

BILL ANALYSIS

Senate Research Center

C.S.S.B. 873
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Intergovernmental Relations
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Committee Report (Substituted)

DIGEST AND PURPOSE

Current law allows cities to make certain requirements in the development of infrastructure for subdivisions. No such provision exists for counties. C.S.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; 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 Subchapter E, as follows:

SUBCHAPTER E. 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. Sets forth aspects of building in the unincorporated area that the commissioners court is prohibited from regulating under this section except as otherwise authorized by state law.

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

Sec. 232.107. 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 242.001(a), Local Government Code, to provide that this section applies only to a county operating under Chapter 232, Subchapter A, B, C, or E, rather than Chapter 232, Sections 232.001-232.005 or Subchapter B or C.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original as follows:

Adds Chapter 232E, rather than 232D.

Section 232.100 makes the subchapter apply only to the subdivision of land that is subject to regulations under Subchapter A or B, rather than regulations under Subchapter A only; and land that is in a county with a population of 174,000 or more, rather than 100,000 or more.

Section 232.101 sets forth restrictions regarding the regulatory authority of the commissioners court.

Section 232.102 adds a stipulation to the commissioners court's authority to require a right-of-way on a certain street or road.

Previously proposed Section 232.105, regarding impact fees, is omitted and the subsequent Sections 232.106-232.108 are redesignated as 232.105-232.107.

Previously proposed SECTIONS 2-4, amending Sections 395.001(7), 395.011(b), and Section 395.016(c) and (d), Local Government Code, are omitted and the proposed amendments in SECTION 2 are added.

Previously proposed SECTION 5, the effective date, is renumbered as SECTION 3.