

- SUBJECT:** Development regulations for unincorporated areas of Zapata County.
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 6 ayes — Puente, Gattis, Creighton, Guillen, Hilderbran, O’Day  
0 nays  
3 absent — Hamilton, Gallego, Laubenberg
- WITNESSES:** For — Peggy Umphres-Moffet, Zapata Chamber of Commerce and Zapata Economic Development Center; Hector Uribe, Zapata County Commissioner’s Court  
Against — None
- BACKGROUND:** Local Government Code, ch. 231 allows several counties, mostly along the international border and near recreational water areas, to regulate:
- the height, number of stories, and size of buildings and 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 sewage facilities, parks, and other public requirements.
- Nearly all of Zapata County is situated within the watershed that drains into the International Falcon Reservoir.
- DIGEST:** HB 4068 would stipulate that because Zapata County is located within the watershed that drains into the International Falcon Reservoir, regulation should be allowed to provide for the orderly development and use of the area and the watershed.

The bill would allow the commissioners court of Zapata County to regulate:

- the percentage of a lot that may be occupied or developed;
- population density;
- the size of buildings;
- the location, design, construction, extension, and size of streets and roads;
- the location, design, construction, extension, size, and installation of water and wastewater facilities, including the requirements for connecting to a centralized water or wastewater system;
- the location, design, construction, extension, size, and installation of drainage facilities and other required public facilities;
- the location, design, and construction of parks, playgrounds, and recreational areas; and
- the abatement of harm resulting from inadequate water or wastewater facilities.

The bill would allow the Zapata County commissioners court to divide the unincorporated area of the county into smaller districts, which could have varying development regulations.

The Zapata County commissioners court would have to publish notice of pending development regulations in a newspaper of general circulation within the county at least 15 days before the public hearing and could establish or amend regulations by a simple majority.

The commissioners court could appoint an advisory development commission for implementation and enforcement of development regulations. The commission would have an ex officio chairman, who would be a public official in the county, and four other members. A person could petition the development commission or the commissioners court for a special exception to a development regulation.

Non-compliance with the development regulations would constitute a misdemeanor offense (punishable by a fine between \$500 and \$1,000). Each day a violation occurred would be a separate offense.

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, 2007.

**SUPPORTERS  
SAY:**

HB 4068 is a local bill that would provide Zapata County with the means to responsibly manage current growth in its unincorporated areas and give the county the ability to plan for future growth in these areas. Development regulations of this kind have been provided to other counties along the border and to counties with a significant water recreational area.

Zapata County is located within the watershed that drains into the Falcon Reservoir. The Falcon provides water to a part of the state in which water is historically in short supply, as well as lake recreation and sports opportunities for residents of two counties. It also is a destination for tourists and sports enthusiasts. Zapata County, which has a diverse and unique ecology that could be developed as a destination for eco-tourism, has enacted economic development strategies to leverage and expand the amenities of Falcon Reservoir.

**OPPONENTS  
SAY:**

HB 4068 would provide development regulation powers to Zapata County that go far beyond the types of authority that have been provided historically to counties. The bill could establish precedent providing greater zoning authority to counties across the state.