

BILL ANALYSIS

Senate Research Center

S.B. 2017
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently there is a lack of clear statutory authority enabling the creation of a preservation area in the Texas Hill Country. As proposed, S.B. 2017 provides for the creation of a preservation area to preserve the natural resources and historic, cultural, and scenic qualities of the Texas Hill Country.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be known as the Hill Country Rural Preservation Act.

SECTION 2. Sets forth certain legislative findings relating to the Texas Hill Country and the great springs of Texas and the northern and southern Edwards Aquifer.

SECTION 3. Amends Chapter 232, Local Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. HILL COUNTRY HISTORICAL PRESERVATION AREAS

Sec. 232.201. DEFINITIONS. Defines "commissioners court," "county," and "preservation area."

Sec. 232.202. PURPOSE. Authorizes a preservation area to be created under this subchapter to preserve the historic, cultural, and scenic qualities and features and natural resources within the preservation area.

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

Sec. 232.204. CREATION OF PRESERVATION AREA. (a) Authorizes a commissioners court to call an election on the question of creating a preservation area.

(b) Sets forth certain criteria an order calling the election must meet.

(c) Requires the ballot at the election to be printed to permit voting for or against the proposition. Sets forth a specific proposition to be included on the ballot.

(d) Provides that the preservation area is created if a majority of the votes received at the election favor the creation of the preservation area.

(e) Prohibits an election on the question of creating a preservation area from being held in the county before the first anniversary of the most recent election

concerning the creation of a preservation area if a majority of the votes received at the election are against the creation of the preservation area.

Sec. 232.205. **AUTHORITY TO REGULATE LAND DEVELOPMENT.** Authorizes the commissioners court to regulate by order land development in areas outside an incorporated city or town within the preservation area by setting forth certain requirements or regulations.

Sec. 232.206. **IMPACT FEES.** Authorizes the commissioners court to enact and impose impact fees on land within the preservation area in the manner provided for political subdivisions under Chapter 395 (Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments), Local Government Code.

Sec. 232.207. **HISTORIC DISTRICTS.** (a) Authorizes the commissioners court, after public hearings and consultation with a historical commission established under Subchapter A (County Historical Commission), Chapter 318 (Historic Preservation by Counties), Local Government Code, to define and establish historic districts encompassing neighborhoods, natural features, geographic areas, and roadways that have great historic cultural, scenic, or natural resources value to the community.

(b) Provides that the commissioners court possesses the same regulatory authority within a historic district as that granted to the commissioners court of El Paso to regulate the El Paso Mission Trail Historical Area under Subchapter I (Zoning and Other Regulation in El Paso Mission Trail Historical Area), Chapter 231 (County Zoning Authority), Local Government Code.

Sec. 232.208. **INTERPRETATION.** Provides that this subchapter is cumulative of any other powers and authorities exercised by the county and is not intended to limit any other powers exercised by the county under any other law.

Sec. 232.209. **UNIFORMITY OF APPLICATION.** Provides that no private individual, corporation, or other artificial entity has special rights or immunities against this subchapter. Provides that this subchapter is not subject to Chapter 245 (Issuance of Local Permits), Local Government Code.

SECTION 4. Amends Section 395.016(c), Local Government Code, to prohibit an impact fee from being collected on any service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee for new development which is platted in accordance with Subchapter A (Regulation of Subdivisions), Chapter 212 (Municipal Regulation of Subdivisions and Property Development), Local Government Code, in accordance with Subchapter A (Subdivision Platting Requirements in General) or Subchapter B (Subdivision Platting Requirements in County Near International Border), Chapter 232 (County Regulation of Subdivision), and located in a preservation area created under Subchapter F of that chapter, or in accordance with the subdivision of platting procedures of a political subdivision before the adoption of an impact fee.

SECTION 5. Effective date: upon passage or September 1, 2007.