

Proposal: Support legislation that clarifies and enhances county powers for the protection of watersheds and natural resources to secure water quality and ensure groundwater sustainability, specifically in the Edwards and Trinity aquifer region.

Rationale: Counties have far less authority and far fewer resources to respond to and guide growth within their jurisdictions, which can place both residents and water supplies at risk due to environmental degradation and increased flooding events. As Texas' population rapidly grows, so too do the burdens on counties. Much of the growth in the state, especially in Central Texas and the Hill Country, is occurring outside of municipal corporate boundaries and within unincorporated areas of Texas counties. Counties are increasingly seeing the prospects of urban-density subdivisions within their boundaries with little ability to manage the impacts of that style of development.

Issue: Texas cities with home rule charters – cities with more than 5,000 people – are granted the right to enact any ordinance not expressly forbidden by state or federal law. Texas counties, however, are considered an arm of the state, and as such, may only enact those orders and regulations that are expressly authorized by state law. This arrangement grants far less authority to counties, including less authority to manage the impacts of population growth and development, including water quality concerns, water availability concerns, and flooding.¹ Counties do not have the authority to prohibit incompatible land uses.

Since 1990, population in the unincorporated areas of the Texas Hill Country has grown by 103%.² The counties with the highest growth in the region lie over the Edwards Aquifer Recharge and Contributing zones. The Edwards Aquifer Contributing Zone overlays the Trinity Aquifer Recharge Zone; all of these are areas that are highly susceptible to pollution. While population growth and development have many economic advantages, they place stress on natural resources, particularly when the growth takes place beyond city boundaries. This stress can cause long-term negative economic impacts that will place heavy burdens on county governments, county residents, and downstream residents.

When former agricultural lands and open spaces are converted to subdivisions, the region faces more pressure on its ground- and surface water supplies; negative impacts to water quality due to more wastewater disposal in surface waters and increases in impervious cover; increases in flooding; and reduced aquifer recharge capacity. These impacts are all compounded as Texas Hill Country counties face both the effects of extreme and enduring drought and intense flooding.

Options: Cities are better able to respond to the combined demands of population growth and pressure on water supplies and water quality, yet many county residents expect their elected officials to be able to respond to these demands. To protect the health, safety, and quality of life of residents in the fast-growing unincorporated areas of the Edwards and Trinity aquifer region, counties overlying the Edwards Aquifer or within the Hill Country Priority Groundwater Management Area need expanded authority. Legislators can help these specific counties manage growth and water concerns by:

- Granting these counties the authority to require water providers within their boundaries to submit a Water Availability Report every three years, based on the best available modeling practices and data.
- Enacting bills that, at minimum:
 - Granting these counties the authority to prohibit incompatible land use, and
 - Granting these counties the ability to require impact fees to spur responsible development and refrain from placing the burden of paying for new development on long-time residents.

¹ To find out more about county tools and authority in the Texas Hill Country, read here:
https://aquiferalliance.org/wp-content/uploads/2023/07/Full-Report_County-Tools-Report.pdf

² Between 1990 and 2020.