



AGENDA ITEM SUMMARY FORM

MEETING DATE: February 15, 2023

PREPARED BY: Chris Whittaker

AGENDA CONTENT: Discussion and possible action on the proposed Bill authored by Representative Cody Vasut revising Texas Local Government Code Section 242.001.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The proposed Bill prepared by Texas House Member, Representative Cody Vasut, District 25 contains a modification to Texas Local Government Code Section 242.001.

The proposed Bill would apply only to Brazoria County, Texas and no other County in Texas.

It is written in the bill that the revision applies to "counties with a population of more than 371,000 and less than 420,000."

Brazoria County, as of, the 2020 Census had 372,000.

The Texas State Directory and the 2021 American Community Survey supports this.

The proposed Vasut Bill revises the Statute allowing the County to unilaterally terminate an Interlocal Agreement it enters with the cities within the county regarding an agreement on platting authority in a city's ETJ (extra-territorial jurisdiction). The City of Angleton, Texas currently has such an Interlocal Agreement with the County.

The proposed Vasut Bill provides: **the County has exclusive jurisdiction to regulate subdivision plats and permit approval in a City's ETJ and strips the City of Angleton and any other city in Brazoria County of the ability to control what development occurs in its ETJ.**

If passed this would mean that the County dictates what, if anything, is developed in Angleton's ETJ, as well as the ETJ of any City in Brazoria County.

The exception for such County control is:

The city enters an agreement to annex the area within 15 years after the date the County adopts an order by the Commissioners to terminate the Interlocal Agreement.

This issue and possible passage of the Vasut Bill is important in light of the new County Subdivision Regulations adopted in 2022 particularly on lot size.

In response to both cities and counties attempting to enforce zoning-like regulations during the platting process, the Texas Legislature imposed statutory limitations.

The statutory limitations set out in Section 232.101(b); Tex. Loc. Gov't Code prevents counties from regulating the following:

1. the use of any building or property;
2. the size and number of buildings;
3. the number of residential units that can be built on an acre of land; and
4. the size and type of a water or wastewater facility that can be constructed to serve a development.

Texas case law reflects similarly; See *Integrity Group, Inc. v. Medina County Comm'rs Court*, No. 04-03-00413-CV, 2004 WL 2346620 (Tex. App.—San Antonio Oct. 20, 2004, pet. denied) (mem. op.).

Chapter 212, Texas Local Gov't Code §212.003(a)(4) Cities shall not regulate number of residential units that can be built per acre of land.

RECOMMENDATION:

N/A