

**RYAN GUILLEN**

TEXAS STATE REPRESENTATIVE

November 21, 2022

RQ-0488-KP**FILE# ML-49199-22****I.D.# 49199**

Hon. Ken Paxton
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Via Certified Mail

Re: Request for written opinion concerning HB 3167 by Oliverson (86th Legislature)

Dear Gen. Paxton:

In accordance with Sec. 402.041 *et seq.* of the Government Code, this letter is this letter is to convey the House Committee on Resolutions Calendars's request for a written opinion with respect to HB 3167, which was enacted by the 86th Legislature. As explained below, this request is one of ongoing public interest.

The 86th Legislature passed HB 3167 and enacted amendments to Chapters 212 and 232 of the Local Government Code. HB 3167 took effect on September 1, 2019.¹ As shown by the legislative history of HB 3167, the 86th Legislature intended the bill to address a common and longstanding problem in land development across the state: piecemeal and seemingly interminable regulatory review processes adopted by local political subdivisions that are needlessly protracted and consequently too expensive.² Rep. Oliverson, the author of HB 3167, described such local review as a "never-ending honey do list" that applies across the development process from subdivision platting to site development.³

Unfortunately for landowners and land developers, a number of Texas cities and counties have refused to acknowledge and have intentionally misconstrued the plain meaning of the amendments enacted by HB 3167. This willful disregard was planned and coordinated before HB 3167 took effect and persists today. Consequently, this situation presents an issue of statewide public interest.

As background on the effort made by political subdivisions to circumvent the plain meaning of the amendments enacted by HB 3167, attached are publications issued by several political subdivisions and the Texas Municipal League, as well as media reports on passage and local implementation of HB 3167. These attachments show that between passage of HB 3167

¹ <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=86R&Bill=HB3167>

² <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=86R&Bill=HB3167>, The original bill analysis refers to "... county and municipal approval procedures for *land development* applications." The subsequent bill analysis also refers to "... county and municipal approval procedure for *land development* applications." (Emphasis added.)

³ https://tlchouse.granicus.com/MediaPlayer.php?view_id=44&clip_id=16876, beginning at 3:49:20.

and its effective date, local political subdivisions acted intentionally to narrow the application of HB 3167 to only the subdivision/platting process as opposed to the broader array of land development applications and processes addressed by HB 3167.⁴ Particularly illuminating is the change in public discourse that occurred over the summer of 2019. This change reflects the efforts by local governments to narrow application of HB 3167 to **only** the subdivision/platting process. For example, on June 28, 2019, the *Austin Monitor* reported that HB 3167 “... could have a serious impact on the city’s efforts to **regulate development**” and was “... intended to speed up the **development review process**.” (Emphasis added.) The article also cited the House Research Organization’s analysis that HB 3167 “... applies to **site development** plans as well as preliminary plats, preliminary subdivision plans and subdivision construction plans as well as final plats.” (Emphasis added.) Almost two months later, public reporting had changed. On August 26, 2019, the *Austin Monitor* reported that the Austin City Council had “... approved changes to the Land Development Code Thursday intended to buffer the city’s **subdivision development application process** against House Bill 3167.”⁵ (Emphasis added.) Especially noteworthy is reporting by the Austin Business Journal on September 6, 2019, in which Andrew Linseisen, a senior Development Services official with the City of Austin, noted that “... the city’s legal department does **not** believe [HB 3167] applies to site plan approvals.” (Emphasis added.) Mr. Linseisen’s comment clearly shows that local decisions have intentionally impeded and defeated legislative intent with respect to HB 3167.

What prompted the change in reporting? It seems to have resulted from intentional and coordinated misconstruction of HB 3167 following publication of Texas Municipal League’s Q&A on HB 3167 (2019). Remarkably, the Q&A begins with acknowledgments that HB 3167 “... makes numerous changes to the **site plan** and subdivision platting approval process ...” and was “... meant to force cities to speed up the **site plan**/subdivision plat approval process ...” (Emphasis added.) However, beyond these preliminary acknowledgments, the Q&A coaches Texas cities on narrowing application of HB 3167 to only the subdivision/platting process. Under TML’s tutelege, political subdivisions did narrow the application of HB 3167 to only the subdivision/platting process in adopting local ordinances and rules to implement the change to state law.⁶ This intentional misconstruction has impeded the Legislature’s intent as expressed in HB 3167, resulting in lengthy and costly delays to land development projects in Texas.

Questions of Public Interest. The above-described circumstances present the following questions of public interest, I request your written opinion thereon:

1. Is HB 3167’s application limited to the subdivision/platting process only?
2. Does placement of the amendments enacted by HB 3167 in Chapters 212 and 232 of the Local Government Code limit application of those amendments to the subdivision/platting process?

⁴ Secs. 212.001(2) and 232.00285 of the Local Government Code

⁵ *Austin American-Statesman* “State’s tighter deadlines to review subdivision plans vexes local governments” August 30, 2019; *KXAN* “New law will pressure cities, counties to approve subdivision plans faster” August 22, 2019

⁶ City of Austin, *Subdivision Application Process Changes and HB 3167: Overview*; City of Leander, *Update on House Bill 3167*; Travis County, *Subdivision Applications: Preliminary Plans, Final Plats and Subdivision Construction Plans*

3. Does HB 3167 apply to development applications/processes other than the subdivision/platting process? If so, to which development applications/processes other than subdivision/platting process do the amendments enacted by HB 3167 apply?
4. A subdivision plat must be filed and recorded with the county clerk of the county in which the tract is located.⁷ Sec. 212.009(a) provides that “[a] plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section [212.0091](#).” Similarly, Sec. 232.0025(d) provides that “[a]n application is approved by the commissioners court or the court’s designee unless the application is disapproved within that period and in accordance with Section [232.0026](#).” These procedures are sometimes referred to as “deemed approval.” How does an applicant enforce “deemed approval” of a plan or plat given the filing/recordation requirement in Sec. 212.004(d) and/or Sec. 232.001(d)?
5. Is it necessary for an applicant to secure a judgment or a writ of mandamus to enforce the “deemed approval” provisions of Sec. 212.009(a) and/or Sec. 232.0025(d)? If not, what process should an applicant follow to file and record a plan, plat, or application that is deemed approved by operation of Sec. 212.009(a) and/or Sec. 232.0025(d)?
6. Is a county clerk obligated to file and record a plan or plat accompanied by a certificate issued under Sec. 212.009(d)?
7. Is a county clerk obligated to file and record an application for plat granted by operation of law under Sec. 232.0025(i)?

Thank you for your assistance. I look forward to issuance of your written opinion on these questions of public interest.

Sincerely,



Ryan Guillen
Texas State Representative

Attachments:

- A. Austin Monitor “‘Shot clock’ bill resets development review time” June 28, 2019
- B. Austin Monitor “City prepares for ‘shot clock’ bill with code amendments” August 26, 2019
- C. Austin Business Journal “‘Shot clock’ bill is upending development regulations in Austin, other Texas cities” September 6, 2019
- D. KXAN “New law will pressure cities, counties to approve subdivision plans faster” August 22, 2019

⁷ Sec. 212.004(d) and Sec. 232.001(d) of the Local Government Code.

- E. *Austin American-Statesman* “State’s tighter deadlines to review subdivision plans vexes local governments” August 30, 2019
- F. Texas Municipal League’s Q&A on HB 3167 (2019)
- G. City of Austin, *Subdivision Application Process Changes and HB 3167: Overview*
- H. City of Leander, *Update on House Bill 3167*
- I. Travis County, *Subdivision Applications: Preliminary Plans, Final Plats and Subdivision Construction Plans*

Cc: House Committee on Resolutions Calendars
Texas Land Developers Association



'Shot clock' bill resets development review time

FRIDAY, JUNE 28, 2019 BY JO CLIFTON

As Austin city leaders had their attention focused on the 3.5 percent tax cap that moved through the Texas Legislature, legislators were busy approving a bill that could have a serious impact on the city's efforts to regulate development. The Home Builders Association of Greater Austin, which supported the bill, calls it the "shot clock" bill, because it's intended to speed up the development review process.

Andrew Linseisen, assistant director of the Development Services Department, told the *Austin Monitor* Thursday that he and other city officials are still studying the impacts of [House Bill 3167](#), which will go into effect on Sept. 1.

While emphasizing that the department has improved considerably over the years, Linseisen said complying with the new regulations “will definitely be very challenging.”

HB 3167 requires all Texas cities and counties to respond to a subdivision plat application, or several other types of applications, within 30 days. In addition, staff will be required to respond to subsequent submittals within 15 days. If the city or county fails to do so, the plat or plan will be considered approved. Austin already has a standard that requires department reviewers to get things done more quickly than that, but they do not always meet the goal.

“Our standard review timelines are 20 days and our update is 10 days, so our standard is already in compliance,” Linseisen noted.

One problem reviewers will face is what to do when they discover a new problem they did not catch the first time around. For example, if the reviewer for a final plat or a re-subdivision discovers that the original plan did not take into account the flood plain, and the developer is forced to move lots around in a way that impacts an intersection, that could result in an unsafe intersection – yet the reviewer will not be able to require a change at that point.

According to an analysis from the House Research Organization, the bill applies to site development plans as well as preliminary plats, preliminary subdivision plans and subdivision construction plans as well as final plats.

Linseisen declined to comment on how the department would be responding to those changes, except to say that he expects to be bringing forth some code changes and has a working group studying the new law. The department raised fees and added staff last October to try to deal with the quantity of permits being requested.

Linseisen pointed out that his department completes its plan reviews on time 95 percent of the time for commercial projects and 87 percent of the time for residential projects. Where they fall behind is in site and subdivision review, with the department only completing 72 percent of those within the 30 days allotted.

On the other hand, according to the city's key success metrics page, Travis County only completes its work on site and subdivision permits on time in 16 percent of cases. Austin Energy also lags behind at 60 percent and the Planning and Zoning Department hits the mark just 55 percent of the time.

On April 2, Geoffrey Tahuahua of the Real Estate Council of Austin told the House Committee on Land & Resource Management that his organization had worked with the Development Services

Department. One of the consistent areas of improvement developers were seeking related to the time lapse between submittal of applications and response from staff, he said.

"While we are extremely happy with the implementation of many of these process improvements, and the direction of Development Services here in Austin, there is still a lot of work ahead. Whether it's a building permit, plat approval or site plan, every day that passes" is not only a loss in productivity, he said, but also a cost increase that ultimately gets passed down to the consumer.

Tahuahua said it was not unheard of in Austin for a site plan review to take well over six months and he urged the committee to vote for the bill.

When Linseisen got up to speak to the House committee, one of the members badgered him about being there representing the city of Austin and asked whether City Council had voted on the matter. He said they had not, and when that member pressed him further about why he was there, Linseisen responded that he had "drawn the short straw."

Linseisen asked the committee to change the legislation so that if a reviewer finds a problem during a second review of a permit, the city can still require changes to the development. But that didn't happen.

The bill passed the House on a vote of 119 to 18 with one present not voting, and the Senate on a vote of 27 to 3, with one present not voting.

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City prepares for 'shot clock' bill with code amendments

MONDAY, AUGUST 26, 2019 BY RYAN THORNTON

Just in time, City Council approved changes to the Land Development Code Thursday intended to buffer the city's subdivision development application process against House Bill 3167, known as the "shot clock" bill, effective statewide Sept. 1.

Council members across the dais took aim at the state's attempt to accelerate the subdivision review timeline, arguing that the bill's mandates will only bring new complications. The bill requires cities to automatically approve applications if a decision has not been made after 30

calendar days of being submitted; adds a 15-day decision deadline for additional updates to those applications; and prohibits staff from adding new comments on the application after the initial review.

"I want to be really clear, the state is making local government more expensive and less responsive to the will of the local community – not just Austin but cities across the state," Mayor Steve Adler said. "This again is our state government striking a blow against local liberty. It's a sad day, and unlike the spirit of Texas."

The 30-day timeline itself, similar to the current review period of 20 business days, is not the real problem, explained Andy Linseisen, assistant director of Development Services. Instead, the threat is that potentially problematic applications would be automatically approved if no decision is reached within that time frame.

Until now, the department has tried to be on time in 90 percent of applications, Linseisen said. "That was our goal: We want to be 90 percent on-time. Effectively the state Legislature just changed our goal from 90 to (100 percent)."

In the long term, that mandate may require the department to push for more funding and resources. However, with the department's proposed budget for the upcoming fiscal year submitted before the bill had passed, that wasn't an option this time around.

In lieu of extra staff, the department crafted several amendments to city code Titles 25 and 30 that modify the criteria for subdivision applications and allow a land use commission – either the Planning Commission or the Zoning and Platting Commission – to take up applications not included in a neighborhood plan.

Council Member Jimmy Flannigan motioned to approve the ordinance, which passed 8-0-2 with Council members Alison Alter and Leslie Pool abstaining and Mayor Pro Tem Delia Garza off the dais.

Pointing to the ongoing Land Development Code revision process, Flannigan said HB 3167 demonstrates a failed attempt to solve a problem outside of the state's domain. "It's unfortunate that even when we're in the middle of a process to solve the problem, folks are going to the Legislature, because inevitably what happens is the Legislature does something very different than what they were asking for."

The bill prohibits staff from making new comments on applications after the initial review and comment period, even in cases where modifications to the plan may create new safety or

compliance issues, a restriction Council Member Kathie Tovo said makes it more challenging to ensure safety for future residents.

With no ability to address new problems resulting from a modification to the plan, Linseisen said the solution may be to deny those modifications entirely rather than confront specific issues as is customary today.

"I think we will find a way to work within it, where we still protect health, safety and welfare, but that is extremely challenging for us," he said.

Before being finalized, the amendments to Title 30 also require action by Travis County. The Commissioners Court will be holding a public hearing and taking up the changes for a vote on Tuesday.

With Monday, Sept. 2, falling on Labor Day, the state's bill will first take effect for applications submitted on Tuesday, Sept. 3.

Development Services and Travis County are holding a public joint stakeholder meeting Thursday afternoon from 2-4 p.m. to discuss the bill, its challenges and the local response. The meeting will be held in Room 325 of One Texas Center, 505 Barton Springs Road.

Photo by [thesawguy7](#).

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KEY PLAYERS & TOPICS IN THIS ARTICLE

Austin City Council: The Austin City Council is the body with legislative purview over the City of Austin. It offers policy direction, while the office of the City Manager implements administrative actions based on those policies. Until 2015, the body contained seven members, including the city's Mayor, all elected at-large. In 2012, City of Austin residents voted to change that system and as of 2015, 10 members of the Council are elected based on geographic districts. The Mayor continues to be elected at-large.

Planning and Development Review: The Planning and Development Review Department is responsible for Austin's city planning, preservation, and design. The department also provides development review and inspection services for the city.

Texas Legislature: The state's legislative governing body composed of the House and Senate.

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GOVERNMENT & REGULATIONS

'Shot clock bill' is upending development regulations in Austin, other Texas cities



Austin City Hall
ARNOLD WELLS/STAFF

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Andrew Linseisen

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Brie Franco

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By Daniel Salazar
Staff Writer, Austin Business Journal
Sep 6, 2019

Builders and developers often want their plans to get their day at City Hall or the county courthouse as quickly as possible.

Through a new state law, they're getting that wish – to the befuddlement of large local governments such as Austin now grappling with stricter timelines for weighing the merits of individual projects.

House Bill 3167 went into effect Sept. 1 after it passed the Texas Legislature earlier this year. The so-called "shot clock bill" requires local governments to take action on all subdivision applications within 30 calendar days.

"We have to, as a city, take action to approve, disapprove with reason or approve with conditions within 30 days," Austin Development Services Department Assistant Director [Andrew Linseisen](#) told members of two city land use commissions Sept. 5. "That is extremely fast."

"It has a lot of other unintended consequences that come out of it," he added.

The law prohibits city staff from making new review comments after that initial 30-day period. Updates to subdivision applications must be acted on within 15 days. And applications are automatically approved if they aren't acted on before those 30-day and 15-day windows close.

"If we have not commented or taken action, it's just approved," Linseisen said. "There's no recourse on that."

Linseisen said the city has made a variety of tweaks to [its review process](#) in order to comply with the new law.

"It's really fast. If this had been 90 days, 120 days [or] something like that ... we could have come up with a completely different strategy," Linseisen said. "But the

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'take it, review it [and] get it on a commission agenda in 30 days' is a really difficult task."

Business groups such as the Texas Land Developers Association, the Texas Apartment Association and the Home Builders Association of Greater Austin supported the bill, according to the [Austin American-Statesman](#).

[The HBA said](#) it partnered with Rep. Tom Oliverson, a Cypress Republican, to push for the bill during the 86th Texas Legislature in 2019, arguing it would make the development process more predictable and timely across the state.

The Real Estate Council of Austin took a more measured approach. Geoffrey Tahuahua, RECA's vice president of policy and government affairs, said in a statement to Austin Business Journal that the organization "has always supported a more efficient permitting process with more predictable timelines."

The statement continued: "Over the last several years, our subject-matter experts, both volunteers and professional staff, have deeply partnered with Austin's Development Services Department and Travis County in order to implement a number of process improvements. While this specific piece of legislation was neither RECA-driven nor sponsored, we commit to working with our counterparts at the city, county and state as we work through the challenges and opportunities associated with this new law."

[Brie Franco](#), the city of Austin's intergovernmental relations officer, said HB 3167 was a difficult bill for the city to lobby against during the legislative session, suggesting cities and counties didn't get a fair shake at raising their concerns.

"They said they negotiated with stakeholders and the stakeholders they mostly negotiated with were developers," Franco said of state lawmakers. "We were not included in those conversations."

Deeper dive into new law

Some approvals for smaller projects may now move forward on an administrative level without the support of a land use commission, such as re-plats or re-subdivisions for up to four lots.

Linseisen said subdivision requests are now poised to go to either the Zoning and Platting Commission or the Planning Commission, depending on how the meeting calendar lines up. Commissions will need to cite specific sections of code when denying an application or approving it with conditions – leading one ZAP commissioner, Eric Goff, to suggest they could need help from city legal staff in crafting their motions.

Certain applications could receive multiple votes of approval in quick succession. For example, plats under Title 30, the shared Austin-Travis County code for subdivision development, could go before Travis County commissioners on a Tuesday morning and then go to a city land use commission later that evening.

Postponements are also poised to become a lot less frequent.

"We have a pretty long history of things being postponed – 'we want to talk about this some more,'" Linseisen said. "That can't happen now or it'll be automatically approved. ... There is no way around it."

Linseisen noted the city's legal department doesn't believe the "shot clock" applies to site plan approvals.

But Linseisen warned that some cases will head to commissions without complete staff recommendations and reviews – or all the backup material typically behind those reports.

"It's really an anti-transparency bill, in my opinion, from how we're forced to act," he said. "Some smaller cities that don't have a lot of applications or a lot of code are able to review everything in a week and that's fine. But a city the

size of Austin or San Antonio or some of the larger municipalities can't accomplish that."

"So that's going to be really challenging for you as commissioners, us as staff and for our citizens," he added.

Austin city government has worked to improve its permitting and review processes since the 2015 Zucker Report, which detailed systemic issues with delays and customer service. A recent city audit found the Development Services Department was reviewing 73% of subdivision applications on time – below its goal of 90%.

But Linseisen said he's now telling staff there's "zero tolerance" for being late with application reviews.

"The state just moved our performance measure to 100% on time," he said. "We can't be late – period."

The first subdivision application subject to the new law's timelines will likely appear before a city land use commission next month, according to the Austin Monitor.

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AUSTIN (KXAN) — Texas cities and counties will soon be under a strict timeline to approve certain site plans.

Earlier this year, lawmakers approved HB 3167, also known as the “shot-clock bill.” It intends to speed up the development review process.

The bill requires Texas cities and counties to respond to a subdivision plan application within 30 days, and subsequent submittals within an additional 15 days.

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Those that go without a response during those timelines are considered approved.

The bill will take effect on September 1.

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“We hope it will streamline the process, make it more efficient and easier to understand,” he said.

The city of Austin has been trying to do just that for years.

Previous KXAN investigations have highlighted the delays with Austin’s development and permitting process, as the city has struggled to manage the surge of people moving to town.

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An audit last week further revealed the problems moving projects through permitting.



The city currently has a goal of reviewing applications within 20 days but met that goal 73 percent of the time.

Auditors also found some contractors are skipping the permitting process altogether.

“It does seem to me that this makes it more challenging that the resulting homes are going to get done safely,” said Council Member Kathie Tovo.

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On Thursday city staff told the council workers will have to work weekends and overtime because of the state’s mandate.

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More positions may also be needed in the future, prompting strong words from Austin Mayor Steve Adler.

“This is our state government striking a blow against local liberty,” he said. “It’s a sad day, and unlike the spirit of Texas.”

Travis County officials said we’ll “need to overhaul how we do business.”



Development Service officials told members of the Commissioners' Court it currently takes nine months to a year for a subdivision plan to be approved, depending on the characteristics of the site.

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“When we would be reviewing our subdivision applications, there would be a lot of things missing that weren't submitted,” said Anna Bowlin, Division Director of Development Services.

Bowlin said the county is going to try and get the applicant's submittals before the 30-day period begins.

“We don't have a lot of opportunity for back-and-forth with the client once they're in the review process, so some of that is going to have to happen before they're complete and under that 30-day timeclock,” she said.





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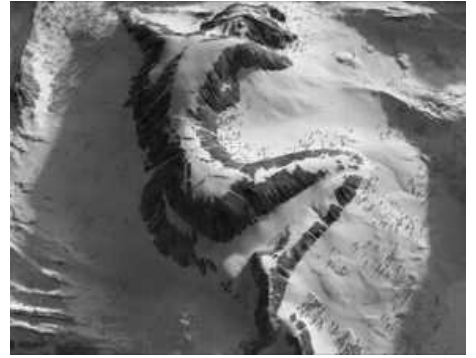
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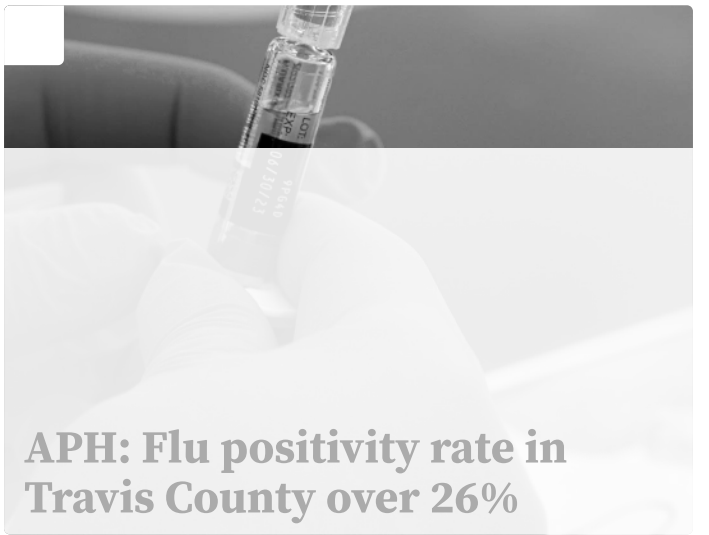
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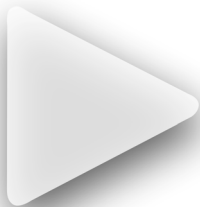


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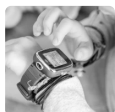
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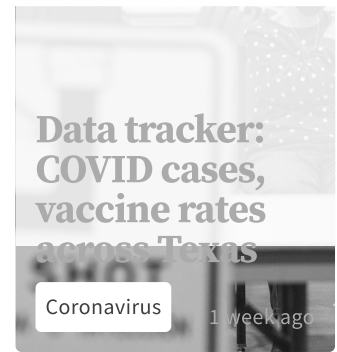
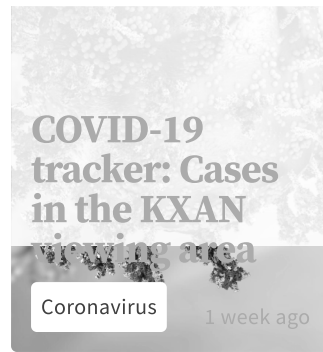
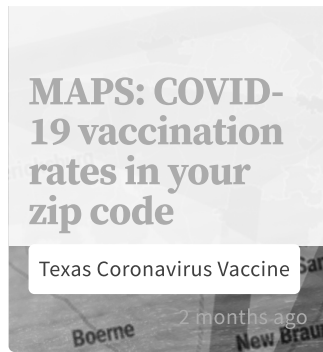
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LOCAL

New land development rules vexing cities

Starting Sunday, Texas cities have 30 days to respond to applications from subdivision developers

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Austin and Travis County staffers have been scrambling over the past few months to figure out how to comply with a new state law that requires them to review all subdivision applications within 30 days — a process that currently can take a year or longer to complete.

The goal of the legislation, introduced as House Bill 3167 and known as the "shot clock bill," was to speed up the process for reviewing development plans because many applications for development often languish in city and county offices for months.

Under the law, which goes into effect Sunday, if Texas cities and counties don't make the 30-day window to respond to subdivision applications, the plans are automatically approved, regardless of any potential safety issues.

But for all groups involved — including developers, engineers, and city and county staffs — it's unclear how the new timeline will affect local governments' ability to regulate development.

"In some places, they are saying, 'No big deal. Not a problem,'" said Austin engineer Hank Smith, who has been building master-planned communities across Central Texas with his firm Texas Engineering Solutions, now the Atwell Group, for many years. "That's mostly what we are hearing as an industry, is it's not a big change. It's very different in Austin and Travis County."

OPINION: Austin's permitting department has serious work to do

Austin came under fire for its permitting process when the 2015 Zucker Report detailed the city's often sluggish approval process, as well as mismanagement within the development services department.

According to figures provided by the department, only 39% of subdivision applications in the past five years were reviewed within the 30-day time frame. The average time for review, update and approval was 239 days.

The department's assistant director, Andrew Linseisen, said those numbers include years when it was extremely understaffed. Because of the high volume of permit requests, the department added personnel to improve its turnaround time.

An August audit shows the city now reviews 73% of its subdivision applications on time, or within 30 days. Travis County's numbers are much lower. Its staff of 10 only reviews 16% of subdivision applications within the 30-day time frame, according to the audit.

Travis County Development Services Director Anna Bowlin cautioned that the county figures are merely a snapshot in time and only include plans submitted in the city's extraterritorial jurisdiction. However, she said, "a very small number are done in that time." All agree meeting the new timeline will be a challenge.

'A big backlog'

The new law, approved by the Legislature in May without much fanfare, applies only to preliminary and final plats and subdivision construction plans, not standard building permits, like when someone wants to add an addition to their home, or to commercial development.

City and county staff members say developers will now be required to complete most of their work on the front end, before they submit applications. That includes any zoning changes, traffic studies or gaining required permits from other departments and municipalities.

At the county level, developers will be required to complete a checklist before they turn in applications. Bowlin said the county's slow permitting process has to do with developers turning in incomplete applications.

"We were looking to do some of these things anyways because we had a backlog, a big backlog," Bowlin said. "We knew we needed to do business differently."

Neither the city nor the county have budgeted money in fiscal 2020 for more staff to take on the extra workload, but the county has asked for money to pay a consultant to make sure its processes line up with other jurisdictions. The county and the city also have not increased any fees associated with permit applications, though both said they might if it becomes necessary.

Austin's Assistant City Manager Rodney Gonzales has said the city will most certainly have to pay employees overtime to meet the 30-day deadline on applications.

"I want to be really clear: The state is making local government more expensive and less responsive to the will of the local community, not just Austin but cities across the state," Austin Mayor Steve Adler said at a Aug. 22 meeting, when the council approved temporary changes to the land development code to comply with the new law. "This again is our state government striking a blow against local liberty. It's a sad day and unlike the spirit of Texas."

Austin, along with cities like Houston and Dallas, came out against the legislation during the most recent session.

"I am confident that the state Legislature has zero understanding about the complexities involved in land development code and processes," Austin City Council Member Leslie Pool said at the Aug. 22 meeting. "When this really becomes clear to everybody across the state, all of the governing entities that are responsible for land development processes and procedures, they are going to understand how our hands have been tied behind our back to the detriment of our communities."

City and county staffers have said their biggest concern about the law is that it takes away transparency because, to make the 30-day window, they will be required to place items on commission agendas for a vote with no backup information or recommendation for approval or disapproval.

"I think it's going to make it more challenging for our elected officials to be involved in some of the projects that are very concerning to their constituents," Bowlin said.

The rushed timeline also leaves no time for officials to weigh public comment, express concerns or ask for clarifications before they take a vote, they said. They also cannot postpone votes, which Linseisen said will be a big challenge in Austin, which is notorious for postponements.

"This will be a very challenging thing for our community," he said.

'A learning curve for everybody'

Another major concern has been staffers' inability to make changes to subdivision plans once they are approved. If they notice something wrong, including something that could be dangerous, they can only note that they have informed the developer, but they can't require them to fix it.

"We will do everything we possibly can to make sure we uphold our code, and more importantly, protect health, safety and welfare pieces where it is absolutely critical," Linseisen said. "But it absolutely will be a challenge, there's no doubt about that."

Smith said engineers have a responsibility to ensure public health and safety, and they will make needed changes, regardless of what the new law says.

"When you realize something isn't going to work, you have an obligation to fix it," he said. "In my mind, as an engineer, you are liable for all that."

Among those who supported the law were the Texas Land Developers Association, Texas Apartment Association, Home Builders Association of Greater Austin, Real Estate Council of Austin and handfuls of developers.

"I think the industry has always been looking for something to get some surety and certainty in the permit process ... so when we submit an application on this day, we can get approval by this day, and they can schedule their financing, funding and pro forma," Smith said. "That doesn't exist. Every municipality and county does something different."

Industry experts say not much will change for standard projects, only ones that require zoning changes, waivers and variances.

"It will put a lot more emphasis on a design engineer on getting everything right up front before you submit to the city," Smith said. "It's going to be a learning curve for everybody."

As for whether the law will help or hurt development in Austin, Linseisen said he is hopeful it will be a good change, especially for smaller, less complex projects, which he expects will move through the process a lot faster. But it will take a while to iron out the kinks, he said, and both the city and the county plan to review their processes in six months to see if they are working.

"I think there will be three or four months this will be rough while we figure it out," Linseisen said. "The Legislature has given us a charge, and we will comply with it. We don't want people to be in the process for a year. That's not our goal. We want them to be code complaint and get approved. We don't want to be the roadblock for affordability. That's not what we want to be."

H.B. 3167 (2019)
Legal Q&A
Scott Houston

1. What is H.B. 3167?

[House Bill 3167](#) by Rep. Tom Oliverson (R – Houston) is legislation that becomes effective on September 1, 2019. The bill makes numerous changes to the site plan and subdivision platting approval process, and it will require most cities to make changes to their subdivision ordinance, zoning ordinance, and/or unified development code approval processes. A chart of the process required by the bill is included at the end of this Q&A.

2. Why was the bill needed?

The Texas House Land and Resource Management Committee Report states that:

Concerns have been raised regarding the process for plat and land development application approval by political subdivisions. It has been suggested that some political subdivisions circumvent statutory timelines for approving an application by simply denying the application with generic comments that do not fully address specific deficiencies with the application. C.S.H.B. 3167 seeks to provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications.

In other words, the bill is meant to force cities to speed up the site plan/subdivision plat approval process, and to provide more information when a plan or plat isn't approved. In reality, it may create red tape that slows the process down and/or results in substandard planning. A list of witnesses for and against the bill is available at:

<https://capitol.texas.gov/tlodocs/86R/witlistbill/pdf/HB03167H.pdf#navpanes=0>.

3. What types of development applications are subject to H.B. 3167?

The bill applies to plans and plats. It defines a “plan” to mean a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan. TEX. LOC. GOV'T CODE § 212.001(2). It defines “plat” to include a preliminary plat, general plan, final plat, and replat. *Id.* § 212.001(3).

Many have questioned the meaning of these terms. Does the reference to “site plan” only refer to that term as used in Chapter 212, Subchapter B? And what does the term “general plan” refer to? That term is mentioned in current law in a handful of places. *Id.* §§ 212.010; 212.044; 212.047. As mentioned in those sections, the term may be referring to the city's comprehensive plan. In the context of H.B. 3167, the term is included in the definition of “plat.” The City of Houston's ordinance, which was praised by some developers, defines the term “general plan” as “a site plan submitted for the purpose of establishing a street system for a large tract to be developed in sections. The General Plan is submitted with the subdivision plat for the first section being platted. The General Plan is valid for 4 years and can be extended by planning commission

action. Upon planning commission approval, the General Plan establishes the street system for future development.” Thus, it appears that the term “general plan” in H.B. 3167 means something different than where it appears in other places in Chapter 212.

The bill also provides that the approval procedures as amended by the bill apply to a city regardless of whether it has entered into an interlocal agreement, including an interlocal agreement between the city and county relating to extraterritorial jurisdiction subdivision platting agreement as required by state law. *Id.* § 212.0085.

4. What application materials are included in the definition of “plan?”

Looking at the definitions in the question above, some say that essentially any type of plan that shows the layout of a project is subject to the bill. The bill uses some terms that aren’t common in planning, such as including “general plan” in the definition of “plan.” No one is certain what a “general plan” means, so each city should decide and define that term in its ordinance(s).

The bill amends Local Government Code Chapter 212, which relates to subdivision platting. It seems to insert a “site plan” and “site development plan” into the subdivision plat approval process, but those are traditionally based on the zoning authority in Chapter 211. As such, most attorneys argue that a zoning site plan isn’t subject to the bill’s requirements.

Because of the ambiguity, each city may wish to define certain term(s) in its ordinance for clarity.

5. How does H.B. 3167 change the plan/plat approval timeline?

The bill requires the municipal authority responsible for approving plats to take the following action with regard to the “initial approval” of a plan or plat within 30 days after the date the plan or plat is filed: (1) approve, (2) approve with conditions, or (3) disapprove with explanation. *Id.* § 212.009(a).

Current law defines “the municipal authority responsible for approving plats” as the municipal planning commission or, if the city has no planning commission, the governing body of the city. Also under current law, the governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission. *Id.* § 212.006(a).

If an ordinance requires that a plan or plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission, and a plan or plat is approved by the governing body unless it is approved with conditions or disapproved within that period.

6. May the city and applicant agree to extend the deadline in the question above?

Yes, but only if the applicant (not the city) requests the extension. The parties may extend the 30-day period described above for a period not to exceed 30 days if: (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and (2) the municipal authority or governing body, as applicable, approves the extension request. *Id.* § 212.009(b-2).

7. What does a city do when it approves a plan or plat?

If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. *Id.* § 212.009(c).

8. What if the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove with explanation a plan or plat within the prescribed period?

A plan or plat is approved by the municipal authority unless it is disapproved within the periods described above and in accordance with the bill's procedures. *Id.* § 212.009(b).

If that happens, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. *Id.* § 212.009(d).

9. What must a city do with regard to approval, approval with conditions, or disapproval with explanation?

A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. *Id.* § 212.0091(a).

Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* § 212.0091(b).

10. If the municipal authority approves with conditions or disapproves with explanation, what is the applicant entitled to do?

After the conditional approval or disapproval with explanation of a plan or plat, the applicant may submit to the municipal authority or governing body a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided, and the municipal authority or governing body may not establish a deadline for an applicant to submit the response. *Id.* § 212.0093.

11. What must the city do with regard to the applicant's written response?

A municipal authority or governing body that receives a written response shall determine whether to “approve” or “disapprove [with explanation]” the applicant’s previously conditionally-approved or disapproved plan or plat not later than the 15th day after the date the response was submitted. *Id.* § 212.0095(a). Again, a city may not establish a deadline before which the applicant must submit the response. *Id.* § 212.0093

A municipal authority or governing body that receives a response shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval. *Id.* § 212.0095(c).

A previously conditionally-approved or disapproved plan or plat is approved if: (1) the applicant files a response that adequately addresses each condition of the conditional approval or each reason for disapproval, and (2) the municipal authority or governing body that receives the response does not disapprove the plan or plat on or before the 15th day the response was submitted. *Id.* § 212.0095(d).

The two paragraphs above mean the plan or plat must be approved if: (1) the applicant’s written response addresses all the issues raised in the city’s prior approval with conditions or disapproval with explanation; and (2) no new issues are raised by the applicant’s written response. *Id.* § 212.0095(d)(2). What to do when new issues are raised by the applicant’s written response is the subject of some debate and is addressed in question 12, below.

12. What if the applicant’s written response changes the plan or plat in a way that creates new issues?

At least two schools of thought exist in relation to what happens once the city receives the applicant’s written response: (1) the written response and 15-day decision period of the city continues repeatedly in relation to new issues raised by corrections; or (2) the city must disapprove with explanation a submission that creates new issues, which starts the process from the beginning.

Under the first process, it appears that – if the applicant’s written response raises new issues – a city may, once again, “approve” or “disapprove with explanation” the plan or plat on or before the 15th day the response was submitted. Section 212.0095(d) supports that conclusion:

(d) A previously conditionally approved or disapproved plan or plat is approved if: (1) the applicant filed a response that meets the requirements of Subsection (c); and (2) the municipal authority or governing body that received the response *does not disapprove the plan or plat* on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Disapproval must follow the process spelled out previously:

- A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific

condition for the conditional approval or reason for disapproval. *Id.* §§ 212.0095(b); 212.0091(a) (Note that (a) includes the “conditional approval” option, but a city can’t use that. It can only disapprove with explanation because it is limited to doing so by Section 212.0095(d)(2)).

- Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* §§ 212.0095(b); 212.0091(b) (Again, only disapproval with conditions is allowed at this stage).

Presumably, the approval or disapproval with explanation for new issues within 15 days allows the applicant to once again submit a written response, which once again triggers the 15 day deadline. That process could conceivably continue until all issues have been addressed.

The second process presumes that the applicant’s written submission and the city’s response to it within 15 days is a “one-and-done” proposition. That process interprets Sections 212.0095(b)(2) and (c)-(d) to allow approval if all of the items are corrected or disapproved with explanation if not. The disapproval with explanation would mean that the applicant starts again at the beginning by resubmitting the plan or plat.

13. Does the bill provide for an alternative plan or plat approval procedure?

Yes, but only if they applicant agrees. An applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a city if the process allows for a shorter approval period than the approval process described in the questions above. *Id.* § 212.0096.

An applicant that elects to seek approval under the alternative approval process described above is not: (1) required to satisfy the requirements of the statutory approval process in the bill above before bringing an action challenging a disapproval of a plan or plat; or (2) prejudiced in any manner in bringing the action described by (1), including satisfying a requirement to exhaust any and all remedies. *Id.* § 212.0096(b).

This alternative approval procedure may be a way to grant more authority to staff and speed up internal processes. An applicant would usually have nothing to lose by trying a city’s alternative process because the applicant could always opt back in to the procedures in the bill.

14. May a city require an applicant to waive any deadlines or procedures in the bill?

Maybe, but only with regard to a plan, not a plat. A municipal authority responsible for approving plats or the governing body of a city may not request or require an applicant to waive a deadline or other approval procedure. *Id.* § 212.0097. The waiver prohibition applies only to “plats” and not to “plans,” which could allow a city to require a waiver for anything other than an actual plat, which is defined in the bill as a preliminary plat, general plan, final plat, and

replat. Of course, the prohibition against establishing a deadline by which the applicant must submit a written response remains in place. *Id.* § 212.0093.

15. What is the burden of proof in a legal action challenging the disapproval of a plan or plat?

In a legal action challenging a disapproval of a plan or plat, the city has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of the subdivision platting law or any applicable case law, and the court may not use a “deferential standard.” *Id.* § 212.0099.

16. May a city require a plan or plat to meet administrative completeness requirements before being considered “filed?” May a city have a submittal calendar that corresponds to the city’s internal meetings process?

The bill doesn’t appear to modify the authority of a city to require an administrative completeness review (i.e., meet a checklist of requirements) prior to being accepted for filing. A city could also continue to have a submittal calendar that corresponds, for example, to planning and zoning commission meetings. In other words, the bill doesn’t make any additions related to acceptance for filing requirements. Thus, if a city believes it had the authority to do so prior to the bill, it should be able to continue those practices.

One exception is that, if a groundwater availability certification is required, the 30-day period begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body, as applicable. *Id.* § 212.009(b-1).

17. How does the bill interact with Chapter 245 (the “permit vesting statute”)?

Chapter 245, in sections 245.001(a) and (b), provides in relevant part that:

Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time: (1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or (2) a plan for development of real property or plat application is filed with a regulatory agency.

Rights to which a permit applicant is entitled under this chapter accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought. An application or plan is considered filed on the date the applicant delivers the application or plan to the regulatory agency or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

The above means that an applicant could submit something for approval that would trigger vesting, but that doesn't necessarily mean that the application is "filed" for purposes of H.B. 3167. However, Section 245.001(e) provides that:

(e) A regulatory agency may provide that a permit application expires on or after the 45th day after the date the application is filed if:

(1) the applicant fails to provide documents or other information necessary to comply with the agency's technical requirements relating to the form and content of the permit application;

(2) the agency provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and

(3) the applicant fails to provide the specified documents or other information within the time provided in the notice.

The subsection above provides additional authority for a city to require "administrative completeness" prior to an application being considered as "filed" for purposes of H.B. 3167.

18. What are best practices and practical tips for compliance with the bill?

The following suggestions were provided by planners and land use attorneys:

- Review ordinances to make sure they: (1) include all grounds for approval with conditions or denial with explanation; and (2) specifically reference/cross-reference the development code, municipal code, charter, criterial manuals, and other rules that may be cited as a result of H.B. 3167.
- Conduct a study of the cost to provide service for the required staffing levels necessary to meet H.B. 3167 timelines. For instance, a city may need additional engineering services. Adopt new fees that require development to cover the associated costs.
- Establish a detailed internal review process with internal deadlines.
- If a city doesn't have both the planning commission and governing body approval process (as allowed in Local Government Code Section 212.006), it should consider adopting such a process so that if one misses something (e.g., an item that needs to be conditionally approved), the other one can address it.
- Define "filed" in the city's ordinance to mean the day the administrative review process is finished and the plan or plat is placed on the planning and zoning commission agenda.
- Create a waiver form and make it available to applicants. The city can't request a waiver for plats, but it arguably can for plans (see question 14, above), and staff could point out that the process may actually be longer without one.
- Develop standard forms with fill-in-the-blanks and have a comment bank that includes citations to point out frequent errors.

- Establish a detailed quality control checklist (with code citations) and require it to be submitted, and stamped by the submitting engineer, as part of the completeness review.
- Host meeting/informational sessions for the development community to roll out process changes.
- Require pre-application conferences before applicants can submit.
- Limit filing to a schedule or certain day(s) of week.
- Consider whether you need to add dates to the planning and zoning commission meeting schedule, and consider what happens to the application if the commission is unable to meet within the 30-day timeframe (e.g., because of a lack of quorum).
- Delegate any applications to staff rather than the “authority responsible for approving plats” to avoid the 30-day provisions.
- Require supporting “studies” (i.e. traffic impact analysis, drainage study, etc.) be submitted prior to the first application for development.
- Consider requiring submission and approval of preliminary utility plans, potentially as part of a service availability determination, separate and prior to any submission of the actual preliminary plan or plat. Consider the same regarding: utility evaluations (city and third party); TxDOT or county road approvals (curb cuts/driveways); traffic impact analysis; variance approvals; and any other submissions that need to be made to the county and ESD (or any other governmental entity that needs to review) prior to filing.
- Do not accept a final plat for review until subdivision construction plans are approved and either a fiscal surety is filed or the infrastructure improvements are constructed.
- Call responses “notices of code deficiency” that state “your submission fails to comply with section _____ regarding _____” or “does not adequately address section _____ regarding _____.”

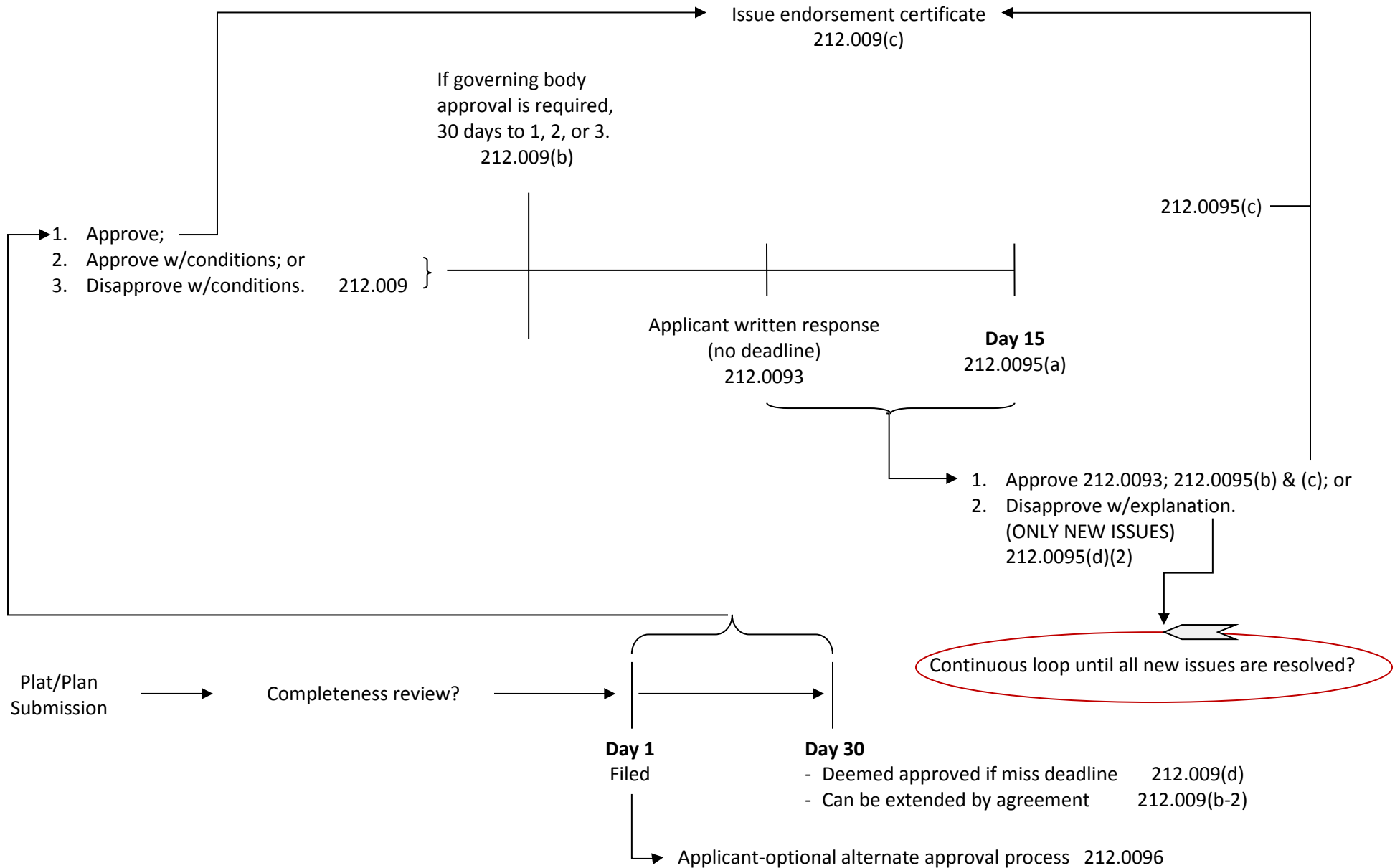
19. Does the bill contain any beneficial provisions?

Yes. With regard to the approval of replats, the bill provides that:

1. a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (a) is signed and acknowledged by only the owners of the property being replatted; (b) is approved by the municipal authority responsible for approving plats; and (c) does not attempt to amend or remove any covenants or restrictions (*Id.* § 212.014); and
2. for a replat that, during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot: (a) if the proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the city and; (b) if a proposed replat does not require a variance or exception, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll; (c) sections (a) and (b) do not apply to a proposed replat if the municipal planning commission or the governing body of the city holds a public hearing and gives notice of the hearing in the

manner provided by section (b); (d) the notice of a replat approval required by section (b) must include: (i) the zoning designation of the property after the replat; and (ii) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat (*Id.* § 212.015).

H.B. 3167 Development Approval Process



Subdivision Applications: Preliminary Plans, Final Plats and Subdivision Construction Plans

The Travis County Commissioners Court adopted Chapter 482 of the Travis County Policies, Procedures, and Regulations Manual, including certain revisions to address the requirements of HB 3167 passed by the 86th Texas Legislative Session in 2019. This policy, entitled "[Travis County Development Regulations](#)," (Chapter 482 includes [right-of-way information](#)) applies to the subdivision of all real property located in the unincorporated areas of Travis County. It includes procedures for preparing preliminary plans and final plats, layout requirements for streets and drainage systems, standards for street and drainage design and construction, fiscal security, construction permits and inspections, license agreements, and vacation of right-of-way easements.

The Travis County Transportation and Natural Resources Department reviews all subdivision applications for compliance with the adopted standards and provides recommendations to the County Commissioners Court which approves the subdivision plat for recording at the county clerk's office.

House Bill 3167

House Bill 3167, effective September 1, 2019, establishes specific timelines for the review of subdivision applications by Texas municipalities and Texas counties. Upon the filing of a completed application, HB 3167 mandates a 30 day review process resulting in the approval, conditional approval, or disapproval of the application by the platting board, which in Travis County is the Travis County Commissioners Court, by the 30th day after a completed application is filed. A conditional approval requires a listing of the conditions that must be satisfied for the approval to be complete; similarly, a disapproval requires a listing of all application requirements that remain to be met in order for a file to be approved. Resubmitted application documents are required to be reviewed in a 15-day review period, resulting in approval, conditional approval, or disapproval.

Accordingly, in order to comply with the scheduling required by the statute, the requirements for filing subdivision applications, and the processing of those applications, has been modified and is described below.

[Application Process for Areas Outside of the City of Austin Extraterritorial Jurisdiction \(ETJ\)](#) >

[Prerequisite Requirements to File a Subdivision Application](#) >

[Complete Subdivision Application Document Requirements](#) >

[Austin/Travis County Single Office Subdivision Application Process](#) >

Groundwater Availability Regulations

Review the recently [adopted groundwater availability regulations for new subdivisions](#).

Travis County Housing Finance Corporation

The Travis County Housing Finance Corporation was created in 1980 to assist in meeting the housing needs of low and moderate-income families in Travis County. The Corporation provides single-family home ownership (including down payment assistance) opportunities to first time homebuyers who meet certain income requirements. In addition, the Corporation issues tax-exempt bonds to finance the construction or acquisition of multi-family apartments that must provide rental units to certain low and moderate-income families. For more information visit the [Travis County Housing Finance Corporation web site](#).

- [Final Plat Review Form](#)
- [Preliminary Plan Review Form](#)

Subdivision Fees

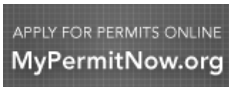
- [Subdivision Fee Calculation \(Non-SingleOffice\)](#)
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TAX RATE: TRAVIS COUNTY ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.6 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$11.00.

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Planning

Update on House Bill 3167

In 2019, the Texas Legislature adopted House Bill 3167, which requires all Texas cities and counties to respond to a subdivision plat application, or several other types of applications, within 30 days. Effective Sept. 1, the new legislation will impact how the City of Leander reviews concept plans, preliminary plats, construction plans, final plats, amended final plats, and short form final plats.

In response, the City of Leander has updated its process for reviewing and approving plat applications, and related subdivision and composite zoning ordinances have been amended:

- Notice of amendments
- Composite Zoning Ordinance
- Site Developments
- Subdivisions

All amended ordinances and submittal schedules are effective Sept. 1.

Questions

For additional information, please contact the Planning Department at 512-528-2750 or planning@leandertx.gov.

Supporting Documents

 [Notice of amendments \(HB 3167\) \(736 KB\)](#)



CONTACT INFORMATION

Physical Location

Pat Bryson Municipal Hall
201 N. Brushy Street
Leander, Texas 78641

Monday–Friday
8 a.m.–5 p.m.

Fax (512) 259–1425

Mailing Address

City of Leander – Planning Dept
P.O. Box 319
Leander, Texas 78646

Contact

Planning Coordinator
Phone (512) 528–2750

[View Full Contact Details](#)

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Subdivision Applications: Preliminary Plans, Final Plats and Subdivision Construction Plans

The Travis County Commissioners Court adopted Chapter 482 of the Travis County Policies, Procedures, and Regulations Manual, including certain revisions to address the requirements of HB 3167 passed by the 86th Texas Legislative Session in 2019. This policy, entitled "[Travis County Development Regulations](#)," (Chapter 482 includes [right-of-way information](#)) applies to the subdivision of all real property located in the unincorporated areas of Travis County. It includes procedures for preparing preliminary plans and final plats, layout requirements for streets and drainage systems, standards for street and drainage design and construction, fiscal security, construction permits and inspections, license agreements, and vacation of right-of-way easements.

The Travis County Transportation and Natural Resources Department reviews all subdivision applications for compliance with the adopted standards and provides recommendations to the County Commissioners Court which approves the subdivision plat for recording at the county clerk's office.

House Bill 3167

House Bill 3167, effective September 1, 2019, establishes specific timelines for the review of subdivision applications by Texas municipalities and Texas counties. Upon the filing of a completed application, HB 3167 mandates a 30 day review process resulting in the approval, conditional approval, or disapproval of the application by the platting board, which in Travis County is the Travis County Commissioners Court, by the 30th day after a completed application is filed. A conditional approval requires a listing of the conditions that must be satisfied for the approval to be complete; similarly, a disapproval requires a listing of all application requirements that remain to be met in order for a file to be approved. Resubmitted application documents are required to be reviewed in a 15-day review period, resulting in approval, conditional approval, or disapproval.

Accordingly, in order to comply with the scheduling required by the statute, the requirements for filing subdivision applications, and the processing of those applications, has been modified and is described below.

[Application Process for Areas Outside of the City of Austin Extraterritorial Jurisdiction \(ETJ\)](#) >

[Prerequisite Requirements to File a Subdivision Application](#) >

[Complete Subdivision Application Document Requirements](#) >

[Austin/Travis County Single Office Subdivision Application Process](#) >

Groundwater Availability Regulations

Review the recently [adopted groundwater availability regulations for new subdivisions](#).

Travis County Housing Finance Corporation

The Travis County Housing Finance Corporation was created in 1980 to assist in meeting the housing needs of low and moderate-income families in Travis County. The Corporation provides single-family home ownership (including down payment assistance) opportunities to first time homebuyers who meet certain income requirements. In addition, the Corporation issues tax-exempt bonds to finance the construction or acquisition of multi-family apartments that must provide rental units to certain low and moderate-income families. For more information visit the [Travis County Housing Finance Corporation web site](#).

- [Final Plat Review Form](#)
- [Preliminary Plan Review Form](#)

Subdivision Fees

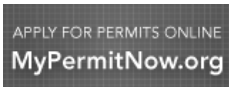
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