

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

TO: Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4144 by Gattis (Relating to a municipality's comprehensive development.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code by adding Subchapter C to Chapter 211 to require the governing body of a municipality to adopt by resolution or ordinance a comprehensive plan that detail current and future land uses and serves as a basis for making planning or zoning decisions. The municipality would be required to review its plan not less than every three years and to appoint an advisory committee to make recommendations regarding the adoption, amendment, and review of the plan. Provisions of the bill would establish the minimum requirements and procedures a municipality and the advisory committee must fulfill.

A county commissioners court, upon petition from a landowner, would be required to appoint three special commissioners to assess the reasonableness of a land use applied to the landowner's tract under the municipality's comprehensive plan under certain circumstances. If a municipality were to refuse to amend the plan in accordance with a special commissioners' order, the landowner would be allowed to file suit against the municipality in district court to enforce the special commissioners' order.

Local Government Impact

According to information provided through the Texas Municipal League, the costs associated with implementing provisions of the bill would be significant. As an example, the City of Mesquite estimates the cost to revise their existing comprehensive plan to meet the requirements of the bill, which are more detailed than under current statute, would be approximately \$350,000. The 3-year review, depending on what constitutes the review, could cost between \$25,000 and \$100,000 per review. The added procedures for review by an advisory committee would delay the process of concurrency amendments, resulting in revenue loss of \$3,000 to \$6,000 if rezoning is to accommodate a sales tax producing business.

Source Agencies:

LBB Staff: JOB, SD, DB