

BILL ANALYSIS

H.B. 3552
By: Brown, Betty
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently the Kaufman County Commissioner's court is unable to impose regulations concerning the area that surrounds Cedar Creek Lake, the Trinity River and the East Fork of the Trinity River, as well as the watersheds.

H.B. 3552 would allow the Commissioner's Court of Kaufman County to develop land use regulations in the unincorporated areas of Kaufman County.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 231, Local Government Code is amended by adding Subchapter L, Development Regulations in Kaufman County.

The legislature finds that most of Kaufman County is located within the watersheds of Cedar Creek Lake, the Trinity River, and the East Fork of the Trinity River; the areas surrounding these bodies of water are or will be frequented for recreational purposes by residents from all over the state; orderly development of the area and the watersheds is of concern to the entire state; and without adequate development regulations, the area and the watersheds will be developed in ways that endanger and interfere with the use of that area as a place of recreation to the detriment of the public health, safety, peace, morals, and welfare.

The powers granted under this subchapter are for the following purposes:

- (1) promoting the public health, safety, peace, morals, and general welfare;
- (2) encouraging recreation; and
- (3) safeguarding the pollution of the state's rivers and lakes.

The areas subject to regulation applies only to the unincorporated areas of Kaufman County.

The Commissioners Court of Kaufman County is authorized to regulate:

- (1) the percentage of a lot that may be occupied or developed;
- (2) population density;
- (3) the size of buildings;
- (4) aspects of the development of roads
- (5) aspects of the development of water and wastewater facilities
- (6) aspects of the development of drainage facilities and other public facilities
- (7) aspects of the development of parks, playgrounds and recreational areas; and
- (8) the abatement of harm resulting from inadequate water or wastewater facilities.

Requires that development regulations be adopted in accordance with the county's plan and coordinated with the plans of municipalities located in the county.

Authorizes the commissioners court to divide the unincorporated area of the county into districts in order to best carry out this subchapter and development regulations are allowed to vary from district to district.

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Development regulations adopted under this subchapter are not effective until they are adopted by the court after a public hearing and notice of the hearing must be published, before the 15th day before the date of the hearing, in a newspaper of general circulation in the county. Amendments or establishment of development regulations can only be passed by a majority vote of the full membership of the court.

The commissioners court is authorized to appoint a development commission to assist in the implementation and enforcement of development regulations adopted under this subchapter. The development commission must consist of an ex officio chairman who must be a public official in Kaufman County and four additional members. The development commission is only advisory and is allowed to recommend appropriate development regulations for the county. Development commission members are subject to the same conflict of interest requirements as commissioners court members under Chapter 171.

Authorizes a person aggrieved by a regulation adopted under this subchapter to petition the commissioners court or the development commission for a special exception to the regulation. Requires the commissioners court to adopt procedures to govern applications, notice, hearings, and other matters relating to the grant of a special exception.

Authorizes the commissioners court to adopt orders to enforce this subchapter as well as development regulations adopted under this subchapter. A person commits an offense if the person violates this subchapter or an order or development regulation adopted under this subchapter. Offenses are misdemeanors and are punishable by a fine of not less than \$500 and not more than \$1000. Each day that a violation occurs constitutes a separate offense. Trials will take place in the district court.

Authorizes the commissioners court to enter into agreements with any municipality located in the county to assist in the implementation and enforcement of development regulations adopted under this subchapter.

If a development regulation adopted under this subchapter imposes higher standards than those required under another statute or local order or regulation, the regulation adopted under this subchapter controls but if the other statute or local order or regulation imposes higher standards, that statute, order, or regulation controls.

SECTION 2. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.