

BILL ANALYSIS

Senate Research Center

S.B. 873
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DIGEST AND PURPOSE

Current law allows cities to make certain requirements in the development of infrastructure for subdivisions. No such provision exists for counties. As proposed, S.B. 873 grants counties the authority to: adopt subdivision regulations, including lot size and setback limitations; enforce a major thoroughfare plan and establish right of way; impose impact fees; require possession of a plat compliance certificate before utility hookups; and enact other regulations relevant to responsible development.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioners court in SECTION 1 (Section 232.101, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 232, Local Government Code, by adding new Subchapter D, as follows:

SUBCHAPTER D. INFRASTRUCTURE PLANNING PROVISIONS IN CERTAIN URBAN COUNTIES

Sec. 232.100. **APPLICABILITY.** Provides that this subchapter applies only to the subdivision of land that meets certain requirements.

Sec. 232.101. **RULES.** Authorizes the commissioners court, by an order adopted and entered in the minutes of the commissioners court, and after a notice is published in a newspaper of general circulation in the county, to adopt rules governing plats and subdivisions of land within the unincorporated area of the county for certain stated purposes.

Sec. 232.102. **MAJOR THOROUGHFARE PLAN.** Authorizes the commissioners court, under certain conditions, to establish certain requirements regarding major thoroughfares.

Sec. 232.103. **LOT FRONTAGES.** Authorizes the commissioners court, under certain conditions, to adopt standards for minimum lot frontages on county roads, and establish reasonable standards for the lot frontages in relation to curves in the road.

Sec 232.104. **SET BACKS.** Authorizes the commissioners court, under certain conditions, to establish building and set back lines as provided by Chapter 233 (Authority of Counties to Establish Building and Set-Back Lines) without the limitation period provided by Section 233.004(c).

Sec. 232.105. **IMPACT FEES.** Authorizes the commissioners court, under certain conditions, to impose impact fees under Chapter 395 (Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments).

Sec. 232.106. DEVELOPER PARTICIPATION CONTRACTS. (a) Authorizes a commissioners court, without complying with the competitive sealed bidding procedure of Chapter 262 (Purchasing and Contracting Authority of Counties), to make a contract with a developer of a subdivision or land in the unincorporated area of the county for certain purposes. Provides that, if the contract does not meet the requirements of this subchapter, Chapter 262 applies to the contract if the contract would otherwise be governed by that chapter.

(b) Requires the developer, under the contract, to construct the improvements and requires the county to participate in the cost of the improvements.

(c) Requires the contract to establish the limit of participation by the county at a level not to exceed 30 percent of the total contract price. Authorizes the contract to allow participation by the county at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the county, including but not limited to increased capacity of improvements to anticipate other future development in the area. Provides that the county is liable only for the agreed payment of its share, which is required to be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by an order of the commissioners court.

(d) Requires the developer to execute a performance bond for the construction of the improvements to ensure completion of the project. Requires the bond to be executed by a corporate surety in accordance with Chapter 2253, Government Code (Public Work Performance and Payment Bonds).

(e) Authorizes the county, in the order adopted by the commissioners court under Subsection (c), to include additional safeguards against undue loading of cost, collusion, or fraud.

(f) Requires all of the developer's books and other records related to the project to be available for inspection by the county.

Sec. 232.107. CONNECTION OF UTILITIES. Authorizes the commissioners court, under certain conditions, to impose the requirements of Section 232.029.

Sec. 232.108. PROVISIONS CUMULATIVE. Provides that the authorities under this subchapter are cumulative of and in addition to the authorities granted under this chapter and all other laws to counties to regulate the subdivision of land.

SECTION 2. Amends Section 395.001(7), Local Government Code, to redefine "political subdivision."

SECTION 3. Amends Section 395.011(b), Local Government Code, to delete the term "corporate" as it relates to boundaries.

SECTION 4. Amends Sections 395.016(c) and (d), Local Government Code, to prohibit an impact fee from being collected on any service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee for new development which is platting in accordance with Chapter 212A (Regulation of Subdivisions), Chapter 232A (Subdivision Platting Requirements in General) or 232B (Subdivision Platting Requirements in County Near International Border). Makes conforming changes.

SECTION 5. Effective date: September 1, 2001.