

BILL ANALYSIS

C.S.H.B. 3265
By: Rose
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Hill Country region is recognized nationally as a major tourist destination, a favorite retirement location, and a perfect place to raise a family. Its population is expected to nearly double from the 2000 census population of 2.6 million to 4.3 million by 2030. Already, in 2007, the population was 3.1 million, a 65.4 percent increase. Economic prosperity has come with an increased need for community services and infrastructure, including police, sheriff, and fire protection, emergency medical services, schools, roads, water, and wastewater.

Today, these communities and their local governments lack the tools they need to be able to plan and manage growth in order to sustain future economic vitality and to protect property values and the Hill Country way of life. Because much of this region's undeveloped lands are not within incorporated cities or towns, county governments—limited to the powers of road building and permitting—are the only entities with the territorial breadth and jurisdiction suitable for actively and rationally managing growth within the Texas Hill Country.

In 2007, a group of counties formed the Hill Country county coalition with the purpose of studying and building consensus on what limited county powers were needed to better plan and prepare for the future. Over the past two years, these local government leaders have met to discuss what authorities are needed to better balance rapid population growth with finite natural resources and lagging infrastructure.

C.S.H.B. 3265 grants a commissioners court of a Hill Country county the authority to regulate land development in an unincorporated area of the 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

C.S.H.B. 3265 amends the Local Government Code to authorize the commissioners court of a Hill Country county by order to adopt land development regulations in the unincorporated area of the Hill Country county. The bill prohibits a commissioners court from regulating the use of any building or property for business, industrial, residential, or other purpose, or a plat or subdivision in an adjoining county, unless otherwise authorized by state law. The bill defines "Hill Country county" to mean Bandera, Blanco, Comal, Edwards, Gillespie, Hays, Kendall, or Medina County.

C.S.H.B. 3265 sets forth provisions for general development regulations, the election to approve regulatory authority, compliance with county and municipal plans, the procedure governing adoption of regulations, the authority to appoint a development commission, special exceptions to development regulations, cooperation with municipalities, conflict with other laws,

infrastructure cost recovery fees, procedures for assessing infrastructure cost recovery fees in general, and the requirement for certification of compliance.

C.S.H.B. 3265 makes it a misdemeanor offense punishable by fine of not less than \$500 or more than \$1,000 to violate provisions of this bill or an order or development regulation adopted in accordance with this bill and provides that each day a violation occurs constitutes a separate offense. The bill authorizes the commissioners court to adopt orders to enforce these provisions or an order or development regulation. The bill provides that if a regulation adopted in accordance with this bill imposes higher standards than those required under another statute or local order or regulation, the regulation adopted under this subchapter controls in the area subject to regulation, and if the other statute or local order or regulation imposes higher standards, that statute, order, or regulation controls.

C.S.H.B. 3265 defines "infrastructure," "infrastructure cost recovery fee," "new development," and "service unit" and makes conforming changes to the Local Government Code. The bill provides legislative findings and purpose that Hill Country counties including the areas surrounding specified lakes, rivers, tributaries, creeks, and springs are for recreational and tourism purposes and are critical to the bays and estuaries in the Gulf of Mexico, and that the orderly development of the Hill Country counties requires adequate development regulations.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3265 differs from the original by removing certain counties from the definition of "Hill Country county," by removing certain facilities from the definition of "infrastructure," and by removing a specified activity that increases the number of service units from the definition of "new development." The substitute removes from the original a minimum lot size relating to a determination of development density. The substitute removes from the original provisions relating to a petition to request an election to approve a grant of regulatory authority. The substitute removes from the original authority granted to a commissioners court to divide unincorporated areas into districts. The substitute differs from the original by inserting qualifying statements to provisions relating to an infrastructure cost recovery fee that reflect that the fee is imposed to pay for or recover the costs of constructing, acquiring, or expanding infrastructure.