



August 13, 2020

The Honorable Tom Craddick
Chairman
Committee on Land and Resource Management
P.O. Box 2910
Austin, TX 78768-2910

SEND VIA EMAIL: Tom.Craddick@House.Texas.Gov

Dear Chairman Craddick,

On behalf of the Texas Mayors of Military Communities (“TMMC”), I am providing written comments and recommendations for the House Committee on Land and Resource Management Interim Study Charges related to municipal annexation authority near Texas military installations. ***The TMMC encourages the Committee to retain and protect all existing local land use authority in the areas around Texas military bases.*** The Committee may also find it beneficial to conduct a more comprehensive review of land use authority in and around Texas military bases, including a complete review of the impact of the recent changes to municipal annexation authority in the Texas Local Government Code.

Formed in 2014, the TMMC is a 501c (4) nonprofit corporation formed to educate the Texas Legislature and public about the needs and benefits of communities that host military installations. TMMC consist of defense communities hosting the 15 military installations and the Army Futures Command located in more than 30 Texas cities and counties: Abilene, Austin, Bryan, Corpus Christi, Del Rio, El Paso, Fort Worth, Houston, Killeen, Kingsville, San Angelo, San Antonio, Texarkana, and Wichita Falls. The TMMC member communities invest heavily in helping protect the military missions of these bases for the entirety of the State of Texas. The Texas Military Preparedness Commission recently stated in their Biennial Report¹ the ***economic impact of Texas military installations in 2019 was approximately \$123.6 billion and that more than 227,000 active duty and civilian personnel and contractors call Texas defense communities home.***

One of the TMMC’s highest priorities is protecting these installations from encroachment and development which could impact missions and restrict critical operations. Municipal governments

¹ See full Texas Military Preparedness Commission 2019-20 Biennial Report at <https://gov.texas.gov/uploads/files/organization/military/TMPC-Biennial-Report-2019-2020.pdf>

have been indispensable partners to Texas military installations by enacting and enforcing land use planning and zoning regulations, building codes and development regulations within municipal boundaries, as well as, when necessary, the power of non-voluntary annexation in extraterritorial jurisdictions. During a Special Session in 2017, the 85th Texas Legislature enacted Senate Bill 6, which created two tiers of municipal annexation authority based on population. In 2019, the 86th Texas Legislature enacted House Bill 347 which eliminated the tier system and now requires all municipal annexations to be approved by voters in the areas to be annexed. The effect of significantly limiting municipal annexation authority, coupled with very limited land use controls municipalities can exercise in the extraterritorial jurisdiction (“ETJ”), warrants the full review of land use controls and their effectiveness in dealing with the unique land use and encroachment situations that arise around our Texas military installations.

Until 2017, a Texas defense community could rely on the ability annex areas in its extraterritorial jurisdictions and apply planning and zoning regulations, establish building codes and development buffers to prevent building in areas critical to the operations of the installation. As Texas generally and defense communities specifically continue to grow, we are certain these pressures for development conflicts in and around our Texas military bases will continue to exist as well.

In recent years Texas military installations have faced a number of challenging land use and encroachment issues that have impacted training operations, future expansion plans, and raise some concerns about long-term viability of certain missions. Wind energy development in Texas (and throughout the Country) has been a major source of problems and concerns for operations and training at Texas military bases. Texas currently has four aviation training installations (two Navy and two Air Force) which have primarily relied on their partnerships with their host defense communities to combat incompatible or dangerous developments in training and operations corridors. Similarly, incompatible residential or commercial construction in a municipality’s extraterritorial jurisdiction can impact the ability of some military installations to perform their duties critical to national defense. Issues related to lighting, noise, environmental controls, utility infrastructure, and traffic congestion, among others, are all impacted by the various aspects of land use controls around Texas military bases. TMMC would like to help ensure Texas defense communities, not only have the necessary land use and development tools to protect existing Texas military installations and missions, but also to attract new missions and military presence to Texas.

With the prospect of a future round of Base Re-alignment and Closure (“BRAC”) or similar evaluation process, such encroachments could jeopardize the future of those impacted installations or missions. Unfortunately, Texas has lost bases and missions to BRAC processes in the past. TMMC is committed to ensuring that does not occur in Texas again. Annexation authority was a central part of the land use and development system used for decades to protect the balance of interests in and around Texas military bases. Since significant reforms have now been made that limit its applicability, ***TMMC would urge the Legislature, along with all appropriate Committees, to undertake a full review of the effectiveness of all of the various land use, development, and safety provisions available to local governments to manage the area in and around our vital Texas bases.*** Specifically, the TMMC would encourage a review of Chapter 43 annexation authority in the ETJ that includes a military installation, Chapter 241 Airport Zoning Boards, Chapter 397A Regional Military Sustainability Commission, and all other applicable Local Government provisions and state statutes impacting land use, development

compatibility, and encroachment issues. Ensuring Texas has the right balance of tools to deal with these ongoing issues will be critical to preserving the future and vitality of Texas military bases and missions.

The TMMC respectfully requests that its comments and recommendations be included in the Committee' Interim Report to the 87th Texas Legislature. Our members welcome the opportunity to visit with Committee members and staff to discuss relevant policy issues impacting military operations in Texas. Thank you again for the opportunity to discussion these important issues and to highlight the important partnership that exists between local governments and our Texas military installations.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. G. Ayala". The signature is fluid and cursive, with a large initial "J" and "A".

Juan G. Ayala
Major General (USMC Retired)
President
Texas Mayors of Military Communities