

Dear GEAA members and friends,

Yesterday, I received news that Senator Donna Campbell has permission to introduce [SB 2075](#) to strip the power of eminent domain from the Needmore Ranch Municipal Utility District (MUD).

The Needmore Ranch MUD has been a tremendously controversial development planned to add thousands of new homes in Wimberley Valley in Hays County, one of the fastest-growing counties in the nation. According to [this report in the Texas Observer](#), “Between 1980 and 2012, Hays county’s population more than quadrupled, from 41,000 to 169,000. The mostly rural portion of the county west of I-35 could triple again by 2060, according to population estimates. A 2011 report on water and wastewater commissioned by Hays County states flatly: “The ambience and sustainable picture desired by many in western Hays County is likely only achievable if growth is somehow significantly limited or is channeled into certain development areas.” In other words, limits on and patterns of development should be determined by water.

According to the legislation that set up this MUD, the Needmore MUD would be able to condemn land only for the “purpose of importing surface water into the district.”

While Senator Campbell and Representative Isaac filed the legislation in 2013 that originally created the Needmore Ranch MUD, we are gratified to learn that Senator Campbell has been persuaded that the powers granted, in this case eminent domain, are too broad - empowering the MUD to take actions that might not be in the best interests of the community and neighboring landowners.

Here is her bill in its entirety:

By: Campbell S.B. No. 2075 A BILL TO BE ENTITLED AN ACT relating to the annexation and eminent domain powers of and the development of certain wastewater projects by the Needmore Ranch Municipal Utility District No. 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 8471.104 and 8471.105, Special District Local Laws Code, are amended to read as follows:

Sec. 8471.104.

~~NO [LIMITATION ON USE OF] EMINENT DOMAIN~~

~~POWER. [(a)] The district may not exercise the power of eminent domain [except for the purpose of importing surface water or nonlocal groundwater into the district.~~

~~[(b) -- For purposes of this section, nonlocal groundwater includes only groundwater that is withdrawn from a source outside the Edwards Aquifer and the Trinity Aquifer].~~

Sec. 8471.105. LIMITATION ON ANNEXATION. The district may not add land by petition of less than all the landowners under Section 49.302, Water Code[, unless the petition required under that section is signed by the owners of a two-thirds majority of the assessed value of the land in the defined area described by the petition].

SECTION 2. Section 8471.103(c), Special District Local Laws Code, is repealed.

SECTION 3. This Act takes effect September 1, 2015, but only if H.B. 3405, S.B. 1440, or similar legislation of the 84th Legislature, Regular Session, 2015, that enlarges the territory of the Barton Springs-Edwards Aquifer Conservation District to include the territory of the Needmore Ranch Municipal Utility District No. 1, becomes law. If such a bill does not become law, this Act has no effect.

We have seen similar problems with MUDs being played out over and over. MUD's create huge problems in the Hill Country because they are completely developer-driven. The structure by which MUD's are created for developers leaves the community with several different financial burdens. Developers are constantly seeking different ways to lower their investment. A common method for developers is to build MUD's and Water Control Improvement Districts (WCID's) using old and less efficient sewage treatment technology in order to lower the cost of the development. In the case of the poorly built districts, the community is then left with the financial burden to operate and maintain the cheap, less efficient sewage infrastructure created by the developer. GEAA is very concerned about the negative impact to our ground water from poorly designed sewage infrastructure. Over the years we have joined with groups in Comal, Hays, Bexar, and Medina counties to contest permits for substandard sewage infrastructure that would impact the Edwards Aquifer.

Another reason why developer-driven MUD's and WCID's present a problem to the Texas Hill Country is the sheer size of the communities that are being developed. Many of these are high density developments located in

environmentally sensitive areas. New MUDs will add tens of thousands of new water connections in areas already having problems with water availability. We are aware of legislation to create at least five new MUDs in the Hill Country this session.

GEAA is requesting an interim hearing on the powers granted by the legislature to Municipal Utility Districts. Please join us by contacting your State Representatives, Senators, and Speaker Joe Straus (joe.straus@speaker.state.tx.us) to request an interim hearing on the powers granted to Municipal Utility Districts.

The time to act on this is now.

Thank you,

Annalisa Peace

Executive Director

[Greater Edwards Aquifer Alliance](#)