



American Planning Association
Texas Chapter

Creating Great Communities for All

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Thank you, Chairman Burns, for the opportunity to present the following information from the American Planning Association, Texas Chapter (APATX). Our Association represents public and private sector planners, planning academics and students, elected officials, and citizen planners in the great state of Texas. My name is Priscilla Rosales- Piña, and I represent the APATX. We are testifying in **opposition to HB 1279**.

This bill would significantly reduce the extent of cities' extraterritorial jurisdiction (ETJ) based on population. The following assessments form the basis of our opposition:

1. As the State of Texas continues to grow, the ETJ over the past 70 years has been an important tool for communities to guide development and growth in outlying areas. Cities have overseen development in the ETJ to ensure that the public health, safety, and welfare of its residents are not negatively affected by development in outlying areas. This bill, if enacted, would significantly restrict the limited number of growth management tools available to communities.

2. Development in released ETJ land in the county can have a detrimental impact in fast growing areas. A suburban residential or industrial development in a rural area could lead to increased traffic, noise, and pollution, which could have a negative impact on the county residents as well as the community's investment in local infrastructure. Unchecked development could also threaten regional water supplies, lakes, rivers, wildlife habitat, and other natural resources.

3. In addition, this bill, if enacted, could also negatively affect military installations around certain cities. If the ETJ were reduced in communities with military installations, any military protection regulations for buffering, encroachment, and building codes could cease to exist. This may cause the military installations to be realigned or closed in the future.

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4. As drafted, this bill creates significant limitations for voluntary or consent annexations. Chapter 43 in Local Government Code restricts annexation to the area contained within a city's ETJ. If the ETJ is lessened to the extent proposed in HB 1279, then future voluntary annexations could be severely impacted. Future developments that desire to be within a city could no longer petition for annexation.

5. Released ETJ would also have an impact on counties who will be left to oversee those released areas with their own subdivision regulations, but often with limited resources.

6. Limited oversight can also lead to haphazard development practices, most notably "prairie building" or constructing houses ahead of infrastructure (vertical before horizontal) which presents risks when development projects fail and what is left becomes at best substandard development projects or at worst blighted abandoned projects

7. APATX could support amendments that would address the problems now being encountered by cities and counties in the application of Chapter 242 of the TLGC and Government Code Chapter 2007, Governmental Action Affecting Private Property Rights, which allows only one set of standards to be applied uniformly to properties both inside and outside of a city. An amendment that would allow for a compromise set of subdivision regulations in the ETJ allowing for a more rural set of standards agreed to by the city and county would benefit cities, counties, developers, and landowners and reduce the ETJ impacts of current statutes.

Respectfully submitted,

Priscilla Rosales-Piña

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