

TRAVIS COUNTY COMMISSIONERS COURT

TRAVIS COUNTY LAND USE AUTHORITY

Draft Report

July 2008



NuStats

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EXECUTIVE SUMMARY

By 2030, the population of Travis County is projected to double. According to population estimates of July 2007, Travis County is the 41st most populous county in the U.S. and the fifth most populous county in Texas. Much of the County's recent population boom has taken place in unincorporated areas outside of city limits. Ranching and farming, which have traditionally dominated these areas, are giving way to individual homeowners and suburban-like developments. As a consequence, Travis County Commissioner's Court is being frequently asked to resolve conflicts, especially regarding land uses. The Court is faced with hard decisions about where, what, and how land should be developed. However, the County's authority to deal with such issues is limited by the Texas Constitution and state law. With appropriate tools, the County can craft solutions that are tailored to its unique challenges and needs.

To address this issue, the County contracted with NuStats to conduct an unbiased, empirical study of community views on increasing the land use authority of Travis County. To fulfill this objective, NuStats executed several research activities, including 29 in-depth interviews with stakeholders representing a variety of interests, a web survey to gather attitudes and opinions of residents and non-residents of Travis County, and an Online Jam with 18 panelists (of which eight were highly active) to focus and refine the initial in-depth interview findings.

Support for Increased Land Use Authority

- Stakeholders and Travis County residents supported increased land use authority in the unincorporated areas of the County to manage growth and resolve incompatible land uses.
- In-depth interviews revealed that people recognize the unique challenges faced by urban counties, such as Travis, and the need for clear authority to regulate land use.¹
- Travis County residents in the web survey agreed, by a 3-to-1 margin, that the Travis County Commissioners Court should have greater land use authority in the unincorporated areas, and by nearly the same margin agreed that the Court should determine where growth should and should not occur and control what type of activities should be allowed.²
- Across the research activities, support was predicated on: (1) guarding against incompatible land uses and providing more stability to land values, (2) ensuring that the roadway system better matches the trip generation of the land use, and (3) setting up a process of land use authority that was open, transparent, comprehensive, extensive, and fair for all.
- Preserving the Central Texas "brand", in terms of scenic beauty and environmental quality, was viewed by many research participants as valuable -- reason for the County's growth and fundamental to its sustained economic vitality.

Different Levels of Land Use Authority

- Home rule had zero support.
- Comprehensive planning had almost unanimous support. The authority to develop, implement and enforce comprehensive plans was deemed "absolutely necessary".

¹ A deliberate attempt was made to represent a diversity of views in the in-depth interviews. Still, bias may be present in the individuals who agreed to be interviewed relative to those who declined.

² Respondents were not a representative sample of residents and therefore, this web survey can only inform us of the attitudes or opinions of those individuals who participated.

- Zoning authority limited to basic categories and/or flexibility to create buffer zones that would resolve most land use conflicts and preserve property values was acceptable to most stakeholders.
- There was little interest in or perceived need for the County to establish minimum construction standards for residential housing.
- Support for the County to levy “reasonable and fair” impact fees, particularly for transportation purposes, was consistent.
- Establishing desired development areas (i.e., clustering development) or creating economic development districts were considered “good tools for land use planning” but not fundamental as a current County priority.

Considerations in Moving Forward

- Given its unique high-growth situation, Travis County *could* have a broad base of support in its quest for increased land use authority – among elected officials, public officials, developers, land use attorneys, citizen groups, and individual citizens.
- Key variables in the level of support relate to the County’s capacity to: (1) draft *realistic* legislation (i.e., not asking for more than it can pragmatically deliver), (2) distance itself from cumbersome and unpredictable City of Austin-like policies and processes, and (3) re-frame the land-use authority debate from “restricting” development to “managing” development.
- Success will also depend on how well Travis County can convince constituents and other influencers that it would have the resources (i.e., funding, staffing, technical expertise) to exercise newly found authority.
- The County should develop a business plan on moving forward: What problems will this legislation solve? What will be the positive outcomes? How will it administer the increased authority? What additional resources will be necessary? How will the cost be justified?
- The County also needs to consider the significant amount of time and effort that would be needed to go to the Legislature with the “right ask.” A first step is the building of a broad coalition of “counter-intuitive” partners that can target diverse Legislators, span political and social ideology, and leverage the support of private sector interests.



INTRODUCTION

In Texas, county governments can perform only those duties and functions that are explicitly authorized by the State legislature. Currently, counties in Texas have limited authority to regulate many elements relating to development. For example:

- Cameron, Valverde and a few other “border” counties have zoning power.
- In terms of land use regulations, counties have the authority to approve the subdivision of land, to construct and maintain subdivision roads in unincorporated area and assess costs to landowners, and may specify minimum standards for road construction and drainage facilities.
- Counties in priority groundwater management areas have the authority to require water availability studies for subdivisions dependent upon water wells and require any well serving a lot in a subdivision to comply with all regulations applying to a public water system.

Over the past several years, the Travis County Commissioners Court (the Court) has been asked to resolve land use issues for which county governments in Texas do not currently have legal authority to address. In 2007, the Commissioners Court sought, but failed, to get additional authority granted by the Texas Legislature. The Court is now considering a renewed attempt to seek additional authority during the legislative session in 2009. Part of that effort is the identification of issues and opportunities that affect Travis County’s ability to garner support for additional authority.

NuStats was contracted by the Travis County Commissioners Court to conduct an unbiased, empirical study of community views (i.e., residents and stakeholders) on the issue of increased land use authority for the County. To fulfill this objective, NuStats executed several research activities to gather attitudes and opinion on the topic, including 29 in-depth interviews with stakeholders and a web survey that garnered response from 811 persons, including 761 Travis County residents. In addition, an Online Jam with 18 panelists (of which eight were highly active) was held to focus and refine the initial in-depth interview findings.

This report synthesizes findings from these three research activities. In using three research methods, NuStats has applied the principle of triangulation. The idea is that one can be more confident with the result of a small qualitative study or even the findings from a larger non-probability based web survey (both of which were employed in our study) if different methods lead to the same general conclusions.



IN-DEPTH INTERVIEWS

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This section covers the design and key findings for the In-depth Interview. In total, 29 stakeholders were interviewed on this topic in May and June 2008. Persons interviewed were: (1) zoning, planning and land use attorneys, (2) representatives of community organizations, (3) urban planning and design professionals, (4) land developers, (5) representatives of environmental groups, (6) elected and other public officials, and (7) real estate specialists. Names and contact information for the persons to be interviewed were provided by the County and were elicited during the interviews, themselves (i.e., snowball sampling). The entire list of interviewed persons is presented in Appendix A.

METHODS

A structured interview protocol, consisting of ten questions was used for all interviews (see Appendix B). Interviews were conducted either in-person or on the telephone at the preference and convenience of the interviewee. Interviews lasted an average of 45 minutes. After each interview, the responses to questions were summarized and these summaries were provided to the interviewee for review. This draft report is a synthesis of those interview summaries. The interview summaries, themselves, remain confidential because they contain identifying information.

These draft research findings need to be considered in context. Interviewees were not a random sample of residents and stakeholders. A special attempt was made to represent a diversity of views on the topic. Still, bias may be present in the individuals who agreed to be interviewed on this topic relative to those who declined to be interviewed.

KEY FINDINGS

- The majority of persons interviewed support increasing land use authority for Travis County for all unincorporated areas. The reasons for this support were:
 - Unincorporated areas are currently unregulated and this is primarily where future growth will occur (and occur quickly). “The results of this growth will not be good as no one is responsible.”
 - The Commissioners Court (Court) needs power to plan for the future to prohibit poor land use decisions.
 - Travis County (County) needs authority to address incompatible land uses and basic land use planning.
 - Urban Counties need to have the same authority to regulate in the unincorporated areas as municipalities – they face the same issues. “It wouldn’t be good to have patchy authority. You need consistent, quality planning across the County.”
- Of those who were not supportive as noted above, about equal minorities favored (a) no increase in land use authority for the County or (b) increasing land use authority for the County only in areas surrounding residential developments.

- Stakeholders who did not support increased land use authority for Travis County did so for various reasons:
 - Bluntly stated, “it will never happen. . . not with this legislature.”
 - The County has enough authority already for basic health, welfare, and safety of citizens (i.e., control over subdivision, drainage, and transportation matters).
 - The County would follow City of Austin’s lead – which was described as permitting wrong and ineffective land use regulation.
 - The County will abuse the newly granted authority by increasing taxes and creating regulations to drive land developers out of business.
 - The County’s current budget is not sufficient to handle the additional authority.
 - Those who supported limited land use authority (i.e., only in areas surrounding residential developments) felt it was necessary to mitigate incompatible land uses (e.g., industrial next to residential). The persons who held this view favored property rights, setbacks, and buffers.
- Supporters of increasing land use authority for Travis County were disparate in their rationales and motivations. The common thread was that they believed it was necessary to create a mechanism to guide growth in the unincorporated areas of Travis County – whether the entity that guided growth was Travis County or not.
 - A few mentioned that a regional entity would be the most effective guiding force because land use issues cross County boundaries in Central Texas. But for most of them, the issues involved in setting up such an entity and dealing with tax issues would be more challenging than supporting Travis County in its quest for increased authority.
- Two priorities for the County if it moves forward with this quest as gleaned from the comments made by both supporters and detractors were:
 - Build a coalition of “counter-intuitive” partners. A broad coalition that can target diverse state legislators, span political and social ideology, consist of grass-roots as well as Austin-centric organizations, and leverage the research of private sector interests (i.e., developers) is imperative to moving this legislative action forward. “If we present a unified voice, we’ll have a good chance of success.”
 - Change the definition and dialogue around “land use.” In order to build the type of broad coalition noted above, it is important to create a common vision for increasing land use authority for Travis County. This common vision needs to be formulated upon a “changed” definition of land use. As one interviewee said, “we’ve been trained to define land use” in Central Texas by the Save Our Springs fight. Land use is not about restricting development. It is about maximizing what you can put on a piece of land.”

DETAILED FINDINGS

POSITIVE OUTCOMES OF INCREASED LAND USE AUTHORITY FOR TRAVIS COUNTY

The three most commonly cited benefits to increased land use authority for Travis County in unincorporated areas were (in rank order):

1. Guarding against incompatible land use
2. Better planning for infrastructure need, particularly transportation
3. Protecting of environmentally sensitive areas

There was nearly unanimous agreement that the greatest benefit of increased land use authority for the County in unincorporated areas is to address incompatible use issues (i.e., a rock quarry built in the middle of a residential development). There is currently no way to regulate this type of land use. “Homeowners would enter each land purchase with a stronger understanding and expectation for what could be constructed next to their property.” “Developers only look at the area they are developing and not how it fits into the bigger picture.” A common view was that “now is the time” because there is still time for the County and municipalities in the region to guide growth in order to preserve elements that make Travis County unique.

Also many individuals believed that having increased land use authority would provide the County with a better way to predict development patterns and plan for infrastructure needs. In particular, many stakeholders singled out transportation planning. “Transportation is a key/vital part of where people can live.” With land use regulations, the County could guide growth to areas in the County best suited to handle new development and away from highly congested or environmentally sensitive areas. “Try to cluster residential development around areas with retail and create more walkable communities.” For example, the area that FM 2222 runs through cannot handle more demand, but the County is limited as to what it can do to guide growth away from that area. In that case, it is a safety as well as mobility issue. In the end, there should be better protection of property values – if growth was guided and incompatible land use was discouraged.

While the above positive outcomes were consistently identified, there were other positives mentioned by one or two persons. These were:

- Set precedence for other counties
- Commissioners Court will be accountable for land-use decisions, and with accountability comes responsibility to do “what’s right.”
- Balance community interests versus individual property rights;
- Defend against “rotten egg” developers
- Preserve open space
- Results in better aesthetic appeal to the County as a whole
- Less costly for services and infrastructure
- Sustainability issues – transportation, mixed-uses, green building, and use of water

There was the sense that expanding Travis County's ability to guide growth within the unincorporated areas of the County would actually protect property values. As an example, land value near the Balcones Canyon Lands Conservation area has stayed high, and is becoming one of the more desirable places to live. Also guarding against incompatible uses gives more stability to land values for both landowners and developers in an area and, thereby, sustains value.

Several individuals strongly favored guiding growth to activity centers – with commercial, retail, park, and residential areas in close proximity. Development that is too spread out increases the price of infrastructure, “making it unrealistic and not sustainable.” Overall, the plan needs to include nodes of density, “to reduce commutes and get back to a system where communities are self-sustaining.”

The positives can best be summed up by this stakeholder quote: “At a recent conference on development issues, two County Commissioners from fast growing counties both talked about the difficulties of managing growth without authority. The utilities decide where they will service. Developers follow each other to new areas, and as the project grows so do trips on the local roads. The County's hands are tied.”

NEGATIVE OUTCOMES OF INCREASED LAND USE AUTHORITY FOR TRAVIS COUNTY

Just as most persons interviewed identified potential benefits to increased land use authority for Travis County, most could also identify potential negatives – even supporters. The key points raised by a majority of persons were:

1. The significant amount of time and effort that “going through the process” of advocating for increased land use authority will have on County Commissioners and staff
2. Administrative burden that the increased regulatory authority would have on County resources and staff and a concomitant cost of government
3. The sharp increase in property entitlements as landowners rush to get “grandfathered” instead of dealing with new regulations
4. Impact of the increased regulations on land developers and land development in the County; one outcome of which may be increased suburban sprawl
5. Potential for abuse by the County or neighborhood/special interest groups
6. Increased political pressure on the Court from groups – landowners, lawyers, developers, neighborhood associations, transportation planners – who will now try to influence decisions for comprehensive planning

Several persons wondered if the County would have the resources to exercise newly found authority. “The County already has their hands full. Granting them additional authority will only overburden the County and slow down the process.” A whole new administrative apparatus might need to be put in place. How would it fund the necessary increase in manpower? Increase property taxes?

A common opinion was that the new process would be more time consuming and, thus, more costly for developers. These people believed that the increased cost of doing business would be passed onto consumers – resulting in higher housing costs and less affordable housing options. Several persons expressed the belief that the easier it is to develop, the more affordable is the resultant housing. “There is no question that increased regulation causes increased prices of residences.” The increased cost of doing business, due to the greater number of regulations, might make it more difficult for new development firms to enter the housing market. This would restrict competition (in the supply side of the market) and raise the prices of new home. The increased cost of doing business could serve to drive developers out of

Travis County as is happening now in the City of Austin. One interviewee succinctly stated, “developers like certainty.”

The concept of abuse was not directly attributed to Travis County. But several interviewees mentioned a potential negative being that “you could have a situation like in the City of Austin, which has been abusive to development.” Others were more concerned about neighborhood or special interest groups who would pressure the Commissioners Court to ban or delay certain types of development. “Neighborhood associations would have more power than they already have.” This fear is a direct outcome of the land use discussion being framed by the S.O.S. fight.

A few people were concerned that there might be a lack of coordinated approaches between land use plans/regulations between Travis County and municipalities. This would create inefficiencies, as well as market differences that attract or deter growth and development in unanticipated, unintended ways.

BARRIERS TO INCREASED LAND USE AUTHORITY

A few individuals were adamant that Travis County will meet resistance if they try to gain additional authority. “People will come out of the woodwork to oppose this.” And, these sentiments should not be taken lightly. On the other hand, most stakeholders identified a number of barriers and potential solutions for Travis County to consider when working toward land use authority reform.

- The Texas Legislature: The State Legislators will be very prudent about giving more power to County Commissioners. “Counties are not given authority by the legislature.” The reasonableness of the “ask” will be important. The County needs to articulate the problem that this legislation will solve. While the bill may just address Travis County, it needs to be seen as potentially benefiting a lot of interests, not just Travis County.
- Being associated with the City of Austin: Some people choose to live outside of the Austin city limits to avoid city land use controls. Some will oppose the increased authority for Travis County to keep the County from becoming like the City.
- Home Builders Association/Texas Association of Builders: The development community is seen as being opposed to change on this issue. But it was thought that there are some developers who see the advantage to reasonable control. The County needs to find out “what they would be willing to live with.”
- Large landowners: Large landowners will be advocates for property rights. They will view this as a mechanism by which they will lose financial equity (i.e., property value). People who are concerned about property values understand that a well-protected area has more value than one that is not.
- County Residents: How will the County pay for increased administrative costs to maintain the new regulations at the County level? County residents would need to be educated about the cost/benefit of any tax increases this might entail.
- Zero-Growth Lobby: Has the land use planning process been captured by those who are against growth? Travis County could position itself as the reasonable alternative to this group. The County will need adequate staff and resources to do so. To take on the responsibility without dedicating the necessary resources would be a disservice to all.
- Rural Constituency: This is not so much a barrier in Travis County, but is a barrier when taking this issue to the legislature. Travis County needs to be ready to address the question of “why regulate my area when growth is not a problem?”

WHO SHOULD CARRY THE LEGISLATION?

While most people identified persons in Central Texas, some people specifically thought, “It can’t be anyone from Travis County.” They need to get with other urban counties. But most thought a Travis County-associated sponsor could be successful as long as it was someone to whom the House Speaker will say “yes”.

Several persons mentioned Kirk Watson, but most felt he should not be the only person to carry this legislation. When asked specifically, Senator Watson said: “Well I care about the policy, but I’m not going to carry it unless I got focused, consistent support from Travis County.”

Thoughts about co-sponsors included: Patrick Rose, Mark Strama, Jeff Wentworth, or Chairman Corona. Not everyone identified specific persons – others thought more conceptually, “ideally a conservative republican.” Or perhaps, it should be a delegation of persons including members from other counties in the MSA.

People recommended that Travis County should be deliberate in how the legislation is written and who is involved in the process. “Whoever Travis County approaches to carry the bill, it should be realistic.” If it is “pie in the sky,” people will feel that it is a waste of their time. The carriers need to be assured that the legislation has a “chance” of being passed. The County might also work with adjoining counties or other urban counties to form the legislation.

COMFORT WITH DIFFERENT LEVELS OF LAND USE AUTHORITY

Stakeholders were asked about their level of comfort with different gradations of land use authority: home rule, comprehensive planning, zoning, and impact fees.

Home Rule: *A clear majority of stakeholders were uncomfortable with Travis County being granted home rule.* There were different reasons for this: (1) it is too big a jump from the current situation of limited regulatory authority to a scenario of home rule authority; (2) it is unnecessary and redundant since one day the entire County will be incorporated as growth continues; (3) the resources that the County would need to function this far above their current levels of authority are too heavy a burden; and (4) the organizational and power structure might be confusing and create organizational chaos.

Only a small minority was comfortable with Travis County being granted home rule status. These persons expressed the view that if the County is going to have increased land use authority that “adds up to anything, home rule is a must.”

Comprehensive Planning: *Virtually all stakeholders believed Travis County should develop a comprehensive plan.* A plan is a starting point for implementing the provision of services and managing the County’s development pattern. “It’s long overdue for an urban County to learn how to administer comprehensive planning and some level of control.”

There was agreement that the plan should be simple and straightforward. Most agreed that having the authority to implement the plan was paramount, along with the ability to enforce it. “Plans are just squishy documents – which is nice, but you need the tools to implement.”

There was, however, disagreement about the character of the planning process. There was consensus that the process should be both open and efficient. Some thought the planning process should be open and fair with developers, landowners, other agencies, and residents having input into the process. Others believed that the County does not have time for a long, drawn out public planning process. There was also some concern expressed about the cost of the process.

The minority viewpoint was that there is a level of mistrust associated with the County doing comprehensive planning based on past history, particularly with the City of Austin.

Zoning: Generally, counties have no zoning authority and limited authority to regulate land use, primarily through approval of plats. The stakeholders were split on their level of comfort with Travis County being granted increased zoning authority.

Those in support consistently expressed the ideas that zoning is the means to execute the comprehensive plan, but that zoning should be minimal (e.g., basic zoning categories). But the capacity of the County in terms of current funding, staffing, and support to regulate zoning needs to be adequate to handle the new authority.

Travis County needs to avoid potential problem areas. Those opposed to granting the County zoning authority were more diverse in their reasons. Zoning is; (1) discretionary and lacks predictability, (2) a lightning rod issue, (3) a cumbersome process leading to lots of public hearings and judicial oversight, or (4) open to abuses and corruption.

Two stakeholders raised “cons” that were different enough to warrant being separately communicated. One person thought that zoning does not address the real issues faced by County government --- density regulations and natural resource protection. The other person was afraid that the Legislature would treat this as a “test” with Travis County and use it as an excuse to hold off other counties from gaining some authority. “Travis County might screw it up for the rest of us and erode what rights Counties currently have.”

Impact Fees: An impact fee is a charge levied on a new development to cover the costs of capital improvements or public infrastructure expansion necessitated by the new development. Opinions about whether Travis County’s authority to levy impact fees should be increased fell into three camps: (1) those who felt that it was necessary, (2) those who felt “no way”, (3) those who felt Travis County already has and uses this authority.

The first group was by far the largest of the three. These stakeholders felt that impact fees should be available to the County as a way to help pay for services. “Growth does not pay for itself.” “Impact fees make developers pay their fair share.” Those opposed to the County having increased authority with regards to impact fees were either afraid of abuse or doubtful that such fees result in meaningful revenues for counties.

COUNTY’S ROLE IN LAND USE DECISIONS OUTSIDE OF MUNICIPAL BOUNDARIES

Who should take the lead role in land use decisions outside of a municipality’s boundary? By far, stakeholders said “the County commissioners.”

Until an area is annexed, the County has financial responsibility for that area. They are charged with the task of protecting safety and welfare of their citizens, and they are the ones who are accountable to the citizenry. But the County would need the appropriate staff or have an inter-governmental agreement by which the County would make the decisions, and the City would provide the staff.

People had mixed feelings about what to do in the Extra Territorial Jurisdiction (ETJ). Many persons thought joint-authority within the ETJ boundaries would be appropriate since the developed areas will likely be annexed into a municipality eventually. Others thought it has to be a city or the County – it cannot be both. “If Travis County and the City of Austin both had jurisdiction it would be a nightmare. When you have two jurisdictions with authority over the same area, the property owners gets caught in the middle.” These latter individuals tended to think that the County should take the lead. “They are the ones directly representing the constituents affected by land use decisions.”

A few lone dissenting voices said “no one.” They were against any rules outside the city limits. “If anyone should take the lead, it’s the state of Texas.”

FUTURE PRIORITIES TO DEAL WITH HIGH GROWTH

By 2030, the population of Travis County is expected to double. If this happens, it will mean that more land in the unincorporated areas will be needed for residential housing and developed for roads, schools, and businesses. Stakeholders were asked how much attention Travis County should give to certain land use issues.

- Planning for growth: This is a very high priority issue but almost taken as a given – “you have to plan!”
- Creating buffers for non-compatible uses with 1000’ of residential areas: This was a high priority, “one of the basic reasons the County needs more authority.” “Buffer zoning and safety is of utmost priority.” But there was disagreement on how large the buffers should be. While some thought the 1000’ buffer identified in the question was too large, others thought it was too small. “Where did the 1000’ come from? That’s a lot of land.” “I would like to see this increased to 2000’.” While for others it was just right – “smart bite sized chunk.” “I’m not sure 1000’ is appropriate for all uses, really depends on the category of land uses.” As with maintaining the rural character below, it was thought that the County will need to provide funding to compensate the landowner for not allowing them to use the land as they want.
- Assessing development impact fees to provide local arterial roadways: “Fundamental.” “If the County is going to have increased regulatory authority it is going to need revenue generating tools.” This is a priority. The County would need to get serious about this if it becomes a priority – enforce existing fees and establish process for review/approving the assessment.
- Maintaining its rural character: Stakeholders were split as to whether this was a high priority issue. The Austin “brand” is connected to scenic beauty and environmental quality. We have to be careful of protecting the brand. “Identify what’s there, identify future locations, and enact the boundaries.” Many of those who thought this was a priority pointed out that it is “favorable but problematic.” It would be a major challenge for the County. Those who thought it was a low to medium priority believed it was unrealistic. How do you define “rural character?” The County is getting more and more urban. “You can’t do both.”
- Establishing minimum construction standards for residential housing: Stakeholders were again split as to whether Travis County should address this issue as a priority in dealing with future growth. Those who thought it was important felt that developers should be held to a minimum standard for residential housing as a public health/safety issue. “Standards protect the home buyer, as well as the public agencies that have to enforce the standards.” Others felt the issue was too complex – universal building code and the enforcement issues. Also, one individual pointed out that the state (Texas Residential Construction Commission) has already established minimum standards.
- Establishing desired development areas: People were again mixed on this. By some, it was viewed as much the same as creating economic development districts below -- “not fundamental.” It is a good tool for targeting land and infrastructure planning but not the highest of priorities for the County. “The County would be saying this is where growth should happen.” “Addresses the fact that growth is inevitable and it is just a matter of where.” Others thought this would be fundamental to comprehensive planning.

- Creating economic development districts: Like above, this was given mixed priorities for much of the same reasons. In fact, most people thought these two issues were quite similar – almost the same thing.



On June 27, 2008, NuStats hosted an Online Jam³ to obtain feedback on a draft report summarizing the results of the 29 in-depth interviews with stakeholders (see previous chapter) on the topic of increased land use authority for Travis County. This section describes the method followed in conducting the Online Jam and presents a summary of the comments shared during and insights gained from the session.

METHODS

An objective of this research was to gather attitudes and opinions on the topic of land use from a diverse and varied representation of Travis County stakeholders and residents. The first stage of the research was the conduct of in-depth interviews with a subset of stakeholders⁴ who were relatively well-informed on or involved in public discussions on the topic of land use reform. This led to the development of a draft paper summarizing their various positions and issues on the topic of land use authority (see Appendix A).

With an eye on expanding the participation to stakeholders beyond those interviewed, an Online Jam was selected as an appropriate venue for engaging additional stakeholders in this discussion. Approximately 80 stakeholders, identified by the Travis County team and interviewees, were invited to participate in a June 27, 2008, Online Jam session. Given NuStats experience in conducting other Online Jams, a response rate of 10%-15% was anticipated. In all, about 23% of those invited (eighteen persons) expressed interest in and were confirmed as session participants. Copies of the invitation and confirmation e-mails and a list of the confirmed participants are contained in Appendix C.

The sole objective of the Online Jam was to elicit comment on the draft paper and obtain additional insights from session participants on the topic of land use reform. As such, the session agenda mirrored the eight broad topics of the draft paper, with the exception of a general introductory (identify any gaps or issues missing from the draft paper) and concluding (would you support or not support land use authority for Travis County) topic.

In total, eight discussion topics were covered during the two hour session; each was introduced in succession and in 15-minute increments. Once a topic was opened for discussion, it remained open for the duration of the session. All topics remained “open” throughout the weekend to facilitate additional discussion by participants, if desired.

The table on the following page contains the seven topics and includes the moderator’s introductory or opening comments for each topic and the schedule for each.

³ An Online Jam is a web-based forum that can bring a number of people together through a web site for a specified period (hours or even days) for an exchange of opinions and to enable collaboration and decision-making. The topic discussed in the Jam is typically focused with a single objective (e.g., to build consensus, to generate ideas, to brainstorm strategies), and the results are an instantly accessible and analyzable record of the ideas and opinions expressed within the Jam. During an Online Jam, moderators are present during the discussion period to monitor the activity, answer questions, encourage participation, and even narrow or expand the scope of the conversation, if necessary. At the end of the discussion period, these facilitators also winnow and consolidate the results.

⁴ In-depth interviewees included (1) zoning, planning and land use attorneys, (2) representatives of community organizations, (3) urban planning and design professionals, (4) land developers, (5) representatives of environmental groups, (6) elected and other public officials, and (7) real estate specialists.

TABLE 1: TRAVIS COUNTY LAND USE ONLINE JAM AGENDA

FORUM TOPIC	MODERATOR'S INTRODUCTORY TEXT (USED AS THE MODERATOR'S OPENING COMMENT)	SCHEDULE
Topic #1: Land use authority issues	Just to give some context to our discussion today, let's talk briefly about the issues associated with Travis County not currently having land use authority. From your vantage point, are there any basic issues you didn't see mentioned in the draft paper you think should have been?	10:00-10:15
Topic #2: Levels of land use authority	Four types of land use authority—Home Rule, Comprehensive Planning, Zoning and Impact Fees—are possible. Most of the persons we interviewed were supportive of comprehensive planning, split on zoning authority and impact fees, while a majority was uncomfortable with home rule. How well does this reflect your opinion?	10:15-10:30
Topic #3: Potential benefits to increased land use authority for Travis County	Addressing incompatible use issues was raised as the greatest benefit of increased land use authority for Travis County. To what extent do you think incompatibility issues will be addressed if Travis County is granted authority? Can you offer examples of incompatibility issues that are currently going unaddressed and how granting land use authority to Travis County would help?	10:30-10:45
Topic #4: Potential negatives to increased land use authority for Travis County	Several negative outcomes to increased land use authority for Travis County were mentioned. The key points were: 1. Administrative burden, 2. Impact of increased regulations, and 3. Potential abuse. In your opinion, are these negative outcomes "show stoppers" or can they be overcome?	10:45-11:00
Topic #5: Barriers to increased land use authority	Of the five barriers to working toward land use authority reform, which do you think is the greatest, and is there a workable solution to overcome it?	11:00-11:15
Topic #6: County's role in Land use decisions outside of municipal boundaries	Stakeholders believed County Commissioners held the lead role in land use decisions outside of a municipality's boundary. Do you agree with this "clear cut" opinion?	11:15-11:30
Topic #7: Who should carry the Legislation	Should a single person or a coalition of persons co-sponsor this legislation? Who should that person/those persons be?	11:30-11:45
Topic #8: Priorities to deal with high growth	Population levels in Travis County are increasing steadily and land use issues will inevitably continue to grow—not subside. Planning for this growth is a given. What should Travis County's top priority, related to land use, be over the next five years?	11:45-12:00

KEY FINDINGS

- The Online Jam participants were presented with a draft summary of the in-depth interviews and asked what might be missing from the document. They found the document to be a useful and well-balanced overview of the general topic of increased land use authority.
- Participants mirrored what they felt were the draft summary outcomes in terms of support for different levels of land-use authority: support for comprehensive planning, mixed support for increased capacity for zoning and to levy impact fees, and no support for home rule.
- Panelists supported the finding of the in-depth interviews that dealing with “incompatibility issues” was the benefit that would resonate with the broadest levels of support.
- Panelists agreed that Travis County would need to address the following two obstacles in its quest for increased land use authority: (1) economic costs – devaluations of property, increases in development costs, and increases in taxes, and (2) potential for abuse and arbitrary decision-making.
- Panelists felt a coalition should carry the legislation, and provided two important facets of moving the quest forward: (1) land use authority framed as a unique situation with Travis County, and (2) re-framing issues from a means for “slow growth” to a way to “manage growth.”

DETAILED FINDINGS

The exchanges among the participants were active during the two-hour Online Jam session and nearly 60 high quality and insightful comments were generated—a reflection of having knowledgeable panelists. Their comments are summarized and organized according to the nine discussion topics contained in Table 1.

Topic #1: Land use authority issues missing from the draft summary

In general, session participants found the draft summary to be useful particularly regarding the very general topic of “increased land use authority.” They did mention a few issues missing from the analysis:

- The Commissioners Court and the County Attorney are not fully using the land use tools which are already available to them. Examples provided include the power to regulate billboards, to address illegal commercial intrusion into areas designated as residential by deed restriction. One panelist noted the County did not use the existing authority by failing to “stand up to the City of Austin’s plans for four noxious uses of land that is contiguous to Webberville and neighboring residents, including the plan for a regional landfill in eastern Travis County.”
- The ability for counties to enter into Voluntary Development Agreements with landowners such as conservation, master land plan and utility development agreements. Current Texas case law and the absence of statutory authority indicate many County agreements (for example, signed conservation agreements) are not enforceable against counties. Having this authority would allow counties a framework of working together with landowners and developers to plan for growth.
- The concern that a small Commissioners Court would have the authority to override state laws involving land owner rights—this being able to “confiscate” land.

Topic #2: Levels of land use authority

Four types of land use authority—Home Rule, Comprehensive Planning, Zoning, and Impact Fees were discussed in the in-depth interviews with stakeholders. The draft summary indicated that most of the persons interviewed were supportive of comprehensive planning, split on zoning authority and impact fees, while a majority was uncomfortable with home rule. Nearly all of the session participants were in agreement with this sentiment.

The key points made by session panelists on each of the four types of land use authority include:

- Comprehensive Planning was observed as being “absolutely necessary”, and a “necessary prerequisite, and the first step to any additional land use authority.” Another stressed that to be effective, planning must be “open, transparent, comprehensive, extensive and fair for all (landowners, developers, neighborhoods and other agencies/authorities)” and recognized the process would be costly, time consuming, and a politically difficult process. One panelist reminded others that the greatest problem for implementing planning ideas and concepts is the lack of land use authority.
- Zoning and Impact Fees were perceived as being problematic. In regard to zoning, one person noted it can become “very political” with special interest groups having undue influence. More of the discussion was focused on impact fees with consensus among a few panelists that they have been abused in this region. Examples included the observation that impact fees are not fairly based on a capital improvement plan and are not calculated uniformly (with fees proportional to the use generated by new development). While one panelist noted impact fees are a good idea, schools, highways, and roads are often considered the most, and cited that fees across jurisdictional and tax-base lines are complicated to manage. Another saw the benefit of “reasonable and fair” impact fees as a source of necessary funds for the County to make safety improvements on roadways. Who should be responsible for paying the impact fee was briefly discussed, with panelists recognizing all County owners, including new development owners bringing a higher tax base and taxes to the County, are responsible to some degree.
- Home Rule received no support from any of the panelists. One viewed it as a potential “disaster” by taking too long and too many personnel to “gear up.” Several stated outright they did not support home rule authority on the County level.

Topic #3: Potential benefits of land use authority

Among the in-depth interviews with stakeholders, incompatibility issues were raised as the greatest benefit of increased land use authority for Travis County. Online Jam panelists were asked to provide their opinions on examples of incompatibility issues that are currently going unaddressed and on how granting land use authority would address them. The following are highlights from the discussion:

- As had been mentioned in an earlier topic, one panelist mentioned that the County already has the power to stop some incompatible land use issues such as commercial/industrial intrusion into old residential subdivisions without Home Owner Associations (HOAs) or any means to fight rock halers, dump trucks, billboards, etc.
- An example of incompatibility issues discussed was the City of Austin’s plan to pursue an incompatible land use near a historic community (Webberville) despite the opposition of most of the elected officials that represent the area. One panelist offered that increased land use authority by the County may provide those living in unincorporated areas of the County a higher level of protection against incompatible land uses. Another felt that “limiting the proximity of these uses to existing residences or businesses is a reasonable goal and may be achievable.”
- This example generated a discussion cautioning governments that “zoning abuse can have a discriminatory effect on home buying” and concern that the “idea of arbitrary and broad residential buffer zones may devalue property near existing residences and prevent other uses that truly are compatible with residential use.” One panelist opined there needed to be some ability to

set standards for locations and buffers for Texas Commission on Environmental Quality permitted industrial uses.

Topic #4: Potential negatives associated with land use authority

Panelists were asked whether they agreed with the negatives addressed in the draft summary (administrative burden, impact of increased regulations, and potential abuse) and the extent in which they could be overcome. Panelists shared the belief that each of these concerns was legitimate and presented obstacles in enacting increased land use authority.

- Administrative burden generated little discussion, but a few panelists shared this was a concern that could be overcome. One panelist in disagreement with this concern offered that the County sections could be supported by fees.
- Impact of regulations including devaluations of property, increases in development costs, and increases in taxes was of panelist interest. One panelist shared that it was the “price we pay (some level of inconvenience) if we are to be smart about regulating inevitable growth.” Another shared that the cost of enacting significant land use authority should not be “passed onto developers, but borne by the entire community”.
- Potential abuse cited by panelists as sources of concern focused on the protection of property owners’ rights to counter abuse and arbitrary decisions. The example of the power of the County to grant variances from a comprehensive plan was provided. One approach to overcome this concern was to extend fundamental protections to property owners in the legislation.

Topic #5: Barriers to increased land use authority

In general, most panelists could not identify which of the barriers included in the draft summary presented the greatest obstacle since each could present a unique challenge depending upon the final County proposal. Several barriers, not included in the draft summary, were cited by panelists:

- Constitutional due process and personal property rights could arise as an issue if zoning, density limitations, etc. are imposed in an arbitrary manner or not in accordance with a comprehensive land plan.
- Some might see land use authority as a means for “slow growth.” Rather, it should be conveyed as a way to “manage growth.”
- Present the land use proposal to the Legislature as a “unique situation.”

Topic #6: County’s role in Land use decisions outside of municipal boundaries

Panelists were asked to what extent they believed County Commissioners held the lead role in land use decisions outside of a municipality’s boundary. Panelists did not see this as a “clear cut” position. While a number agreed that the County should have control; all concurred not both city and County. In fact, one panelist shared that the problem for Travis County has been overlapping controls in the extra Territorial jurisdiction of municipalities, resulting in two sets of rules and two separate entities with the authority to grant or deny projects.

Topic #7: Who should carry the legislation?

The few panelists who opined on this topic felt a coalition or a coordinated effort would work best. One person shared the person(s) selected must have the ability to work with both sides, Senator and Representative, to reach agreement.

Topic #8: Priorities to deal with high growth

Water and transportation safety and road construction were identified as the top priorities related to land use over the next five years.



ONLINE SURVEY

Between Monday, June 16th and Wednesday, July 2nd, NuStats collected 811 responses from the general public regarding land use authority in Travis County through an online survey. This section outlines the methods followed in conducting the online survey and presents a summary of the data collected. The online survey gathered the thoughts and opinions of individuals who participated in the survey on their own free will. Therefore, the results from this survey do not represent the thoughts and opinions of the Travis County population as a whole.

METHOD

With input from Travis County, NuStats designed, programmed, and hosted the survey instrument. The final survey instrument consisted of 22 questions (see Appendix E) designed to capture the thoughts and opinions regarding land use authority for Travis County in the unincorporated areas. There were no criteria to be considered an eligible participant, and no qualifying questions were included in the survey. A link to the online survey was posted on the Travis County homepage (<http://www.co.travis.tx.us/>) and was active for 17 days.

There was no structured sampling method used for the online survey, which was available to the public via the Travis County website. The survey gathered the responses of any individual willing to participate. Individuals with no internet access had the opportunity to mail in a paper survey. In an effort to prevent one individual from submitting multiple completed surveys, NuStats limited each computer to submitting only one survey. This was an anonymous survey with no personal information captured. There was no incentive or compensation offered for completing the survey.

Given this design, the results need to be considered in the appropriate context. Respondents were not a representative sample of residents and, therefore, the results can only inform us of the attitudes and opinions of those individuals who participated. It cannot be assumed that the results, outcomes, and/or findings represent the attitudes and opinions of the Travis County population. Bias may be present in the individuals who agreed to participate on this topic relative to those who did not participate.

The online survey was active from June 16th to July 2nd. There was a spike in activity between June 17th and June 19th, with nearly 47% of the surveys being completed during this three-day period. It is likely the following factors contributed to high volume activity: (1) the Austin-American Statesman published an article on June 17th that mentioned the purpose of the survey and how to participate, and (2) particular groups/organizations/associations rallied participation from their members.

TABLE 2: DATA COLLECTION DATE

Dates	Frequency	Percent
16-Jun-2008	7	1%
17-Jun-2008	98	12%
18-Jun-2008	156	19%
19-Jun-2008	130	16%
20-Jun-2008	60	8%
21-Jun-2008	46	6%
22-Jun-2008	28	3%
23-Jun-2008	43	5%
24-Jun-2008	37	5%
25-Jun-2008	36	4%
26-Jun-2008	25	3%
27-Jun-2008	14	2%
28-Jun-2008	20	2%
29-Jun-2008	6	1%
30-Jun-2008	5	1%
01-Jul-2008	62	8%
02-Jul-2008	38	5%
Total	811	100%

Ninety-four percent of respondents' primary residence is located in Travis County. The remaining 6% report their primary residence is outside Travis County. The subsequent tables within the "Detailed Findings" section will present the data for both populations – those whose primary residence is located within Travis County (Travis County) and those whose primary residence is located outside Travis County (Non-Travis County).

TABLE 3: PRIMARY RESIDENCE IN TRAVIS COUNTY?

Q11	Frequency	Percent
Yes	761	94%
No	50	6%
Total	811	100%

KEY FINDINGS

- The following provides a summary of respondent characteristics that are the most prevalent. Of the 761 Travis County residents who responded to the online survey, 53% report their primary residence is located within the City of Austin municipal boundary. Respondents characterize their neighborhoods as “Suburban” (39%), “Urban” (35%), and “Rural” (25%). The majority of respondents (90%) classify their residence as a “Single-family home”. In addition, 90% report that they “Own” their residence. Of the 20% of respondents who report owning undeveloped property in Travis County, the majority (46%) report they will keep the property within the family and pass to heirs.
- Nearly 70% of Travis County respondents report they either “Strongly Agree” or “Agree” with the following statement: “Travis County Commissioners Court should have greater land use authority in unincorporated areas within the County.” Twenty-four percent of Travis County respondents report they either “Strongly Disagree” or “Disagree” with the statement.
 - The majority of respondents agree the increased authority should allow the Commissioners Court the ability to control what type of activities (i.e., manufacturing, retail, industrial, farming, etc) should be allowed in the unincorporated areas. Additionally, respondents believe the Court should seek the authority to determine where growth should and should not occur in the unincorporated areas of the County.
 - Forty-three percent of respondents think the County should take the lead role in land use decisions in the unincorporated areas. An additional 39% think Counties and Municipalities should cooperate together.
 - Nearly 1/3 of respondents report having “Not much confidence” in the Travis County Commissioners Court. The remaining 2/3 reports having either “Some confidence” (44%), “A lot of confidence” (16%) or “Don’t know” (8%).
- Based on their response to the statement mentioned in Bullet #2, respondents were asked why they either support or oppose. Among Travis County respondents who support increased land use authority, respondents identified a number of reasons as being equally important factors for their support of greater land use authority for Travis County, including: more orderly and planned government in Travis County, maintain environmental quality, and protecting the rural character of the remaining open spaces. Among Travis County respondents who oppose increased land use authority, most do not want more government controls and/or the control of private land taken away from the landowners.
- “More orderly and planned growth in Travis County” was selected as the main reason for supporting increased land use authority. Almost an equal percentage of respondents who oppose selected “It takes away the control of private land from the land owners,” and “Do not want more government control” as their top reasons.

DETAILED FINDINGS

Table 4 indicates that 69% of respondents either “Strongly Agree” or “Agree” with the following statement: Travis County Commissioners Court should have greater land use authority in unincorporated areas within the County”. Just under one quarter (24%) of respondents either “Strongly Disagree” or “Disagree” with this statement. Non-Travis County residents are split in their level of support. A greater percentage of Non-Travis County residents (48%) are opposed to increased land use authority in the unincorporated areas within Travis County than Travis County residents (24%).

TABLE 4: TRAVIS COUNTY COMMISSIONERS COURT SHOULD HAVE GREATER LAND USE AUTHORITY

Q1	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Strongly Agree	353	46%	11	22%
Agree	173	23%	14	28%
Neutral	57	8%	1	2%
Disagree	67	9%	7	14%
Strongly Disagree	111	15%	17	34%
Total	761	100%	50	100%

Those who responded in support of greater land use authority were asked reasons for their support. Clearly, as shown in Table 5, there is not a single top reason for this support. Rather, respondents identified a number of reasons (see highlighted) as being equally important factors for their support of greater land use authority for Travis County.

TABLE 5: REASONS TO SUPPORT INCREASED LAND USE AUTHORITY (SELECT ALL THAT APPLY)

Q2	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
More orderly and planned growth in Travis County	473	15%	22	14%
Maintain environmental quality	468	15%	23	15%
Protect water quality	466	15%	24	16%
Limit adverse uses of the land (e.g., dangerous industrial uses, such as tank farms)	460	15%	24	16%
Protect open space or rural character	456	15%	23	15%
Protect property values by controlling what can be built where	341	11%	18	12%
Protect homebuyers from unscrupulous developers	309	10%	15	10%
Other, specify	118	4%	4	3%
Total	3,091	100%	153	100%

However, when asked to select their main reason for supporting increased land use authority, 37% said “More orderly and planned growth in Travis County,” followed by “Maintain environmental quality” (17%) and “Protect open space or rural character” (16%). Though some selected it, the least popular reason was “Protect homebuyers from unscrupulous developers” (3%).

TABLE 6: TOP REASON TO SUPPORT INCREASED LAND USE AUTHORITY

Q3	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
More orderly and planned growth in Travis County	193	37%	9	36%
Maintain environmental quality	88	17%	4	16%
Protect open space or rural character	83	16%	0	0%
Limit adverse uses of the land (e.g., dangerous industrial uses, such as tank farms)	57	11%	3	12%
Protect water quality	32	6%	0	0%
Protect property values by controlling what can be built where	27	5%	4	16%
Protect homebuyers from unscrupulous developers	16	3%	1	4%
Other, specify	30	6%	4	16%
Total	526	100%	25	100%

Those respondents who opposed increased land use authority in Question 1 were asked why. Among Travis County respondents, about one out of five selected “Do not want more government controls” (20%) and “It takes away the control of private land from the land owners” (20%). The least popular reasons for their opposition were “County Commissioners have too much power already” (6%) and “It will contribute to an increase in lawsuits” (6%). Non-Travis County respondents responded similarly.

TABLE 7: REASONS TO OPPOSE INCREASED LAND USE AUTHORITY (SELECT ALL THAT APPLY)

Q4	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Do not want more government controls	151	20%	20	20%
It takes away the control of private land from the land owners	151	20%	19	19%
Market forces should determine where growth occurs	101	13%	14	14%
The County does not have the staff or resources to handle the increased responsibilities	87	11%	15	15%
Housing costs may increase	86	11%	12	12%
It will drive developers and development out of Travis County	66	9%	10	10%
It will contribute to an increase in lawsuits	47	6%	5	5%
County commissioners have too much power already	44	6%	4	4%
Other, specify	31	4%	3	3%
Total	764	100%	102	100%

There appears to be stronger consensus as to why respondents oppose increased land use authority once respondents were asked to select their main reason for their opposition. Among Travis County respondents, 34% said, “It takes away the control of private land from the land owners,” followed by “Do not want more government control” (30%). Again, non-Travis County respondents opined similarly.

TABLE 8: TOP REASON TO OPPOSE INCREASED LAND USE AUTHORITY

Q5	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
It takes away the control of private land from the land owners	60	34%	8	33%
Do not want more government controls	53	30%	9	38%
Market forces should determine where growth occurs	21	12%	2	8%
Housing costs may increase	8	4%	0	0%
It will drive developers and development out of Travis County	8	4%	2	8%
The County does not have the staff or resources to handle the increased responsibilities	7	4%	2	8%
County commissioners have too much power already	4	2%	1	4%
It will contribute to an increase in lawsuits	3	2%	0	0%
Other, specify	14	8%	0	0%
Total	178	100%	24	100%

Table 9 indicates that just under three-fourths (70%) of Travis County respondents either “Strongly Agree” or “Agree” with the following statement: The Commissioners Court should seek the authority to determine where growth should and should not occur in the unincorporated areas of the County?” In contrast, only 40% of Non-Travis County respondents agreed with this statement while the majority (54%) disagreed with the statement.

TABLE 9: COMMISSIONERS COUNTY SHOULD SEEK AUTHORITY TO CONTROL WHERE GROWTH SHOULD OCCUR

Q6	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Strongly Agree	317	42%	11	22%
Agree	205	27%	9	18%
Neutral	44	6%	3	6%
Disagree	82	11%	9	18%
Strongly Disagree	113	15%	18	36%
Total	761	100%	50	100%

Seventy percent of Travis County respondents agree that the County should have the authority to control what type of activities (i.e., manufacturing, retail, industrial, farming, residential) should be allowed on parcels of unincorporated land in the County.

TABLE 10: COMMISSIONERS COURT SHOULD HAVE AUTHORITY TO CONTROL THE TYPE OF ACTIVITIES ALLOWED ON UNINCORPORATED LAND

Q7	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Strongly Agree	310	41%	11	22%
Agree	219	29%	12	24%
Neutral	54	7%	3	6%
Disagree	75	10%	8	16%
Strongly Disagree	103	13%	16	32%
Total	761	100%	50	100%

Forty-three percent of Travis County respondents believe the County should take the lead role in land use decisions in the unincorporated areas, 39% believe both Counties and Municipalities should work together, and 7% believe the Municipality should take the lead role.

TABLE 11: WHO SHOULD TAKE LEAD ROLE IN LAND USE DECISIONS

Q8	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Travis County	330	43%	15	30%
Municipalities	50	7%	4	8%
County and Municipalities	300	39%	18	36%
Don't know	81	11%	13	26%
Total	761	100%	50	100%

Nearly a third of respondents report they have “Not much confidence” in the Travis County Commissioners Court’s ability to fairly regulate development in the unincorporated areas of the County. Sixty percent of respondents report having “Some confidence”. In contrast, Just over half (52%) of the non-Travis County respondents reported having “Not much confidence.”

TABLE 12: LEVEL OF CONFIDENCE IN THE COMMISSIONERS COURT ABILITY TO FAIRLY REGULATE DEVELOPMENT

Q9	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
A lot of confidence	121	16%	5	10%
Some confidence	337	44%	14	28%
Not much confidence	244	32%	26	52%
Don't know	59	8%	5	10%
Total	761	100%	50	100%

Tables 13 and 14 show the level of attention, given the County’s projected population growth, Travis County respondents think the Commissioners Court should give to each item. According to respondents, “Planning for future growth” (77%) should receive the most attention, followed by “Creating buffers near residential areas” (58%) and “Levying impact fees on developers” (58%).

TABLE 13: HIGHER PRIORITY FOR COMMISSIONERS COURT

Q10	Considerably More Attention		Somewhat More Attention	
	N	%	N	%
Planning for future growth	537	71%	149	20%
Creating buffers for incompatible land uses (e.g., landfills, industrial) near residential areas	440	58%	224	29%
Levying impact fees on developers to pay for infrastructure (roads, drainage, etc.)	440	58%	181	24%
Maintaining rural character such as Hill Country and Blackland Prairie	435	57%	176	23%
Establishing minimum construction standards for residential housing	336	44%	230	30%
Establishing desired development areas such as activity centers or transit oriented developments	335	44%	233	31%
Creating economic development districts	156	20%	251	33%

The items that respondents think should receive little to no attention include “Creating economic development districts” (15%), “Establishing activity centers or transit oriented developments” (11%), and “Establishing minimum construction standards for residential housing” (11%).

TABLE 14: LOWER PRIORITY FOR COMMISSIONERS COURT

Q10	No Attention		Less Attention	
	N	%	N	%
Creating economic development districts	115	15%	192	25%
Establishing desired development areas such as activity centers or transit oriented developments	81	11%	88	12%
Establishing minimum construction standards for residential housing	74	10%	89	12%
Levying impact fees on developers to pay for infrastructure (roads, drainage, etc.)	68	9%	56	7%
Maintaining rural character such as Hill Country and Blackland Prairie	65	9%	73	10%
Creating buffers for incompatible land uses (e.g., landfills, industrial) near residential areas	39	5%	44	6%
Planning for future growth	24	3%	37	5%

RESPONDENT DEMOGRAPHICS

Of the 761 respondents whose house is located in Travis County, just over half (53%) are within the City of Austin, 35% are outside of a municipal boundary, and 11% are within a municipal boundary outside of Austin.

TABLE 15: LOCATION OF RESPONDENT RESIDENCE WITHIN TRAVIS COUNTY

Q12		
	Frequency	Percent
Within City of Austin municipal boundary	406	53%
Within Travis County, outside of a municipal boundary	264	35%
Within a municipal boundary other than City of Austin	85	11%
Don't know	6	1%
Total	761	100%

Respondents classify their residence consistently between “Suburban” (39%), Urban (35%), and Rural (25%). It’s interesting to note, 35% of respondents reported in Table 15 that their primary residence is outside a municipal boundary, yet in Table 16 only 25% report their primary residence is located in a rural area. Although more respondents report living outside a city, they still don’t consider it rural, which speaks to the urbanization of Travis County.

TABLE 16: PRIMARY RESIDENCE CLASSIFICATION

Q13		
	Frequency	Percent
Suburban	294	39%
Urban	268	35%
Rural	191	25%
Don't know	8	1%
Total	761	100%

Fifty-six percent of respondents have lived in their primary residence for over ten years. Only 6% report living in Travis County less than one year. Twenty-eight percent have lived there for 1-5 years, and 21% report they have lived there for 6-10 years.

TABLE 17: DURATION OF RESIDENCE

Q14		
	Frequency	Percent
Less than 1 year	43	6%
1-5 years	211	28%
6-10 years	159	21%
11-20 years	213	28%
Over 20 years	135	18%
Total	761	100%

The overwhelming majority (90%) of respondents describe their house as a “Single family home.”

TABLE 18: PRIMARY RESIDENCE CHARACTERISTIC

Q15		
	Frequency	Percent
Single-family home	686	90%
Apartment	28	4%
Condominium	24	3%
Duplex	16	2%
Mobile Home	7	1%
Total	761	100%

Ninety percent of respondents own their house. Nine percent rent, and 1% have no housing costs because they live with their parents, relative, etc.

TABLE 19: PRIMARY RESIDENCE STATUS

Q16		
	Frequency	Percent
Own	689	90%
Rent	64	9%
No housing costs, live with parent, relative, etc	4	1%
Other, specify	4	1%
Total	761	100%

One-fifth of respondents report owning undeveloped property in Travis County.

TABLE 20: CURRENTLY OWN UNDEVELOPED PROPERTY IN TRAVIS COUNTY

Q17	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Yes	148	20%	17	34%
No	613	80%	33	66%
Total	761	100%	50	100%

Of those respondents that own undeveloped property in Travis County, 47% report that the property is located “Mostly outside a municipal boundary and ETJ’s of Travis County,” 28% report it’s located “Mostly within the ETJ or a municipal boundary, and 22% report it’s located “Mostly within a municipal boundary.”

TABLE 21: UNDEVELOPED PROPERTY LOCATION

Q18	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Mostly outside a municipal boundary and ETJ's of Travis County	70	47%	6	12%
Mostly, within the Extra Territorial Jurisdiction (ETJ) of a municipality	41	28%	9	18%
Mostly, within a municipal boundary	32	22%	2	4%
Don't know	5	3%	0	0%
Total	148	100%	17	34%

Table 22 indicates that 61% of respondents are either not currently farming/ranching their undeveloped property or they don’t have any future plans to. Thirty four percent report their property is currently being farmed or ranched and the remaining 5% report there are future plans for the property to be farmed or ranched.

TABLE 22: IS THE UNDEVELOPED PROPERTY FARMED OR RANCHED?

Q19	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Property is NOT currently being farmed or ranched	60	41%	7	41%
Property is being farmed or ranched	51	34%	8	47%
There are NO future plans for the property to be farmed or ranched	30	20%	2	12%
There are future plans for the property to be farmed or ranched	7	5%	0	0%
Total	148	100%	17	100%
Missing	613		33	
	761		50	

Forty-seven percent plan to keep the property in their family and pass to heirs. Thirty-two percent report they will sell their property in one of the following ways – sell full tract, no development plans (18%), sub-divide and sell portions to developers (8%), or sell full tract to developers (6%). Over one-fifth report “Other, specify.”

TABLE 23: FUTURE PLANS FOR UNDEVELOPED PROPERTY

Q20	Travis County		Non-Travis County	
	Frequency	Percent	Frequency	Percent
Keep it in family, pass to heirs	69	47%	5	29%
Sell full tract, no development plans	27	18%	2	12%
Subdivide and sell portions to developers	12	8%	3	18%
Sell full tract to developers	9	6%	2	12%
Other, specify	31	21%	5	29%
Total	148	100%	17	100%
Missing	613		33	
	761		50	

Table 24 lists the number of responses received by region. The four regions were determined by their orientation to the intersection of the Colorado River and I-35. A 5th region we identified for Central Austin. Below region are the zip codes contained in each region. Table 24 indicates the survey received the greatest response from the Southwest region of Travis County, followed by the Northwest Region. Within Central Austin the greatest response was received from the South Austin (78704). See Figure 1 for more detail.

TABLE 24: REGIONAL/ZIP CODE RESPONSE

	Frequency	Percent
Southwest	234	57%
78669	107	26%
78745	23	6%
78736	20	5%
78746	16	4%
78749	11	3%
78734	11	3%
78737	10	2%
78735	10	2%
78620	9	2%
78738	7	2%
78748	3	1%
78733	3	1%
78739	2	0%
78652	2	0%
Northwest	64	16%
78731	15	4%
78732	14	3%
78759	7	2%
78757	4	1%
78727	4	1%
78726	4	1%
78641	4	1%
78750	3	1%
78613	3	1%
78758	2	0%
78729	2	0%
78728	2	0%
Central Austin	60	15%
78704	35	9%
78751	9	2%
78703	7	2%
78756	4	1%
78701	4	1%
78612	1	0%
78705	1	0%
Northeast	21	5%
78753	4	1%

78754	3	1%
78660	3	1%
78653	3	1%
78724	2	0%
78664	2	0%
78723	1	0%
78702	1	0%
78621	1	0%
78615	1	0%
Southeast	14	3%
78747	5	1%
78617	3	1%
78741	2	0%
78744	1	0%
78742	1	0%
78610	1	0%
Non-Travis County	16	4%
78628	2	0%
78602	2	0%
94303	1	0%
78717	1	0%
78681	1	0%
78663	1	0%
78644	1	0%
78619	1	0%
78418	1	0%
78381	1	0%
77479	1	0%
76904	1	0%
76574	1	0%
76180	1	0%
Total	409	100%

FIGURE 1: GRAPHIC DISTRIBUTION OF RESPONSES BY ZIP CODE

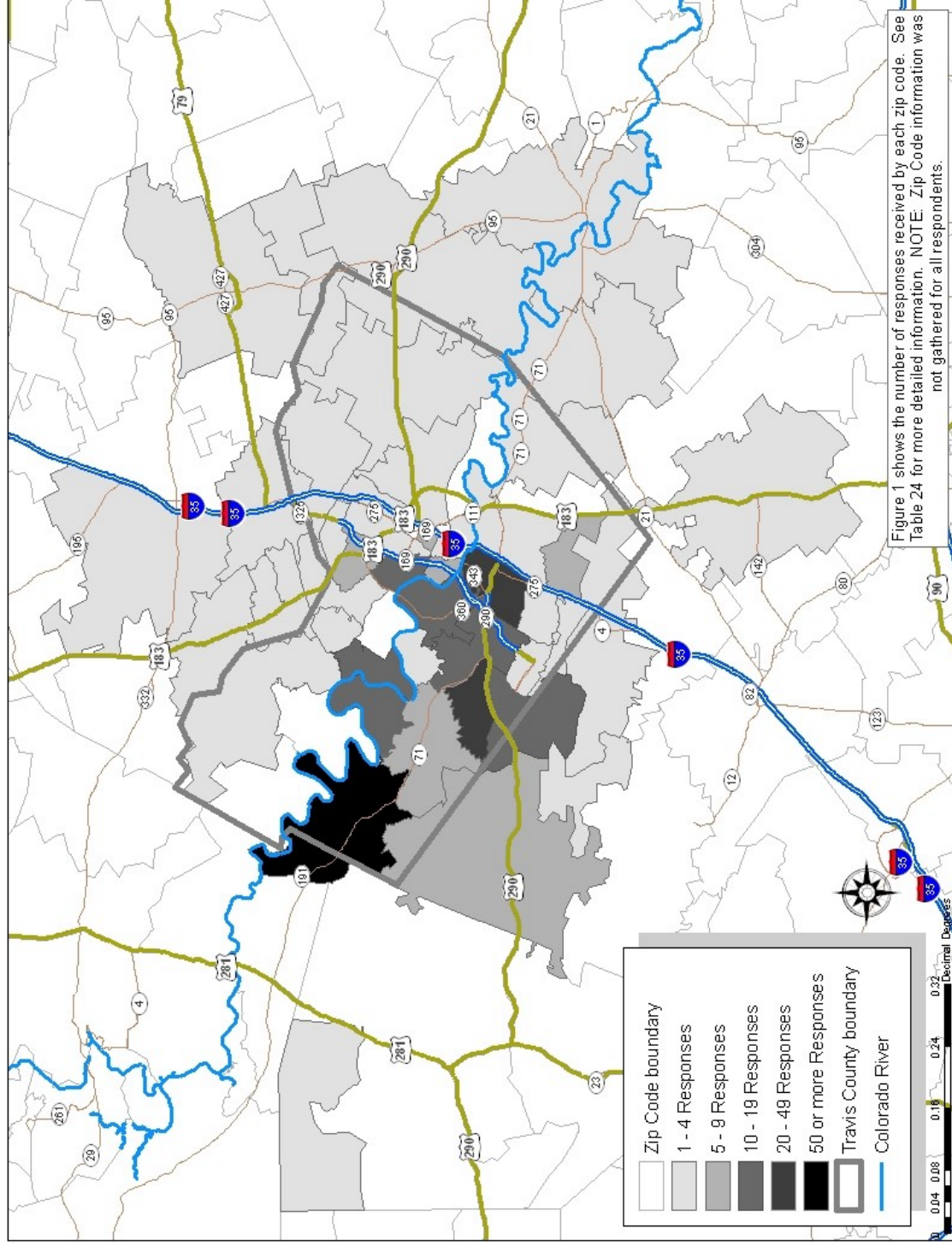
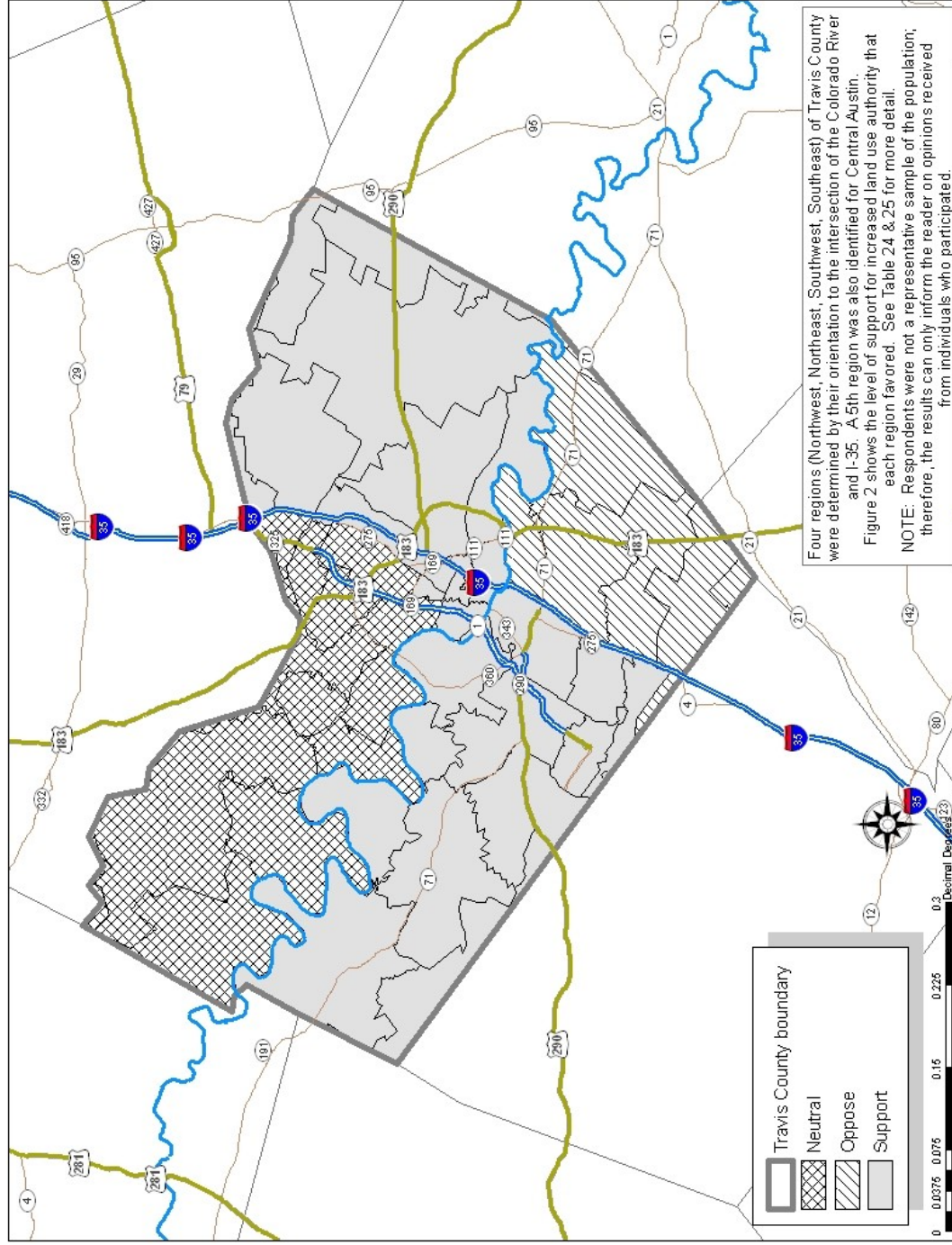


Table 25 shows how respondents in each region responded to Question 1 (see Table 4), regarding their level of support/opposition for increased land use authority in Travis County. Each region supports increased land use authority, with the exception of Southeast (oppose) and Northwest (neutral). See Figure 2 for more detail.

TABLE 25: LEVEL OF SUPPORT/OPPOSITION FOR INCREASED LAND USE AUTHORITY IN TRAVIS COUNTY BY REGION

	Central	%	Northwest	%	Northeast	%	Southwest	%	Southeast	%	Non-Travis County	%	Total	%
Strongly Agree	32	53%	16	25%	9	43%	90	38%	3	21%	1	6%	151	37%
Agree	15	25%	15	23%	3	14%	58	25%	1	7%	5	31%	97	24%
Neutral	3	5%	3	5%	3	14%	20	9%	1	7%	0	0%	30	7%
Disagree	2	3%	9	14%	1	5%	37	16%	2	14%	4	25%	55	13%
Strongly Disagree	8	13%	21	33%	5	24%	29	12%	7	50%	6	38%	76	19%
	60	100%	64	100%	21	100%	234	100%	14	100%	16	100%	409	100%

FIGURE 2: REGIONAL SUPPORT/OPPOSITION FOR INCREASED LAND USE AUTHORITY



At the conclusion of the survey, respondents were offered an opportunity to provide top-of-mind comments regarding increased land use authority in Travis County. A total of 312 respondents' comments were collected. Because some individuals provided more than one comment or thought, a total of 343 comments were categorized. Table X provides a summary of the categories of comments.

TABLE 26: COMMENT ANALYSIS

Open Response	Frequency	Percent
Positive Impacts	127	37%
Type of Authority	68	20%
Negative Impacts	45	13%
Preferred Lead Authority	27	8%
Other	24	7%
Transportation/Transit Alternatives	17	5%
Oversight of Developers	9	3%
Citizen Accountability/Public Involvement	9	3%
Lack of Trust in Current Leaders	5	3%
Positive Comment/Thank you	24	1%
Total	343	100%

The majority of the comments reflected respondent opinions on the prospective positive benefits of granting land use authority to Travis County. Of those,

- About 40 percent held the sentiment that it would allow for more orderly, equitable, and planned growth and smart development,
- Just under one-quarter (24%) expressed felt it would protect environmental quality and water quality/water sheds, and
- Another fifteen percent felt it would limit incompatible / adverse land use decisions.

Similar to the findings of the in-depth interviews and Online Jam, of the comments received on the type of authority that should be granted, the majority voiced support for land use authority, in general, with only 17 percent opining, emphatically, “none.”

Of the potential negative impacts cited most frequently, one third of the respondents felt it would provide more government controls / oversight than is necessary and another third felt it would take away control of private land from landowners.

Among those who voiced an opinion on who should have the lead authority for land use in Travis County, forty percent felt the County should have it while the remainder equally believed it should be shared authority between the municipality and the County or that no one entity should hold land use authority at all.



CONCLUSIONS

The Travis County Commissioners Court contracted NuStats to examine the pulse of the community with regard to the Court seeking increased land use authority. For this research, NuStats conducted 29 in-depth interviews with key stakeholders, conducted a web survey with 811 participants, and held an Online Jam with eight highly active participants.

Support for Increased Land Use Authority

Stakeholders and Travis County residents support increased land use authority in the unincorporated areas of the County. The majority of participants in both the in-depth interviews and in the web survey agreed with the statement that the “Travis County Commissioners Court should have greater land use authority in unincorporated areas within the County.” The Travis County case was viewed as a “unique situation”, whereby as an urban county, it needed the same authority as municipalities to manage growth. “The results of such high growth [in Travis County] will not be good [if] no one is responsible.”

Across the board, people who were interviewed agreed that there were specific problems that increased land use authority could solve. These problems included: (1) guarding against incompatible uses and providing more stability to land values, (2) ensuring that the roadway system better matches the trip generation of the land use, and (3) setting up a process of land use authority that is predictable, not discretionary.

A significant reason for the high level of support was the fundamental belief by most research participants that comprehensive planning was “absolutely necessary”. In the web survey, the top reason that people (County residents and non-residents) supported increased land use authority was a need for “more orderly and planned growth in Travis County.” In the in-depth interviews, we found that it was not only important for the County to have the authority to do comprehensive planning, but also to have the authority to *implement* the comprehensive plan. “Plans are just squishy documents . . . you need the tools to implement.” At the same time, Travis County was somewhat chastised in the in-depth interviews and the Online Jam for not using its existing authority to full effect as granted by SB 873.

The importance of protecting against incompatible uses among Travis County residents was clear. Nearly two out of three in the web survey agreed that the County should seek the authority to determine where growth should and should not occur as well as to control what type of activities should be allowed on parcels of unincorporated land in the County. In the in-depth interviews, a consistent theme was that there would be better protection of property values – if growth was guided and incompatible land use was discouraged.

There was a consensus that Travis County should work together with landowners and developers to plan for growth. Related to this is the strong sentiment that the planning process must be “open, transparent, comprehensive, extensive, and fair for all.” Several persons expressed the concern that with increased authority there would be increased political pressure on the Court from groups – landowners, neighborhood associations, environmental groups, developers – to try to influence decisions for comprehensive planning. Such pressure could not only lead to potential abuse (i.e., arbitrary decision) but also to a more costly and time-consuming process.

Protecting water quality was not a top tier issue for most research participants. It was not frequently mentioned as a top-of-mind positive outcome in the in-depth interviews. Among the Travis County residents in the web survey, “protecting water quality” was ranked fifth out of seven reasons to support increased land use authority for the County. It could be that other reasons (i.e., planned growth, environmental quality, protecting open space, limited adverse uses) carried more weight among

stakeholders and residents. It could also be that supporters are giving wide berth to such a provocative issue, not wanting “increasing land use authority” to be entangled in old battles and intractable views.

Not everyone supported the County’s interest in seeking increased land use authority. In our in-depth interviews, several persons (both supporters and non-supporters) wondered if the County would have the resources to exercise newly found authority. “The County already has their hands full . . . additional authority will only overburden and slow down the process.” A key question in the same vein was: How would the County pay for necessary increases in staff?

This is not a trivial point. There was the real sense that Travis County should be realistic in what it puts in the legislation – not asking for more than it can pragmatically deliver. If it decides to move forward, the County should develop a concise 2-3-page business plan.

- What problems will this legislation solve?
- What will be the positive outcomes?
- How will it administer the increased authority?
- What additional resources will be necessary?
- How will it justify the cost?

And, these are not just staff issues. The Court will need to consider the significant amount of time and effort that would be needed to go the Legislature with the “right ask.” Several of the in-depth interviewees stated flatly no one would carry legislation that is unrealistic. Also, if Travis County is granted authority that it cannot deliver upon, it will ruin it for other Counties in the future. “Travis County might screw it up for the rest of us and erode what rights Counties currently have.” So, while the County has support, this support is not blanket approval.

Different Levels of Land Use Authority

Home rule had virtually no support among stakeholders. The County should steer clear of this issue. But as has been mentioned in the previous section, virtually all stakeholders believed that Travis County should develop a **comprehensive plan**. “It’s long overdue for an urban County to learn how to administer comprehensive planning and some level of control.” The plan should be simple and straightforward. Most importantly, the County needs to have the authority to implement and enforce it. The planning process needs to be open and fair – but at the same time, highly efficient.

Perceptions about giving the County authority to do **zoning** were mixed, with support for these two levels of land use authority ranging from very high to quite low. Still a common ground of support was quite clear. Theoretically, the primary purpose of zoning is to segregate uses that are thought to be incompatible. This purpose is well-matched to the top reason for supporting increased land use authority. Based on this research, basic zoning categories would garner support and the least resistance. In setting up a zoning system, the County should be careful and deliberate in guarding against the potential negatives to the zoning process (i.e., discretionary, cumbersome, open to abuse). In particular, the County should consider how to design a system that reduces the potential influence of special interest groups.

Impact fees attracted *cautious support*. Most stakeholders felt that impact fees should be available to the County as a way to help pay for services. “Growth does not pay for itself.” But in developing the legislation to increase its authority in this area, the County needs to be cautious about avoiding the perception of “potential for abuse.” “Reasonable and fair” impact fees for the purpose of making safety and mobility improvements on the roadways would be supported by a broad constituency. One definition

of “reasonable and fair” that was mentioned was that “everyone benefits” from the impact fees – the County, the new property owners, the developers, etc.

It was clear in the in-depth interviews and the Online Jam that the “potential for abuse” of increased authority was a sticking point for widespread support. While research participants did not necessarily single out the Commissioners Court as being “abusive”, it was the *potential* for abuse that concerned most people. The web survey revealed that more than half of residents had “a lot or some confidence” in the Commissioners Court to fairly regulate development in unincorporated areas. But about a third had “not much confidence.” This situation highlights the importance of the County creating a fair, open, and inclusive process for designing its system of increased land use authority.

Future Priorities to Deal with High Growth

Given the fact that the population of Travis County is expected to double by 2030 – stakeholders and residents were asked how much attention the County should give to seven specific land use issues. There was high consistency among the in-depth interviews, the Online Jam, and web survey in the rankings. While research participants considered all seven of the issues as priorities -- there was definitely a hierarchical order to them.

High Consensus – Broad support for these two issues.

1. **Planning for future growth:** Very high priority for the County – “you have to plan!”
2. **Creating buffers for incompatible uses:** One of the basic reasons the County needs more authority. County needs to do work on how large the buffers should be.

Consensus – Qualified support for these two issues.

3. **Levying impact fees to pay for infrastructure:** Fundamental – especially as related to transportation infrastructure.
4. **Maintaining rural character:** High priority as it relates to preserving the “Central Texas” brand. Need to carefully define what this means and how it can be accomplished.

Lack of Consensus – Potentially good tools but complex to put into practice.

5. **Establishing minimum construction standards for residential housing:** Could be framed as a public health/safety issue, but is problematic. Universal building codes and enforcement issues are too complex for Travis County to take on.
6. **Establishing desired development areas:** If the County targets development in one area and not another, how does it compensate landowners in the non-growth areas? What is the process for determining where growth should happen?

Quite low on priority list

7. **Creating economic development districts:** Barely half of residents in the web survey rated this as a priority. In in-depth interviews, it appeared to be viewed as quite similar to establishing desired development areas without the benefit of guiding development patterns and having the negative outcome of having to develop a tax allocation scheme.

Strategies for Legislation

If moving forward, Travis County would need to focus on strategy rather than tactics. Strategy is the overall campaign plan, and the County needs to stay at that level and avoid getting mired in the trees. Focus should be on: What critical problems will this legislation solve?

Travis County's strategic plan should include a mechanism to coalesce political, professional, and public opinion around a common vision that can be used to garner legislative support. To do that, Travis County needs to shift the way people think about land use, from a restrictive concept to a maximizing concept, not to stop development but to improve development patterns. This common ground will provide a strategic space for Travis County and its supporters during its advocacy efforts.

The other "leg" of the strategic plan needs to be about assembling a broad coalition of supporters that includes some counter-intuitive persons or groups. A wide base of advocates adds credibility to the effort and attracts attention and convinces legislators that there is political safety in supporting Travis County on this issue. The more diverse the support network, the more different facets of the issue can be highlighted, and the easier it is to increase the overall relevance and significance of this quest in the political priority list. The wider the reach of the group in terms of bringing different contacts and resources to the table, the greater the access to statewide policy makers.

Finally, program administration issues cannot be forgotten or overlooked in strategic planning. Critics, and even supporters, of increasing land-use authority pointed out that the County lacked sufficient levels of budget, staffing, and resources to handle a new regulatory role. The County should have a credible plan for addressing such deficiencies so that the issue does not weaken the County's overall case.



APPENDIX A: IN-DEPTH INTERVIEW PARTICIPANTS

1. Alan Haywood, Graves Daugherty, Hearon, & Moody
2. Austan Librach, City of Austin
3. Barbara Scott, LBJ HOA, Colony Park HOA
4. Christy Muse, Hill Country Alliance
5. David Armburst, Armburst & Brown
6. Dick Lillie, City of Austin (retired)
7. Don Lee, Urban Counties
8. Fritz Steiner, University of Texas
9. Hank Smith, C. Faulkner Engineering
10. Harry Savio, Central Texas Homebuilders Association
11. Henry Gilmore, DuBois, Bryant, Campbell, LLP
12. Jeff Barton, Hays County
13. Jeff Wentworth, District 25
14. Jim Duncan, Duncan & Associates
15. Jim Knight, Bury Partners
16. Jim Walker, Envision Central Texas
17. Joe Lessard, Consultant
18. John Kuhl, Hicks & Company
19. John Lewis, John Lewis Company
20. Kent Butler, The University of Texas
21. Kirk Watson, District 14
22. Marilyn Samuelson, Blackland Prairie Associate
23. Mary Sanger, Environmental Defense
24. Paul Lenihan, Land Strategies, Inc
25. Pix Howell, City of Leander
26. Terry Khan, The University of Texas
27. Terry Mitchell, Momark Development, LLC
28. Tom Nuckols, City of Austin
29. Valarie Bristol, Nature Conservancy of Texas



APPENDIX B: IN-DEPTH INTERVIEW QUESTIONNAIRE

Introduction

The Travis County Commissioners Court is interested in taking the pulse of its constituents and other stakeholders regarding the boundaries of its authority to regulate the development of land in unincorporated areas. A key questions for the Court is under what circumstances there might be support and/or opposition for additional authority being granted to the County. As you probably know, unlike in some other states, counties in Texas have very limited land use authority and no authority to implement zoning regulations.

NuStats is a social policy research agency here in Austin. We were hired by the Court to gather public opinions in an unbiased and objective manner. We're basically doing three types of opinion gathering: (1) interviews with persons like yourself – representing environmental or developer interests, elected or public officials, lawyers or other professional experts, (2) an Online Jam – which is basically a large-scale electronic town meeting that is professionally moderated and controlled to which people will be invited, and (3) a web survey open to the general public.

Our final report will be a summary of the issues discussed in all interviews, however no quotes, ideas, or opinions will be attributed to one person. Below are the questions we are interested in having you answer during our interview.

Questions

1. So, let me begin by asking you – which of the following statements do you agree more strongly with:
 - A. I do not support any increase in land use authority for Travis County.
 - B. I support increasing land use authority for Travis County only in areas surrounding residential developments.
 - C. I support increasing land use authority for Travis County for all unincorporated areas.
2. Why is that?
3. In your opinion or experience, what could be some of the benefits to increased land use authority for Travis County? (For example, better protection of property values, guided growth to activity centers and away from environmentally sensitive areas).
4. What about potential negatives? (e.g., the cost of new homes might increase).
5. Within Travis County, who should take the lead role in land use decisions outside of a city's municipal boundary? No public entity, cities, or the County?
6. Why do you say that?
7. There are different gradations of land use authority that could be granted to Travis County. I want to get your level of comfort with the various potential levels of authority for the Commissioners Court.
 - a. Let me start with the most drastic -- **Home Rule:** Basically where Travis County would behave like a municipality in the unincorporated areas.

- b. Next -- **Comprehensive Planning:** While there is no legal reason why Counties cannot do planning, they lack implementation authority. Should the County develop a comprehensive plan and then have the authority to implement that plan? *What are some of the pros and cons of that?*
 - c. What about **Zoning** authority – What are some of the pros and cons of granting Travis County zoning authority in the unincorporated areas?
 - d. Finally, what about granting the County to levy **Impact Fees**, tax incentives, or other financial and/or regulatory authority?
8. By 2030, the population of Travis County is expected to double; if this happens, it will mean that more land in the unincorporated areas will be needed for residential housing and developed for roads, schools, and businesses. Looking into the future, how much attention should Travis County give to each of the following land use issues:
- a. Maintaining the rural character such as Hill Country and Blackland Prairie
 - b. Creating economic development districts
 - c. Creating buffers for non-compatible uses within 1000' of residential areas
 - d. Establishing desired development areas (activity centers or transit oriented developments)
 - e. Planning for future growth
 - f. Assessing development impact fees to provide local arterial roadways
 - g. Establishing minimum construction standards for residential housing
9. What obstacles or barriers will Travis County face when working toward land use authority reform?
10. Who do you think should carry this legislation for Travis County?
11. Who else do you think we should interview in this research activity?



APPENDIX C: ONLINE JAM -- DRAFT PAPER

INTRODUCTION

NuStats was contracted by the Travis County Commissioners Court to conduct an unbiased, empirical study of community views (i.e., residents and stakeholders) on the issue of increased land use authority for the County. To fulfill this objective, NuStats is executing several research activities to gather attitudes and opinion on the topic, including in-depth interviews with stakeholders and a web survey of residents. In addition, an Online Jam will be held to focus and refine the research findings. This draft report provides a synthesis of the in-depth interviews.

BACKGROUND

County governments in Texas can perform only those duties and functions that are explicitly authorized by the State legislature. Currently, counties in Texas have limited authority to regulate many elements relating to development. For example, only Cameron, Valverde and a few other “border” counties have zoning power. In terms of land use regulations, counties have the authority to approve the subdivision of land, to construct and maintain subdivision roads in unincorporated area and assess costs to landowners, and may specify minimum standards for road construction and drainage facilities. Counties in priority groundwater management areas have the authority to require water availability studies for subdivisions dependent upon water wells and require any well serving a lot in a subdivision to comply with all regulations applying to a public water system.

Over the past several years, the Commissioners Court has been asked to resolve land use issues for which County governments in Texas do not currently have legal authority to address. In 2007, the Commissioners Court sought, but failed, to get additional authority granted by the Texas Legislature. The Court is considering a renewed attempt to seek additional authority during the legislative session in 2009. Part of that effort is the identification of issues and opportunities that affect the County’s ability to garner support for additional authority.

METHOD FOR IN-DEPTH INTERVIEWS

In total, 27 stakeholders were interviewed on this topic in May and June 2008. Persons interviewed were: (1) zoning, planning and land use attorneys, (2) representatives of community organizations, (3) urban planning and design professionals, (4) land developers, (5) representatives of environmental groups, (6) elected and other public officials, and (7) real estate specialists. Names and contact information for the persons to be interviewed were provided by the County and were elicited during the interviews, themselves (i.e., snowball sampling). The entire list of interviewed persons is presented in Appendix A.

A structured interview protocol, consisting of ten questions was used for all interviews (see Appendix B). Interviews were conducted either in-person or on the telephone at the preference and convenience of the interviewee. Interviews lasted an average of 45 minutes. After each interview, the responses to questions were summarized and these summaries were provided to the interviewee for review. This draft report is a synthesis of those interview summaries. The interview summaries, themselves, remain confidential because they contain identifying information.

These draft research findings need to be considered in context. Interviewees were not a random sample of residents and stakeholders. A special attempt was made to represent a diversity of views on the topic. Still, bias may be present in the individuals who agreed to be interviewed on this topic relative to those who declined to be interviewed.

KEY FINDINGS

- ◆ The majority of persons interviewed support increasing land use authority for Travis County for all unincorporated areas. The reasons for this support were:
 - Unincorporated areas are currently unregulated and this is primarily where future growth will occur (and occur quickly).
 - The Court needs power to plan for the future to prohibit poor land use decisions.
 - County needs authority to address incompatible land uses and basic land use planning.
- ◆ Of those who were not supportive as noted above, about equal minorities favored (a) no increase in land use authority for the County or (b) increasing land use authority for the County only in areas surrounding residential developments.
 - Stakeholders who did not support increased land use authority for Travis County did so for various reasons:
 - County has enough authority already for basic health, welfare, and safety of citizens (i.e., control over subdivision, drainage, and transportation matters).
 - County would follow City of Austin's lead – which was described as wrong and ineffective land use regulation.
 - County will abuse the newly granted authority by increasing taxes and creating regulations to drive land developers out of business.
 - Those who supported limited land use authority (i.e., only in areas surrounding residential developments) felt it was necessary to mitigate incompatible land uses (e.g., industrial next to residential). The persons who held this view believed in property rights, setbacks, and buffers.

POSITIVE OUTCOMES OF INCREASED LAND USE AUTHORITY FOR TRAVIS COUNTY

The three most commonly cited benefits to increased land use authority for Travis County in unincorporated areas were (in rank order):

1. Guarding against incompatible land use
2. Better planning for infrastructure need
3. Protecting of environmentally sensitive areas

There was nearly unanimous agreement that the greatest benefit of increased land use authority for the County in unincorporated areas is to address incompatible use issues (i.e., a rock quarry built in the middle of a residential development). There is currently no way to regulate this type of land use. "Homeowners would enter each land purchase with a stronger understanding and expectation for what could be constructed next to their property."

Also many individuals believed that having increased land use authority would provide the County with a better way to predict development patterns and plan for infrastructure needs. With land use regulations, the County could guide growth to areas in the County best suited to handle new development – and away from

environmentally sensitive areas. “Try to cluster residential development around areas with retail and create more walkable communities.” In the end, there should be better protection of property values – if growth was guided and incompatible land use was discouraged.

While the above positive outcomes were consistently identified, there were other positives mentioned by one or two persons. These were:

- ◆ Set precedence for other counties
- ◆ Reduce (manage) traffic congestion
- ◆ Balance community interests versus individual property rights
- ◆ Defend against “rotten egg” developers
- ◆ Preserve open space
- ◆ Results in better aesthetic appeal to the County as a whole
- ◆ Less costly for services and infrastructure
- ◆ Sustainable use of water supply

NEGATIVE OUTCOMES OF INCREASED LAND USE AUTHORITY FOR TRAVIS COUNTY

Just as most persons interviewed identified potential benefits to increased land use authority for Travis County, most could also identify potential negatives. The key points raised by a majority of persons were

1. Administrative burden the increased authority would have on County resources and staff,
2. Impact of the increased regulations on land developers and land development in the County, and
3. Potential for abuse by the County or neighborhood / special interest groups.

Several persons wondered if the County would have the resources to exercise newly found authority. “The County already has their hands full. Granting them additional authority will only overburden the County and slow down the process.” A whole new administrative apparatus might need to be put in place. How would it fund the necessary increase in manpower? Increase property taxes?

A common opinion was that the new process would be more time consuming and, thus, more costly for developers. These people believed that the increased cost of doing business would be passed onto consumers – resulting in higher housing costs and less affordable housing options. Several persons expressed the belief that the easier it is to develop, the more affordable is the resultant housing. “There is no question that increased regulation causes increased prices of residences.” The increased cost of doing business due to the greater number regulations might make it more difficult for new development firms to enter the housing market. This would restrict competition (in the supply side of the market) and raise new home prices. The increased cost of doing business could serve to drive developers out of Travis County as is happening now in the City of Austin. One interviewee succinctly stated, “developers like certainty.”

The concept of abuse was not directly attributed to Travis County. But several interviewees mentioned a potential negative being that “you could have a situation like in the City of Austin, which has been abusive to development.” Others were more concerned about neighborhood or special interest groups who would pressure the Commissioner’s Court to ban or delay certain types of development. “Neighborhood association would have more power than they already have.”

A few people were concerned that there might be a lack of coordinated approaches between land use plans / regulations between Travis County and municipalities. This would create inefficiencies, as well as market differences that attract or deter growth and development in unanticipated, unintended ways.

BARRIERS TO INCREASED LAND USE AUTHORITY

Stakeholders identified a number of barriers and potential solutions for Travis County to consider when working toward land use authority reform.

- ◆ The Texas Legislature – The State Legislators will be very prudent about giving more power to County Commissioners. The reasonableness of the “ask” will be important. The County needs to articulate the problem that this legislation will solve. While the bill may just address Travis County, it needs to be seen as potentially benefiting a lot of interests, not just Travis County.
- ◆ Home Builders Association / Texas Association of Builders – The development community is seen as being opposed to change on this issue. But it was thought that there are some developers who see the advantage to reasonable control. The County needs to find out “what they would be willing to live with.”
- ◆ Large landowners – They will view this as a mechanism by which they will lose financial equity (i.e., property value). People who are concerned about property values understand that a well-protected area has more value than one that is not.
- ◆ County Residents – How to pay for the increased administrative costs to maintain the new regulations at the County level? County residents would need to be educated about the cost / benefit of any tax increases this might entail.
- ◆ Zero-Growth Lobby – Has the land use planning process has been captured by those who are against growth? Travis County could position itself as the reasonable alternative to this group. The County will need adequate staff and resources to do so. To take on the responsibility without dedicating the necessary resources would be a disservice to all.

WHO SHOULD CARRY THE LEGISLATION?

The County will need someone who the speaker will say “yes” to. Several persons mentioned Kirk Watson, but most felt he should not be the only person to carry this legislation. Thoughts about co-sponsors included: Patrick Rose, Mark Strama, Jeff Wentworth, or Chairman Corona. Or perhaps, it should be a delegation of persons including members from other counties in the MSA.

People recommended that Travis County should be deliberate in how the legislation is written and who is involved in the process. “Whoever Travis County approaches to carry the bill, it should be realistic.” If it is “pie in the sky,” people will feel that it is a waste of their time. The carriers need to be assured that the legislation has a “chance” of being passed. The County might also work with adjoining counties or other urban counties to form the legislation.

COMFORT WITH DIFFERENT LEVELS OF LAND USE AUTHORITY

Stakeholders were asked about their level of comfort with different gradations of land use authority: home rule, comprehensive planning, zoning, and impact fees.

Home Rule: *A clear majority of stakeholders were uncomfortable with Travis County being granted home rule.* There were different reasons for this: (1) it is too big a jump from the current situation of limited regulatory authority to a scenario of home rule authority; (2) it is unnecessary and redundant since one day the entire County will be incorporated as growth continues; (3) the resources that County would need to function

this far above their current levels of authority are too heavy a burden; and (4) the organizational and power structure might be confusing and create organizational chaos.

Only a small minority was comfortable with Travis County being granted home rule status. These persons expressed the view that if the County is going to have increased land use authority that “adds up to anything, home rule is a must.”

Comprehensive Planning: *Virtually all stakeholders believed Travis County should develop a comprehensive plan.* A plan is a starting point for implementing the provision of services and managing the County’s development pattern.

There was agreement that the plan should be simple and straightforward. Most agreed that having the authority to implement the plan was paramount, along with the ability to enforce it. “Plans are just squishy documents – which is nice, but you need the tools to implement.”

There was disagreement about the character of the planning process though. Some thought the planning process should be open and fair with developers, landowners, other agencies, residents having input into the process. Others believed that the County does not have time for a long drawn out public planning process. There was some concern expressed about the cost of the process.

The minority viewpoint was that there is a level of mistrust associated with the County doing comprehensive planning based on past history, particularly with the City of Austin.

Zoning: *The stakeholders were split on their level of comfort with Travis County being granted zoning authority.*

Those in support consistently expressed the ideas that zoning is the means to execute the comprehensive plan but that zoning should be minimal (e.g., basic zoning categories).

Those opposed to granting the County zoning authority were more diverse in their reasons why. Zoning is (1) discretionary and lacks predictability, (2) a lightning rod issue, (3) a cumbersome process, leading to lots of public hearings and judicial oversight; or (4) open to abuses and corruption.

Two stakeholders raised “cons” that were different enough to warrant being separately communicated. One person thought that zoning does not address the real issues faced by County government --- density regulations and natural resource protection. The other person was afraid that the Legislature would treat this as a “test” with Travis County and use it as an excuse to hold off other counties from gaining some authority. “Travis County might screw it up for the rest of us and erode what rights Counties currently have.”

Impact Fees: *Opinions about impact fees fell into three camps: (1) those who felt that it was necessary; (2) those who felt “no way;” and (e) those who felt Travis County already has and uses this authority.*

The first group was by far the largest of the three. These stakeholders felt that impact fees should be available to the County as a way to help pay for services. “Growth does not pay for itself.” “Impact fees make developers pay their fair share.” Those opposed to the County having increased authority with regards to impact fees were either: (1) afraid of abuse, or (2) doubtful that such fees result in meaningful revenues for counties.

COUNTY’S ROLE IN LAND USE DECISIONS OUTSIDE OF MUNICIPAL BOUNDARIES

Who should take the lead role in land use decisions outside of a municipality’s boundary? *By far, stakeholders said “the County commissioners.”*

Until an area is annexed the County has financial responsibility for that area. They are charged with the task of protecting safety and welfare of their citizens, and they are the ones who are accountable to the citizenry. But the County would need the appropriate staff or have an inter-government agreement by which the County would make the decisions and the City would provide the staff.

People had mixed feelings about what to do in the ETJ. Many persons thought joint-authority within the ETJ boundaries would be appropriate since the developed areas will likely be annexed into a municipality eventually. Others thought it has to be a city or the County – it cannot be both. “If Travis County and the City of Austin both had jurisdiction it would be a nightmare. When you have two jurisdictions with authority over the same area, the property owners gets caught in the middle.” These latter individuals tended to think that the County should take the lead. “They are the ones directly representing the constituents affected by land use decisions.” Only a few individuals believed that the County should not weaken City authority in the ETJ.

A lone dissenting voice was against rules outside the city limits at all. “If anyone should take the lead, it’s the state of Texas.”

FUTURE PRIORITIES TO DEAL WITH HIGH GROWTH

By 2030, the population of Travis County is expected to double. If this happens, it will mean more land in the unincorporated areas will be needed for residential housing and developed for roads, schools, and businesses. Stakeholders were asked how much attention Travis County should give to certain land use issues.

- ◆ Planning for growth: Very high priority issue but almost taken as a given – “you have to plan!”
- ◆ Creating buffers for non-compatible uses with 1000’ of residential areas: This was a high priority. “One of the basic reasons the County needs more authority.” “Buffer zoning and safety is of utmost priority.” But there was disagreement on how large the buffers should be. While some thought the 1000’ buffer identified in the question was too large, others thought it was too small. “Where did the 1000’ come from? That’s a lot of land.” “I would like to see this increased to 2000’.” While for others it was just right – “smart bite sized chunk.” “Not sure 1000’ is appropriate for all uses, really depends on the category of land uses.”
- ◆ Assessing development impact fees to provide local arterial roadways: “Fundamental.” “If the County is going to have increased regulatory authority it is going to need revenue generating tools.” This is a priority. County would need to get serious about this if it becomes a priority – enforce existing fees and establish process for review / approving the assessment.
- ◆ Maintaining its rural character: Stakeholders were split as to whether this was a high priority issues. The Austin “brand” is connected to scenic beauty and environmental quality. We have to be careful of protecting the brand. “Identify what’s there, identify future locations, and enact the boundaries.” Many of those who thought this was a priority pointed out that it is “favorable but problematic.” It would be a major challenge for the County. Those who thought it was a low to medium priority believed it was unrealistic. How do you define “rural character?” County is getting more and more urban. “You can’t do both.”
- ◆ Establishing minimum construction standards for residential housing: Stakeholders were again split as to whether Travis County should address this issue as a priority in dealing with future growth. Those who thought it was important felt that developers should be held to a minimum standard for residential housing as a public health/ safety issue. “Standards protect the home buyer, as well as the public agencies that have to enforce the standards.” Others felt the issue was too complex – universal building code and the enforcement issues. Also, one individual pointed out that the state (Texas Residential Construction Commission) already has established minimum standards.

- ◆ Establishing desired development areas: It was viewed as much the same as creating economic development districts below -- “not fundamental.” It is a good tool for targeting land and infrastructure planning but not the highest of priorities for the County. “County would be saying this is where growth should happen.” “Addresses the fact that growth is inevitable and it is just a matter of where.”
- ◆ Creating economic development districts: Like above, this was generally a lower priority issue.



APPENDIX D: ONLINE JAM RECRUITMENT & PARTICIPANTS

INVITATIONS TO PARTICIPATE IN THE ONLINE JAM

Group 1 (Interviewees) – Email A: Send on June 16

SUBJECT: Travis County Land Use Authority – Interview Summary Document Review

Thank you for participating in an interview with <name of interviewer> of NuStats on behalf of Travis County on the topic of land use authority for Travis County. As you know, these interviews are leading to the development of a position paper that reflects the pulse of the greater Austin community on this issue. In July, it will be presented to the Commissioner's Court as an empirical report on the perceived pros and cons, opportunities, barriers, and benefits associated with this issue.

We would like to invite you or a designee– along with the other interviewees – the opportunity to review the position paper and provide us with your comments via our Online Discussion Forum held on **June 27th from 10 a.m. – 12 p.m.** To accept this invitation to join us please contact the session coordinator, Jeff Livingston (jlivingston@nustats.com, or by calling 279-4156) by June 23. You will receive a confirmation email with information on how to enter the online discussion and access to the draft position paper. Your participation is appreciated!

We have selected this venue to receive feedback on the draft document because it enables a free flow of ideas, unlike a conference call or an in-person meeting where ideas or thoughts are offered one at one time, in a very linear and structured manner. The forum will allow you to view other participant's comments and the ability to respond and discuss the issues surrounding land use authority in Travis County. It will be comprised of a moderated session from 10 a.m. to noon on June 27. If you cannot make the moderated session, you can leave your comments throughout the weekend. We look forward to your continued interest and participation in this study.

Group 2 (Others) – Send on June 16

SUBJECT: Travis County Land Use Authority – Interested In Your Opinion

On behalf of Travis County, NuStats LLC (a social policy research company in Austin, Texas) is conducting an unbiased examination of the “pulse” of the greater Austin community on land use authority for Travis County. You were identified by our study team as being knowledgeable on or have interest in this topic and would like to invite you, or a designated representative, to an online discussion to be held on June 27, 2008 from 10 a.m. to 12 p.m. regarding land use authority for Travis County. Reserve time now on your schedule to participate. Your participation is appreciated!

Study Information: As you are well aware, land use decisions can have important implications for transportation mobility, accessibility, safety, environmental impacts, and quality of life. And, so, this study is significant for our community. So far, we have conducted 30+ interviews in order to gather information on the opinions, attitudes, beliefs, and values of a diverse group of key stakeholders including: regional planning agencies; local jurisdiction staff and elected and appointed officials; interest groups, business groups, and environmental interests; the development community; and the general public. In the end, we will present the Commissioner's Court with an empirical report on the perceived pros and cons, opportunities, barriers, and benefits associated with this issue.

Online Discussion Forum: We have prepared a draft report based on the interviews we've conducted to date and are interested in you reviewing the document and giving us your feedback. We have selected this venue as a way to receive feedback on the paper because it enables a free flow of ideas, unlike a conference call or an in-person meeting where ideas or thoughts are offered one at one time, in a very

linear and structured manner. The forum will allow you to view other participant's comments and the ability to respond and discuss the issues surrounding land use authority in Travis County.

To accept this invitation to join us in the online discussion, **please contact the session coordinator, Jeff Livingston (jlivingston@nustats.com, or by calling 279-4156) by June 23.** You will receive a confirmation email with information on how to enter the online discussion and access to the draft position. We look forward to your continued interest and participation in this study.

CONFIRMATION EMAIL (Sent on June 23)

SUBJECT: Travis County Land Use Authority - Online Jam Login Information
Thank you for agreeing to participate in the Online Jam held on June 27th, 10am-12pm. Below you will find the login information.
Website: <http://forums.nustats.com/jam>
User Name:
Password:

We encourage you to log into the website now to assure you have access to the website. Once you have logged on and reached the "Welcome" page, you will have access to the following:

- 1) Online Jam Agenda
- 2) Information on How To Participate
- 3) Quick Tips
- 4) Draft Document (this will be made available on Wednesday, June 25 at 5pm).

If you have any questions please contact Jeff Livingston at jlivingston@nustats.com, or by calling 279-4156.

PARTICIPANT LIST (LEVEL OF ACTIVITY MEASURED BY NUMBER OF RESPONSES)

1. Hector Gonzales, Village of Webberville (13 Responses)
2. Stephen Butler, Graves, Daugherty, Hearon & Moody (10 Responses)
3. Karen Rankin, League of Women Voters (8 Responses)
4. Sybil Autrey, Attorney at Law (7 Responses)
5. Harry Savio, Central Texas Homebuilders Association (6 Responses)
6. Bob Huthnance, Frost Bank (5 Responses)
7. Sergio Lozano, LOC Consultants, LLP (3 Responses)
8. Christy Muse, Hill Country Alliance (3 Responses)

*Individuals who agreed to participate but were not active in the online discussion: Alan Haywood, Graves Daugherty, Hearon, & Moody; Terry Mitchell, Momark Development, LLC; Steve Adler, Barron, Adler & Anderson, L.L.P.; Steven Rhinehart, Point North HOA; Pete Dwyer, Dwyer Realty Companies; Chris Gilmore, Travis County Attorney's Office; Mel Wrenn, Travis County Housing Authority; John Kuhl, Hicks & Company; Kent Butler, University of Texas; Vernagene Mott, PISD



APPENDIX E: ONLINE SURVEY QUESTIONNAIRE

Survey Title: Citizen Survey on Land Use Authority for Travis County

Intro Page: Welcome to the survey! Travis County Commissioners Court is interested in the public's opinion regarding changes in State law to grant Travis County additional land use authority. To begin, please click on the "Continue" button below.

1. In general, how would you describe your knowledge of land use issues in Travis County?
 - a. Very knowledgeable
 - b. Somewhat knowledgeable
 - c. Not very knowledgeable at all

Background Page: Please read the Helpful Information below or continue with the survey by clicking on the "Next" below:

"Land use" refers to the way land is developed and used (i.e., agriculture, residences, manufacturing, retail, etc.). How land is developed can have important implications for transportation mobility, accessibility, safety, environmental impacts, and quality of life.

"Unincorporated Area" refers to an area that lies outside a city/municipality's corporate limits.

Land Use authority in Texas:

- Cities have the home rule authority to adopt any land use ordinances within their corporate limits.
- Counties can only exercise the explicit and limited land use authority granted to it by the State legislature and only within the unincorporated area.

Background and Goal of the Survey:

With increased population growth, the Travis County Commissioners Court is receiving requests to provide greater controls over land use in the unincorporated areas. In order for Travis County to respond to such requests, new laws granting increased land use authority would need to be adopted by the Texas Legislature.

Through this survey, the Commissioners Court wants to better understand whether its residents would support seeking of such legislative initiatives.

1. To what level do you agree or disagree with the following statement:

"Travis County Commissioners Court should have greater land use authority in unincorporated areas within the County?"

- a. Strongly Agree (Continue to Q2)
 - b. Agree (Continue to Q2)
 - c. Neutral (Skip to Q6)
 - d. Disagree (Skip to Q4)
 - e. Strongly Disagree (Skip to Q4)
2. If agree (a or b): What are the reasons you support increased land use authority for the County? (Mark all that apply)

- a. More orderly and planned growth in Travis County
 - b. Protect property values by controlling what can be built where
 - c. Protect open space or rural character
 - d. Limit adverse uses of the land (e.g., dangerous industrial uses, such as tank farms)
 - e. Maintain environmental quality
 - f. Protect water quality
 - g. Protect homebuyers from unscrupulous developers.
 - h. Other reason: (write in)
3. What is the main reason you support increased land use authority for the County? (Mark only one.)
- a. More orderly and planned growth in Travis County
 - b. Protect property values.
 - c. Protect open space or rural character.
 - d. Limit adverse uses of the land (e.g., dangerous industrial uses, such as tank farms)
 - e. Maintain environmental quality
 - f. Protect water quality
 - g. Protect home buyers from unscrupulous developers.
 - h. Other reason: (write in)

(ALL Respondents who answer Q3 SKIP TO Q6)

4. If disagree (d or e): What are the reasons you do not support increased land use authority for the County? (Mark all that apply)
- a. Do not want more government controls.
 - b. Housing costs may increase.
 - c. County commissioners have too much power already
 - d. It will drive developers and development out of Travis County
 - e. The County does not have the staff or resources to handle the increased responsibilities.
 - f. It takes away the control of private land from the land owners.
 - g. It will contribute to an increase in lawsuits.
 - h. Market forces should determine where growth occurs
 - i. Other reason: (write in).
5. What is the main reason you do not support increased land use authority for the County? (Mark only one.)
- a. Do not want more government controls.
 - b. Housing costs may increase due to increased development ordinances
 - c. County commissioners have too much power already
 - d. It will drive developers and development out of Travis County
 - e. The County does not have the staff or resources to handle the increased responsibilities.
 - f. It takes away the control of private land from the land owners.
 - g. It will contribute to an increase in lawsuits.
 - h. Market forces should determine where growth occurs
 - i. Other reason: (write in).
6. To what level do you agree or disagree with the following statement:
- “The Commissioners Court should seek the authority to determine where growth should & should not occur in the unincorporated areas of the County?”
- a. Strongly Agree
 - b. Agree

- c. Neutral
- d. Disagree
- e. Strongly Disagree

7. To what level do you agree or disagree with the following statement:

Travis County Commissioners Court should seek the authority to determine what types of activities (i.e., manufacturing, retail, industrial, farming, residential) should be allowed on parcels of unincorporated land in the County?

- a. Strongly Agree
- b. Agree
- c. Neutral
- d. Disagree
- e. Strongly Disagree

8. Within Travis County, who should take the lead role in land use decisions outside a city's municipal boundaries or in the unincorporated areas?

- ~~a.~~ Travis County
- ~~b.~~ Municipalities
- c. County and Municipalities
- d. Don't Know

9. What is your level of confidence in the abilities of the Travis County Commissioners Court to fairly regulate development in the unincorporated areas of the County?

- a. A lot of confidence
- b. Some confidence
- c. Not much confidence
- d. Don't know

10. By 2030, the population of Travis County is projected to double. If this happens more land in the unincorporated areas will be needed for residential housing and will be developed for roads, schools, and businesses. Looking into the future, how much attention should Travis County give each of the following land use issues?

[FYI, the U.S. Census bureau projects TX population increase from 2005 to 2030 from 22,928,508 to 33,317,744. The Texas State Demographer's office projects the population increase from 22,928,508 to 36,427,031]

- 1. Planning for future growth
- 2. Maintaining rural character such as Hill Country and Blackland Prairie
- 3. Creating buffers for incompatible land uses (e.g., landfills, industrial) near residential areas
- 4. Establishing desired development areas such as activity centers or transit oriented developments
- 5. Creating economic development districts
- 6. Levying impact fees-on developers to pay for infrastructure (roads, drainage, etc.)
- 7. Establishing minimum construction standards for residential housing

For each

- a. Considerably more attention
- b. Somewhat more attention
- c. Less Attention
- d. No Attention

- e. Don't know
11. Is your primary residence located within Travis County?
- a. Yes (Continue to Q12)
 - b. No (Skip to Q17)
12. Where in Travis County is your primary residence located?
- a. Within City of Austin municipal boundary
 - b. Within a municipal boundary other than City of Austin
 - c. Within Travis County, outside of a municipal boundary
13. Would you describe the area of your primary residence as:
- a. Urban
 - b. Suburban
 - c. Rural
 - d. Don't Know
14. How long have you lived in your primary residence?
- a. Less than 1 year
 - b. 1-5 years
 - c. 6-10 years
 - d. 11-20 years
 - e. Over 20 years
15. Is your primary residence best described as:
- a. Single-family home
 - b. Duplex
 - c. Apartment
 - d. Condominium
 - e. Mobile Home
16. For your primary residence, do you currently:
- a. Own
 - b. Rent
 - c. No housing costs, live with parents, relatives, etc
 - d. Other (specify)
17. Do you currently own undeveloped property in Travis County?
- a. Yes (Continue to Q18)
 - b. No (Skip to THANK)
18. Where in Travis County is your undeveloped property located?
- a. Mostly, within a municipal boundary
 - b. Mostly, within the Extra Territorial Jurisdiction (ETJ) of a municipality
 - c. Mostly outside a municipal boundary and ETJ's of Travis County

19: Is the undeveloped property currently being farmed or ranched?

- a. Property is NOT currently being farmed or ranched
- b. Property is being farmed or ranched
- c. There are future plans for the property to be farmed or ranched.
- d. There are NO future plans for the property to be farmed or ranched.
- e. Don't Know

20: What are your future plans for the undeveloped property?

- a. Keep it in family, pass to heirs
- b. Sell full tract, no development plans
- c. Sell full tract to developers
- d. Subdivide and sell portions to developers
- e. Other (specify)

21: What is the zip code of your primary residence?

22: Do you have an opinion on the issue of increased land use authority for Travis County Commissioners Court that was not captured by our survey? If so, please let us know what it is below.

THANK: Thank you for your participation in this survey.