

HOT TOPICS IN TEXAS LAND USE LAW

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I.

Introduction

As usual, when considering hot topics in Texas land use law, there are a few topics we cannot seem to avoid—short-term rentals, for example—as well as some new ones. Who a year ago would have anticipated that a large residential development in rural portions of Liberty County, Texas, would merit a special session of the Legislature and calls from a portion of the Texas Congressional Caucus for action? Honestly, a year ago I did not know about and could not describe the concept of “gentle” density in Texas’ largest cities, although Austin and Houston have addressed it (in significantly different ways) while Dallas flirts (or maybe I should say “flirted”) with it. Last, although not a new “hot” topic, single-family rental developments are rapidly becoming more of a housing option than would have been thought before the pandemic. So, things have changed or continue to evolve in Texas. While there are other topics that I could address—municipal regulation of poker houses and gambling establishments, the death rattle of extraterritorial jurisdiction thanks to the Legislature, and the effect of “super preemption” legislation on Texas land use law—the following are the four topics I have selected.

II.

The Colony Ridge Fiasco: Now You See It, Now You Don’t!

In September 2023, conservative news outlet and website *The Daily Wire* published an investigative article entitled “Inside Colony Ridge: The ‘Fastest Growing Development’ In The U.S. Is A Magnet For Illegal Immigrants.”¹ The investigative article ignited a media and political firestorm—a firestorm that ended almost as quickly as it started.

Colony Ridge is an unincorporated subdivision located in Liberty County, north of Houston, near the small town of Plum Grove. According to *The Daily Wire*, it is over 60 square miles in size² with a population “estimated to be anywhere between 50,000 to 75,000, and it is growing rapidly thanks to a marketing plan targeted at Texas’ Hispanic population.”³ The author suggested that while the population of Colony Ridge is unclear, “estimates suggest that the population in the development could include tens of

¹ By Spencer Lindquist, *The Daily Wire* (September 16, 2023), found at <https://www.dailywire.com/news/inside-colony-ridge-the-fastest-growing-development-in-the-u-s-is-a-magnet-for-illegal-immigrants>.

² When House Bill 4341 was introduced in the 85th Legislature to create Colony Ridge, the official notice published in *The Cleveland Advocate* on February 22, 2017, described Liberty County Municipal Management District No. 1 as consisting of approximately 4,619 acres. See <https://capitol.texas.gov/tlodocs/85R/notices/pdf/HB04341.pdf#navpanes=0>.

³ *Id.*

thousands of illegal aliens.”⁴ The author further described Colony Ridge as “half-built homes, dilapidated trailers, and heaps of trash” with houses flying “the flags of foreign countries” where “[s]tray dogs without collars could be seen trotting along the side of the underdeveloped streets.”⁵ Moreover, the developer of Colony Ridge allegedly provides financing arrangements that allow buyers (most of whom “are either not currently living in the United States or who are not citizens of the country”) at Colony Ridge “to circumvent the usual [home financing] requirements, even dodging the need to provide a social security number,” with high interest rates near 15%.⁶

One interviewee estimated that Colony Ridge could blossom to 200,000 residents, “due to the massive influx of migrants into Texas since President Joe Biden took office in 2021,” and another added that “[t]here’s very thin law enforcement presence in that area,”⁷ meaning that residents

[p]robably have to break a whole lot of different kinds of laws in order to buy vehicles and drive the vehicles and maybe show documents to potential employers. When people buy here, they’re buying peace of mind from law enforcement.⁸

Congressman Brian Babin, from a neighboring congressional district, expressed concerns about cartel activity in Colony Ridge. Additionally, according to *The Daily Wire*,

[m]embers of law enforcement in the area explained that members of the Gulf and Sinaloa cartels had invested in Colony Ridge properties early on in order to set up safe houses for human and drug smuggling operations.⁹

Concern was expressed that several Texas Republican politicians were involved in the Colony Ridge development, and the developer and his wife had contributed \$1.5 million to Governor Greg Abbott’s 2018 campaign. While the Governor’s office acknowledged that it had deployed public safety troopers to support the Liberty County

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* (quoting Todd Bensman, a National Security Fellow at the Center for Immigration Studies).

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