

**Proposal:** Support revisions to Chapter 42, Texas Local Government Code that clarify the authority of municipal and county governments in the extraterritorial jurisdiction (ETJ) of a municipality and that allow both municipal and county governments to protect local water supplies and environmentally sensitive lands. Oppose efforts to further rollback municipal ETJ regulatory authority.

**Rationale:** Millions of Texans rely on the aquifers and surface waters of Central Texas and expect lawmakers and local city and county officials to protect their water quality and to work to prevent flooding. Municipal ETJ ordinances related to tree preservation, regulating nuisances, impervious cover limits, water quality protection, and limiting incompatible land use through development regulations all protect the health, safety, and welfare of residents in ways county governments are not able under state law. These same municipal ordinances, along with the ability to require impact fees, adherence to comprehensive plans, regulation of lot sizes in certain circumstances, and landscaping ordinances, all help promote responsible development while protecting water quality and lowering flood risks. County governments often have limited to non-existent authority to regulate in these areas or do not take full advantage of the tools available.<sup>1</sup>

**Issue:** Senate Bill 2038 of the 88<sup>th</sup> Texas Legislature provided a mechanism for areas in the ETJ of a municipality to be released from that ETJ. Released areas are subject only to county and state regulations, which are often far less protective than municipal ETJ regulations. Many ETJs in Central Texas in which land has since been released lie over the recharge zone of the Edwards Aquifer and some overlay the contributing zone of the Edwards and the recharge zone of the Trinity aquifer; the release of land in these ETJs places local water supplies at high risk of contamination and can create flood risks for downstream residents (see map below).

The bill provides several limited exceptions, including one for land within 15 miles of active military installations in large counties. In a 2022 hearing, committee members acknowledged ETJ regulation was beneficial to both San Antonio's Edwards Aquifer water supply and to rational subdivision development near military bases. There is not an apparent reason why these same benefits would not apply throughout the region or state. Further, shifting the regulatory authority in the released areas from cities to counties could severely curtail the tools available to guide responsible and rational growth and development, while also placing heavier burdens on counties. Many residents, city officials, and county commissioners from across the political spectrum feel overwhelmed and apprehensive about the impacts of this bill.

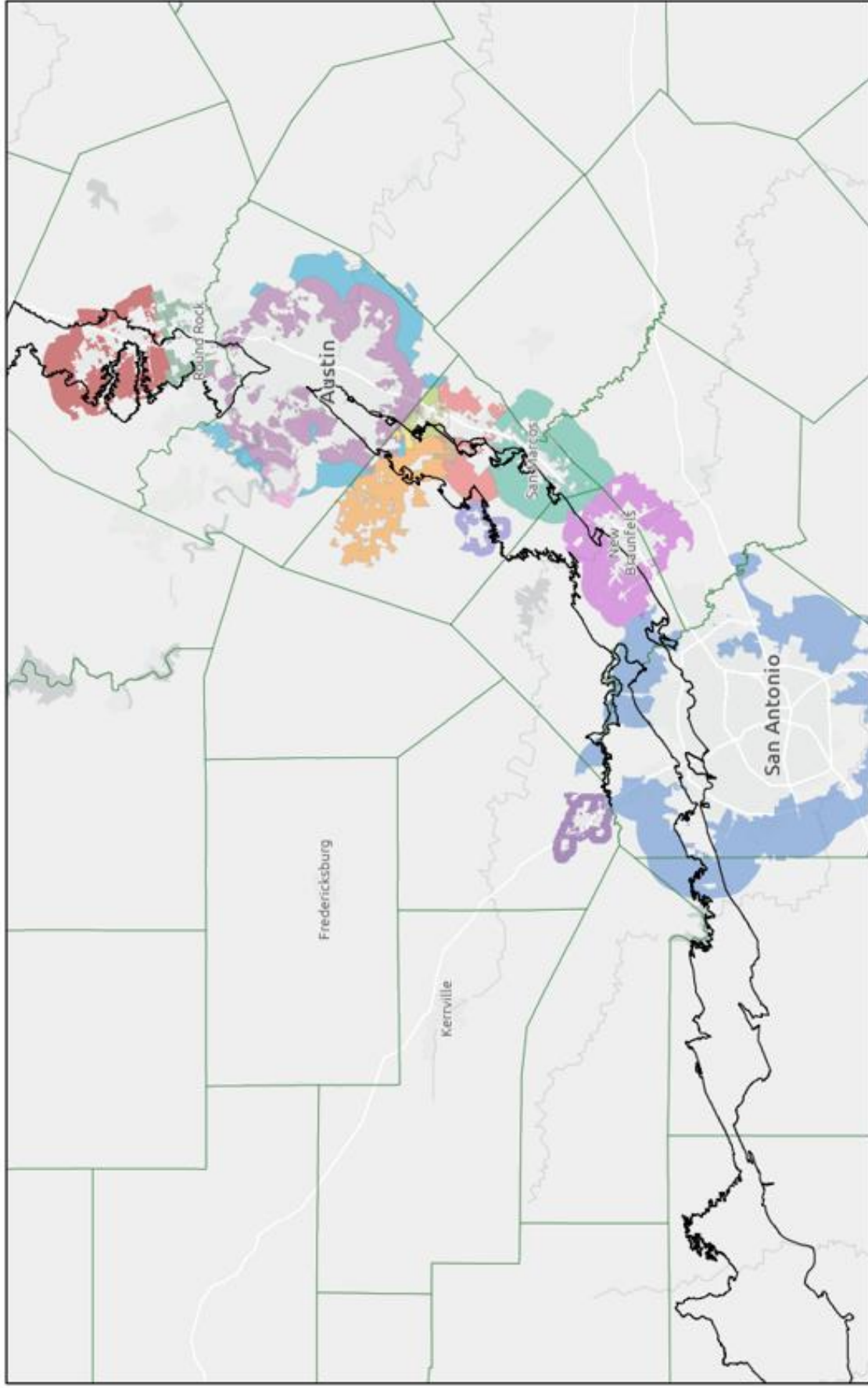
**Options:** Protection of property rights in ETJs must be responsibly balanced with the protection of the health, safety, and quality of life of all those who depend on these water sources. To ensure there is consistently water of appropriate quantity and quality available, and to limit the impacts on water supplies, flooding, and stormwater caused by increased development in areas with little regulation, the legislature should consider:

- Amending Chapter 42 to ensure land overlying karst limestone aquifer recharge and contributing zones must still adhere to protective municipal regulations, such as impervious cover limits and water quality protection ordinances.
- Granting expanded authority related to water quality protection and land use to counties, at least in the Trinity and Edwards aquifer region.
- Explicitly directing the Edwards Aquifer Authority to adopt and enforce impervious cover regulations for the Edwards Aquifer Recharge and Contributing Zones within the authority's boundaries.
- Supporting House Bill 1901 (2025) by Representative David Cook and strongly opposing Senate Bill 1509 (2025) by Senator Bettencourt.

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<sup>1</sup> Read more about Extraterritorial Jurisdictions and aquifer protection here: <https://aquiferalliance.org/wp-content/uploads/2024/05/Report-on-the-Impacts-of-SB-2038-in-Central-Texas-5.21.24.pdf>

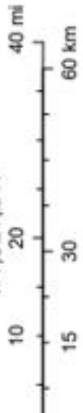
# ETJs and the Edwards Aquifer Recharge Zone



5/3/2024

Edwards Aquifer Recharge Zone  
 Texas County Boundaries  
 KYLE ETJ  
 AUSTIN 5 MILE ETJ  
 BUDA ETJ  
 AUSTIN 2 MILE ETJ  
 DRIPPING SPRINGS ETJ  
 HAYS ETJ  
 LAKEWAY ETJ  
 MOUNTAIN CITY ETJ  
 SAN MARCOS ETJ  
 WIMBERLEY ETJ  
 BOERNE ETJ  
 GEORGETOWN ETJ  
 NEW BRAUNFELS ETJ  
 SAN ANTONIO ETJ  
 ROUND ROCK ETJ

1:1,321,217



Texas Parks & Wildlife, CONANP, Est, TomTom, Garmin, FAO, NOAA, USGS, EPA, NPS, USFWS

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