

- SUBJECT:** Granting municipal regulatory authority over certain property
- COMMITTEE:** Land and Resource Management — committee substitute recommended
- VOTE:** 9 ayes — Mowery, Harper-Brown, Blake, R. Cook, Escobar, Leibowitz, Miller, Orr, Pickett
- 0 nays
- WITNESSES:** None
- BACKGROUND:** Some subdivided properties located in municipal extra territorial jurisdictions (ETJ) are regulated by conflicting city and county land use regulations. When municipal and county authority conflict the two entities can negotiate to apply the regulation with the higher standard. If the city and county refuse to negotiate, the property is left unregulated, which creates conflict for property owners and development.
- DIGEST:** CSHB 3288 would apply to certain conservation and reclamation districts, as defined by the Water Code, sec. 49.001, that are within an ETJ. It would confer exclusive ETJ authority to the municipality unless the municipality and the county reached an agreement by January 1, 2005, or authority is otherwise determined by an agreement between the municipality and the property owner.
- For those properties without written agreements, the municipality would have regulatory authority over property.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.
- NOTES:** The substitute corrected the reference to the Water Code.
- The companion bill, SB 1659 by Senator Carona, passed the Senate on the Local and Uncontested Calendar on May 5 and has been referred to the House Land and Resource Management Committee.

