

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, July 11, 2016 8:16 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D-11122015-056
Attachments: Eccleston.pdf

DIS
102181

From: tgraham192@gmail.com [mailto:tgraham192@gmail.com]
Sent: Friday, July 08, 2016 10:31 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D-11122015-056

REGULATED ENTY NAME MEYER RANCH MUD

RN NUMBER: RN108874629

PERMIT NUMBER: D-11122015-056

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: MEYER RANCH MUD

CN NUMBER: CN605008176

FROM

NAME: MR Terrell Lee Graham

E-MAIL: tgraham192@gmail.com

COMPANY:

ADDRESS: 18645 STATE HIGHWAY 239 W
KENEDY TX 78119-4739

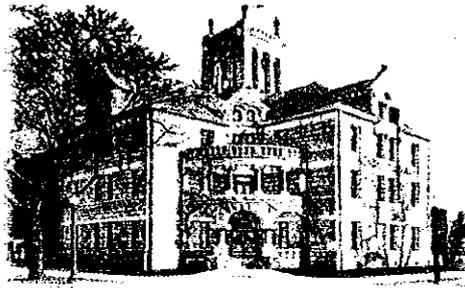
PHONE: 3614438971

FAX:

COMMENTS: Please find attached a letter from Comal County Commissioner Donna Eccleston to the TCEQ Commissioners. Comal County Commissioner Eccleston clearly describes that there is not a public necessity or need for Meyer Ranch MUD. Meyer Ranch MUD is not feasible as determined by the Comal County Commissioners' Court. In a recent, similar case the court noted, "The Commission concluded that "the

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proposed District,” not the proposed development, “is not economically feasible in accordance with § 51.021(a)(1) of the Water Code.” The Commission further concluded that “there is not a public necessity or need for the proposed District as required by § 51.021(a)(3) of the Water Code.” The Commission made its finding clear: “Without the need for the proposed development, there is no need for utility services, no need for a governing body, and no need for the District .”” Galilee Partners, L.P. v. Texas Comm'n on Env'tl. Quality, No. 11-12-00033-CV, 2014 WL 358287, at *4 (Tex. App. Jan. 31, 2014). Surely, the elected officials closest to the citizens of Comal County understand better than Commissioners of the TCEQ the local feasibility, need and necessity of creating a special purpose district. It is respectfully requested that the Commissioners of the TCEQ deny the petition to create Meyer Ranch MUD without the further delay of a contested case hearing.



Comal County
Donna Eccleston
Commissioner Precinct 1

January 6, 2015

Texas Commission on Environmental Quality

Brian Shaw, *Chairman*

Toby Baker, *Commissioner*

Jon Nierman, *Commissioner*

Richard A. Hyde, *Executive Director*

RE: Petition for Creation of Meyer Ranch Municipal District of Comal County
TCEQ Internal Control No. D 11122015-056
CN: 605008176 RN: 108874629

Dear Sirs,

I am writing to you to communicate my deep seated concerns about a Municipal Utility District being created for the Meyer Ranch Development in Comal County. I do not think a MUD is in the best interests of our citizens.

The developers of Meyer Ranch tried to create a WCID under Chapter 51 Texas Water Code through Commissioners Court. They did not meet the test of two of the four requirements, one of which was need for the district and were denied by Commissioners Court.

We have several statutorily created Water Control and Improvement Districts in Comal County. They were carefully crafted to protect our citizens. A Municipal Utility District would not provide these fail safes for the citizens both outside and inside the MUD boundaries. Attached please find language from the statutorily created WCIDs that is of extreme importance as well as an attachment of Comal County Commissioners Court Minutes from March 12, 2014 in reference to the Petition for Creation of Meyer Ranch WCID.

I respectfully request you give these issues serious consideration. I cannot emphasize enough the concerns of the citizens surrounding this property.

Respectfully,

Donna Eccleston



Special District Local Laws Code Section 9037

Sec. 9037.004. CONSENT REQUIRED. (a) The temporary directors may not hold an election under Section 9037.003 until

(3) an agreement that addresses the provision of water and wastewater treatment to the land in the district has been approved and entered into by:

(B) the commissioners court of each county in which the district is located;

(4) the commissioners court of each county in which the district is located has issued an order making the findings under Sections 51.021(a)(1), (2), (3), and (4), Water Code; and

(5) the commissioners court of each county in which the district is located has approved and entered into an agreement with the district that must include, but is not limited to, provisions relating to the use of county right-of-way, the district's exercise of the power of eminent domain outside the boundaries of the district, drainage serving the land in the district, platting of land in the district, and the provision of water and wastewater treatment to the land in the district.

the Edwards Aquifer Recharge Zone through neighboring property and into the Comal River.

3. It is not practical. Its creation will cause an unnecessary burden on the future property owners through the creation of or the additional increases in taxes to pay for the funds to pay for the WCID.

Terrell Graham stated for more than a year, they have been fighting the Developer of the Johnson Ranch Development. Their fight started with the Waste Water Treatment Plant permit and because they oppose it they are threatening to take their property. Mr. Graham asked the Commissioners not allow something like this to happen to the Friends of the Dry Comal Creek.

Hearing no one else, Judge Krause closed the Public Hearing.

ATTACHMENT #8

ACTION AGENDA ITEM #9

MARCH 12, 2015

Discuss and consider the Petition for Creation of Meyer Ranch Water Control and Improvement District, and take appropriate action.

Tillman Roots, Assistant Criminal District Attorney, stated the following from Texas Water Code Chapter 51.021. The Commissioners Court shall grant the Petition creating the District if it makes four findings. Those four findings are:

1. Organization of the District as requested is feasible and practicable;
2. The land to be included and residents of the proposed District will be benefited by the creation of the District;
3. There is a public necessity or need for the District; and
4. The creation of the District would further the public welfare.

Mr. Roots stated if the Court fails to make any of those four findings it shall not create the District.

Judge Krause asked if there were any questions or comments from the Court. Hearing no one, he asked what the pleasure of the Court is.

Commissioner Eccleston stated in reference to Action Agenda Item #9 under Section 51.021 subsection (b) of the Water Code. If the Court fails to make the four findings required by subsection (a) it shall refuse to grant the petition. Commissioner Eccleston stated, "I move that the Court finds the following:

1. Under requirement 3, there is no public necessity or need for the District. There is no housing shortage in that area of the County and there are no

impediments to development in that area of the County under existing statute and County Orders.

2. Under requirement 4, the creation of the District does not further the public welfare because there is no need for the District. It would be another unnecessary layer of bureaucracy and increase taxes."

Commissioner Eccleston stated "Being that requirements 3 and 4 have not been met, there is no reason to address the first two requirements. As such, I move to deny the Petition for creation of Meyer Ranch Water Control and Improvement District." The motion was seconded by Commissioner Crownover.

Judge Krause stated we have a motion by Commissioner Eccleston, a second by Commissioner Crownover to deny the Petition for the Meyer Ranch Water Control and Improvement District. All voting "AYE," the motion carried.

Judge Krause asked if there were any comments from the Petitioner. Hearing none, Judge Krause moved onto the next agenda item.

ATTACHMENT #9

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, June 09, 2016 3:37 PM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D11132015056

From: tgraham192@gmail.com [mailto:tgraham192@gmail.com]
Sent: Thursday, June 09, 2016 1:41 PM
To: DoNot Reply <donotreply@tceq.texas.gov>
Subject: Public comment on Permit Number D11132015056

DIS
102181

REGULATED ENTY NAME MEYER RANCH MUD

RN NUMBER: RN108874629

PERMIT NUMBER: D11132015056

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: MEYER RANCH MUD

CN NUMBER: CN605008176

FROM

NAME: MR Terrell Graham

E-MAIL: tgraham192@gmail.com

COMPANY:

ADDRESS: 18645 STATE HIGHWAY 239 W
KENEDY TX 78119-4739

PHONE: 3614438971

FAX:

COMMENTS: Please deny the petition to create Meyer Ranch MUD. The Comal County Commissioners voted last year against creation of essentially the same district. They found that there was not a public need or necessity to create the district. Also, please correct the county to Comal County instead of Travis. Thank you.

MW