

A few years ago I attended a national convention of the American Planning Association held here in San Antonio. During presentation after presentation about how to best plan for the protection of the health and safety of our citizens and the highest and best uses of our water resources, I was frustrated to realize that here in Texas we could implement none of the most elegant and effective methods employed throughout most of the nation. We in Texas cannot cooperate to implement best planning practices regionally because county governments in Texas do not have adequate authority over land uses.

Watersheds do not respect political subdivisions. If we are to locate land uses where they will not negatively impact ground and surface water resources, and, if we are to promote growth and the development of mineral and natural wealth within areas that can safely support those activities, then we need to have limited and consistent land use authority granted to our counties.

A sound business plan relies on certainty. Good planning can provide certainty to those whose operations are best done in unpopulated areas, while ensuring that residential neighborhoods in unincorporated areas will not be exposed to industrial operations and other incompatible land uses. That we deny simple methods of land use planning to the fastest growing of our unincorporated areas within Texas is a recipe for conflict.

As the Executive Director of the Greater Edwards Aquifer Alliance, which unites 50 organizations throughout 21 counties in Central and South Texas behind a comprehensive plan to protect our water resources and the Texas Hill Country, I am all too familiar with the problems caused by incompatible land uses. I see ordinary citizens spending thousands of dollars of their own money to fight permits for activities that fly in the face of common sense. No Texas citizen should have to raise money to fight an asphalt plant or a waste disposal operation being located next door to their residential neighborhood. Unfortunately, there are many, many communities outside of incorporated cities whose citizens do not have the means to hire legal representation to contest activities that would threaten their health and diminish their quality of life. Equally unfortunate is the fact that those who do step up to the plate to fight, more often than not, do not prevail in their battles with the State agencies. Because of limited authority, rural communities have no recourse to effect change within the agency of government most accessible to them, which is their county government.

I am very much aware that Texas is a property rights State. I also see that within our State lie some of the fastest growing counties in the nation. It is time to face the fact that Texas will soon be among the most populous states in the nation. This is not a bad thing if we all work together. Our members want what all Texans want – a prosperous State that affords ample opportunity for all. We are not anti-progress or anti-growth. But, in order to promote civilized and rational growth where it is anticipated within the Texas Hill Country, we must provide our local governments the tools that they need manage this growth. If we are to devise and implement planning to preserve our water resources, promote prosperity, and provide a high quality of life for rural residents, we need to provide county governments with effective means for planning for appropriate land uses within their own counties and across county lines.

For the past three legislative sessions, GEAA has strongly supported limited land use authority for 13 counties that rely upon the Edwards and Trinity aquifers. These counties are experiencing rapid growth and are desperately in need of tools that will permit them to manage growth in a manner that is in the best interest of their citizens. In advocating this legislation, I have been contacted by folks from other areas of the State who propose inclusion of additional counties – most notably in the North Texas and border regions.

In that GEAA represents a broad constituency within our region, we are also cognizant of what we do not want this legislation to do. We do not want county authority to provide a means for turning the Hill Country into some giant bucolic suburbia. Nor to be used as a stick to bring all rural residents into conformity with some vision of what country life should be. We respect that landowners may need to lease land for a cell tower or a bill board to make ends meet. They may want to use firearms, store old vehicles and equipment, and otherwise use their land in any manner compatible with their needs as rural residents. To effect this delicate balance between what should be permissible in any given rural community, State authority is too blunt an instrument. The State cannot provide the nuanced judgment that is often required to equitably address issues of incompatible land uses. Nor does the State provide adequate oversight in matters affecting health and safety. We trust that county governments are best suited to represent their citizens in these matters. But, we also respect those counties whose citizens do not trust their local government to enforce the limited land use powers that we are advocating. That is why GEAA has insisted that local option be secured by a vote of the citizens of each county.

We also need to provide counties with an equitable method of financing the infrastructure requirements of new growth. The ability to assess impact fees is very much needed to put the cost of growth on those who benefit. Those who profit should share in paying for new roads, schools, water and sewer service, and other infrastructure as required by new development in rural areas.

GEAA was also strongly supportive of legislation filed during the last session that would give Bexar County additional authority in regulating land use around Camp Bullis. Currently, incompatible land uses threaten to compromise training activities at the Base.

The natural resources that we rely upon for our sustenance lie, for the most part, outside of incorporated areas. The watersheds that replenish our ground water resources, agricultural land that feeds us, the rivers and streams that provide fishing and water recreation, are all in need of protections to insure that their value is not lost to use through poor planning and inappropriate use of this land. Countless cultural and historic sites and scenic vistas – places that connect us to our history – places that engender a love of our land, do not benefit from protections provided within incorporated areas.

We believe that government at the county level is the most effective and most accessible means of providing protection to rural areas and our natural resources. We urge you to give these local governments, through local option, the tools they need to protect the health and safety of their citizens.