

April 28, 2025

Act Now Comal
Alamo, Austin, and Lone Star chapters of
the Sierra Club
Bexar Audubon Society
Bexar and Travis-Austin Green Parties
Bexar Grotto
Boerne Together
Bulverde Neighborhood Alliance
Bulverde Neighborhoods for Clean Water
Cibola Center for Conservation
Citizens for the Protection of Cibola
Creek
Comal Conservation
Comfort Neighbors
Congregation of Divine Providence
Environment Texas
First Universalist Unitarian Church of SA
Fitzhugh Neighbors
Friends of Canyon Lake
Friends of Castroville Regional Park
Friends of Dry Comal Creek
Friends of Government Canyon
Fuerza Unida
Green Society of UTSA
Guadalupe Riverkeepers
Guadalupe River Road Alliance
Guardians of Lick Creek
Hays Residents for Land & Water
Protection
Headwaters at Incarnate Word
Helotes Heritage Association
Hill Country Alliance
Kerr County Water Alliance
Kendall County Well Owners Association
Las Moras Springs Association
Leon Springs Business Association
Llano River Watershed Alliance
Native Plant Society of Texas -- NB
Native Plant Society of Texas -- SA
Northwest Interstate Coalition of
Neighborhoods
Pedernales River Alliance -- Gillespie Co.
Preserve Castroville
Preserve Lake Dunlop Association
Preserve Our Hill Country Environment
River Aid San Antonio
San Antonio Audubon Society
San Antonio Conservation Society
San Marcos Greenbelt Alliance
San Marcos River Foundation
Save Barton Creek Association
Save Our Springs Alliance
Scenic Loop/Boerne Stage Alliance
Securing a Future Environment (SAFE)
SEED Coalition
Signal Hill Area Alliance
Solar San Antonio
Texans for Environmental Awareness
Texas Cave Management Association
Trinity Edwards Spring Protection Assoc.
Water Aid -- Texas State University
Watershed Association
Wildlife Rescue & Rehabilitation

The Honorable Paul Bettencourt, Chair
The Honorable Mayes Middleton, Vice-Chair
The Honorable Members Cook, Gutierrez, Nichols, Paxton, West
Senate Committee on Local Government

**Re: Senate Bill 2522, An Act Relating to Municipal and County Regulation of
Platting and Subdivisions of Land**

The [Greater Edwards Aquifer Alliance](#) (GEAA) appreciates the opportunity to submit these comments on behalf of our sixty-two member groups that are allied in advocacy for the preservation of our ground and surface water resources in twenty-one counties within Central and South Texas. While we value and respect private property rights, GEAA is deeply concerned about the impact SB 2522 will have on the ability of cities and counties to protect the Edwards and Trinity aquifers. **We strongly oppose this bill.**

We believe that this bill is too far-reaching and broad and will have many outsized impacts, both on local control issues and on surface and groundwater protection. These impacts would far outweigh any marginal increases in housing affordability that this bill is likely intended to bring about. **We hope that you will not advance this bill out of committee. If this bill does advance, however, we hope to see substituted language or amendments that ensure the ability of counties and cities to continue to be able to protect the Edwards and Trinity aquifers on which more than 2 million Texans depend.**

Background

More than 2 million people rely on the water supplies of the Edwards and Trinity aquifers -- karst limestone aquifers that are highly susceptible to pollutants and contamination from stormwater runoff. The springs and spring-fed rivers of these two aquifers are also major economic drivers for the regional economy. These aquifers are recharged by surface waters and stormwater that flow through the Texas Hill Country into the Edwards Aquifer Recharge Zone. The quality of water in the aquifers is directly correlated to the quality of surface water and stormwater that flows through the Hill Country.

Some of the fastest growing counties in the state, and the nation, are located along the I-35 corridor and over portions of the Edwards and Trinity aquifers. These two aquifers are both in emergency drought stages, and the Edwards has recently reached its lowest level since 1990. Much of the region -- i.e., the Hill Country -- is under Exceptional Drought, rainfall forecasts predict below normal conditions, evaporation forecasts predict high rates of evaporative loss, and "thousands of groundwater wells...have seen a drop in their water levels".^{1,2} Texas faces a very real possibility of a severe water shortage in certain parts of the state by 2030 and a large state-wide water deficit by 2070.

Water supplies in counties that rely on the aquifers are facing unprecedented demand; in Comal County, Texas Water Company recently had to deny service to nine developments due to a lack of water supply. Cities and counties need enhanced tools to handle water quality and availability concerns in the region, not a rollback of existing tools and authorities.

¹ <https://www.waterdatafortexas.org/drought>

² <https://www.texastribune.org/2025/03/13/texas-water-explained-supply-demand/>

SB 2522 is exceedingly broad and over-reaching. Section 1 of the bill strikes through the portion of the Local Government Code that allows cities to extend in their Extraterritorial Jurisdictions (ETJs) ordinances related to the pumping, extraction, and use of groundwater by persons other than retail public utilities for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health. **Why would we not want to protect residents from groundwater that presents a threat to human health?** It also prohibits cities from regulating in the ETJ the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot must be set back from a road or property line, or another component of lot density on a particular tract of land. Many of the ETJs along the I-35 corridor overlie the Edwards Aquifer Recharge Zone (see map attached).

Section 2 of SB 2522 strikes through the portion of the Local Government Code that allows counties to adopt rules governing plats and subdivisions of land within their unincorporated areas in order to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county. This clause is realistically the main tool afforded to counties to protect their residents, albeit in limited capacity, from irresponsible development that could place water supplies at risk. **How can Texas tell its many residents in unincorporated areas that it does not care if their government cannot protect their health, safety, and general welfare or cannot work to ensure safe and orderly development?** This section also prohibits the county from regulating the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot must be set back from a road or property line, or another component of lot density on a particular tract of land.

Lot size regulations are crucial to the ability to protect critical groundwater supplies. Dense, small lot developments over aquifer recharge and contributing zones increase impervious cover, which can both limit recharge and put water quality at risk of degradation from contaminated runoff.

It is admirable that this committee is working to increase housing affordability in Texas, and many good bills have been discussed and advanced this session (find out more about GEAA's recommendations for housing and aquifer protection at the footnote below.³) This bill, however, is too broad and would likely not lower housing costs in the region. Many of the homes being built in the Hill Country and on the western side of the I-35 corridor are not affordable and likely would remain unaffordable even if regulatory authorities are rolled back. The land itself is simply too expensive.⁴ The median home price in Hays, Comal, and Kendall counties range from \$396,160 to \$579,900, with many homes listed for far more than \$750,000.⁵

Residents of counties over the Edwards Aquifer or within the Hill Country Priority Groundwater Management Area expect that their local governments – regardless of whether it is the city or county – will work to protect the availability and quality of critical groundwater supplies. We have heard from multiple county officials and many county residents who would like to see greater authority afforded to counties in order to protect the Edwards and Trinity aquifers. City residents and officials want to ensure their government's authority is not rolled back and their water supplies remain protected. We should be working to enhance the authority of counties in the Hill Country or over the Edwards Aquifer to protect critical water supplies, not rolling it back. And we should allow cities to continue to regulate to protect water quality, in both their corporate boundaries and within their ETJs. The conditions of our ground and surface water supplies in the region need ongoing, rigorous protection.

Thank you for your consideration. Please consider GEAA as a resource that is at your disposal. We look forward to working with you on this issue.

³ <https://aquiferalliance.org/wp-content/uploads/2025/01/GEAA-Housing-and-Water-Concerns-in-the-Hill-Country-2.3.24.pdf>

⁴ <https://trerc.tamu.edu/wp-content/uploads/2024/12/2268-3Q2024.pdf>

⁵ <https://www.redfin.com/county/2685/TX/Comal-County/housing-market>; <https://www.redfin.com/county/2744/TX/Hays-County/housing-market>; <https://www.redfin.com/county/2769/TX/Kendall-County/housing-market>

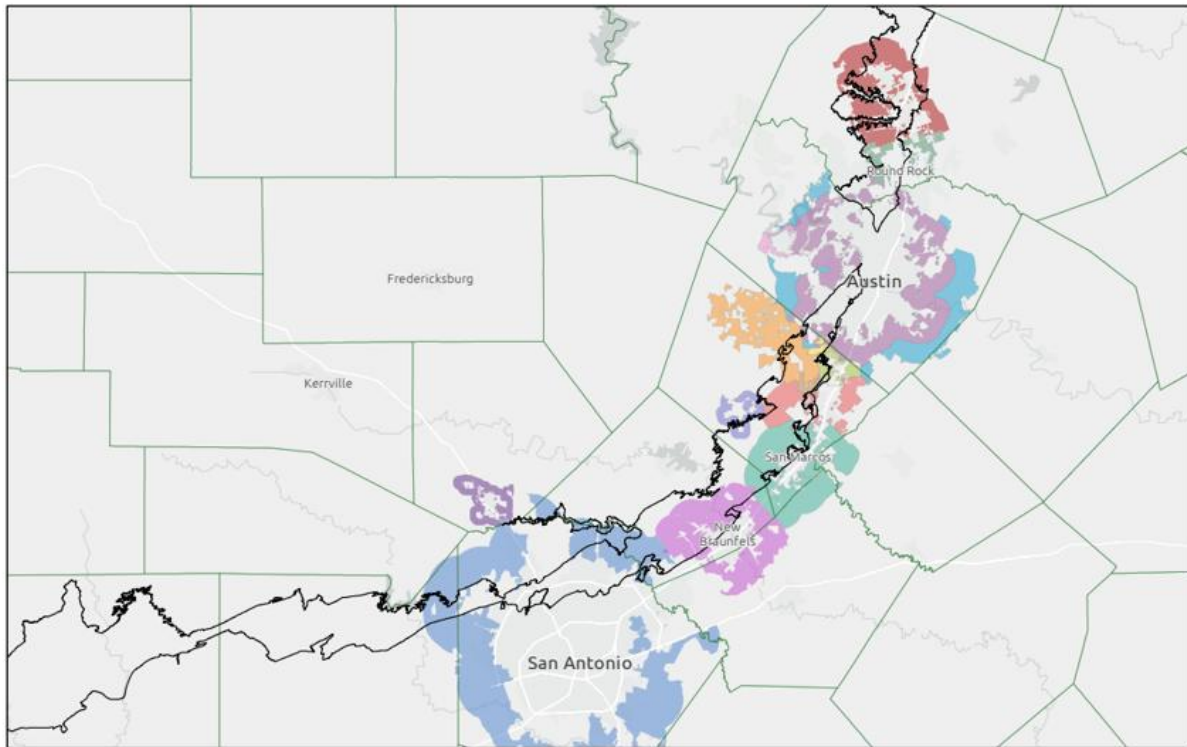
Annalisa Peace

Annalisa Peace, Executive Director

Rachel Hanes

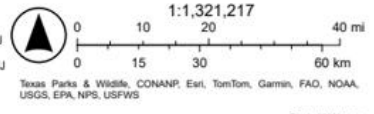
Rachel Hanes, Policy Director

ETJs and the Edwards Aquifer Recharge Zone



5/3/2024

- Edwards Aquifer Recharge Zone
- Austin 5 Mile ETJ
- Hays ETJ
- Wimberley ETJ
- San Antonio ETJ
- Texas County Boundaries
- Buda ETJ
- Lakeway ETJ
- Boerne ETJ
- Round Rock ETJ
- Kyle ETJ
- Austin 2 Mile ETJ
- Mountain City ETJ
- Georgetown ETJ
- San Marcos ETJ
- Dripping Springs ETJ
- New Braunfels ETJ



Rachel N Hanes