



American Planning Association
Texas Chapter

Creating Great Communities for All

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Thank you, Chairman Bettencourt, 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 Heather Nicks, and I am president of APATX. We are in opposition to **SB 2038**.

This proposed bill would allow residents and property owners in the extraterritorial jurisdiction (ETJ) to use either petition or election procedures, depending on the population of the area, to remove themselves from the ETJ. The following assessments form the basis of our opposition:

1. As the State of Texas continue to grow, the ETJ for the past 70 years has been an important tool for cities to guide development and growth. Cities have overseen development in the ETJ to ensure that the public health, safety, and welfare of its residents are not negatively affected by new development in outlying areas. If this bill is enacted would significantly restrict the limited number of growth management tools of communities.
2. The bill, as written, encourages disgruntled property owners to force release from a municipality's ETJ. A few unsuccessful owners (for instance 5%) could "harass a city and other property owners" by forcing a new election every year.
3. The petition majority or election process do not consider the size of tracts means a few owners of small properties can force large acreage property owners to be removed from a cities' ETJ.

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4. This bill would thwart the efforts of cities and counties, including border municipalities with "colonias," to better regulate substandard developments by allowing a few property owners to force release of ETJ into counties.

5. Development in released land in the county can create havoc 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 residents living in the county. Unchecked development could also threaten regional water supplies, lakes, rivers, wildlife habitat, and other natural resources which are important assets to the economy, tourism, environment, and the quality of life of residents.

Overall, the impact of a reduction in ETJ could negatively impact the public health, safety, and welfare of residents in the subject area, as well as the residents in incorporated areas. APATX work with the public and the development community in many ways, every day. Our members are ready to assist you in this legislation.

Respectfully submitted,

Heather Nick, AICP
APA Texas Chapter