

Memo

To: Commissioners Court Members,
G.K. Maenius, County Administrator

From: Randall Skinner, Transportation Services Director *RS*

Date: 8//15/2023

Re: Subdivision and Land Use Regulations Update

Court Members,

With approval of updates to the Tarrant County Subdivision and Land Use Regulations and Minimum Roadway Construction Standards (Regulations) on October 5, 1999, through Court Order 81591, the Commissioners Court set in place certain regulations to provide for the safety, health and well-being of the general public by requiring that adequate streets, drainage facilities and sewage facilities are provided in all subdivisions. As development activity increased, the Regulations were updated periodically to improve development standards and better protect public infrastructure. The last update to the Regulations occurred on February 28, 2012, through Court Order No. 112291.

Recent legislation resulted in direct impacts to the subdivision platting process for counties across the State of Texas. To better align the Regulations with current state law and to improve standards for development within the unincorporated areas of the county, Transportation Services staff began an effort to update the Regulations. On September 8, 2020, through Court Order No. 133707, the Commissioners Court approved a Professional Services Agreement with Freese & Nichols, Inc. to assist Transportation Services staff with the development of these revisions to the Regulations. This effort included input from the following County departments:

Commissioners Court Members
Directors of Maintenance and Operations, Commissioner Precincts
Public Health Department
Fire Marshal's Office
Administrator's Office
Criminal District Attorney's Office

In addition to internal coordination meetings, County staff met with representatives from many of the cities with Extra Territorial Jurisdiction (ETJ) to inform them of our update efforts and to discuss the status of any existing Interlocal Agreements related to development review. Chapter 242.001 of the Texas Local Government Code requires that counties enter into an agreement with ETJ cities that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ. Upon approval of the new County regulations, staff will begin an extensive review of these ILAs to ensure they align with current state law and meet the expectations of the Commissioners Court.

The proposed revisions to the Regulations are necessary to address changes in development impacts and to align the plat review process with current state law. Therefore, it is the recommendation of Transportation Services that the current Regulations be replaced with the following:

Development Regulations Manual

The new Development Regulations Manual includes, but is not limited to, regulations related to platting, subdivision development, minimum lot size, right-of-way requirements and roadway connectivity. This document includes a detailed plat review process and references other county regulations applicable to development in the unincorporated areas.

Engineering Standards Manual

The new Engineering Standards Manual includes, but is not limited to, design standards related to infrastructure that will be dedicated to the public and maintained by the County. These standards include a typical roadway cross-section, enhanced drainage requirements and minimum pavement standards.

Fee Schedule

The new fee schedule includes new plat application fees and a construction inspection fee. It is recommended that the Commissioners Court consider the adoption of a fee schedule to capture costs associated with the plat review process and construction inspection activities. To my knowledge, Tarrant County has never implemented a fee schedule for plat review and construction inspection. However, recent changes to municipal annexation laws have resulted in a significant reduction in municipal annexation within Tarrant County. Additionally, with the recent passage of SB 2038, owners of property within a municipality's ETJ may petition to be removed from the ETJ. Under these circumstances, and with consideration given to increased development activity in unincorporated Tarrant County, staff recommends that the Commissioners Court consider a means to recapture administrative costs related to plat review and construction inspection.

It is recommended that the Commissioners Court adopt the proposed Development Regulations Manual, Engineering Standards Manual and Fee Schedule. These documents are attached in their entirety for your review. Transportation Services staff is available to discuss these draft documents at your request.