

HAMILTON POOL ROAD SCENIC CORRIDOR POSITION PAPER

1. Background: Three large landowners near the corner of Hamilton Pool Road (“HPR”) and Crumley Ranch Road have formed the HPR Alliance. Two of the Alliance members (“the developers”) are planning to develop subdivisions with approximately 1200 lots on 1300 acres. One developer with a 468-acre tract would cluster 468 (mostly ¼ acre) lots on half the property in a conventional suburban layout. The developments would have on-site sewage treatment. For over 18 months the Alliance has been negotiating with the LCRA to provide surface water to the developments. In return, the developers have 1) agreed to abide by the US Fish & Wildlife Service (USFWS) guidelines for protecting the Edwards aquifer, and 2) agreed to recoup LCRA the expense of constructing the water line by guaranteeing 1200+ new water tap fees over time, backed by letters of credit. The LCRA Board is set to vote on the proposal at their May 19, 2004 meeting.

2. Summary of our position concerning the proposed developments and water line:

- We are not categorically against development. We oppose the *high-density* subdivisions proposed by the developers. We reject their notion that there is “pressure” to build high-density subdivisions in this environmentally sensitive area. We live in a desirable market. But there is no “pressure” to build thousands of creek-side homes in a rural region 15 miles from Austin and any major employer. There is no threat of a housing shortage in western Travis County. The only pressure on the developers is coming from the LCRA, who are looking for a guarantee of 1200+ water taps to recoup the cost of constructing the line.
- We are not categorically against the construction of the HPR water line. We oppose the construction of the water line only insofar as it enables or requires high-density development in the Barton Creek watershed. We appreciate the plight of those HPR residents whose wells are unreliable. However, there has been no assurance that they would have access to surface water even if the water line were constructed.
- Urban sprawl will negatively impact the rural character and quality of life now enjoyed by landowners all along HPR. Thousands of cars will be added to a winding two-lane country road that TxDOT has no plans to improve for the foreseeable future, resulting in more congestion, fatalities, road noise and pollution. No solutions have been proposed for mitigating the stress on the road infrastructure, local school system or emergency services.
- Several tributaries of Rocky Creek and Little Barton Creek flow through the proposed developments on their way to Barton Creek. The USFWS guidelines are not a formula for guaranteed success. They do not provide a sufficient margin for error. They do not address wastewater issues or pollution from roads/vehicles. The cost and difficulty of protecting the creeks will be very high, given the proposed densities. Neither LCRA nor other agencies are equipped to provide effective design review or enforcement. The risk to the creeks is unacceptably high. However, the risk becomes insignificant at low densities. *The technical challenge of maximizing density while protecting the environment is pointless in a rural community where there is no pressure for high density.*
- We strongly resent that for 18+ months the developers have excluded the neighborhood from discussions concerning the development projects. The developers kept the neighborhood in the dark until news of the projects recently spread by word of mouth. Even large landowners bordering the proposed subdivisions are now just finding out. Property rights are co-relative. A project of this magnitude will have a major impact on neighboring landowners, be they downstream from the developed tracts or among those whose land will be taken to accommodate the water line. It was irresponsible to exclude these property owners from the process. We are calling upon LCRA to postpone implementation of the water line pending an open planning process that is inclusive of the neighborhood group. Having a voice at an 11th hour public hearing is appreciated but not enough. We deserve a seat at the table.

3. Summary of our position regarding the emerging role of LCRA:

- We reject LCRA's position that the developers can get water from other sources. LCRA is the only practical, economical source for large developments along HPR. LCRA needs to acknowledge that it is in the driver's seat as far as allowing or not allowing high-density development to occur. The fundamental issue is how LCRA should use its power.
- The proposed contract between LCRA and the developers contains two groundbreaking provisions which serve to influence the behavior of the developers. The first requires that the developers abide by the USFWS guidelines. The second requires that the developers guarantee to deliver a specified number of water taps from their developments sufficient to recoup the construction cost of the water main. We believe that the first of these provisions should be strengthened and the latter eliminated.
- The USFWS guidelines apparently assume urbanization, and attempt to reconcile environmental needs with the need to achieve relatively high densities. However, in rural areas there is no pressure to develop dense subdivisions. In this case the safest and most effective way to minimize the environmental impact is to limit density, e.g. at least 3 acres/home. In keeping with its mandate to protect natural resources, the LCRA should require low density for new developments asking for surface water in rural sections of the Barton Creek watershed.
- Contractually obligating individual landowners to deliver a large number of future taps is an abuse of LCRA's power. LCRA should not be encouraging, much less requiring, landowners to build dense developments as a condition for supplying water in the Barton Creek watershed. It is in stark conflict with LCRA's role as steward of natural resources and partner with the community. When LCRA decides to extend water to a new area, it should be responding to a genuine market need, not an artificial, distorted need created by its requirement that speculators cover the cost of construction. The financial performance clause in the proposed contract is a dangerous precedent that should be avoided.
- LCRA was negligent in allowing a project of this magnitude to move forward without timely disclosure to the affected community or allowance for sufficient public comment. As a public authority, it is the LCRA's duty to ensure that the affected community be notified of a proposed action, be given adequate time to fully understand the proposal, raise relevant issues, and make comments. Furthermore, it is appropriate to solicit stakeholder comments early enough in the design phase that they can be considered and possibly integrated into the final proposal. LCRA staff should have made a concerted effort to involve all interested parties in this project early in the process. It is almost unbelievable that in eighteen months, LCRA staff did not consider that community members outside of the immediate negotiations might have relevant, valuable contributions to the process. We are grateful to the LCRA Board for postponing the vote on this project and making a sincere effort to listen. But we do not believe that a 30-day delay allows adequate time for the public to catch up, or that a couple of public hearings are an adequate substitute for meaningful participation. We therefore request that the decision be delayed further and a more substantial, inclusive process be put in place.
- We call upon the LCRA to stand by its commitment to suspend extension of water lines in our area pending completion of the regional planning effort currently in progress. Moving forward, members of the HPR community will be actively involved in this effort. The cornerstone of our involvement will be the position that low-density development is the most appropriate, obvious, easiest, and least risky means of protecting water quality in a sparsely populated rural community.