

**SUBJECT:** Prohibiting land development limits due to traffic problems

**COMMITTEE:** Land and Resource Management — favorable, without amendment

**VOTE:** 6 ayes — Saunders, Mowery, Alexander, Hamric, Krusee, B. Turner  
3 absent — Combs, Hilderbran, Howard

**SENATE VOTE:** On final passage, April 20 — 31-0

**WITNESSES:** (*On House companion bill, SB 3091*):

For — Charles Heimsath, Michael Weaver and Simon Atkinson, Eurotex development

Against — George Zapalac, City of Austin

**DIGEST:** SB 1369 would provide that a describer city (Austin) could not limit, deny, delay or condition the use or development of land within a described affected area (a portion of Williamson County) because of traffic or traffic operations that would result from the proposed use or development of the land or the effect that the proposed use or development of the land would have on traffic or traffic operations.

An action to deny, limit, delay or condition the use or development of land would include a decision or action by the governing body of the city — or a commission, board, department, agency, office or employee of the city — related to zoning, subdivision, site planning, the construction or building permit process, approval or permit.

A provision in any covenant or agreement relating to land in an affected area made before, on or after the effective date of the bill that would have the effect of denying, limiting, delaying or conditioning the use or development of the land because of its effect on traffic could not be enforced by the city.

SB 1369 would not prevent a city from exercising its authority to require the dedication of right-of-way.

The bill would apply only to a home-rule municipality that has a charter provision allowing for limited-purpose annexation and has annexed territory for a limited purpose.

The affected area in the bill would mean an area:

- within a city or city's extraterritorial jurisdiction;
- within a county other than the county in which a majority of the territory of the city is located;
- within the boundaries of one or more school districts other than the school district in which there are two state highways;
- within the area of or within 1500 feet of the boundary of an assessment road district in which there are two state highways.

An assessment road district would mean a road district that has issued refunding bonds and that has imposed assessments on each parcel of land under VACS, 6674b, sec. 4.438A of the County Road and Bridge Act. The Southwest Williamson County Road District No. 1 (now a tax assessment district) would fit this description.

A state highway would mean a highway that is part of the state highway system under VACS, sec. 2, Chapter 186.

**SUPPORTERS  
SAY:**

SB 1369 would eliminate unfair development restrictions based on exaggerated future traffic congestion problems. In the late 1980s the Southwest Williamson County Road District No. 1 was created in the Lakeline area to assist in building arterial roadways in the district and help with state highway improvements of Highways 183 and 620. It was hoped that improvements in the area would pay for roadway improvements as the district was built out, but the subsequent real estate bust led to the district being converted into a tax assessment district.

The district had a "traffic phasing agreement" with the City of Austin in which the city delayed zoning approval for portions of the district until

certain road improvements were made, including improvements to state Highway 183.

Phasing agreements often specify that for a certain number of extra cars that would be put on the road because of developments, a certain amount of money must be spent on specified roadway improvements. State highway projects have not progressed as fast as expected, however, and as a result the city is holding area property owners hostage and limiting needed development with a ten-year old agreement, and exaggerating future traffic congestion problems.

The state does plan to make improvements on Highways 183 and 620 in a timely manner, funded by state, federal and local tax dollars, which would relieve possible future traffic congestion problems in the area and be finished by the time development would truly add to traffic congestion.

This area is ripe for development and is not in any way an environmentally sensitive area. Development in the area would bring economic health and jobs to the district, as well as strengthening the Round Rock school district's tax base.

**OPPONENTS  
SAY:**

Development of the area in Williamson county must be phased in to coincide with road improvements. Otherwise, with the level of development that is foreseen in the area, the roadway system would become so massively congested that it could pose a risk to human health and safety.

Already, a certain level of development could take place without approval of the city. Before the balance of the development progresses, however, road improvements should be underway to protect the residents of the area. The developers in the area should contribute financially to these improvements, instead of asking the Legislature to nullify an agreement that was previously made in good faith with the city of Austin to protect the health, safety and welfare of Williamson County residents.

Sooner or later, to avert future traffic congestion crises, the roadway improvements will have to be built, probably with a combination of state, local and federal funds. It is only fair for the developers in the area to also contribute to them.