

By: Uresti

S.B. No. 2017

A BILL TO BE ENTITLED

AN ACT

relating to preserving the rural character of the Hill Country;
authorizing the imposition of an impact fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be known as the Hill Country Rural
Preservation Act.

SECTION 2. The legislature finds that the Texas Hill
Country is an area of great importance to the entire state; that the
scenic and historic qualities of the Hill Country that have caused
it to be known as the "Heart of Texas" need protection; that the
great springs of Texas and the northern and southern Edwards
Aquifer are irreplaceable natural features essential to the
settlement of Texas; that the waters of these springs and aquifers
are essential to the natural resources of the state and to the
economic vitality of the state; and that fish, game, and wildlife in
the Hill Country are threatened by urban sprawl and by the inability
of counties to regulate development in a manner that preserves
natural resources.

SECTION 3. Chapter 232, Local Government Code, is amended
by adding Subchapter F to read as follows:

SUBCHAPTER F. HILL COUNTRY

HISTORICAL PRESERVATION AREAS

Sec. 232.201. DEFINITIONS. In this subchapter:

(1) "Commissioners court" means the commissioners

1 court of a county.

2 (2) "County" means a county that is eligible to create
3 a preservation area under this subchapter.

4 (3) "Preservation area" means the Hill Country
5 historical preservation area of a county.

6 Sec. 232.202. PURPOSE. A preservation area may be created
7 under this subchapter to preserve the historic, cultural, and
8 scenic qualities and features and natural resources within the
9 preservation area.

10 Sec. 232.203. APPLICATION OF SUBCHAPTER. This subchapter
11 applies to a county any portion of which lies at least 1,500 feet
12 above sea level, that has a population of 30,000 or more, that is
13 adjacent to a county with a population of at least one million, and
14 that approves the creation of a preservation area as provided by
15 Section 232.204.

16 Sec. 232.204. CREATION OF PRESERVATION AREA. (a) A
17 commissioners court may call an election on the question of
18 creating a preservation area.

19 (b) The order calling the election must:

20 (1) state the nature of the election, including the
21 proposition that is to appear on the ballot;

22 (2) provide the date of the election;

23 (3) provide the hours during which the polls will be
24 open;

25 (4) define the boundaries of the preservation area as
26 the boundaries of the county; and

27 (5) call for the election to be held within those

1 boundaries.

2 (c) The ballot at the election must be printed to permit
3 voting for or against the proposition: "Authorizing the creation
4 of the _____ County Hill Country Preservation Area (insert
5 name of preservation area) and the imposition of an impact fee for
6 the purpose of financing the operations of the preservation area."

7 (d) The preservation area is created if a majority of the
8 votes received at the election favor the creation of the
9 preservation area.

10 (e) If a majority of the votes received at the election are
11 against the creation of the preservation area, another election on
12 the question of creating a preservation area may not be held in the
13 county before the first anniversary of the most recent election
14 concerning the creation of a preservation area.

15 Sec. 232.205. AUTHORITY TO REGULATE LAND DEVELOPMENT. The
16 commissioners court may regulate, by order, land development in
17 areas outside an incorporated city or town within the preservation
18 area by:

19 (1) requiring a subdivision to use a central water or
20 wastewater system under standards adopted by the preservation area;

21 (2) requiring that a subdivision have a minimum fire
22 suppression system, including the use of fire hydrants, storage
23 tanks, or ponds;

24 (3) requiring improvements to roadways serving a
25 subdivision;

26 (4) requiring a minimum amount of open space or
27 imposing a limit on the amount of impervious cover for recharge and

1 runoff purposes; and

2 (5) adopting any other regulation necessary to
3 regulate or manage land development.

4 Sec. 232.206. IMPACT FEES. The commissioners court may
5 enact and impose impact fees on land within the preservation area in
6 the manner provided for political subdivisions under Chapter 395.

7 Sec. 232.207. HISTORIC DISTRICTS. (a) The commissioners
8 court, after public hearings and consultation with a historical
9 commission established under Subchapter A, Chapter 318, may define
10 and establish historic districts encompassing neighborhoods,
11 natural features, geographic areas, and roadways that have great
12 historic cultural, scenic, or natural resource value to the
13 community.

14 (b) The commissioners court possesses the same regulatory
15 authority within a historic district as that granted to the
16 commissioners court of El Paso to regulate the El Paso Mission Trail
17 Historical Area under Subchapter I, Chapter 231.

18 Sec. 232.208. INTERPRETATION. This subchapter is
19 cumulative of any other powers and authorities exercised by the
20 county and is not intended to limit any other powers exercised by
21 the county under any other law.

22 Sec. 232.209. UNIFORMITY OF APPLICATION. No private
23 individual, corporation, or other artificial entity has special
24 rights or immunities against this subchapter. This subchapter is
25 not subject to Chapter 245.

26 SECTION 4. Subsection (c), Section 395.016, Local
27 Government Code, is amended to read as follows:

1 (c) This subsection applies only to impact fees adopted
2 after June 20, 1987. For new development which is platted in
3 accordance with Subchapter A, Chapter 212, in accordance with
4 Subchapter A or B, Chapter 232, and located in a preservation area
5 created under Subchapter F of that chapter, or in accordance with
6 the subdivision or platting procedures of a political subdivision
7 before the adoption of an impact fee, an impact fee may not be
8 collected on any service unit for which a valid building permit is
9 issued within one year after the date of adoption of the impact fee.

10 SECTION 5. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2007.