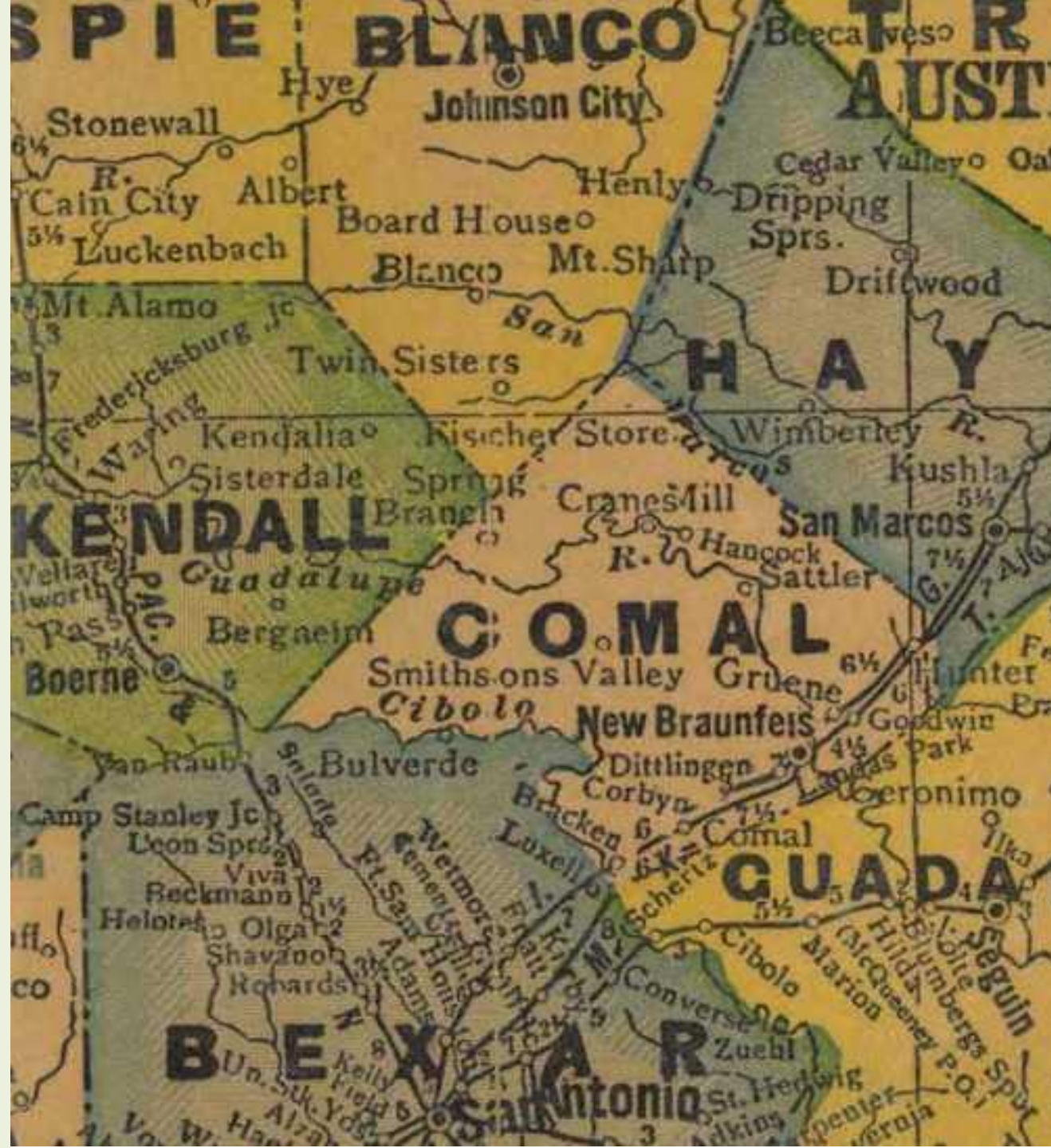


# Local Control Options for Hill Country Counties

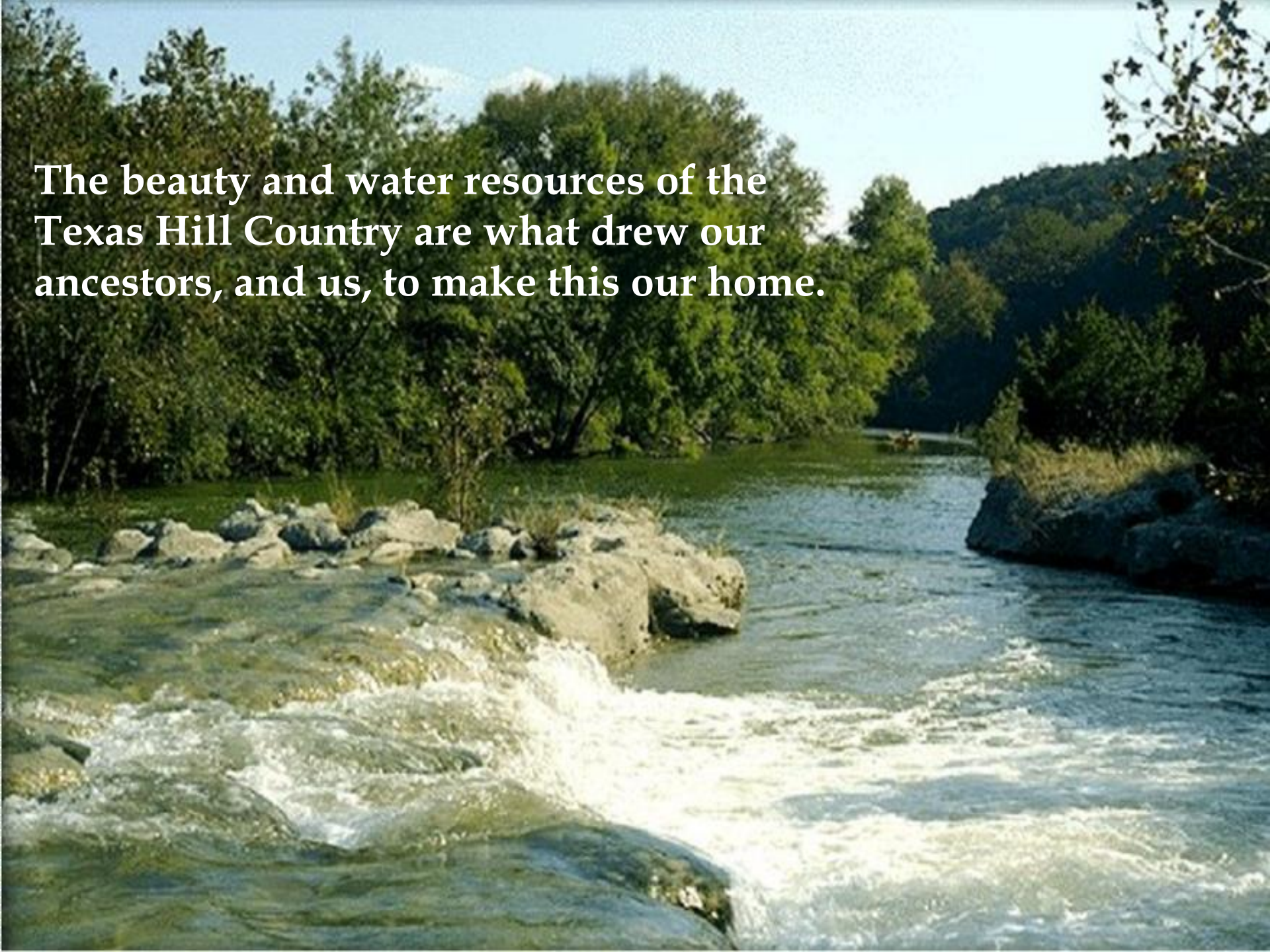


Jensie Madden  
League of Women Voters  
of the Comal Area

Annalisa Peace  
Greater Edwards Aquifer  
Alliance

June 5, 2018

**The beauty and water resources of the Texas Hill Country are what drew our ancestors, and us, to make this our home.**



APRIL 2002 • \$3.95

# Texas Monthly

Life & Death  
at NASA  
by STEPHEN HARRIGAN

# hill country FOREVER

by JOHN GRAVES, SUZY BANKS,  
and KINKY FRIEDMAN

School Finance  
For Dummies  
by PAUL BURKA

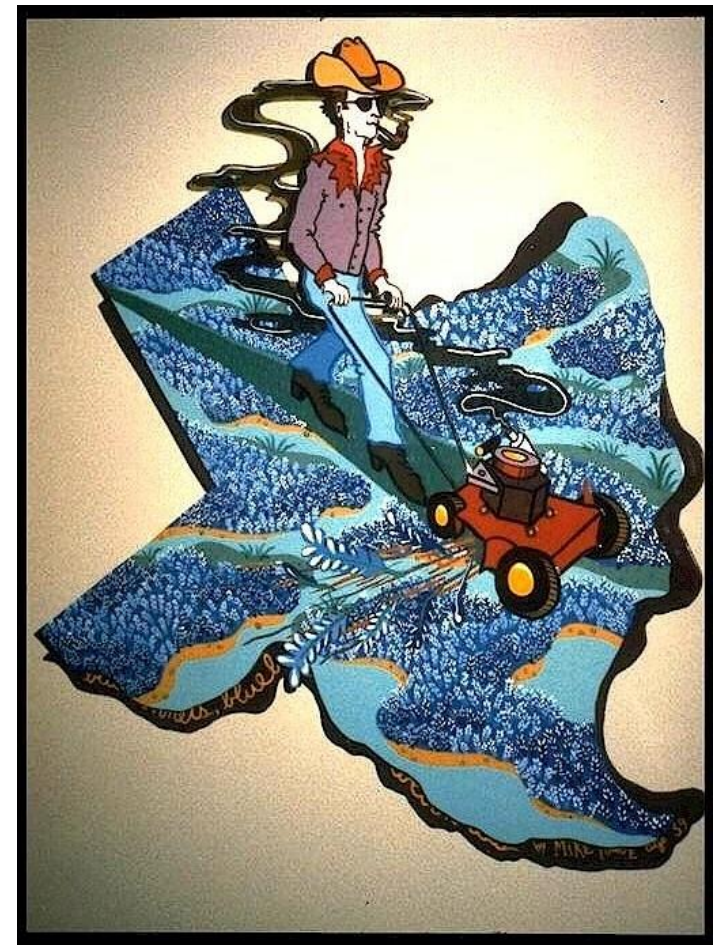
David Koresh Will  
Be Resurrected  
Any Day Now  
by MICHAEL HALL

The Woman Who  
Ratted Out Enron  
by PAMELA COLLOFF



A poll taken in the 1990's by Texas Monthly found that 80% of Texans want to retire to the Hill Country.

We are literally loving the Hill Country to death.



Mowing Bluebonnets by Mike Pogue



# OBSERVING TRENDS IN THE NATION'S FASTEST GROWING COUNTIES

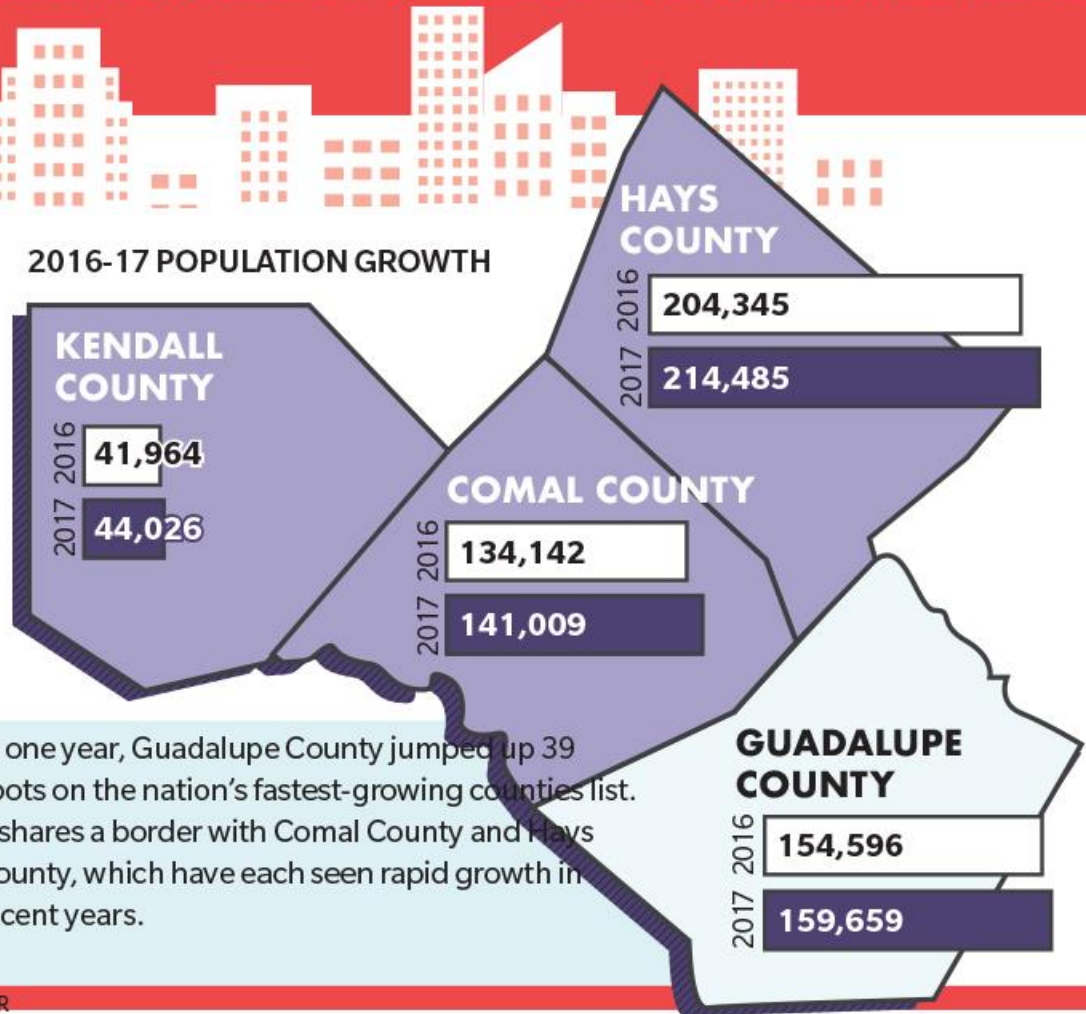
BY RACHEL NELSON

Three-fifths of the nation's fastest growing counties with a population of 10,000 or more fall in a close proximity within Central Texas.



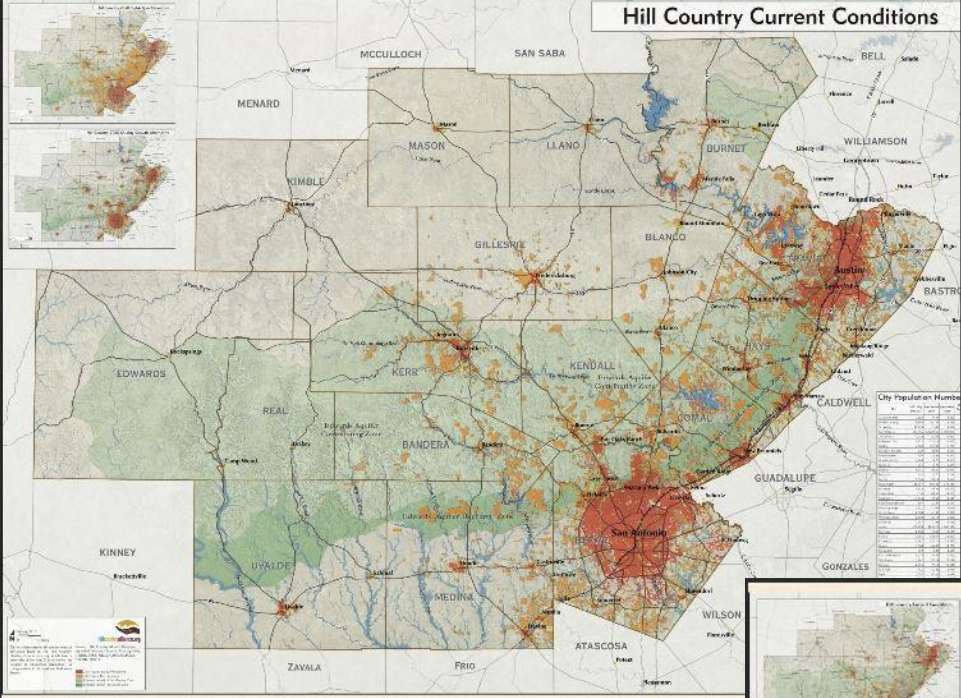
- 1 Falls Church City, Virginia
- 2 **COMAL COUNTY, TEXAS**
- 3 Wasatch County, Utah
- 4 **HAYS COUNTY, TEXAS**
- 5 **KENDALL COUNTY, TEXAS**
- 6 Walton County, Florida
- 7 Tooele County, Utah
- 8 Morgan County, Utah
- 9 Lumpin County, Georgia
- 10 Osceola County, Florida
- 36 **GUADALUPE COUNTY, TEXAS**

## 2016-17 POPULATION GROWTH



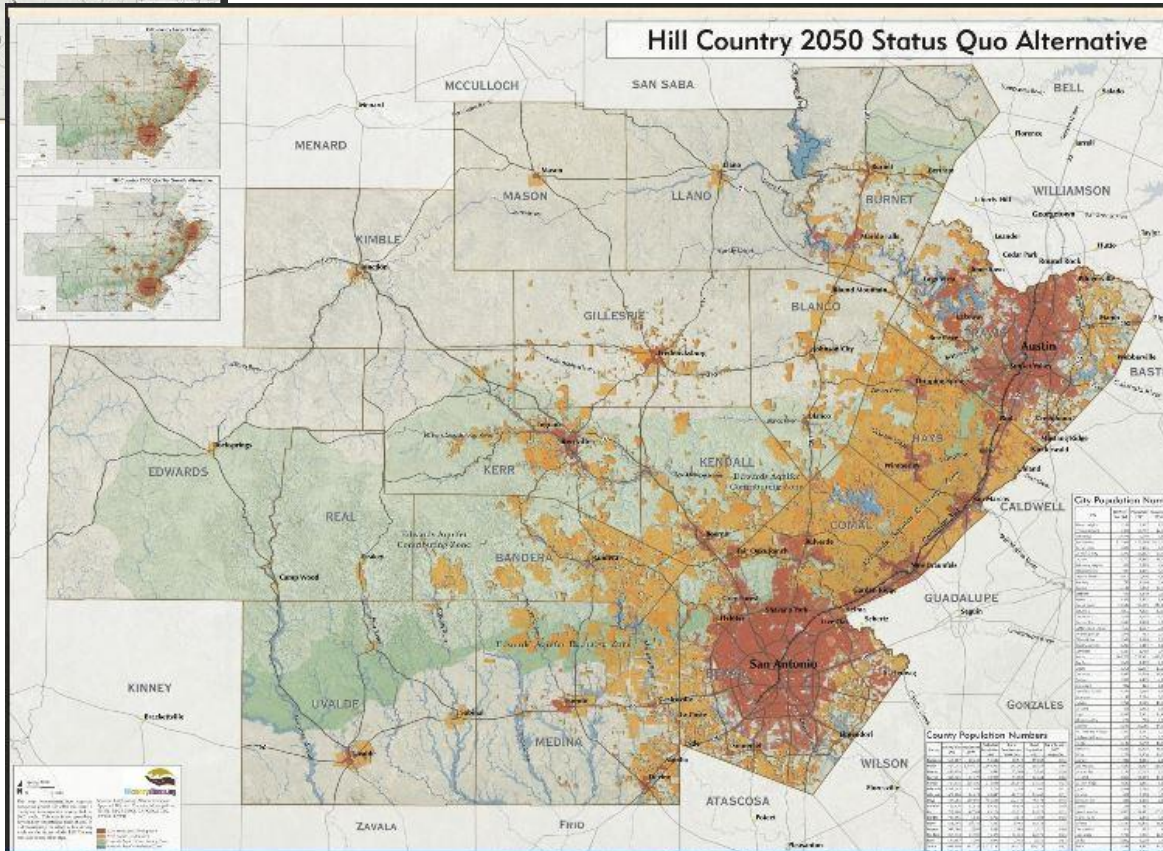
In one year, Guadalupe County jumped up 39 spots on the nation's fastest-growing counties list. It shares a border with Comal County and Hays County, which have each seen rapid growth in recent years.





### Hill Country Current Conditions



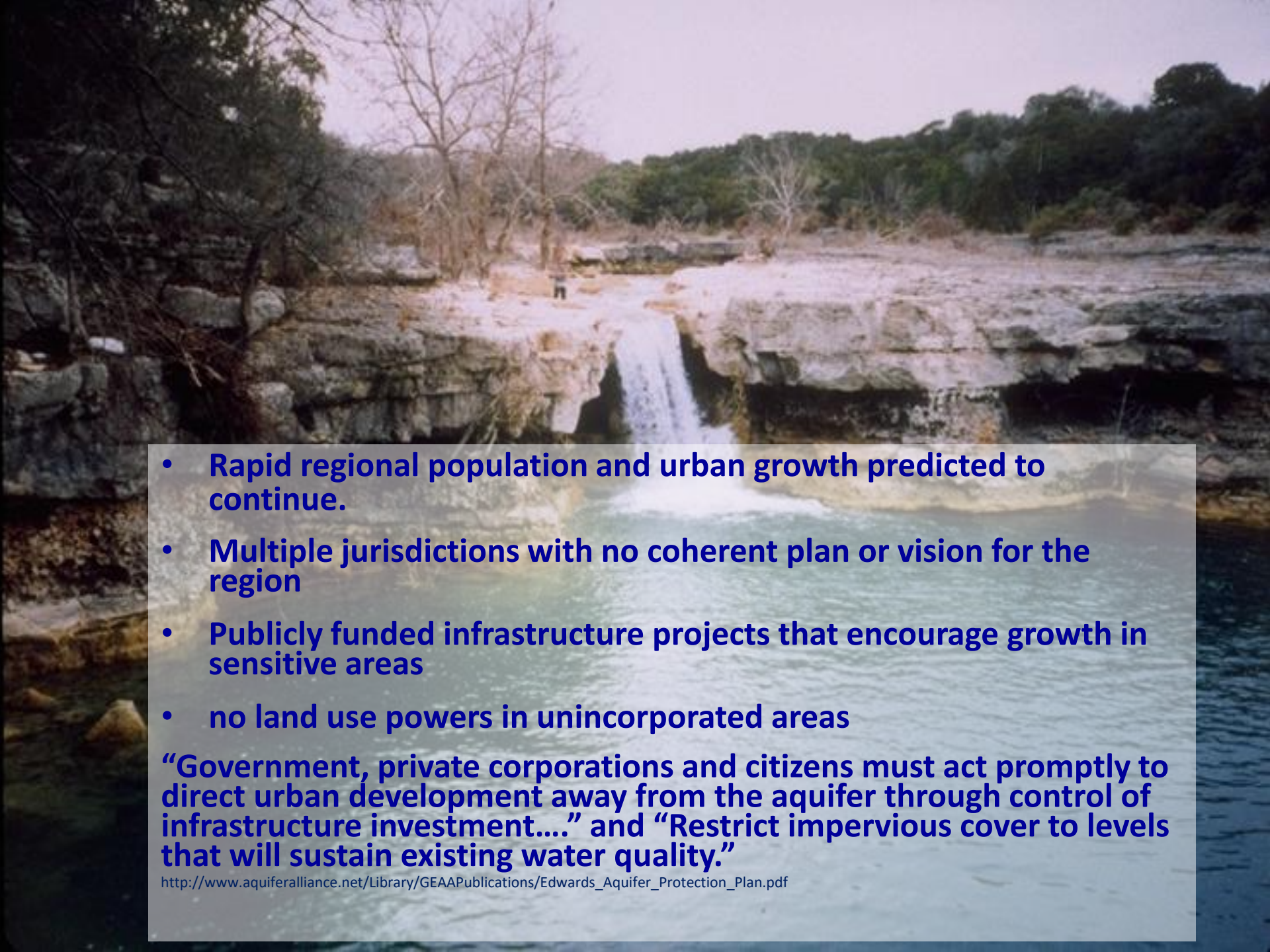
These maps demonstrate the status of developed lands in the Hill Country in 2007 versus projected development in 2050 if county and municipal density levels continue at 2007 levels.

### Hill Country 2050 Status Quo Alternative



-  Rural Development
-  Municipal Development
-  Edwards Aquifer Recharge Zone
-  Edwards Aquifer Contributing Zone

Maps courtesy of Hill Country Alliance

- 
- **Rapid regional population and urban growth predicted to continue.**
  - **Multiple jurisdictions with no coherent plan or vision for the region**
  - **Publicly funded infrastructure projects that encourage growth in sensitive areas**
  - **no land use powers in unincorporated areas**

**“Government, private corporations and citizens must act promptly to direct urban development away from the aquifer through control of infrastructure investment....” and “Restrict impervious cover to levels that will sustain existing water quality.”**

[http://www.aquiferalliance.net/Library/GEAAPublications/Edwards\\_Aquifer\\_Protection\\_Plan.pdf](http://www.aquiferalliance.net/Library/GEAAPublications/Edwards_Aquifer_Protection_Plan.pdf)

# Flash Flood Alley

The Central Texas Hill Country is the most flash flood-prone area of North America.



Dallas

Waco

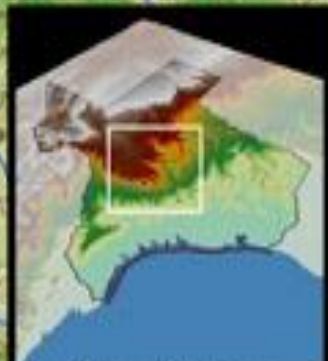
Temple

Austin

San Marcos

New Braunfels

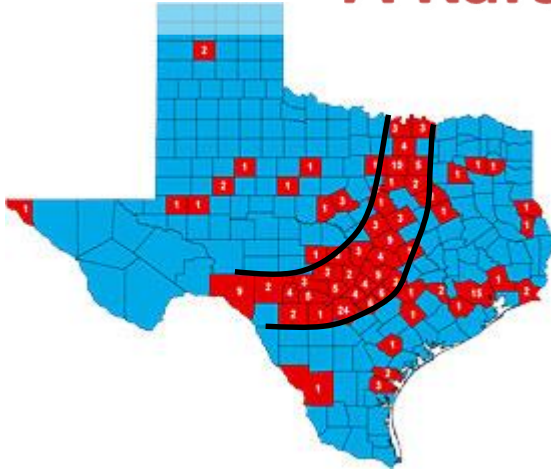
San Antonio



Inset shows the Texas Hill Country

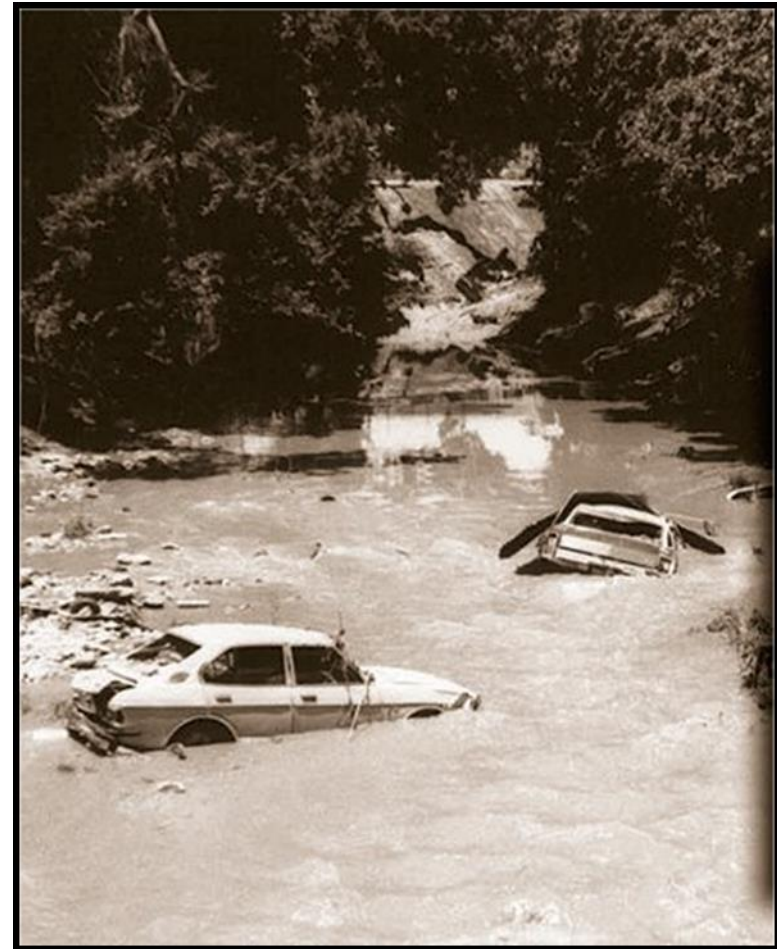


# Current Developments Are Usually Not Designed To Maximize Water Infiltration into A Karst Landscape



Since 1996, flash floods have claimed  
**198 lives in Texas.**  
(National Weather Service)

Current regulatory measures are inadequate:  
Increased Impervious cover on the Edwards Aquifer  
Recharge Zone increases storm water flows, erosion,  
and flooding, requiring cities to spend billions of  
dollars for storm water management projects to  
mitigate downstream flooding



# Regulations permit extensive site modification thus altering the hydrologic regime



- Sand filter is prevalent BMP across the Edwards/Trinity region
- Edwards Rules treat storm water as a pollutant

## On the Edwards Recharge Zone:

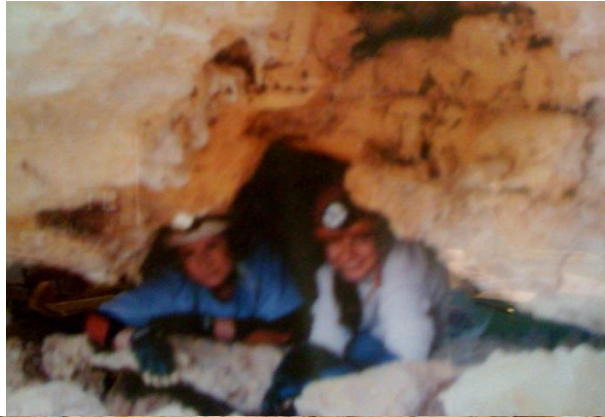
- Up to 85% impervious cover allowed in San Antonio
- Up to 100% impervious cover allowed under State Law

# Preserving Caves and Recharge Features

Impervious Cover Limits for the Edwards Aquifer Recharge Zone are the best strategy we have to preserve Caves

Other strategies include protections for endangered karst species.

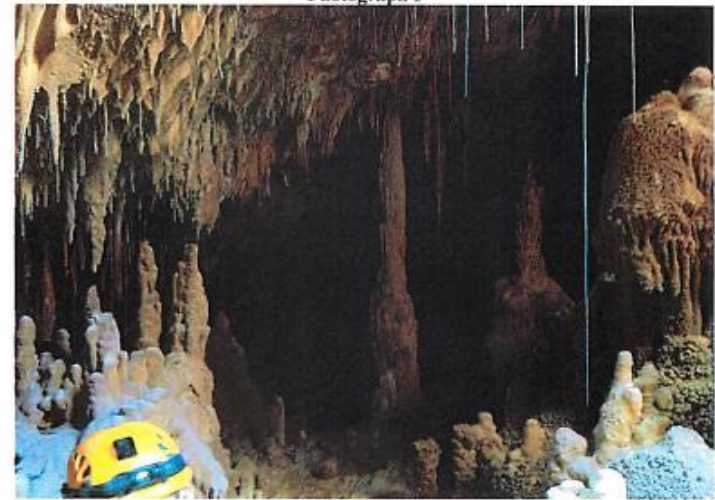
Effective Habitat Conservations Plans are needed.



the Ridge at Lookout Canyon Phase II PUD



Photograph 1



Photograph 2

# Incompatible land uses...



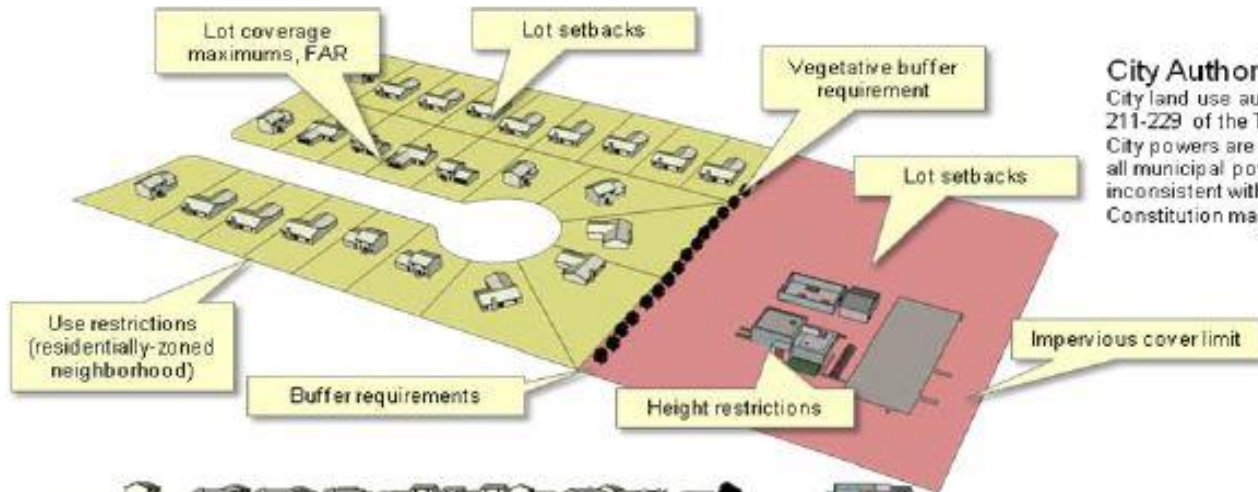
Martin Marietta Quarry next to San Antonio Ranch



Infill development is occurring within drainage areas on the Edwards Recharge Zone.

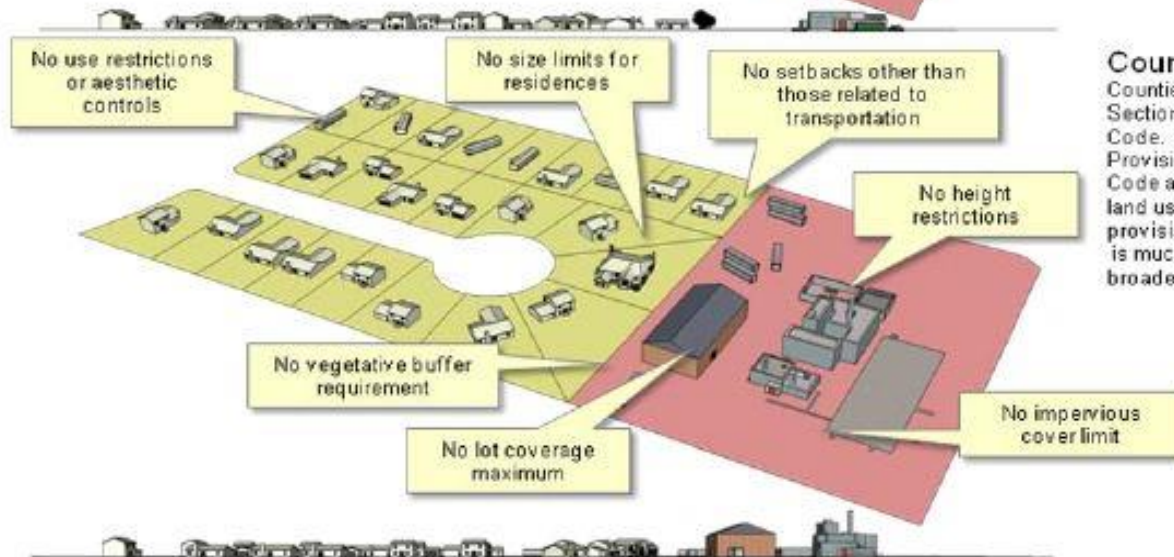
Comal County does require planning for appropriate drainage in their subdivision platting requirements.

Figure 1: Illustrative Comparison of City and County Authority



### City Authority

City land use authority is granted in Chapters 211-229 of the Texas Local Government Code. City powers are granted in a manner where all municipal powers not otherwise inconsistent with the Texas Constitution may be exercised.



### County Authority

Counties' authority is mostly found in Section 232 of the Local Government Code. However, miscellaneous other Provisions outside the Local Government Code also affect counties' ability to control land use. This combination of these provisions result in a grant of power that is much more limited than the much broader powers cities may wield.

Many of the problems we've just seen are addressed within cities through zoning and municipal ordinances.

In Texas, counties have very limited authority.

- Counties lack the authority to manage stormwater and control flooding at the local level
- Without any mechanism to require that new developments pay for themselves, all citizens pay for new infrastructure to accommodate growth
- Counties cannot preserve the health, safety, and quality of life for their citizens by prohibiting incompatible land uses
- Counties are not given the tools to protect critical watersheds that replenish local karst aquifers, which are exceptionally vulnerable to pollution
- Counties are not given adequate tools to set minimum standards for water and wastewater infrastructure and emergency services

# Past Legislative Attempts

**2005** 79<sup>th</sup> Session

- [SB 142](#) (Wentworth)
- [HB 477](#) (Casteel)

**2007** 80<sup>th</sup> Session

- [HB 3447](#) (Rose, Howard, Hildebran)

**2009** 81<sup>st</sup> Session

- [HB 3265](#) (Rose, Doug Miller, Gallego)



# Why would this time be different?



## What could new legislation include?

- A list of possible tools that a Commissioners' Court might choose to have

These additional powers would be helpful in Texas' fastest growing counties:

- The ability to set standards for water or wastewater systems
  - The ability to require minimum fire suppression systems
  - The ability to require improvements to streets and roads
  - The ability to require a minimum amount of open space or imposing a limit on the amount of impervious cover for aquifer recharge and stormwater management
  - The ability to require vegetative buffers or adopt other measures to minimize conflict between incompatible land uses
  - The ability to assess impact fees that can pay for new infrastructure required to serve new developments
- A requirement that a Commissioners' Court must place any proposed new powers on a ballot for county residents to vote.
  - No new powers would accrue to a county without county citizen approval.

## What needs to happen?

- Resolutions from Commissioners' Courts throughout the Hill Country
  - Commitment from local legislators to sponsor the legislation
  - A bill drafted by Texas Senators and Representatives to be filed in January 2019
    - Bill gets assigned a committee
    - If the committee hears it then they vote on it
    - If it gets voted out of committee then it is eligible to be voted on by the State Representatives
    - If the bill is voted on and passes, it then goes to the Senate
    - the Senate can make changes, or keep it the same
    - If the bill passes in the senate it then goes back to the house for final approval
    - If the house agrees with the changes (if the Senate makes any) OR if the Senate doesn't change anything the house votes and the bill passes
    - Then the Governor has the option to sign the bill into law or veto it
- Or**
- If it is determined that the bill is Local and Uncontested :
- Bill gets assigned a committee
  - If the committee hears it then they vote on it
  - If it passes it then goes to the governor, who can sign it into law or veto it

# CITIZEN CALL TO ACTION!

- Political action by YOU the Citizen involves consistent and persistent contact with your elected officials.
- Contact your Commissioners' Courts throughout the Hill Country
  - Ask them to develop and adopt 'local options' Resolutions to protect unincorporated areas of the County.
- These Resolutions will need to be submitted to the State Representative and Senator from which Bills can be drafted
- Contact your State Representative and Senator
  - Ask them to commit to sponsor the 'local option' Resolution coming from your County.
  - Be explicit as to why this is important to you as a constituent.
- Coordinating groups in each county need to be established for effective advocacy. Resolutions from local Commissioners' Courts affirming their desire for additional tools to manage growth will be used in advocating for a bill in Austin.
- Contact any of the three organizers on slide 21 to participate in a citizen coordinating group.

For more information about the Greater Edwards Aquifer Alliance

visit [www.AquiferAlliance.org](http://www.AquiferAlliance.org)

You may contact Annalisa Peace: 210-320-6294 [annalisa@aquiferalliance.org](mailto:annalisa@aquiferalliance.org)

For more background information on this issue from the League of Women

Voters of the Comal Area visit : [www.LWVComal.org/studies](http://www.LWVComal.org/studies)

You may contact Jensie Madden: 830-935-3360 / [j-dmadden@att.net](mailto:j-dmadden@att.net)

For more information about Preserve our Hill Country Environment

(501c4 status pending. DBA: [Stop3009VulcanQuarry.com](http://Stop3009VulcanQuarry.com))

You may contact Sabrina Houser Amaya

[stop3009vulcanquarry@gmail.com](mailto:stop3009vulcanquarry@gmail.com) or 830/456-2787

**To stay involved, sign up for action alerts at:**

**<https://aquiferalliance.org/sign-up-for-action-alerts/>**