

GRIMES COUNTY PRESS RELEASE

FOR IMMEDIATE RELEASE

Grimes County, TX — We are following our fellow county's, Matagorda County, lead to assist in the understanding of Clarifying County Authority and Protecting Private Property Rights Under Texas Law.

As public discussion continues regarding proposed other large-scale private projects, including data center development, it is important to clarify what Texas law allows and does not allow county and local governments to do.

Under Texas law, counties are governments of limited authority, meaning they may act only where the Legislature has expressly granted power. Unlike incorporated cities, counties do not have general zoning authority in unincorporated areas. This legal distinction is central to understanding the current situation.

Counties in Texas cannot:

- Deny the lawful sale of private property
- Prohibit a legal business from operating on private land
- Impose zoning-style restrictions where none are authorized by statute
- Enact blanket bans or moratoriums on lawful industries without specific legislative authority. *(See AG opinion AC-003, and February 2026 Letter from Senator Bettencourt (Local Government Legislative Committee Member))*

When a private developer does not request tax abatements, incentives, or public funding, the county's authority is even more limited. In such cases, the project is treated as a private land use matter, subject only to compliance with applicable state and federal regulations—not discretionary local approval.

Additionally, water use of such projects is controlled and authorized under the Rule of Capture laws (ground water), water conservation boards (for permitting), and the TCEQ (for surface).

Regulatory Oversight Exists—But Not at the County Level

Key areas of concern are already governed by established regulatory bodies:

- Water usage: Groundwater Conservation Districts (Bluebonnet Conservation District) and the State of Texas
- Environmental compliance: Texas Commission on Environmental Quality (TCEQ) and federal agencies
- Energy infrastructure: Electric Reliability Council of Texas (ERCOT) and the Public Utility Commission of Texas

- Wildlife protections: Texas Parks and Wildlife Department and federal authorities
- Counties do not have independent authority to override or duplicate these regulatory frameworks.

Private Property Rights Remains Foundational:
Texas law strongly protects private property rights.

A landowner has the right to sell property, and a buyer has the right to use that land for any lawful purpose. While public input is valuable, it does not grant legal authority to block lawful development. Decisions about private land use are not subject to informal public veto, social media campaigns, or generalized opposition.

Addressing Public Concerns Within Legal Limits:
Grimes County recognizes that residents may have concerns about infrastructure, environmental impact, and quality of life. These concerns are important and will be taken seriously.

However, counties are not authorized to:

- Restrict water use of private development
- Deny lawful development based solely on public opposition
- Share confidential information of a project which is given for the purpose of tax abatement (Tax Code 312.003)

Counties may not impose general land-use bans without authority, but they can regulate aspects of development where statutes authorize regulation, for example road use permits. However, the legislature has limited this authority when it comes to certain types of trucks (Ready Mix), and the County cannot regulate state roads, only county roads.

Current Development:

In the last 6 months, Grimes County has received one application for tax abatement. That application was received on Monday, May 4th. That day the County issued a 30 day public hearing notice for that same project. This project is a semiconductor manufacturing facility proposed by Space Exploration (aka SpaceX). In compliance with open meeting rules, a special meeting on May 13th will be held to allow the full court to receive the application information.

Steps Taken by Grimes County:

In 2025, Grimes County identified a need for a countywide Fire Marshal and necessity to adopt the International Fire Code, such that the county will be granted additional powers to regulate development within the unincorporated areas of Grimes

County. This additional position was budgeted in 2025 to be part of the 2026 budget, and Grimes County moved as quickly as possible to have our Emergency Management Coordinator trained and certified to be our County Fire Marshall. Although the powers granted to a Texas county are still limited by what is allowed by the Texas Legislature, the International Fire Code elevates the ability of the county to regulate matters of safety and welfare which assists in controlling how development occurs.

Combating Misinformation:

Recent discussions on social media platforms have included claims that the County can “stop” or “block” lawful private development. These claims are incorrect under Texas law.

Claims that elected officials took bribes or that “closed door meetings” to limit transparency is not accurate and misinformation.

The initial meeting between a developer, county judge and county commissioner of that precinct is standard as well as outlined in the Guidelines and Criteria. If requested at this meeting for tax abatement, then the application will be put on the agenda for commissioners court so the entire court can hear the proposal in closed session in accordance with Texas Tax Code and rules on public disclosure.

Public dialogue is encouraged, but it must be grounded in accurate legal understanding.

Commitment to Transparency and the Rule of Law:

Grimes County remains committed to:

- Transparency in all public proceedings
- Compliance with state and federal law
- Respect for private property rights
- Honest and fact-based communication with the public