

House Bill 3314

The American Planning Association Texas Chapter is comprised of over 2,500 professional planners and planning officials spread across the State of Texas. We are a diverse membership that includes planners employed by or that consult local government as well as planners employed by or that consult with the land development industry. In short, we represent the regulator and the regulated.

Cities across Texas strive to have predictable and efficient development processes to promote economic development, reduce administrative costs, and be responsive to the needs of residents. Local Government Code Sections 212.014 and 212.015 currently require a public hearing and notification for any residential replat. However, platting is a ministerial function in which under the laws of Texas, a plat meeting all local subdivision requirements must be approved. Requiring public hearings for replats that do not involve subdivision waivers or variances does not serve a useful public purpose.

- Builders and developers are frustrated with unnecessary procedures;
- Planners and Planning Commissions are frustrated because they cannot offer any meaningful response to the neighborhood opposition for an otherwise compliant project, and
- Citizens are frustrated because they engaged in the hearing only to find no real recourse, which can discourage them from getting involved in other meaningful efforts.

The proposed language of H.B. 3314 eliminates the public hearing requirement for replats that do not involve variances or waivers to local standards. In its place are new provisions that require the municipality to provide notice following approval, with information regarding the outcome and contact for more information. This, in turn, redirects the public to avenues that can provide satisfaction to their concerns outside of the often adversarial and frustrating public hearing environment.

This amendment simplifies and clarifies the processes for replatting land for redevelopment, and shortens the overall process. This improves the development process for developers and builders, increases government efficiency and may increase housing affordability by reducing costs for residential replats. Furthermore, this amendment improves public notice and education related to land development.

Exercising of these provisions is at the discretion of the City. A City can choose or not choose to use these provisions based on the unique needs of their community.

The Committee Substitute for HB 3314 provides language to allow cities to continue with the current practice with public hearings if they deem it beneficial to their cities, or to provide the current practice can continue until local ordinances are amended.

We believe this provides cities greater abilities to respond to local development pressures and interests in an efficient manner while avoiding the creation of mandates or increased cost.

House Bill 3315

APATX is comprised of over 2,500 professional planners and planning officials spread across the State of Texas. We are a diverse membership that includes planners employed by or that consult local government as well as planners employed by or that consult with the land development industry. In short, we represent the regulator and the regulated.

Local Government Code Section 212.0065 allows cities to delegate approval authority for certain minor plats up to four lots. Research indicates this limitation was arbitrarily established. In our experience, our appointed Planning Commissions and the development community are both often frustrated by plats that would otherwise be administratively approved if not for the plat exceeding four lots. Often times Planning Commissions meet twice a month; or in some cases for smaller communities only once a month. This often delays approval of a plat for three to four weeks – and this includes plats that meet all local subdivision requirements. In my career, I have personally been a part of Planning Commission meetings that last under five minutes because the only item on the agenda is a plat for 5 or 6 lots that meets all local subdivision requirements, and therefore under the laws of Texas, the plat must be approved – there’s no discretionary action. And usually the only person in attendance is the surveyor who is being paid hourly by the developer to be there. We delay projects for weeks for a one minute vote. Developers and development engineers share this frustration, finding the additional public meeting unnecessary when the City is not being asked to accept public improvements into the City’s inventory.

H.B. 3315 proposes deleting the four lot limitation, instead allowing cities broader discretion to determine how many lots to allow administrative approval as a minor plat provided that the lots front onto an existing street. It also provides clarifying language to allow for right-of-way dedication in order to address minor dedications to make rights-of-way whole.

The public interest remains protected, as a plat must still satisfy requirements that it not create an obligation of the city to construct or accept infrastructure for maintenance, and the plat or replat must front onto an existing street in order to be considered a minor plat for administrative approval.

Exercising of these provisions is at the discretion of the City. A City can choose or not choose to use these provisions based on the unique needs of their community.

This amendment simplifies the processes available to cities for replatting land for redevelopment, reducing unnecessary project delays and increasing the efficiency of the platting process. This improves the development process for developers and builders and increases government efficiency.