

**ORDER OF
THE HOOD COUNTY COMMISSIONERS COURT**

**COUNTY OF HOOD §
 §
STATE OF TEXAS §**

**APPROVING AMENDMENTS TO THE HOOD COUNTY
DEVELOPMENT PERMIT REGULATIONS PROVIDING FOR
MORATORIUMS GENERALLY AND ESTABLISHING A TEMPORARY
MORATORIUM ON ALL APPLICATIONS FOR CONCEPT PLANS, SITE
DEVELOPMENT PLANS, AND PERMITS, AND ON THE ISSUANCE OF
ANY SITE PERMITS, FOR INDUSTRIAL DEVELOPMENTS**

WHEREAS, Chapter 231, Subchapter K, Texas Local Government Code (the “Act”) provides for the Hood County Commissioners Court (the “County”) to adopt adequate development regulations to ensure that the unincorporated areas of the County, which includes the watershed that drains into Lake Granbury and the Brazos River, will not be developed in ways that endanger and interfere with the proper use of the County as a place of recreation for residents of every part of the state to the detriment of the public health, safety, morals, and general welfare;

WHEREAS, the powers granted to the County under the Act are for the purpose of promoting the public health, safety, peace, morals, and general welfare, as well as encouraging recreation, and safeguarding and preventing the pollution of the state’s rivers and lakes;

WHEREAS, in 2000, pursuant to the Act, the County adopted Development Permit Regulations (the “Regulations”) and later amended the Regulations in 2020 and 2023;

WHEREAS, the Regulations, as amended, fail to define or address large commercial and industrial development, including, but not limited to, factories, warehouses, manufacturing, chemical processing, mining, power production and storage, large technology facilities, and data centers (“Industrial Development”);

WHEREAS, the Regulations are inadequate to prevent Industrial Development from being detrimental to the watershed, endangering and interfering with the proper use of such area as a place of recreation, and that result in a detriment to the public health, safety, morals, and general welfare of the County;

WHEREAS, the County requires additional study to understand the potential impacts of Industrial Development in the unincorporated area on the public health, safety, peace, morals, and general welfare, as well as recreation and the protection of the state’s rivers and lakes in order to develop appropriate and adequate Regulations;

WHEREAS, the County seeks to ensure a balance between any Industrial Development and the environment, considering factors like traffic flow, waste management, pollution levels, light and noise pollution, stormwater management, decommissioning, and similar issues which may impact the watershed, rivers, and lakes, and the recreational opportunities, including recreation associated with wildlife and vegetation in and around the state’s lakes, including water safety and fishing;

WHEREAS, the County seeks to ensure a balance between the burdens on private real property and any amendments to the Regulations;

WHEREAS, the County requires an updated plan for growth and development recognizing the current development interests and growth patterns, which include a previously unanticipated demand for Industrial Development;

WHEREAS, the County requires an analysis of the land use districts and the development regulations applicable to each district;

WHEREAS, the County has appointed a development commission (the “Commission”) to assist in recommending appropriate development regulations to the County;

WHEREAS, the Commission met on December 30, 2025 and recommended to the County that a temporary moratorium be adopted on all development undefined by the existing Regulations until such time as a new strategic plan and revised Regulations can be considered to address such uses;

WHEREAS, on February 10, 2026, after duly providing notice required under the Act, the County held a public hearing on the proposed amendments to the Regulations, attached as Exhibit A hereto, authorizing moratoriums and establishing a limited, temporary moratorium on development (the “Amendment”); and

WHEREAS, during the hearing, the Commissioners Court made the following findings (check all that apply):

- a. Approving the Amendment is a reasonable action to fulfill the County’s obligations under the Act; and
- b. Approving the Amendment will allow the County to assess and mitigate public and private nuisance from Industrial Development to avoid unreasonable discomfort or annoyance caused by noise, odor, lighting, pollution, etc. that causes substantial interference with other property owner’s use and enjoyment of land; and
- c. Approving the Amendment is a necessary action to prevent immediate threat to the watershed from unregulated Industrial Development; and
- d. Approving the amendment is aligned with the County’s obligation to regulate the area that surrounds Lake Granbury and the Brazos River that is or will be frequented for recreational purposes by residents from every part of the state, including for water safety, hunting, and fishing; and

- e. Approving the Amendment will allow the County to assess its floodplain, as adjusted by development; and
- f. Approving the Amendment will allow the County to assess and determine best practices for Industrial on-site wastewater facilities; and
- g. Approving the Amendment will allow the County to work with the Upper Trinity Groundwater Conservation District to establish protections from waste caused by Industrial Development in the County, including: (i) the withdrawal of groundwater from a groundwater reservoir at rate and in an amount that threatens to cause intrusion into the reservoir unsuitable for agriculture, gardening, or stock raising purposes; (ii) the flowing or producing of wells from a groundwater reservoir if the water produced is not a beneficial use or if the amount used is more than is reasonably required for a beneficial use; (iii) the escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater; (iv) the pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or other harmful matter admitted from another stratum or from the surface of the ground; (v) wilfully or negligently causing, suffering, or allowing groundwater to escape or flow into a river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto land that does not belong to the owner of the well unless the discharge is authorized by a permit, rule issued by the Texas Commission on Environmental Quality; (vi) the escape of groundwater pumped for irrigation as irrigation tailwater onto land that does not belong to the owner of the well unless the occupant of the land receiving discharge granted permission for the discharge; or (vii) wilfully causing or knowingly permitting the water produced from an artesian well to run off the owner's land or to percolate through the stratum above which the water is found; and
- h. Approving the Amendment will allow the County to work with Upper Trinity Groundwater Conservation District to prevent subsidence, the lowering of the elevation of the surface of land by groundwater withdrawal, caused by Industrial Development in the County; and
- i. Approving the Amendment is an action taken in response to a real and substantial threat to public health and safety purposes and to provide the County time to develop a strategy to mitigate such threats; and
- j. Approving the Amendment is an action taken to sufficiently advance the health and safety purposes of the Act and the County generally and the Amendment does not impose a greater burden than is necessary to achieve the health and safety purposes;

NOW THEREFORE, IT IS HEREBY ORDERED by the Commissioners Court of Hood County, Texas by majority vote of all of the members, as follows:

Section 1. The recital clauses, including the County's findings, are incorporated in the text of this Order as if fully restated.

Section 2. It is the purpose of this Order to temporarily limit the acceptance and processing of permits for approval for Industrial Development in anticipation of adoption of new Regulations governing the development of land within the County in order to promote the public health, safety, and general welfare of the citizens of the County. It is not the intent of this Order to deny development rights protected by federal or state law. It is the intent of the County to enact revised Regulations in an expeditious manner.

Section 3. On or after the effective date, and extending for the duration, of this Order, the County Development Director or any other County employee shall not accept any concept plan applications or application for site development plans or for permit for an Industrial Development project, nor take any action to process such plan or application, including but not limited to acceptance of fees, review or evaluation of such application, scheduling for public review or hearing, formulation of conditions, or issuance of preliminary or final approval of such applications.

- A. With regard to Industrial Development, any application for a concept plan, site development plan, or permit submitted during the duration of this Order shall be returned, together with any application fee, to the applicant with notification that the application will not be accepted for filing or further processing for the duration of this Order.
- B. Any action taken by the Development Director or any other County employee to accept for filing or to further process a concept plan or an application for site development plans or permit after the approval of this Order and for the duration of this Order is deemed to be void and of no effect.

Section 4. The County will promptly engage environmental and planning consultants to work with the Commission on proposed revisions to the Hood County Strategic Plan and the Regulations (including land use districts) to address Industrial Development.

Section 5. The County will undertake a temporary moratorium, not to exceed six (6) months, to engage and work with the consultants and the Commission; and to allow the Commission to undertake the work above and present their findings and recommendations to the County (the “Temporary Moratorium”).

Section 6. The County hereby approves amendments to the Regulations, as provided in Exhibit A hereto, to be effective immediately on approval of this Order.

This Order was duly made and passed on the 10th day of February, 2026, at a Regular Meeting of the Hood County Commissioners held in the Central Jury Room of the Ralph H. Walton Jr. Justice Center, 1200 W. Pearl Street in Granbury, Texas.

IN WITNESS WHEREOF, we have caused our signature to be affixed hereto.

Ron Massingill, County Judge

Kevin Andrews, Comm. Pct. 1

Nannette Samuelson, Comm. Pct. 2

Jack Wilson, Comm. Pct. 3

Dave Eagle, Comm. Pct. 4

Attest:

Christine C. Leftwich, M.Ed
County Clerk

Amendments to Hood County Development Permit Regulations

Pursuant to Section 1.9 of the Hood County Development Permit Regulations (the “Regulations”), the Commissioners Court may, following a recommendation by the Development Commission and after a public hearing before the Court, by order, amend, from time to time, the Regulations.

On February 10, 2026, the Commissioners Court held a duly noticed public hearing and approved an Order authorizing the following amendments to the Regulations:

Section 1. Section 1.5 Findings, Subsection H. is amended as follows:

- H. The Commissioners² Court of Hood County has been delegated special responsibility pursuant to Texas Local Government Code Chapter 231, Subchapter K (the “Act”), for overseeing protection of the water resources of the County for the benefit of the County’s residents and all citizens of the State utilizing such resources for recreational purposes and these Regulations are necessary to implement such authority, including the enacting of a moratorium on any type of development until these Development Permit Regulations can be adapted for new and unforeseen types of development in order to adopt new regulations necessary to protect the watershed and groundwater and accomplish other purposes of the Act;

Section 2. A new Article X. Temporary Moratorium is approved as follows:

Article X. Temporary Moratorium

Section 10.1 Temporary Moratorium on Applications for Concept Plans and Site Development Plans or Permits.

- A. On February 10, 2026, the County approved an Order authorizing a temporary moratorium on applications for concept plans, site development plans, or permits for large commercial and industrial development, including factories, warehouses, manufacturing, chemical processing, mining, power production and storage, large technology projects, and data centers (referred to herein as “Industrial Development”) for a time period not to exceed six (6) months in order to allow sufficient time to update the County’s Strategic Plan and these Regulations to properly address such development in compliance with the County’s obligations under Texas Local Government Code, Chapter 231, Subchapter K (the “Temporary Moratorium”).
- B. During the Temporary Moratorium, no concept plans, applications for site development plans, or permits will be accepted and no site permits will be issued for Industrial Development projects.
- C. A complete application for a concept plan, site development plan or permit that is delivered to the County on or before the approval of the Order

authorizing this Temporary Moratorium is not subject to the Temporary Moratorium.

Section 10.2 Concept Plans, Site Development Plans, and Permits.

- A. Concept plans, site development plans, and permits accepted before the adoption of the Temporary Moratorium are not subject to the Temporary Moratorium and shall proceed under the Regulations in place at the time of submission of a complete application; however, an applicant may elect to fall under the revised Regulations adopted after the Temporary Moratorium.
- B. For concept plans submitted before the adoption of the Temporary Moratorium, at the Applicant's request, the two (2)-year expiration for such plans will be suspended during the Temporary Moratorium.
- C. In order to ensure that (i) the physical environment, in particular, the water quality of the County's water resources is not adversely affected, (ii) adjacent land use is not adversely affected, and (iii) no public safety hazards are allowed in the unincorporated area as described in the Regulations; and that the watershed is not endangered as is required in the Act, Industrial Development concept plans and site development Plans will not be accepted or approved by the County during the Temporary Moratorium for lack of sufficient information to evaluate such plans.

Section 10.3 Revising the Regulations.

- A. During the Temporary Moratorium, the Commission is directed to work with the County's environmental and planning consultants to develop proposed revisions to the Regulations using established data and verifiable scientific information to protect the watershed and the state's rivers and lakes as a place of recreation for the purpose of promoting the public health, safety, and general welfare through the following means:
 - i. the percentage of a lot that may be occupied or developed,
 - ii. population density,
 - iii. the size of buildings,
 - iv. the location, design, construction, extension and size of streets and roads,
 - v. the location, design, construction, extension, and installation of water and wastewater facilities, including the requirements for connecting to a centralized water or wastewater system,
 - vi. the location, design, and construction of parks, playgrounds, and recreational areas, and
 - vii. the abatement of harm resulting from inadequate water or wastewater facilities.

- B. Additionally, the Commission shall work with the County's environmental and planning consultants to ensure essential public facilities, including, but not limited to, utilities and public safety, are adequate for proposed growth and that the lack of such facilities will not be detrimental to the health, safety, and welfare of the County.
- C. Revisions to the Regulations shall be presented by the Commission to the Commissioners Court in a public hearing after thirty (30) days' notice published in a newspaper of general circulation in the County using a reasonably specific description. The proposed revisions shall be posted on the County's website for thirty (30) days before public hearing.
- D. If the proposed revisions to the Regulations could constitute a taking under the Texas Private Property Rights Preservation Act, the Commission (through the consultants) shall prepare a written takings assessment using the Texas Attorney General Guidelines. The takings impact assessment must comply with Section 2007.043, Texas Government Code. This assessment shall be posted on the County's website along with the proposed revisions for the thirty (30) day period.

Section 10.4 Appeal.

- A. A person aggrieved by this Temporary Moratorium may petition the Commission for a special exception waiver to this Article X. A written petition must state the reason for a requested waiver. Such reasons may include (i) a claim of a right obtained under a development agreement or application, (ii) a claim that the harms described above are not relevant to the site or the project, or (iii) another reason. The petition shall be submitted to the Commission through the Development Director within ten (10) days of the date of notification that the application will not be accepted for filing or further processing.
- B. The Commission shall vote whether to recommend or not recommend to the Commissioners Court a waiver within ten (10) days after receiving the written petition.
- C. The Commissioners Court shall consider the Commission's recommendation at its next Commissioners Court meeting for which the recommendation is eligible for proper posting.
- D. The Commissioners Court shall not release the applicant from the requirements of the Temporary Moratorium unless the applicant first presents credible evidence from which the Court can reasonably conclude that (i) the proposed project is not an Industrial Development, or (ii) the delay in processing the application for permit deprives the applicant of a vested property right or deprives the applicant of all economically viable use of his land.

- E. The Commissioner's Court may take the following actions:
- i. Deny the appeal, in which case the application shall not be accepted for filing or further processing;
 - ii. Grant the appeal and direct that the Development Director accept the application to review for completeness and file and process the application consistent with existing Regulations;
 - iii. Grant the appeal subject to conditions consistent with the purpose of the Order and direct the Development Director to review the application for completeness and file and process the application consistent with existing Regulations and the conditions imposed.
 - iv. Relief granted by the Commissioners Court pursuant to an appeal under this Section shall expire, and all claims pertaining to vested rights or loss of economically viable use shall be deemed waived, forfeited, and void, if any of the following occur:
 - a. A complete application for concept plan, site development plan, or permit consistent with the Commissioners Court's decision is not filed within thirty (30) days of the Court's decision on the appeal.
 - b. The complete application for concept plan, site development plan, or permit is subsequently denied for failure to comply with existing regulations governing the plan or permit. An application shall be denied if (1) the project does not conform with the land use district regulations of the existing Regulations, (2) the development is not supported by adequate levels of public facilities and services that are to be provided each phase of the development, (3) the development will adversely affect the physical environment and, in particular, the water quality of the County's water resources, (4) the development will adversely affect adjacent land uses, or (5) the development will create a public safety hazard.
 - c. Approval of the application for concept plan, site development plan, or permit has expired.
