

SUBDIVISION PLAT APPROVAL

Senate Bill 1107 (Substitute H-2)

Sponsor: Sen. Patricia L. Birkholz

House Committee: Natural Resources, Great Lakes, Land Use, and Environment

Senate Committee: Natural Resources and Environmental Affairs

Complete to 6-29-06

A SUMMARY OF SENATE BILL 1107 AS REPORTED FROM HOUSE COMMITTEE

The Land Division Act generally requires that a person planning to develop a subdivision obtain the approval of a number of authorities, including the municipality, the county drain commissioner, county plat board, the Department of Labor and Economic Growth, and the Department of Transportation. If the subdivision includes or abuts roads that are subject to the control of the county road commission, the road commission's approval is also required.

The act provides that the county road commission may require, among other things, completion of all required improvements related to streets, alleys, and roads under its control or to come under its control or a deposit by the developer ("proprietor") in the form of cash, a certified check, or an irrevocable letter of credit (whichever the developer chooses) or a surety bond acceptable to the commission, in an amount sufficient to ensure completion.

Senate Bill 1107 provides, instead, that if the required improvements are not made before the final plat is submitted to the county road commission, the commission would promptly approve the final plat if it otherwise meets the requirements of the act and if the developer posts a deposit sufficient to ensure completion. The bill further provides that the deposit would be in the form of cash, a certified check that the commission shall promptly convert to cash, an irrevocable letter of credit, as selected by the developer, or a surety bond as pre-qualified by the state Department of Transportation and acceptable to the board. The actual cost to complete the required improvements would remain the responsibility of the developer or its surety agent, regardless of the amount of the deposit required.

The bill would also prohibit county road commissions from adopting a policy or rule preemptively prohibiting cul-de-sacs, though road commissions would be permitted to regulate them and approve or deny them on an individual, case-by-case basis.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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