BULVERDE — A major new study on protecting the Hill Country from unrelenting population growth and land development was unveiled for Comal County residents Thursday evening.

“People love this place and they really want to be here and appreciate the beauty that the Hill Country has to offer, but if we’re not prepared to deal with growth and manage it effectively, we have the potential to love this place to death”.

Inadequate regulation

One of the strategies the University of Texas study recommends is improving inadequate regulation governing development.

“It is just really hard for a lot of folks to understand why some of the state agencies that they think should be protecting them are not,” said Bostick, who grew up on a Hill Country ranch in Kerr County. “There’s so many stories of folks being frustrated with TCEQ (the Texas Commission on Environmental Quality), with the Texas Parks and Wildlife Department and other state agencies. They’re asking ‘Why aren’t you enforcing regulations? Why is it that this municipal utility district gets to dump right here and infringe on my land?’”

Counties need power

The study — titled “Toward a Regional Plan for the Texas Hill Country” — also recommends that Texas counties be granted land-use authority, she said.

While cities have building codes that developers must comply with, county officials lack powers to ensure that development outside of city limits — where much of the growth is occurring in the Hill Country — happens in a way that protects neighbors, Bostick said.

“That’s burdening a lot of folks and concerning a lot of folks,” she said, adding that granting counties such authority, including authority over MUDs, would allow “really great progress to be made on protecting the Hill Country.”
Mayor responds

In a question and answer session following Bostick’s presentation, Bulverde Mayor Bill Krawietz said the development lobby is working in Austin to prevent counties from gaining any new powers to regulate.

“You talk about giving counties more power, but the exact opposite is happening. Because there’s so much money in it, the development lobby is actually (working to strip) cities of their rights to manage. It’s an uphill battle. We need to elect people who share our common views and aren’t on the take to the developers,” the mayor said.

Changes proposed

Bostick said development is also raising concerns about how eminent domain laws — which give governmental entities, including municipal utility districts and other mini-governments created to support development initiatives, the power to seize private lands for the public good — is being used to accomplish development goals in the Hill Country.

“Eminent domain is something a lot of people really don’t care for and if you look at who has the power of eminent domain in this state, it’s a little bit disconcerting,” Bostick said.

Not even lands that have been set aside in conservation easements — legal agreements between a landowner and a land trust that place restrictions on land use to protect the natural values of the land for future generations — are safe from being seized under eminent domain, she said.

“You would think that once someone had done the work to sign their land over for permanent conservation, that a utility company or a MUD would not be able to come in and use eminent domain to break that apart. But currently they can,” she said.

Bostick said data needs to be collected so that a compelling case can be made for regulation to limit eminent domain. “Then we need to go to our elected officials at the state level and say, ‘This is not going to work anymore,’ ” she said.

Water management

The study’s authors would also like to see Legislative reforms to water management in the Hill Country.

Bostick said the Hill Country has numerous water-regulatory entities that operate in separate areas and are unrelated and underfunded.
“There’s no wonder we have water issues,” she said. “(The current system) doesn’t really protect water resources the way that they should be protected as we move forward into the future with our highly-increased population.”

The study is recommending a unified regional water management effort that would “look at the Hill Country and its water resources as a whole picture and not as a scattered quilt of many colors in regulation,” she said.

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