

Importance of more local control

During last week's Kendall County Commissioners Court meeting, two agenda items dealt with a 7.5-acre tract in Tapatio Springs. The developer originally planned 27 garden homes for this plot. Now, the developer plans a three-and-a-half story, 132-unit condo development there.

You may not care about a condo development in Tapatio Springs. But you should – because the issue doesn't affect just Tapatio. Irresponsible development in unincorporated areas is a pervasive problem statewide.

The plot is surrounded by single-family homes. Future residents of the second- and third-floor condos on the side facing the single-family homes will be able look directly into the yards of those homes. There is also potential for unwanted illumination from headlights into windows of existing homes (which could be mitigated by privacy fencing). Only one narrow, two-lane access road exists into the plot for residents and emergency services – Wild Turkey Boulevard.

The Texas Association of Builders (TAB) is the lobbying group primarily responsible for the defeat of House Bill 3883, the Kendall County local control bill I wrote about in this column on March 12. With the backing of our commissioners court, Rep. Kyle Biedermann authored this important bill and presented it in committee in April.

The bill had widespread support in the county, with both Republicans and Democrats providing written and oral testimony backing the bill. Commissioner Rick Elkins pointed out that TAB said outright (in the committee hearing for HB 3883) that surrounding property owners have no rights to have a say in what happens to nearby lots and that TAB will work to defeat any bill that would

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provide such rights to either property owners or commissioner's courts. Unfortunately, Biedermann could not advance this bill out of committee, and it died there.

The commissioners court has little to no legal ability to deny permission for these condos. If it does issue a denial and it is later found to not be legal, under state law, the development automatically is approved.

During the court meeting, Judge Darrel Lux said, "This development is totally out of the realm of what is reasonable." But "all we can do is to plead to the sanity of the landowner" to do the right thing.

The court had a similar discussion a couple of weeks ago about another development, Lily Ranch. Many nearby residents testified against this overly dense development and the bad faith of comments from the developer. Due to this feedback, the court asked that developer to reduce the density in Lily Ranch. The developer said "no" because he knew he could. There will only be more of these in the future.

Real estate and development companies contribute huge amounts of money to campaign coffers, primarily to Republican legislators. In 2019, Sen. Donna Campbell received several thousand dollars in contributions from a developer whose property in western Kendall County benefited directly (and was made possible by) the creation of Water Control and Improvement District (WCID) No. 3, sponsored by Campbell. The WCID bill faced near-unanimous and very

vocal local opposition but passed anyway. (See the coverage in The Boerne Star in January and February 2019.)

As the population of Kendall County continues to explode, situations with irresponsible development in unincorporated areas of the county will continue to crop up. Under current law, neither residents nor the commissioners court have any legal recourse to prevent these developments or modify them to make them more compatible with our water resources and environmental concerns. (As an incorporated home-rule city, the city of Boerne has somewhat more control over development.)

TAB's position on resident input is ridiculous (but totally predictable and within current state law). Of course, local residents should have a say in what kind of new development is allowed around them, as should elected officials, whose job it is to manage the resources in the county. Those elected officials have accountability for their decisions at the ballot box; TAB has no such accountability, nor any responsibility to local residents.

It's absolutely insane that the commissioners court has to appeal to the "compassion" of developers to "do the right thing" (Judge Lux's words). The developers never will because they're not required to and it costs them money.

It's about time we elect legislators who care about our community and represent our interests, not those of their corporate donors. Nothing will change in Austin until we change our representation at the ballot box.

For more information on how you can get involved, visit www.kcdems.us.

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