

BILL ANALYSIS

C.S.H.B. 2056
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Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Laughlin Air Force Base (LAFB) is located six miles east of Del Rio, Texas, about nine miles from the international bridge to Ciudad Acuña, Coahuila, Mexico. Currently, general development in the area is increasing to accommodate a growing population. The 47th Flying Training Wing at LAFB is one of five Air Education and Training Command pilot training units, conducting specialized undergraduate pilot training for the United States Air Force, and the base as a whole has a total economic impact on the area that exceeds \$183 million each year, making it critical to the economic well-being of the city of Del Rio and Val Verde County.

C.S.H.B. 2056 protects the area around LAFB from development that may hinder its military operations, securing the future of the base, and thereby protecting the city and county as well. The bill authorizes the governing bodies of a municipality and the county in the regulated area to appoint a joint airport zoning board.

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

C.S.H.B. 2056 amends the Local Government Code to provide legislative findings and establish legislative intent for granting certain local governments general zoning authority around certain military facilities. The bill makes its provisions applicable only to the area that extends not more than five nautical miles from the centerline and not more than five nautical miles from each end of the paved surface of the landing strip at an air force facility located in a county with a population of 60,000 or less, but not to such an area that is located in a county with a population of less than 5,000 that is located on an international border. The bill authorizes the governing bodies of a municipality and the county in the regulated area through a joint airport zoning board to regulate: the height, number of stories, and size of buildings of other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; population density; the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and the placement of water and sewer facilities, landfills, parks, and other required public facilities. The bill establishes that such a regulation does not apply to a tract of land devoted to agricultural use, and requires the governing bodies of a municipality and the county in the regulated area to prepare a written takings impact assessment in the manner provided by state law of a proposed regulation.

C.S.H.B. 2056 requires the governing bodies of a municipality and the county in the regulated area, to exercise the authority granted by these provisions, to appoint a joint airport zoning board to assist in the implementation and enforcement of development regulations, composed of the following members: two members appointed by the county judge; two members appointed by the presiding officer of the municipality's governing body; one member who owns less than 500 acres of land in the regulated area appointed jointly by the county judge and the presiding

officer; one member who owns at least 500 acres in the regulated area appointed jointly by the county judge and the presiding officer; and one member appointed jointly by all these members who serves as the presiding officer of the board. The bill requires the zoning board to perform the duties assigned under these provisions and other duties as requested by the governing bodies to implement these provisions.

C.S.H.B. 2056 establishes that a development regulation adopted under these provisions is not effective until it is adopted by the governing bodies after a joint public hearing. The bill requires the governing bodies to publish notice in English and Spanish of the hearing in a general circulation newspaper in the county before the 15th day before the hearing date. The bill authorizes the governing bodies to prohibit or restrict development in the area based on recommendations issued in a resolution adopted by the joint airport zoning board and requires the board's recommendations to be based on the most recent Air Installation Compatible Use Zone Study and the most recent Joint Land Use Study. The bill authorizes the governing bodies to amend regulations adopted under these provisions, based on amended recommendations issued in a resolution adopted by the zoning board as the studies are periodically updated and if each governing body makes findings that the conclusions of the studies on which each governing body is basing its findings accurately reflect development circumstances in the subject area and only by an order passed by a majority vote of the full membership of each governing body.

C.S.H.B. 2056 requires development regulations to be adopted in accordance with the most recent Air Installation Compatible Use Zone Study and Joint Land Use Study for growth and development surrounding the air force facility and with the county plan for growth and development of the county, and coordinated with the comprehensive plan of the municipality. The bill authorizes the zoning board to divide the area regulated into districts of a number, shape, and size the board considers best for carrying out these provisions and authorizes development regulations to vary from district to district.

C.S.H.B. 2056 authorizes a person aggrieved by a development regulation to petition the governing bodies for a special exception to the regulation and requires a majority vote of each governing body's full membership to grant such an exception. The bill requires the governing bodies to adopt procedures governing applications, notice, hearings, and other matters relating to the grant of a special exception.

C.S.H.B. 2056 requires the governing bodies to adopt ordinances, orders, or development regulations, as applicable, to enforce these provisions. The bill creates a misdemeanor offense punishable by a fine of not less than \$500 or more than \$1,000 for violating these provisions or an ordinance, order, or development regulation adopted under these provisions, and establishes that each day a violation occurs constitutes a separate offense. The bill requires trial to be in the district court.

C.S.H.B. 2056 authorizes the governing bodies and the zoning board to enter into an agreement to cooperate in the drafting, implementation, and enforcement of development regulations. The bill defines "agricultural use," "agriculture," "air force facility," "centerline," "compatible land use," and "controlled compatible land use area."

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2056 adds a provision not in the original establishing that the bill does not make its provisions applicable to an area that extends not more than five nautical miles from the centerline and not more than five nautical miles from each end of the paved surface of the landing strip at an air force facility located in a county with a population of less than 5,000 that is

located on an international border. The substitute differs from the original by establishing that a general development regulation under the bill's provisions does not apply to a tract of land devoted to agricultural use, rather than to a land use that relates to agricultural, irrigation, or hunting activities with a specific exception made by the joint airport zoning board and confirmed by the applicable governing bodies, as in the original.

C.S.H.B. 2056 adds a provision not in the original requiring the governing bodies of a municipality and the county in the regulated area to prepare a written takings impact assessment in the manner provided by state law of a proposed regulation. The substitute modifies the composition of the joint airport zoning board to include one member who owns less than 500 acres of land in the regulated area, rather than one member who owns land in the regulated area as in the original, appointed jointly by the county judge of the county and the presiding officer of the governing body of the municipality. The substitute differs from the original by requiring the notice of the hearing published in a general circulation newspaper in the county by the governing bodies to be in English and Spanish. The substitute adds provisions not in the original defining "agricultural use" and "agriculture."