

## **BILL ANALYSIS**

Senate Research Center  
76R2478 PAM-D

S.B. 709  
By: Sibley  
Intergovernmental Relations  
3/23/1999  
As Filed

### **DIGEST**

Currently, there is no control over development in unincorporated areas of Hood County and the cities of Granbury, Tolar, and Lipan. The development occurring in these areas is out of the control of the city and county officials. S.B. 709 would grant limited control over development in unincorporated areas in order to guard public health, safety, general welfare, and prevent pollution of the Brazos River and Lake Granbury.

### **PURPOSE**

As proposed, S.B. 709 establishes development regulations for certain unincorporated areas located in the watershed of Lake Granbury and the Brazos River, and provides certain penalties.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 231, Local Government Code, by adding Subchapter K, as follows:

#### **SUBCHAPTER K. DEVELOPMENT REGULATIONS IN HOOD COUNTY**

Sec. 231.221. **LEGISLATIVE FINDINGS; PURPOSE.** Sets forth legislative findings and powers granted under this subchapter.

Sec. 231.222. **AREAS SUBJECT TO REGULATION.** Establishes that this subchapter applies only to the unincorporated areas of Hood County.

Sec. 231.223. **DEVELOPMENT REGULATIONS GENERALLY.** Authorizes the Commissioners Court of Hood County to regulate certain conditions involving development regulations.

Sec. 231.224. **COMPLIANCE WITH COUNTY PLAN.** Sets forth requirements for development regulations.

Sec. 231.225. **DISTRICTS.** Authorizes the commissioners court to divide the unincorporated area of the county into certain districts considered best by the court. Authorizes development regulations to vary from district to district.

Sec. 231.226. **PROCEDURE GOVERNING ADOPTION OF REGULATIONS AND DISTRICT BOUNDARIES.** Establishes that a development regulation is not effective until adoption by the commissioners court after a public hearing. Requires the commissioners court to post a notice of the hearing in a newspaper of general circulation in the county prior to 15 days before the date of the hearing. Authorizes the commissioners court to establish or amend a development regulation only by an order passed by a majority vote of the full membership of the court.

Sec. 231.227. **DEVELOPMENT COMMISSION.** Authorizes the commissioners court to appoint a development commission to assist in the implementation and enforcement of development regulations. Requires the development commission to consist of an ex officio

chairman who must be a public official in Hood County and four additional members. Establishes that the development commission is advisory only and is authorized to recommend appropriate regulations for the county.

Sec. 231.228. SPECIAL EXCEPTION. Authorizes a person aggrieved by a development regulation to petition the commissioners court or the development commission, for a special exception to a development regulation adopted by the commissioners court. Requires the commissioners court to adopt procedures relating to certain matters relating to the grant of a special exception.

Sec. 231.229. ENFORCEMENT; PENALTY. Authorizes the commissioners court to adopt orders to enforce this subchapter or an order or development regulation adopted under this subchapter. Establishes that a person commits an offense if the person violates this subchapter or an order or development regulation adopted under this subchapter. Provides that an offense committed under this subsection is a misdemeanor punishable by a fine of not less than \$500 and not to exceed \$1,000, and establishes that each day a violation occurs is a separate offense. Requires a trial to be in district court.

Sec. 231.230. COOPERATION WITH MUNICIPALITIES. Authorizes the commissioners court by order 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.

Sec. 231.231. CONFLICT WITH OTHER LAWS. Provides that the developmental regulation, statute or local order that imposes the highest standards controls.

SECTION 2. Emergency clause.

Effective date: upon passage.