a subdivision) is not required to be in Spanish and requires the plat requirements related to drainage to be those authorized by Section 232.003(8) (regarding storm drainage) rather than those authorized by Section 232.023(b)(8) if a county imposing the plat requirements prescribed by Section 232.023 is not described by Section 232.022(a) (regarding counties near an international border applicable to subdivision platting requirements).

Sec. 232.109. FIRE SUPPRESSION SYSTEM. Authorizes the commissioners court to require a limited fire suppression system that requires a developer to construct 2,500 gallons of storage for a subdivision of fewer than 50 houses and construct 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage for a subdivision of 50 or more houses, in a subdivision that is not served by fire hydrants as part of a centralized water system certified by the Texas Commission on Environmental Quality (TCEQ) as meeting minimum standards for water utility service.

SECTION 4. Amends Chapter 232, Local Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

Sec. 232.151. DEFINITIONS. Defines "agriculture" and "agricultural use."

Sec. 232.152. SCOPE OF REGULATORY AUTHORITY. (a) Authorizes the commissioners court of a county that is granted authority in accordance with this subchapter to regulate, by order, land development in the unincorporated area of the county by requiring a buffer zone between the land used for a purpose specified by this subsection and certain residential areas.

(b) Provides that this section does not authorize a county to adopt zoning regulations.

(c) Provides that a county regulation under this subchapter does not apply to land used for an activity described by Section 81.051 (Jurisdiction of TCEQ), Natural Resources Code, or to an interstate gas pipeline facility as defined by 49 U.S.C. Section 60101.

(d) Provides that a county regulation under this subchapter does not apply to certain areas.

Sec. 232.153. ELECTION TO GRANT REGULATORY AUTHORITY. Authorizes the commissioners court of a county to order and hold an election in the county on the question of granting the commissioners court the authority to regulate land development in the unincorporated area of the county.

Sec. 232.154. BALLOT PROPOSITION. Requires a ballot for an election under this subchapter to be prepared to permit voting for or against a specific proposition. Sets forth required language for the ballot.

Sec. 232.155. EFFECT OF ELECTION. Authorizes the commissioners court of a county to adopt a regulation under this subchapter if a majority of the votes received on the question at the election approve the grant of authority.

SECTION 5. Repealer: Section 232.100 (regarding applicability of Subchapter E. Infrastructure Planning Provisions in Certain Urban Counties), Local Government Code.

SECTION 6. Effective date: upon passage or September 1, 2007.