

SUBJECT: Platting requirements in priority groundwater management areas

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 8 ayes — Walker, Crabb, Bosse, F. Brown, Hardcastle, Krusee, Mowery, B. Turner
0 nays
1 absent — Howard

SENATE VOTE: On final passage, April 19 — Local and Uncontested Calendar, 30-0

WITNESSES: For — Jay Millikin, Comal County Commissioners Court; Pamela Hodges
Against — None

BACKGROUND: Local Government Code, chapter 32, subchapter A, establishes platting requirements for subdivided land in the unincorporated areas of counties. Subchapter A requires developers to file a plat to develop subdivided land. The county commissioners court must approve plats before development can begin. Counties are allowed to require certain standards for road construction, road drainage, and road rights-of-way to develop subdivided land. Counties may also require a developer to provide a statement on how water and wastewater services will be provided to subdivided land and to execute a bond or other financial guarantee to fund such service provision. Subchapter A also contains provisions for the cancellation of a subdivision of land and the revision of a subdivision plat.

Water Code, sec. 35.019 allows the commissioners courts of counties in a priority groundwater management area (PGMA) to adopt water availability requirements on land where platting is required if the court determines that the requirements are necessary to ensure the safe, sustainable yield of the county's water supply.

DIGEST: SB 1174 would establish alternate platting requirements in the unincorporated areas of counties that were located in a PGMA. The bill would create a new subchapter D of Local Government Code, chapter 232. for these requirements. The bill would allow subchapter D counties to apply the subdivision development requirements, bond requirements, subdivision cancellation provisions, and plat revision provisions under subchapter A. Subchapter D counties could decide whether to apply the requirements under the bill to land that was subdivided as a result of the transfer of land between persons related to each other within the third degree by affinity or consanguinity.

The bill would require a developer to include with a subdivision plat a document containing a description of the water and wastewater facilities that would be constructed to provide such services to the subdivision. The document would contain a description of the roadways and easements for such facilities, along with a date by which water and wastewater services would be provided.

The bill would require a developer to include a document prepared by a registered engineer to certify that the water and wastewater services proposed by the developer were in compliance with the model subdivision rules under Water Code, sec. 16.343 or the PGMA water availability requirements under Water Code, sec. 35.019. The engineer would have to provide an estimate of the cost of providing service.

Subdivision plats would have to include a certification that the subdivider had complied with PGMA water availability requirements, that adequate water quality and quantity was available to supply the lots in a proposed subdivision, and that sewer, electric, and gas connections met or exceeded minimum state standards.

Subdivision plats for subchapter D counties would have to:

- ! be certified by a surveyor or engineer;
- ! define the subdivision by metes and bounds;
- ! locate the subdivision with respect to an original corner of the original survey of which it is a part;
- ! describe each lot, number each lot in progression, and give the dimensions of each lot; and

- ! state the dimensions of, and describe each, lot, street, and other part of the tract intended for the use of lot purchasers or owners within the subdivision or for use by the general public.

Subdivision plats would have to provide for drainage in the subdivision, and to include a description of how the drainage would prevent the concentration of storm drainage water between lots, provide positive drainage away from all buildings, and coordinate individual lot drainage with the general storm drainage pattern for the subdivision. Plats would have to identify the topography of the area, and to include a certification by a registered surveyor or engineer describing any area of the subdivision that was located in a flood plain, or stating that no part of the subdivision was in a flood plain.

The commissioners court of a subchapter D county would have to approve a plat for a subdivision development to begin. The court could not approve a plat if it did not meet the requirements listed under the bill or if any bond required was not filed with the county. The court could not approve a plat for a development with part of the land in a flood plain unless the plat included a restrictive covenant to prohibit the construction of residential housing in the flood plain. Construction would be allowed under a restricted covenant only if the housing qualified for flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001).

The commissioners court of a subchapter D county would have to provide a written determination of whether to allow development in a flood plain to a developer if the developer requested the determination. The county would have to make the determination within 20 days after it received the request and would have to deliver the determination within 10 days after it was made.

The bill would take effect August 30, 1999, and would apply to land conveyed, subdivided or platted on or after September 1, 1999.