



# Development in Fort Bend County

J. Stacy Slawinski, P.E.  
County Engineer

Thursday, October 27, 2022

# AGENDA

- Introduction to Fort Bend County
- Local Government Code
- Regulation Of Subdivisions
- Development Regulations
- Bonding and Road Construction



# MISSION

The Engineering Department provides comprehensive planning, design, mapping, and management services to facilitate **quality construction of private development**, public roads, and public infrastructure to enhance public safety and quality of life in the County.

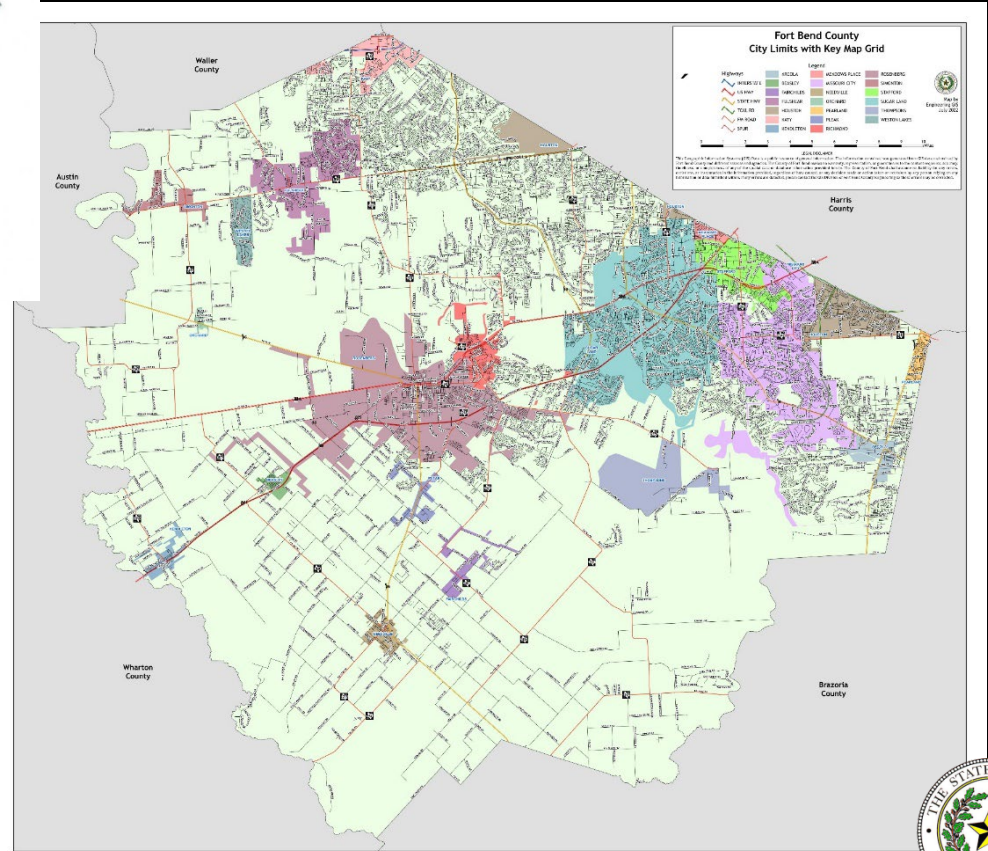




# FORT BEND STATS

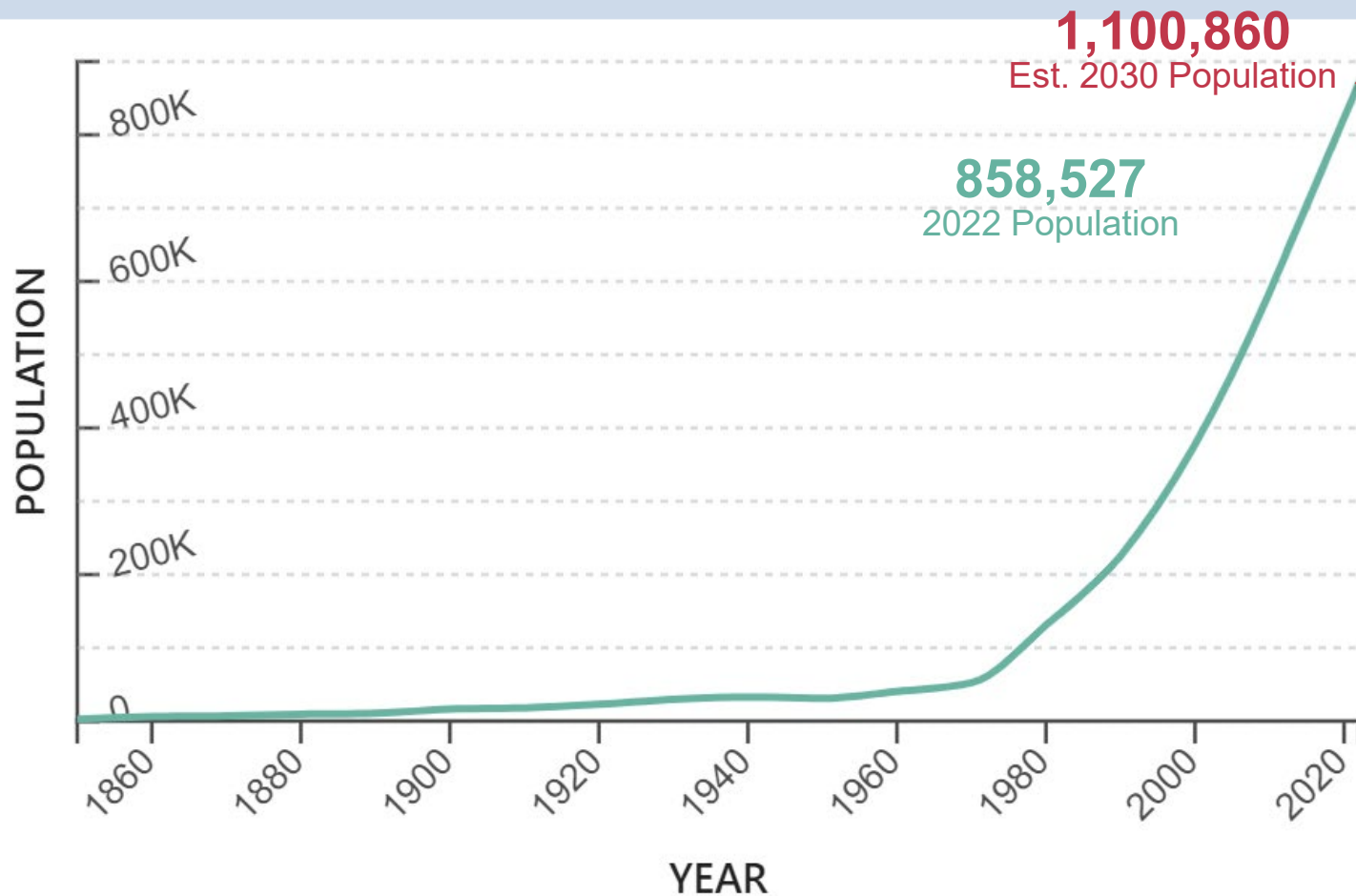
- 885 square miles
- 2,122 miles of County maintained public roads

- 79% unincorporated
- 20 cities & 21 ETJs
- ~213 MUDs



# POPULATION GROWTH

## Fort Bend County, Texas Population Growth



# DEMOGRAPHICS & DIVERSITY

GDP Per Capita

**\$33.6K**



Population

**858,527**

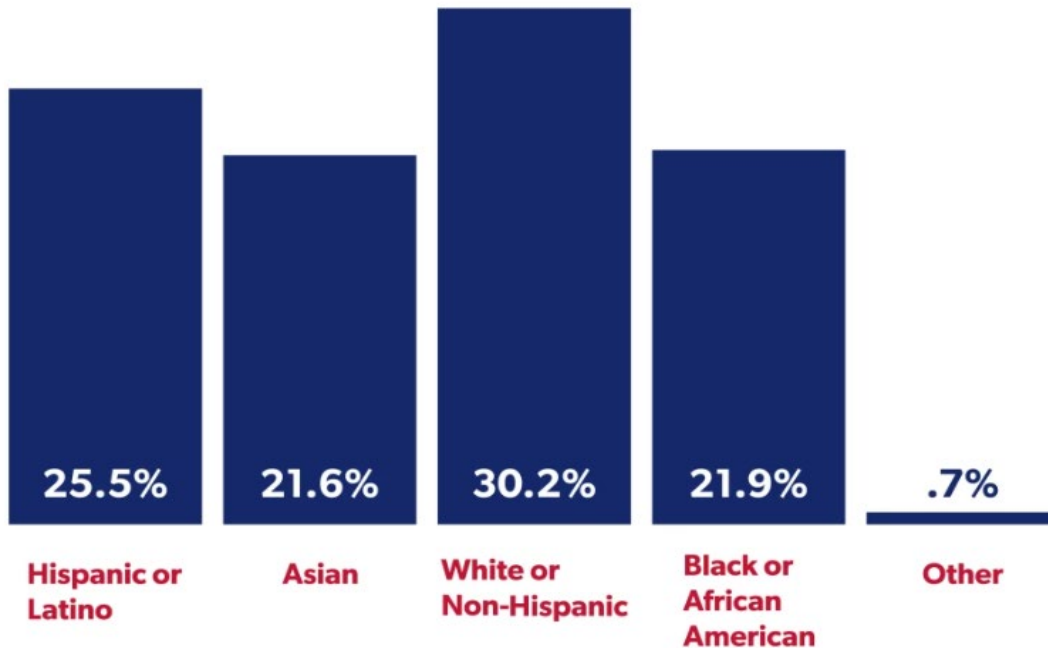
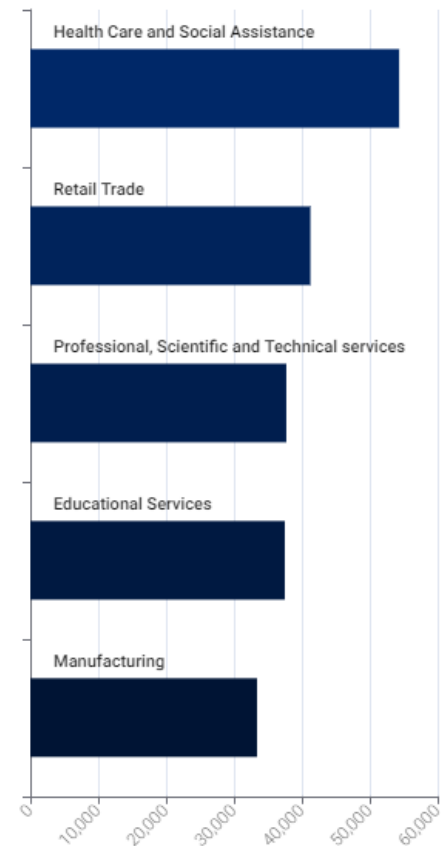


Median Household Income

**\$101,293**



Top Employment Sectors



# RESIDENTIAL CONSTRUCTION

Construction Sector Establishments

1,027



Construction Sector Employment

10,427



Construction Sector Total Wages

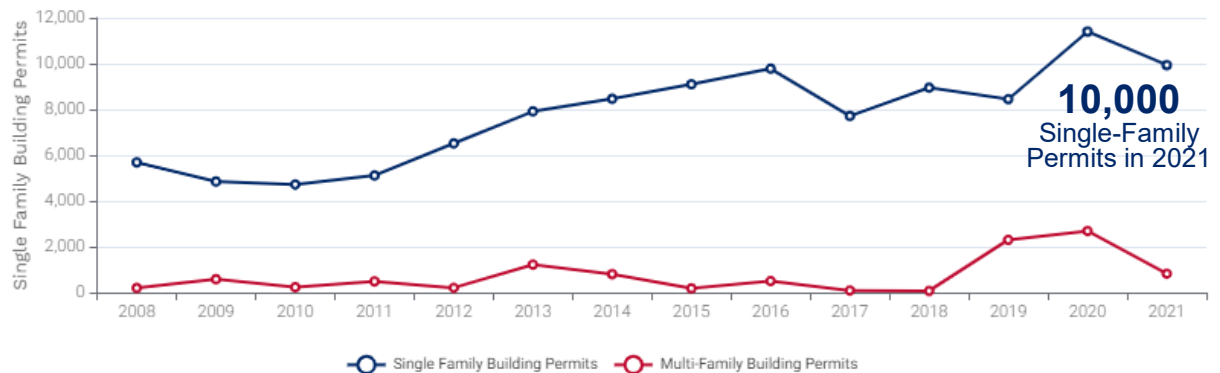
\$968.0M



Residential Building Permits



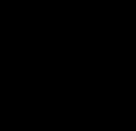
Residential Building Permits by Type



6,858 single family home lots were platted in 2021. This does not include lots platted within city limits.



# LOCAL GOVERNMENT CODE



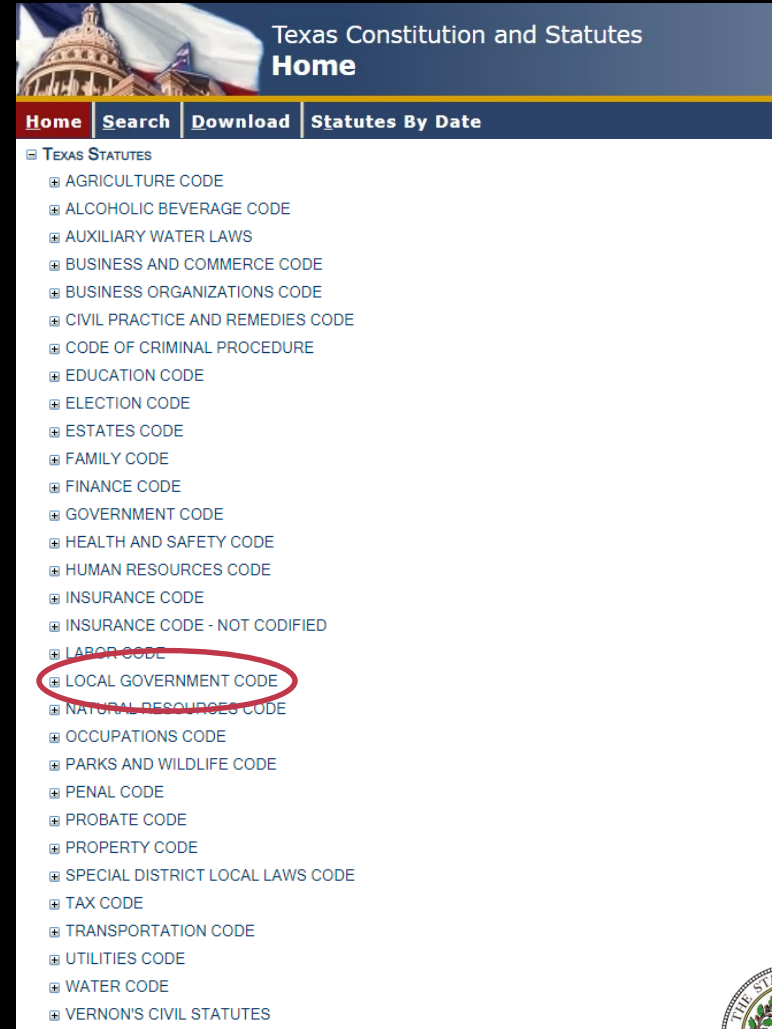


# TEXAS LOCAL GOVERNMENT CODE

The Texas Administrative Code (TAC) is a compilation of all state agency rules in Texas.

Includes the Local Government Code

<https://statutes.capitol.texas.gov/>



Texas Constitution and Statutes  
Home

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TEXAS STATUTES

- AGRICULTURE CODE
- ALCOHOLIC BEVERAGE CODE
- AUXILIARY WATER LAWS
- BUSINESS AND COMMERCE CODE
- BUSINESS ORGANIZATIONS CODE
- CIVIL PRACTICE AND REMEDIES CODE
- CODE OF CRIMINAL PROCEDURE
- EDUCATION CODE
- ELECTION CODE
- ESTATES CODE
- FAMILY CODE
- FINANCE CODE
- GOVERNMENT CODE
- HEALTH AND SAFETY CODE
- HUMAN RESOURCES CODE
- INSURANCE CODE
- INSURANCE CODE - NOT CODIFIED
- LABOR CODE
- LOCAL GOVERNMENT CODE**
- NATURAL RESOURCES CODE
- OCCUPATIONS CODE
- PARKS AND WILDLIFE CODE
- PENAL CODE
- PROBATE CODE
- PROPERTY CODE
- SPECIAL DISTRICT LOCAL LAWS CODE
- TAX CODE
- TRANSPORTATION CODE
- UTILITIES CODE
- WATER CODE
- VERNON'S CIVIL STATUTES



# TEXAS LOCAL GOVERNMENT CODE

Three basic types of local governments in Texas

- Counties (254)
- Cities (1,218)
- Special Districts (2,798)

Code is 2,827 pages



Texas Constitution and Statutes  
**Home**

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The statutes available on this website are current through the 87th 3rd Called Legislative Session, 2021. The Texas Constitution maintained on this website is the official text of the constitution. In addition, the constitutional provisions found on this website comply with the Uniform Electronic Legal Material Act (UELMA) and are current through the amendments approved by voters in May 2022. For more information about UELMA, please see the council's implementation [report](#).

☐ LOCAL GOVERNMENT CODE

- ☑ TITLE 1. GENERAL PROVISIONS
- ☑ TITLE 2. ORGANIZATION OF MUNICIPAL GOVERNMENT
- ☑ TITLE 3. ORGANIZATION OF COUNTY GOVERNMENT
- ☑ TITLE 4. FINANCES
- ☑ TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES
- ☑ TITLE 6. RECORDS
- ☑ TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES
- ☑ TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY
- ☑ TITLE 9. PUBLIC BUILDINGS AND GROUNDS
- ☑ TITLE 10. PARKS AND OTHER RECREATIONAL AND CULTURAL RESOURCES
- ☑ TITLE 11. PUBLIC SAFETY
- ☑ TITLE 12. PLANNING AND DEVELOPMENT
- ☑ TITLE 13. WATER AND UTILITIES
- ☑ TITLE 14. PARKING AND TRANSPORTATION



# TEXAS LOCAL GOVERNMENT CODE

Cities can regulate anything that isn't expressly **prohibited** by state law.

Counties can only regulate what is expressly **granted** by state law.



# **REGULATION OF SUBDIVISIONS**

## **TITLE 7, SUBTITLE B, CHAPTER 232**



# URBAN, RURAL OR OTHER?

## Texas Local Government Code §232.001

- Subchapter A. Subdivision Platting Requirements In General
- Subchapter B. Subdivision Platting Requirements In County Near International Border
- Subchapter C. Subdivision Platting Requirements In Certain Economically Distressed Counties
- Subchapter D. County Planning Commission
- Subchapter E. Infrastructure Planning Provisions In Certain Urban Counties



# DEFINITION OF URBAN COUNTY

- Texas Local Government Code §232.006
  - A county that has a population of more than 3.3 million (Only Harris), OR
  - Is contiguous with a county that has a population of more than 3.3 million  
(Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery & Waller)
- Other agencies define “urban county” per requirements of their specific programs

Rank	County	Population
1	<a href="#">Harris County</a>	4,728,030
2	<a href="#">Dallas County</a>	2,586,050
3	<a href="#">Tarrant County</a>	2,126,477
4	<a href="#">Bexar County</a>	2,028,236
5	<a href="#">Travis County</a>	1,305,154
6	<a href="#">Collin County</a>	1,109,462
7	<a href="#">Denton County</a>	941,647
8	<a href="#">Hidalgo County</a>	880,356
9	<a href="#">El Paso County</a>	867,947
10	<a href="#">Fort Bend County</a>	858,527
11	<a href="#">Montgomery County</a>	648,886
12	<a href="#">Williamson County</a>	643,026
13	<a href="#">Cameron County</a>	423,029
14	<a href="#">Brazoria County</a>	379,689
15	<a href="#">Bell County</a>	379,617
16	<a href="#">Galveston County</a>	355,062
17	<a href="#">Nueces County</a>	353,079
18	<a href="#">Lubbock County</a>	314,451
19	<a href="#">Webb County</a>	267,945
20	<a href="#">McLennan County</a>	263,115



# LIMITATIONS OF URBAN COUNTIES

- Cannot regulate:
  - Land use
  - Bulk, height, or number of buildings
  - Building size, including Floor Area Ratio (FAR)
  - Residential units per acre of land
  - Plat or subdivision in adjoining county
  - Road access to a plat or subdivision in an adjoining county



# ALLOWANCES OF URBAN COUNTIES

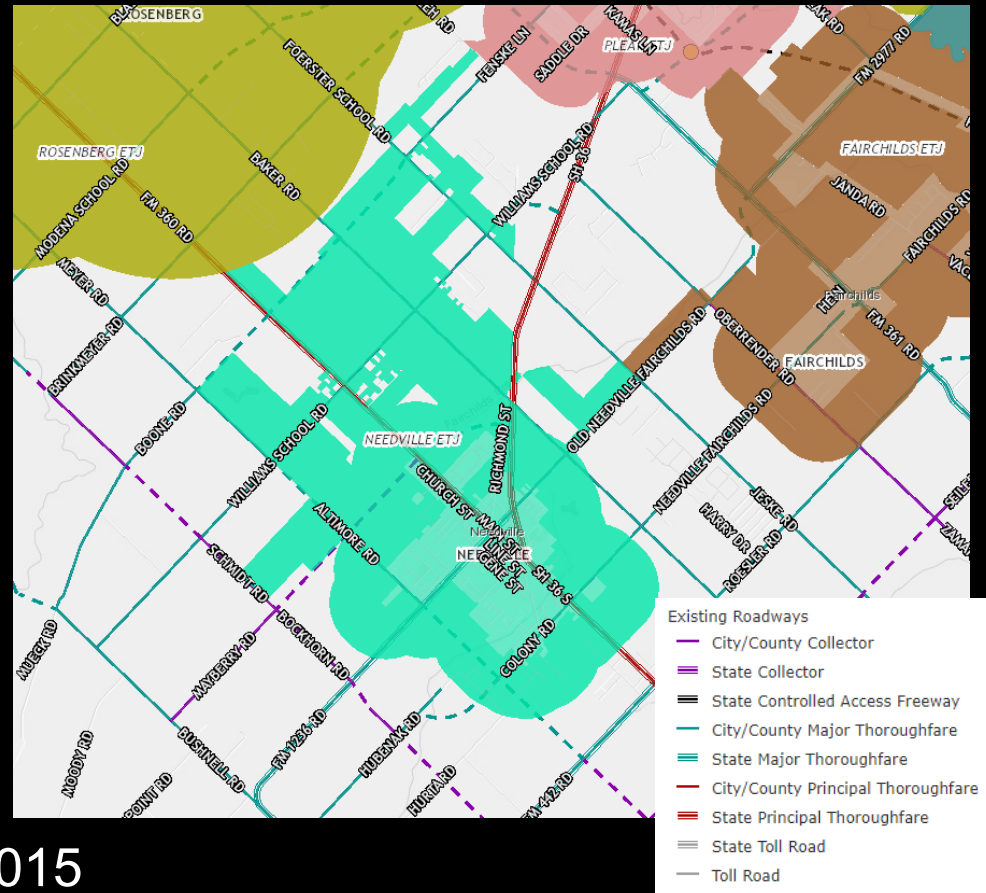
- Can adopt:
  - Major thoroughfare plan
  - Lot frontages on county roads
  - Setbacks
  - Development participation contracts
  - Connection of utilities
  - Fire suppression system for certain subdivisions





# MAJOR THOROUGHFARE PLAN

- Designed to address the mobility needs of County as it continues to become more urbanized
- Establishes a network of controlled access highways and toll roads, principal thoroughfares, major thoroughfares and collectors
- Classification is based on the function of the road relative to mobility and access.
- Current plan was adopted in 2015
- Amendments must be approved by Commissioners Court and City if within an ETJ



# WHEN IS A PLAT REQUIRED?

Texas Local Government Code  
§232.001, Section 2.1 FBC  
Regulations of Subdivisions

...the owner divides the tract  
into two or more parts to lay  
out:

- A subdivision of the tract;
- Lots; or
- Streets, alleys, squares, parks,  
or other parts intended to be  
dedicated to public use



# WHEN IS A PLAT NOT REQUIRED?

- Texas Local Government Code §232.0015  
*Exceptions to platting requirements*
  - Section 2.2 FBC Regulations of Subdivisions
  - Exceptions include:
    - Family member
    - Agricultural
    - >10 acres per lot
    - Veterans' Program
    - State owned
    - Etc.



# LIMITATIONS

- §232.00285 – 86<sup>th</sup> Legislative Session, HB 3167

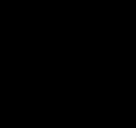
Cannot require development plan documents as part of the plat approval process including:

- General plans
- Preliminary plats
- Site Plans
- Construction plans



# DEVELOPMENT REGULATIONS

Maggie Dalton, Development Services Manager



# INITIAL ADOPTION

March 13, 1961

- Commissioners Court adopted policies for subdivision plat approval
- Required bonds for roadway construction
- Established one-year maintenance policy for public roadways

STATE OF TEXAS       |  
COUNTY OF FORT BEND   |

ON THIS the 13th day of March, 1961, at a Regular Meeting of the Commissioners' Court, sitting as the governing body of Fort Bend County, came on to be considered the necessity of setting policies for the approval of subdivision plats in Fort Bend County.

Upon due consideration, the Court was of the opinion that there exists a necessity for setting such policies:

NOW, THEREFORE, by and under the authority vested in the Commissioners' Court, upon the motion of Commissioner E. H. Muegge, seconded by Commissioner Johnnie Philipp, duly presented and carried, IT IS ORDERED, ADJUDGED AND DECREED that the following policies are hereby adopted and shall be in full force from the date hereof, to-wit:

SUBDIVISIONS:

(a) These policies and any and all future additions thereto and changes thereof, will be binding in all new subdivisions or re-subdivisions in Fort Bend County, that are not within the legal limits of any incorporated city or town.

(b) All plats must be made on tracing linen or equal with India ink.

This original tracing is to be filed in the Clerk's Office as a permanent record. If the applicant requires a duplicate original of the plat with signatures, he must submit a reproduced tracing along with the original. He must also furnish a print of the plat for the County's file.



# CURRENT REGULATIONS

## 1. Regulations of Subdivisions

- Section 1 - Definitions
- Section 2 - General Policy
- Section 3 - Plat Submittal Procedures & Requirements
- Section 4 - Plat Graphic Requirements
- Section 5 - Design Criteria
- Section 6 - Acceptance of Improvements within Subdivisions
- Section 7 - Green Space Regulations
- Appendices

## 2. Regulations for Floodplain Management

- ## 3. Rules Governing Water and Wastewater Infrastructure
- ## 4. Outdoor Lighting Regulations and Map
- ## 5. Driveways and Culverts on County Easements and Right of Ways
- ## 6. Manufactured Home Rental Communities
- ## 7. Standard Construction Details

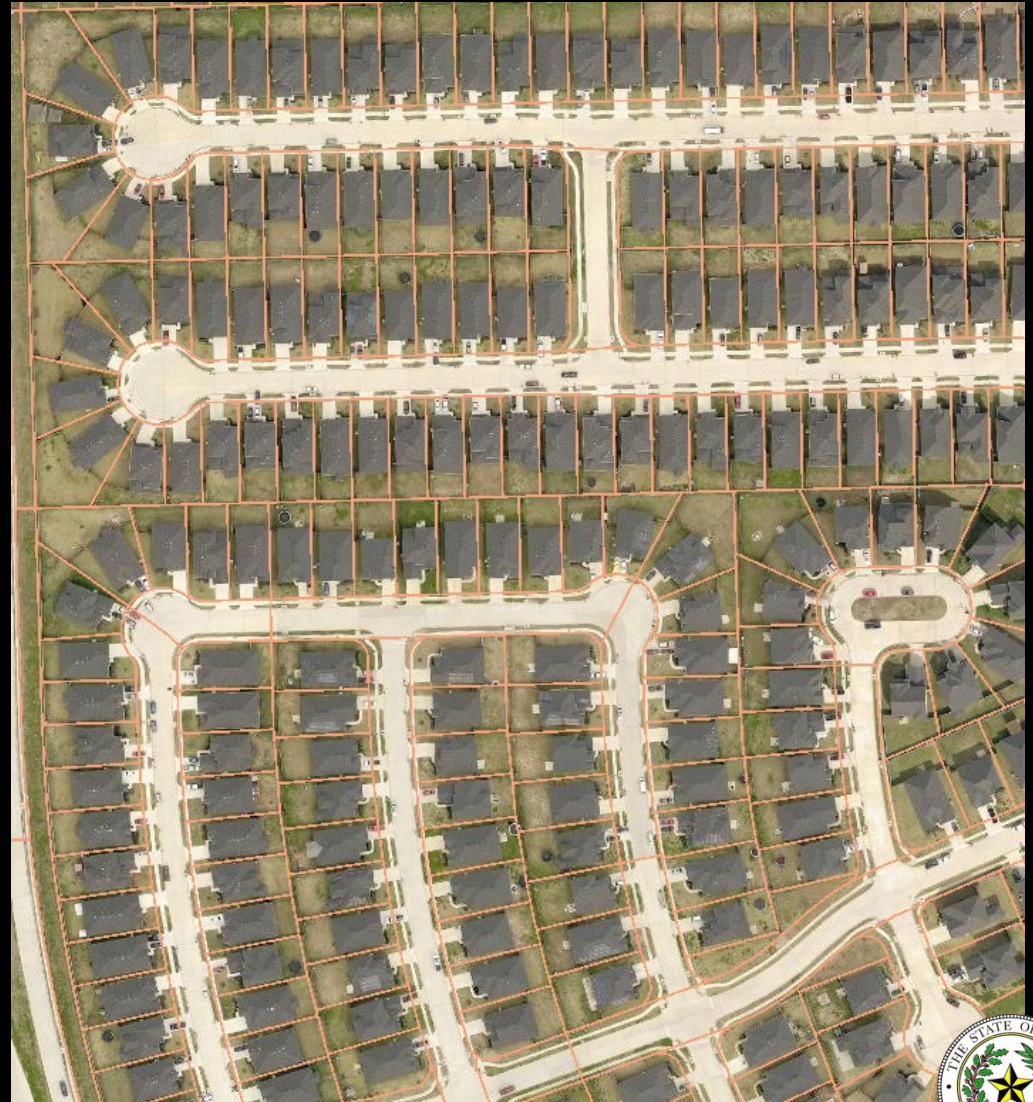


# SUBDIVISION TRENDS 2022

## Lot width in feet:

- 20s – 7% (townhomes)
- 30s – 2% (townhomes)
- 40s – 16%
- 45s – 18%
- **50s – 29%**
- 60s – 18%
- 70s – 3%
- 80s – 1%
- >80s – 6% (acreage lots)

**5,000 SF min lot size**

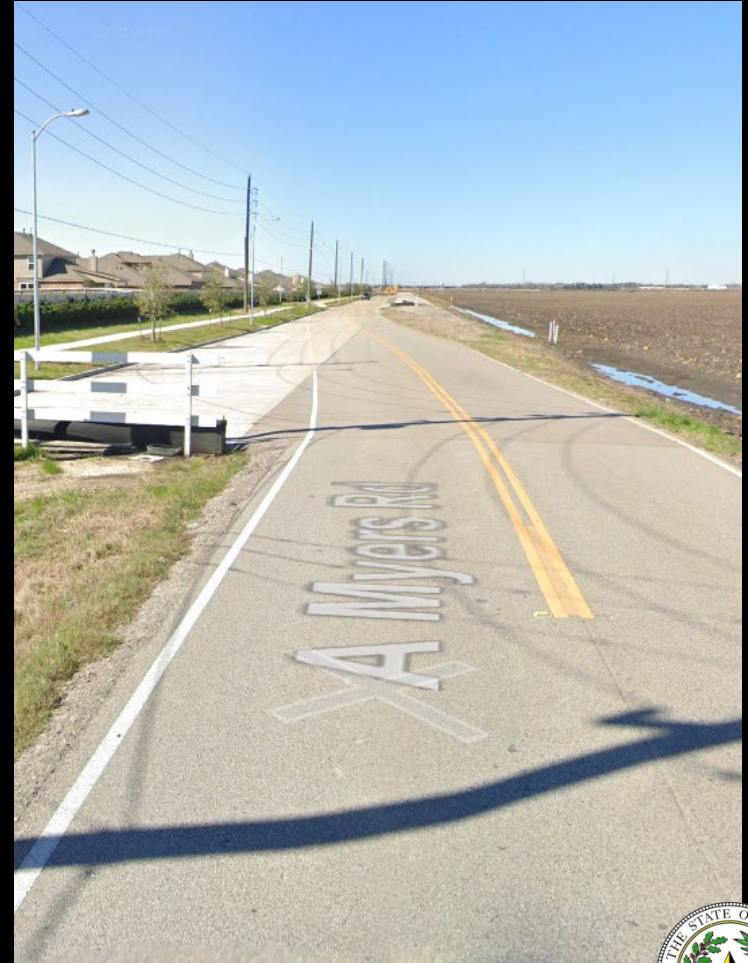




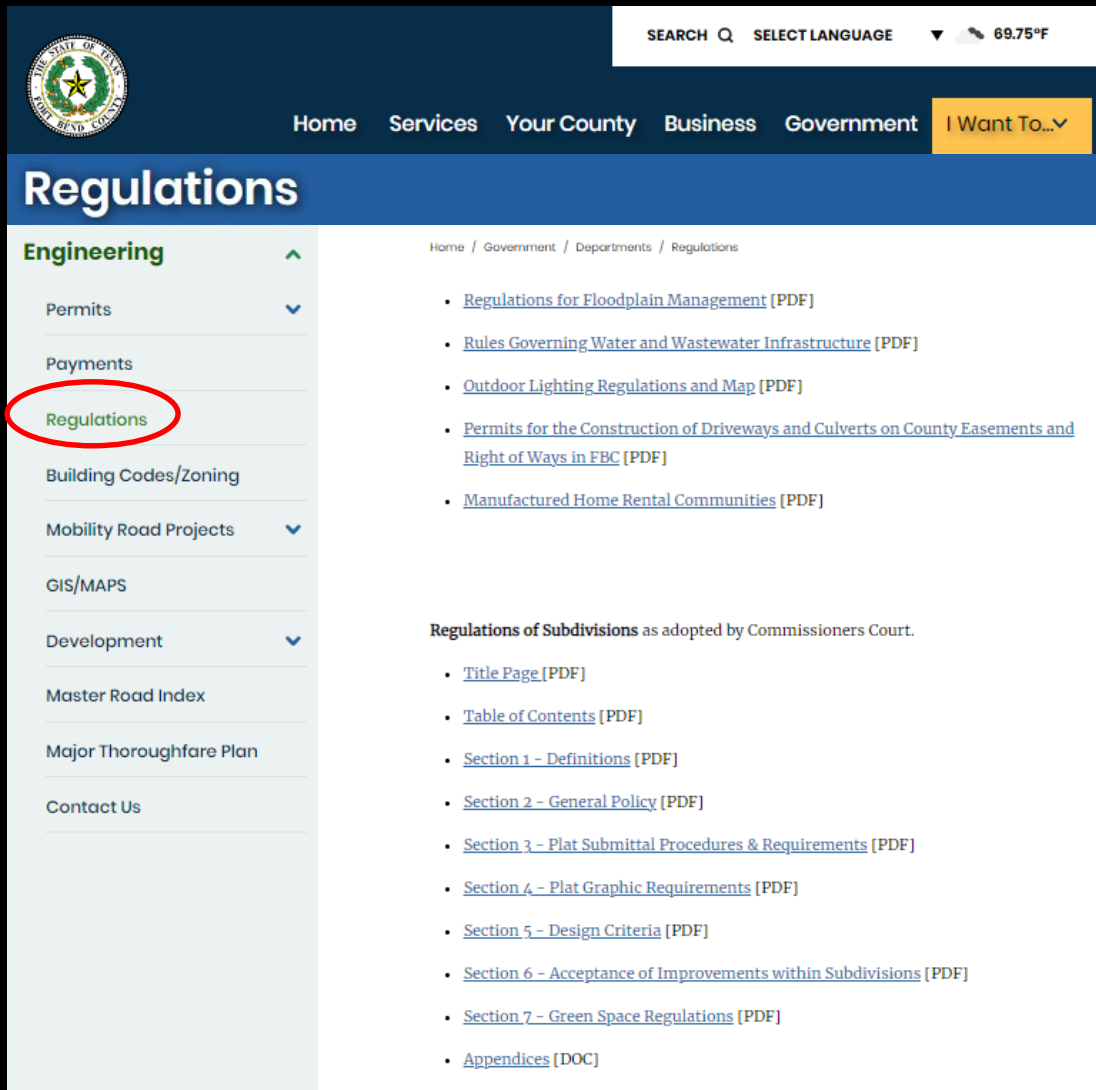
# DEVELOPMENT ALONG MAJOR THOROUGHFARES

- Developer required to improve or contribute to the improvement of the major thoroughfare
- Estimated contribution
  - \$5.5M per mile for four-lanes
  - \$500 per linear foot for two lanes (will increase soon)

Rough Proportionality requires the contribution to be proportionate to a development's likely impacts



# WHERE TO FIND REGULATIONS



The screenshot shows the Fort Bend County website. At the top left is the county seal. The navigation bar includes 'Home', 'Services', 'Your County', 'Business', 'Government', and 'I Want To...'. A search bar and 'SELECT LANGUAGE' dropdown are at the top right. The main content area is titled 'Regulations' and lists various categories in a sidebar on the left: Engineering, Permits, Payments, Regulations (circled in red), Building Codes/Zoning, Mobility Road Projects, GIS/MAPS, Development, Master Road Index, Major Thoroughfare Plan, and Contact Us. The main content area displays a list of regulations under the heading 'Regulations of Subdivisions as adopted by Commissioners Court.' The list includes links to various PDF documents such as 'Regulations for Floodplain Management', 'Rules Governing Water and Wastewater Infrastructure', 'Outdoor Lighting Regulations and Map', 'Permits for the Construction of Driveways and Culverts on County Easements and Right of Ways in FBC', 'Manufactured Home Rental Communities', 'Title Page', 'Table of Contents', 'Section 1 - Definitions', 'Section 2 - General Policy', 'Section 3 - Plat Submittal Procedures & Requirements', 'Section 4 - Plat Graphic Requirements', 'Section 5 - Design Criteria', 'Section 6 - Acceptance of Improvements within Subdivisions', 'Section 7 - Green Space Regulations', and 'Appendices'.

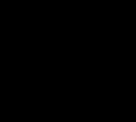
Search for 'Fort Bend County Engineering'

Select 'Regulations' on the left side of the screen.



# BONDING AND ROAD CONSTRUCTION

Wesley Crawford, Construction Manager



# BONDS AND FINANCIAL GUARANTEES

- Required at the time of platting
- Bond Requirements §232.004
  - An amount to ensure proper construction of the roads/streets and drainage for the subdivision
  - Can not exceed the estimated cost of construction
  - Construct in accordance with specifications adopted by Commissioners Court
  - Fort Bend County bond amount is set to cover repairs but not enough to construct the entire street network
- In Lieu of Bond §232.0045
  - Cash
  - Letter of Credit



# ROADWAY CONSTRUCTION PROCESS

- Approved construction plans through Fort Bend County
  - If located within an ETJ the city also reviews the public improvements, if the city elects
- 48-hour notification of construction and inspection required



# ROADWAY CONSTRUCTION PROCESS

## Inspections

- Proof roll (streets or lots)
- Lime/fly ash placement
- Gradations
- Lime depth
- Densities
- Rebar
- Concrete
- Utilities and detention



# ROADWAY CONSTRUCTION PROCESS

## Construction Completion

- Traffic control plan adopted through Court
- Streets open to public

## One-year **Maintenance** by Developer

## Acceptance Inspection

- Punchlist of deficiencies generated by County and addressed by developer
- Acceptance into county road maintenance
- Release of bond



# PITFALLS

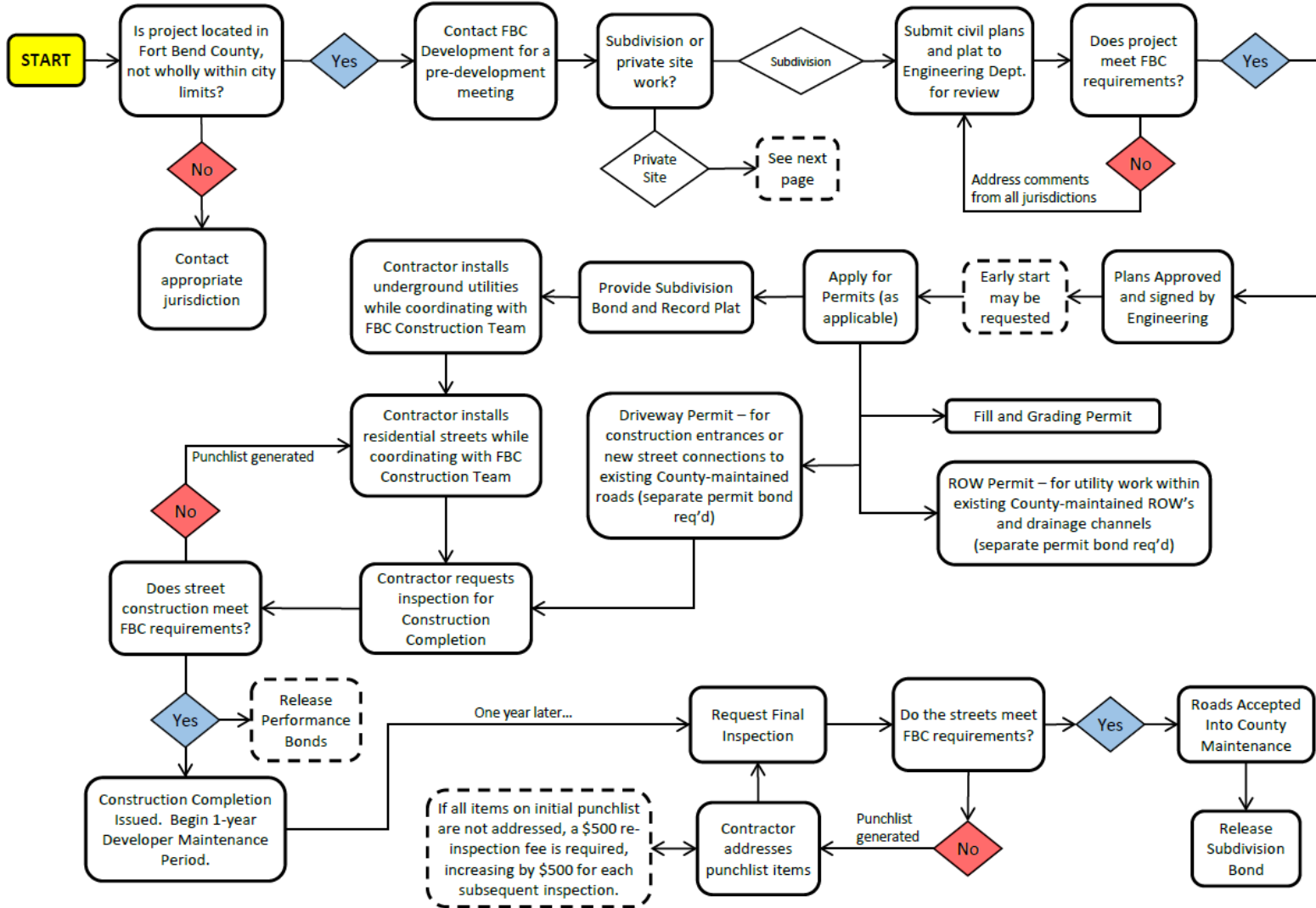
Counties can require bonds but can not require construction plans

- ROW dedication with no improvements
- Who ultimately constructs?
- At what point does the County call the bond, if at all?
- Decision to be made
  - Vacate the plat? Construct the improvements?

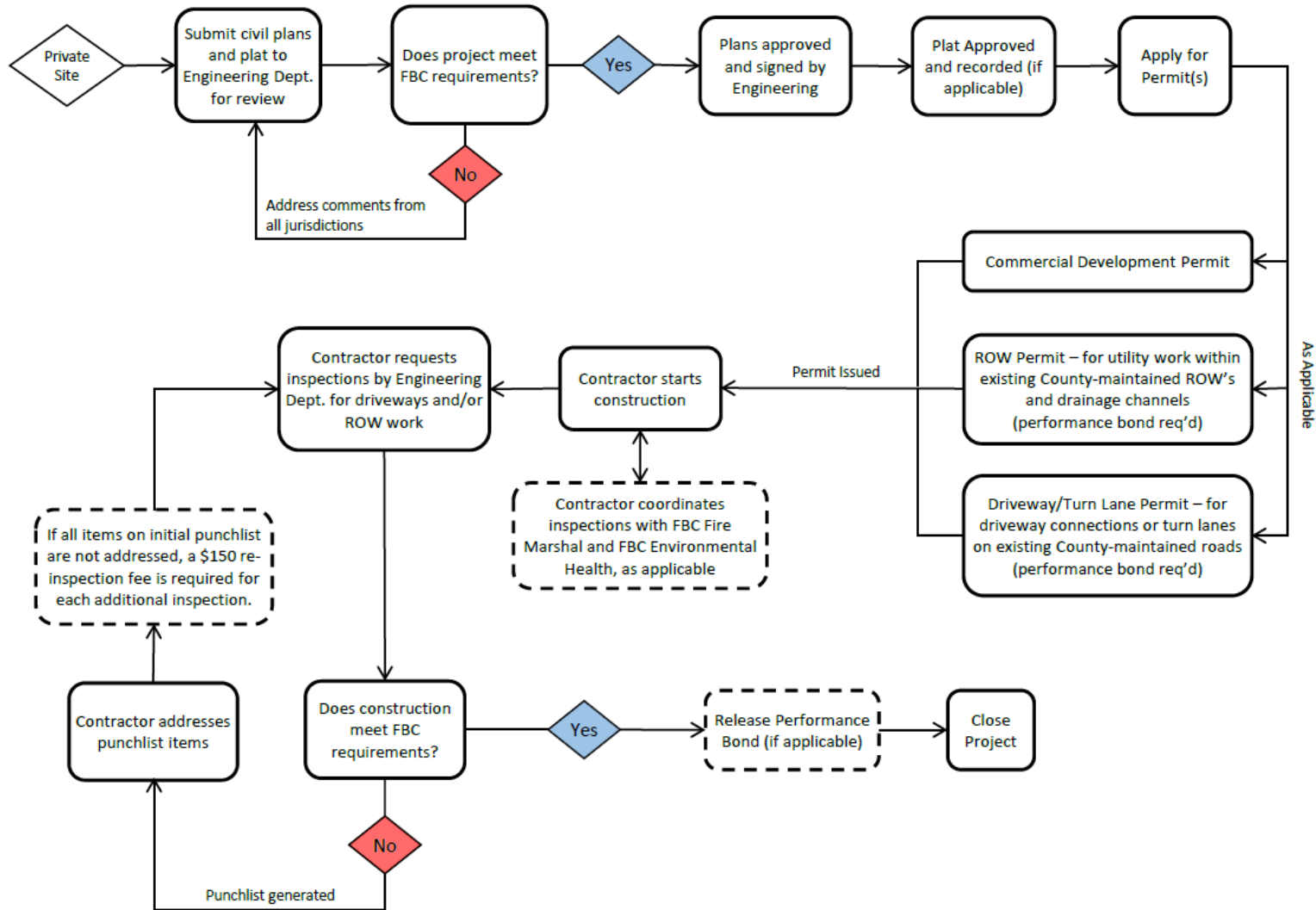




# SUBDIVISION FLOWCHART



# PRIVATE SITE FLOWCHART



# UNKNOWN SITE CONDITIONS

## The Sugar Land 95

- Historic cemetery discovered at the construction site of the James Reese Career & Technical Center
- Crews discovered the first human remains while backfilling a trench in February 2018
- Believed to be a part of a convict-leasing program that began in the late 1800s
- <https://www.fortbendisd.com/sugarland95>



# Questions?



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