City of Hemphill

Planning & Capacity Studies 2023-2033

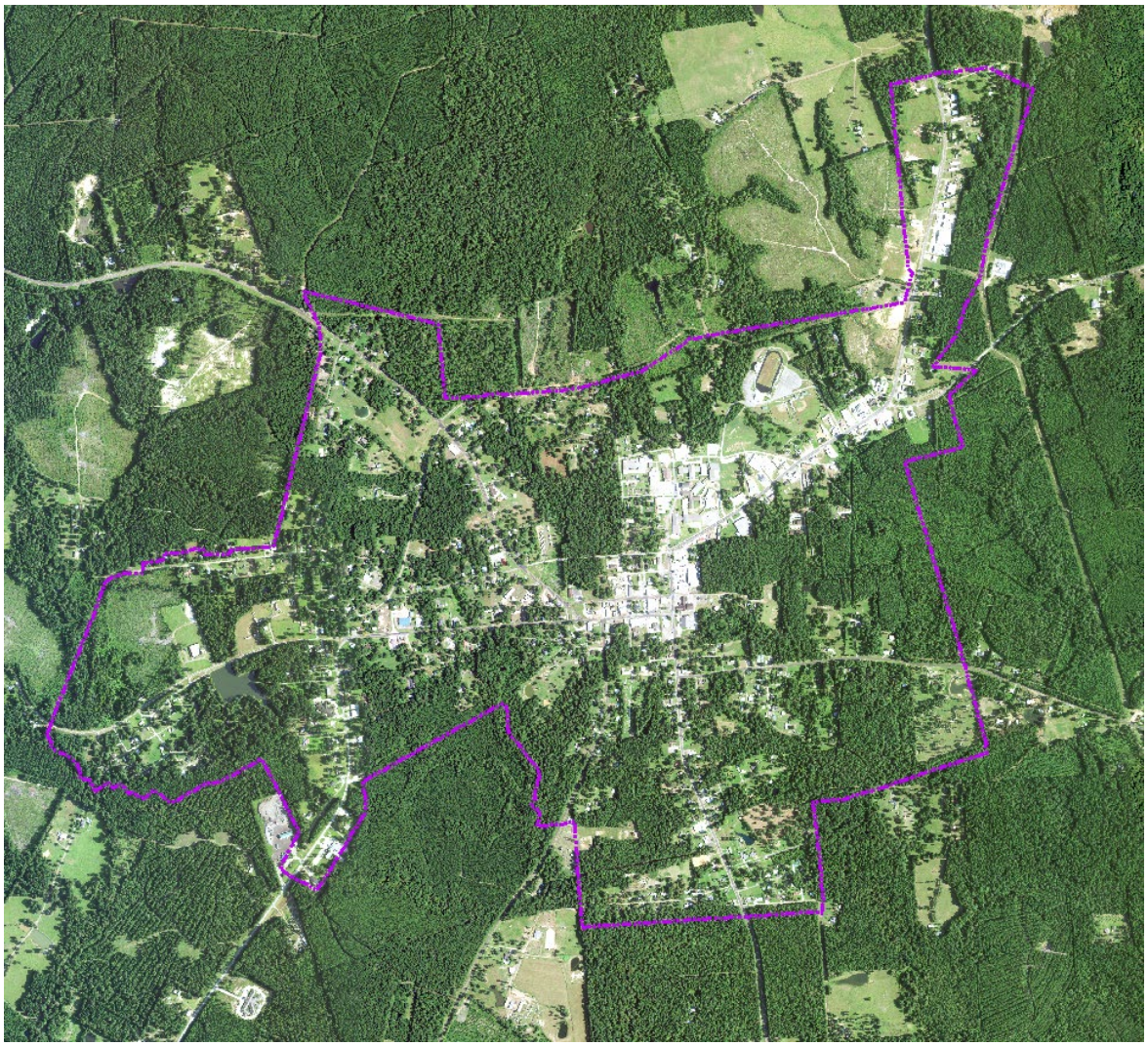
Contract #CPC21-0517

Volume I: Text

FINANCED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE.
The preparation of this document was financed through provisions of a Texas Community Development Block Grant Program (TxCDBG) grant from the U.S. Department of Housing and Urban Development.

GrantWorks

City of Hemphill



Texas Community Development Block Grant Program
Planning Study 2023-2033

TxCDBG CONTRACT # CPC21-0517

Population, Housing, Land Use, Storm Drainage, Streets, Central Business District, Capital Improvements Program, Zoning

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1 Community Goals & Objectives

A comprehensive plan is a document that expresses a community's visions for its future and establishes goals and objectives to help achieve that vision. It provides guidance to local government, decision-makers, and leaders, as well as property owners, businesses, and developers.

A comprehensive plan:

- Provides detailed information about what a city looks like and how it functions
- Articulates a future vision for the city based on the community's needs and desires
- Identifies specific goals and objectives to help achieve the vision
- Provides a framework for policy decisions and physical development
- Covers a long-term time frame of 10-to-20 years
- Is integrated with other planning documents, studies, and initiatives carried out by local and regional government

Texas cities are not legally required to adopt a comprehensive plan but communities all around Texas increasingly see comprehensive planning as an important resource.

By defining a city's goals and objectives, comprehensive plans provide a guide from which to make decisions about the policies that shape local development and community character, as well as the legal and political support for those regulations. Defined goals and objectives also support strategic, financial decision-making by providing key information for budgeting and capital improvements programs.

Once complete, a comprehensive plan represents not only a sophisticated set of data about a city but also a set of priorities and specific projects established by the community that local leadership can use to move the city into the future.

1.1 Developing a Vision

Community goals and objectives guide the recommendations throughout this comprehensive plan.

Hemphill's goals and objectives were developed through input from a community survey and a public planning workshop, as well as interviews and correspondence with municipal staff. The community survey was posted online using Survey Monkey for 50 days between December 22, 2022 and February 10, 2023. The City of Hemphill hosted the planning workshop at City Hall on February 1, 2023.

Input from the community survey and planning workshop can be expressed as a community vision statement that describes residents' hopes for what Hemphill might be like in 2033:

CITY OF HEMPHILL COMMUNITY VISION STATEMENT

In 2033, Hemphill will be an affordable and attractive community that provides excellent services. The city will be characterized by:

- *A family-oriented, rural feel,*
- *Diverse housing opportunities affordable to and serving the needs of residents of varying economic means and life stages,*
- *A local economy and vibrant city center that allows residents to meet many of their needs in downtown Hemphill,*
- *Improved street conditions supported by a well-maintained storm drainage system, and*

1.2 Planning Workshop

On February 1, 2023, 22 residents gathered at Hemphill City Hall The planning workshop gathered information from attendees with a hands-on method using maps, markers, and stickers. Rather than limiting input to dialogue, attendees were encouraged to interact with maps to solicit information and collect qualitative data on how they move around their city, places of pride to preserve, and areas that could see improvement.

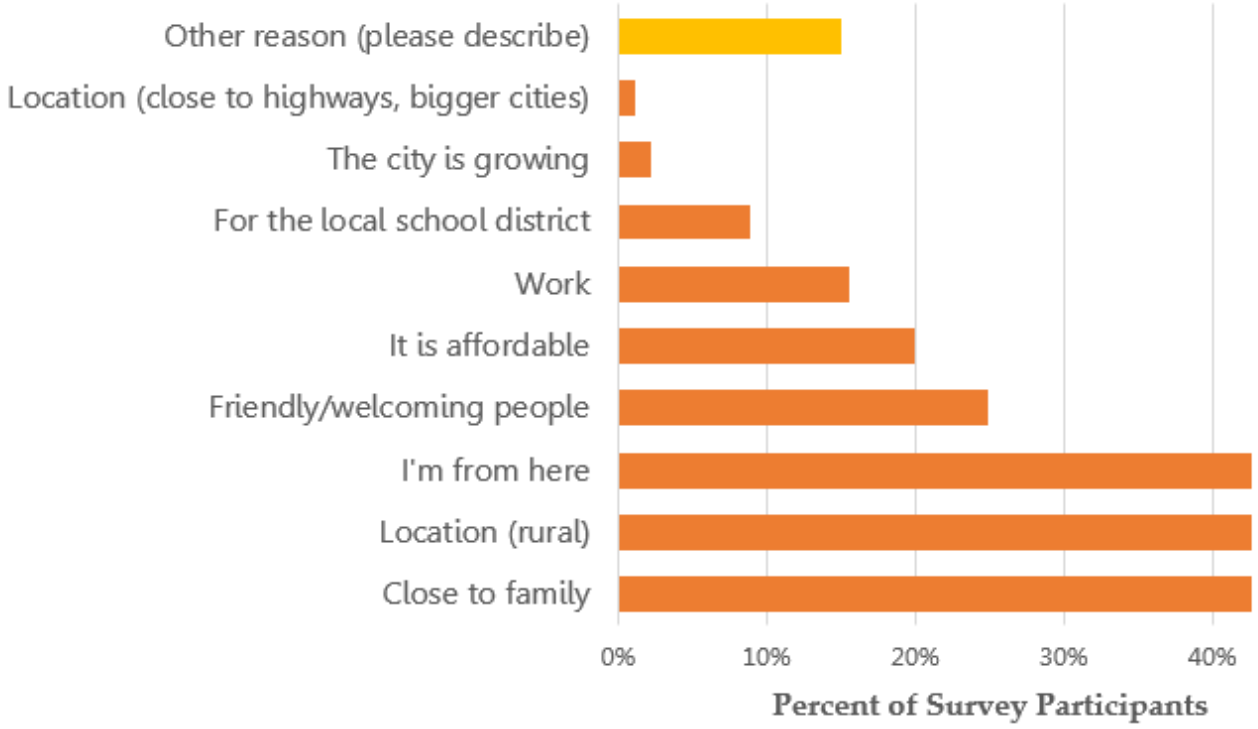
Figure 1A: Hemphill Planning Workshop

1.3 Survey Summary

181 participants filled out Hemphill's 14-question community planning survey.

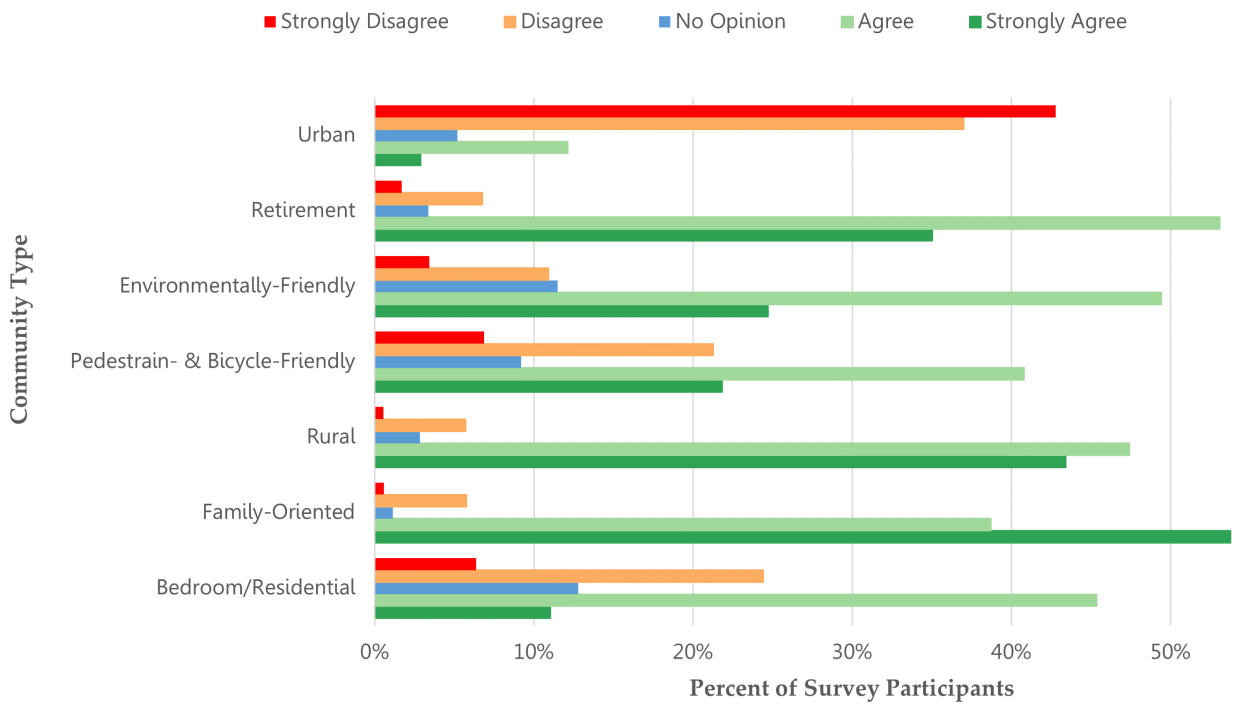
The following charts summarize survey responses. To the extent possible, alternative responses and open-ended comments were consolidated into additional categories.

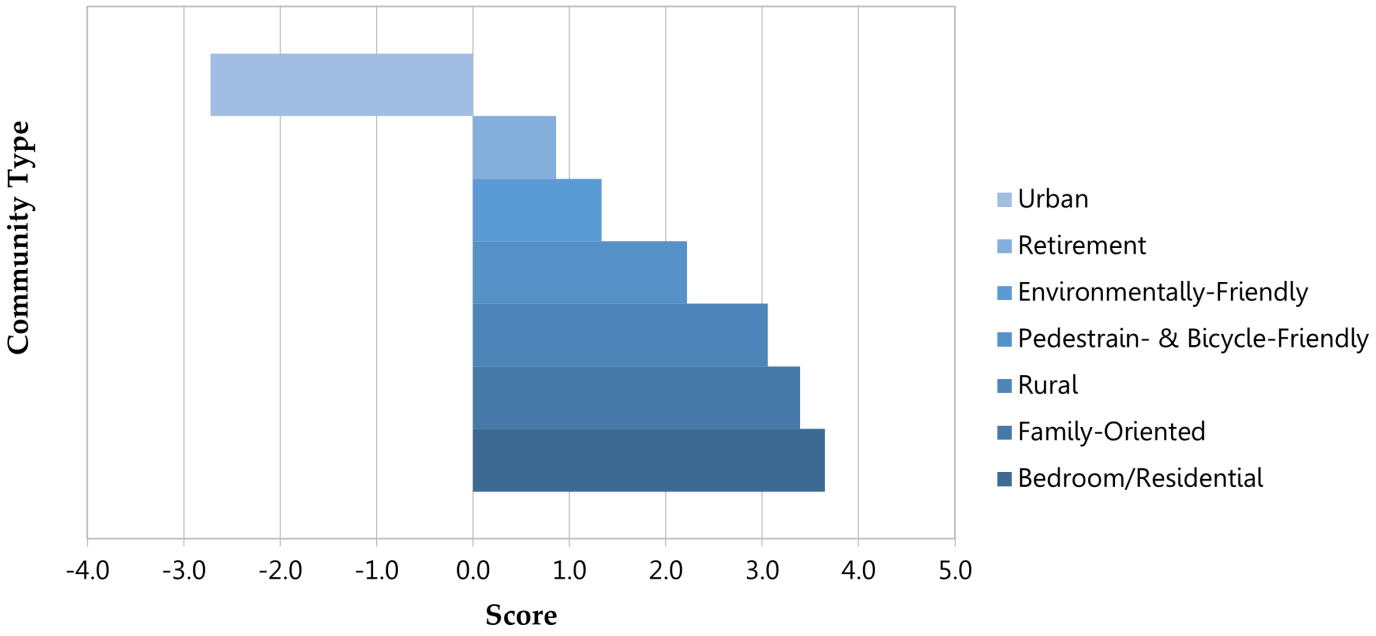
1. Why is Hemphill your home?



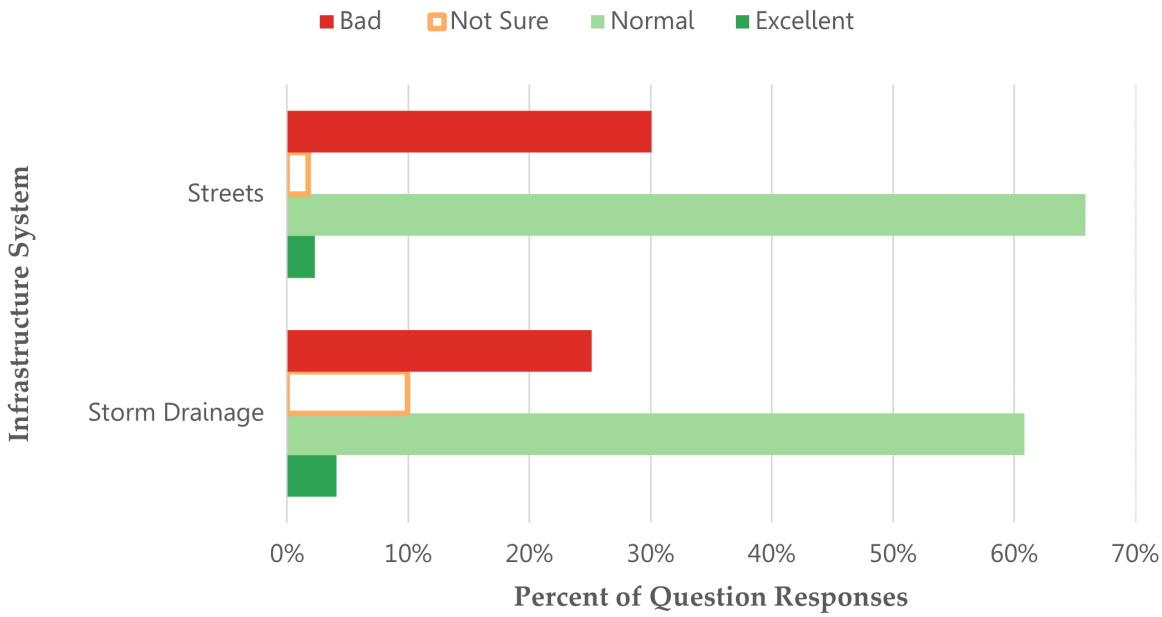
Respondents that answered 'other' mention the city's proximity to Toledo Bend Lake, work, and retirement as reasons why Hemphill is their home.

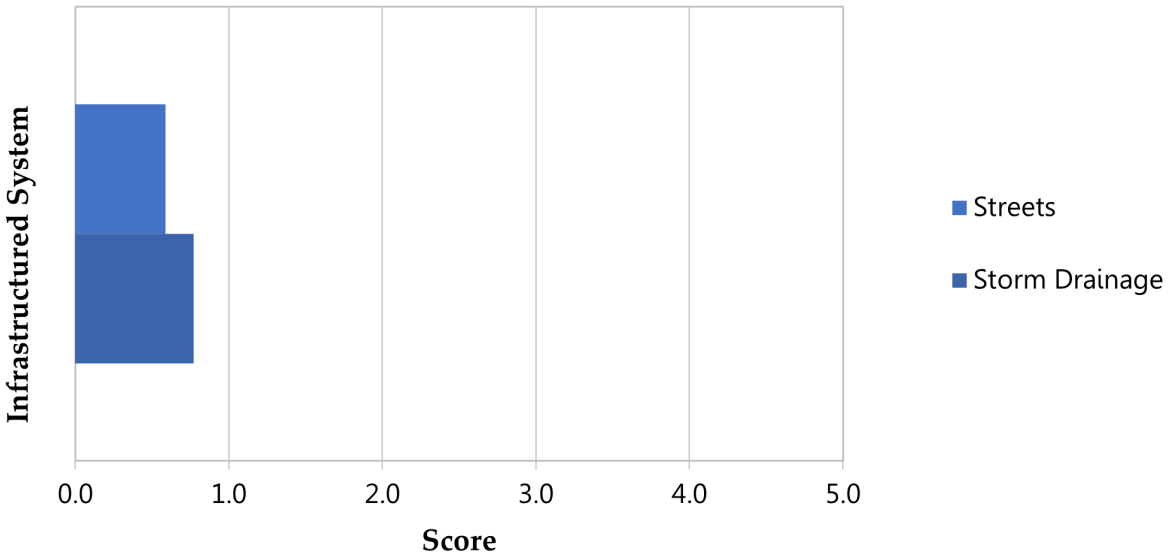
2. How much do you agree or disagree with the following statements about the kind of community Hemphill should be?





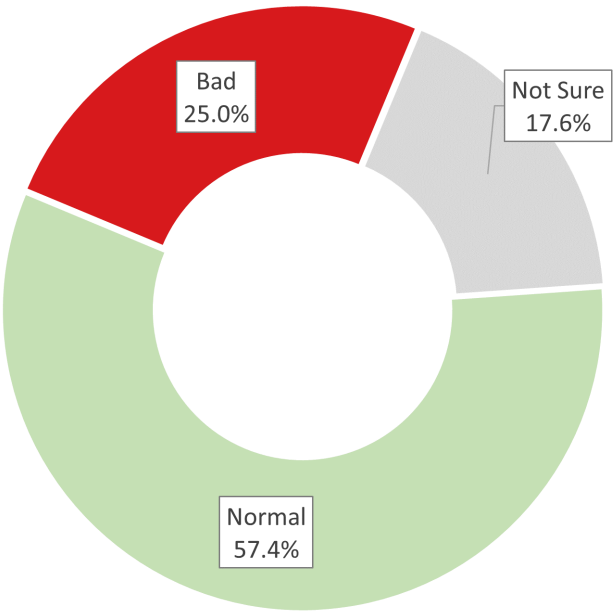
3. Please rate the quality and reliability of these services/systems in Hemphill.





System	"Bad" Ranking Comments
Streets	Potholes, narrow, heavy truck traffic, poor signage, poor lighting
Storm Drainage	Runoff, flooding, road damage, standing water, undersized drainage ditches and culverts

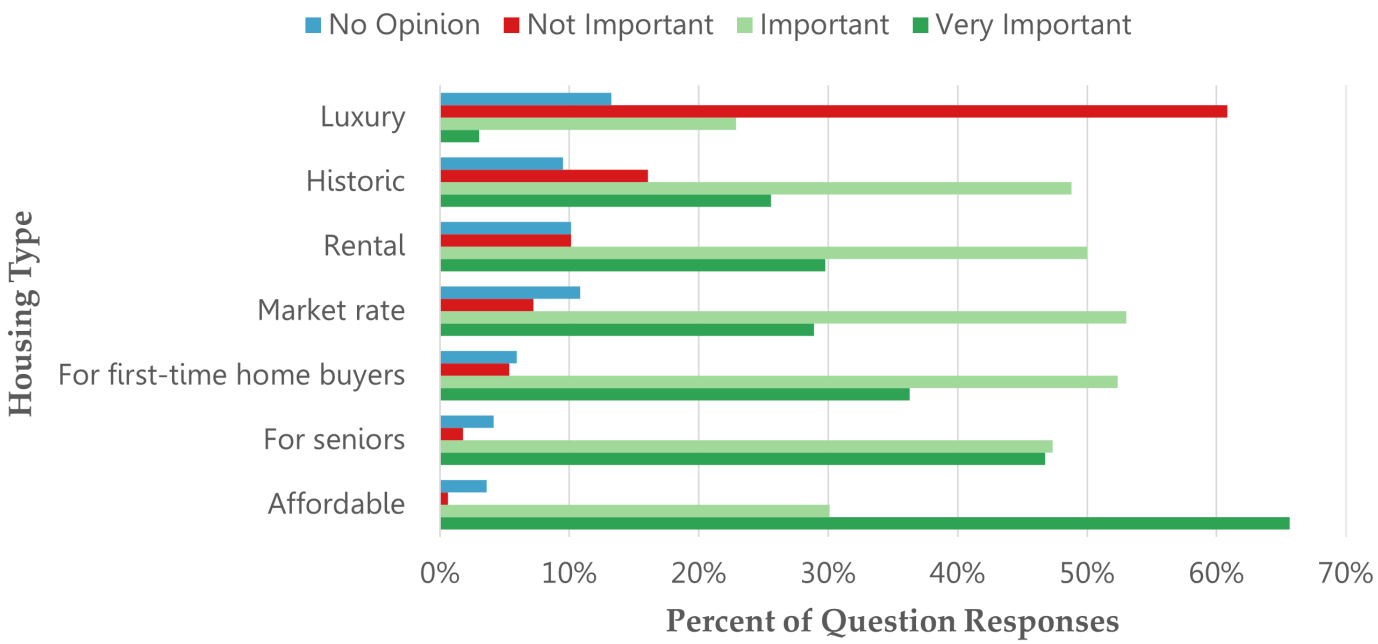
4. **What is the general condition of houses in Hemphill?**

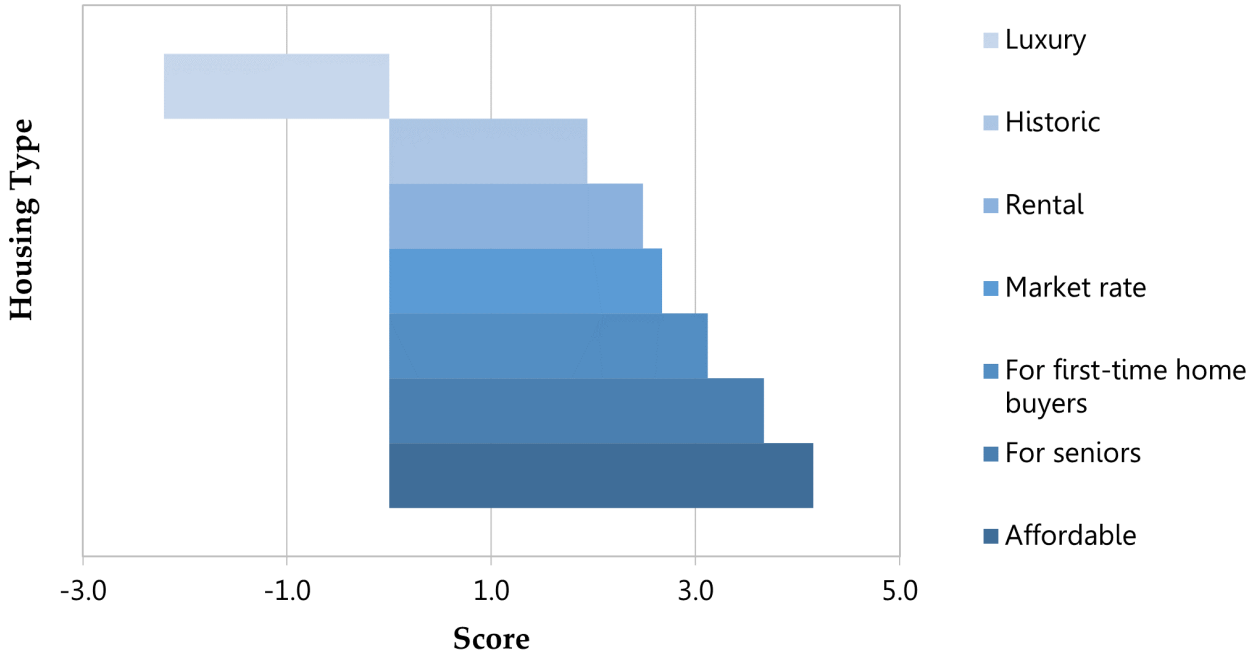


Key concerns include:

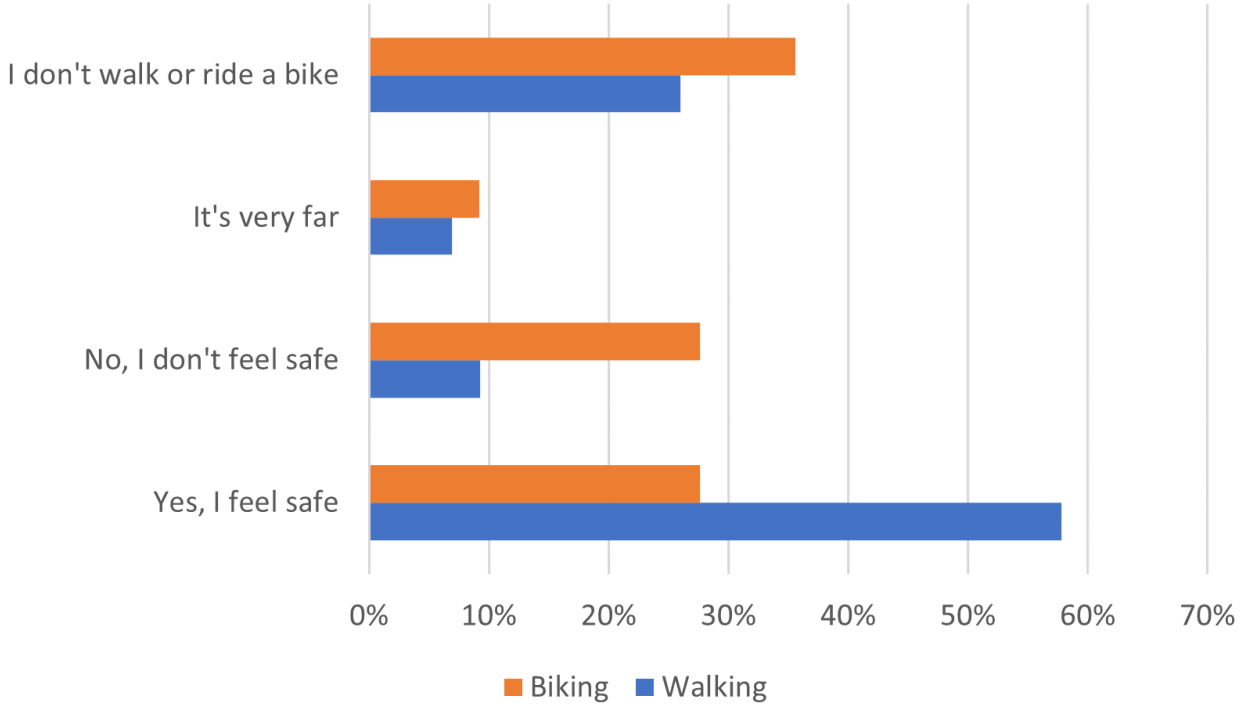
- Abandoned/unoccupied structures; health and safety hazards
- Yard conditions and maintenance (debris)
- Appearance (painting, "run-down")
- Aging housing supply, not enough newer homes being built

5. How important are these types of housing?

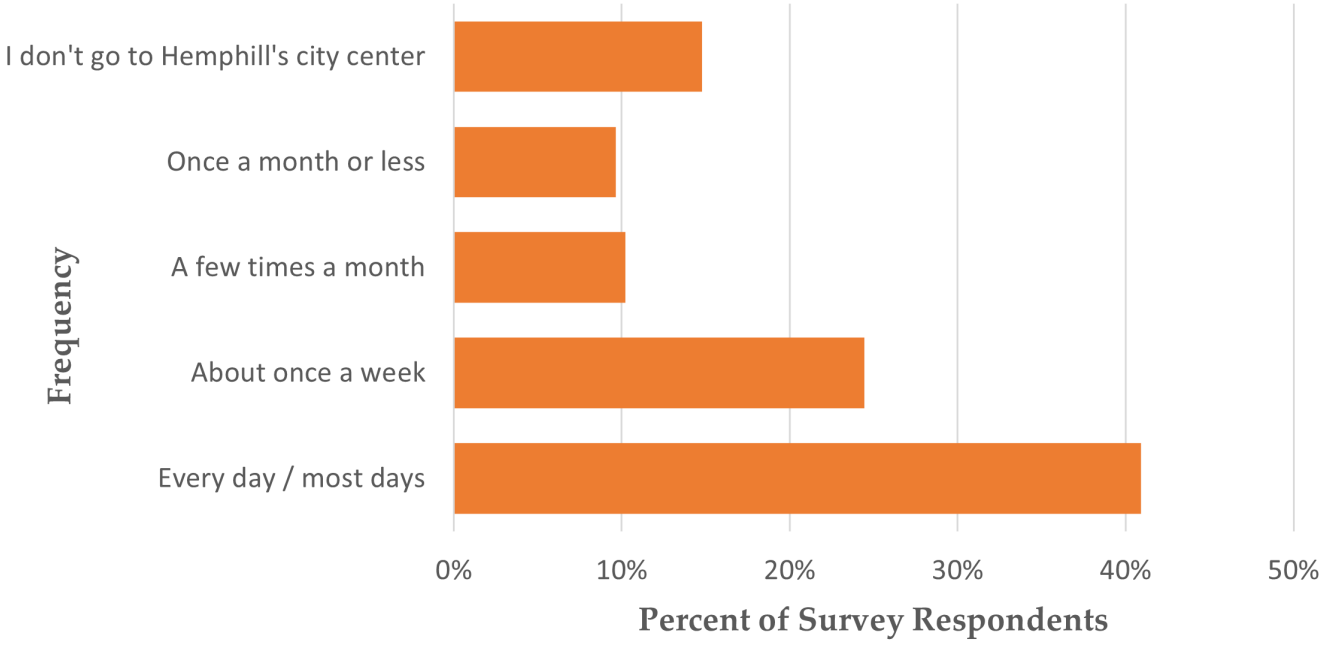




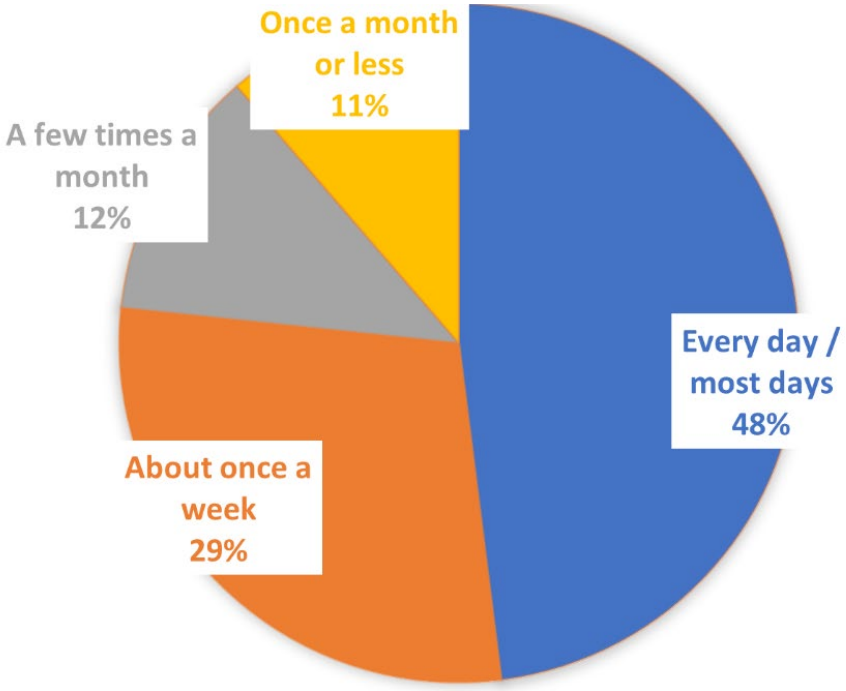
6. Do you feel safe walking or biking to Hemphill's city center?



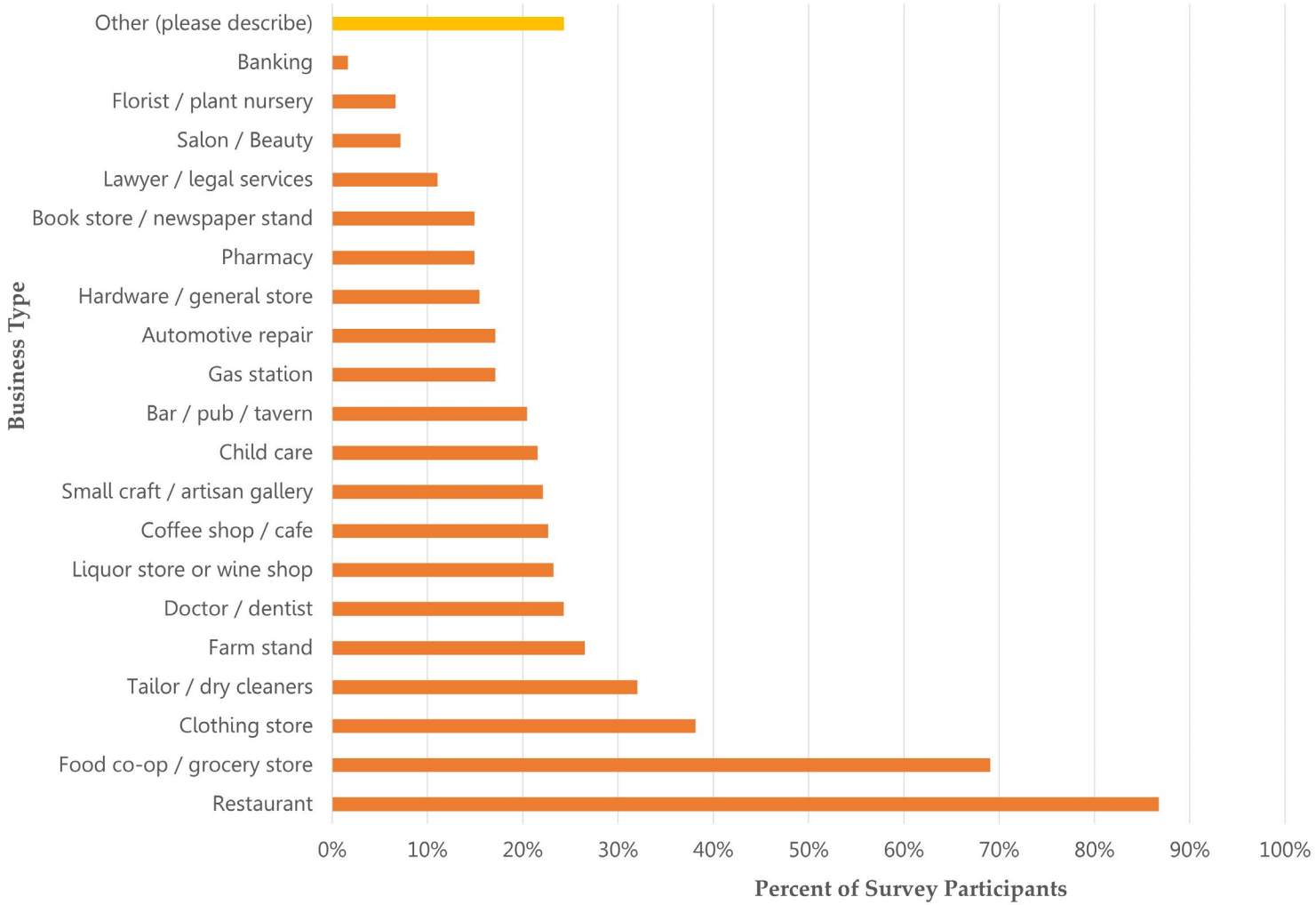
7. How often do you visit downtown Hemphill?



Downtown Visitors Only

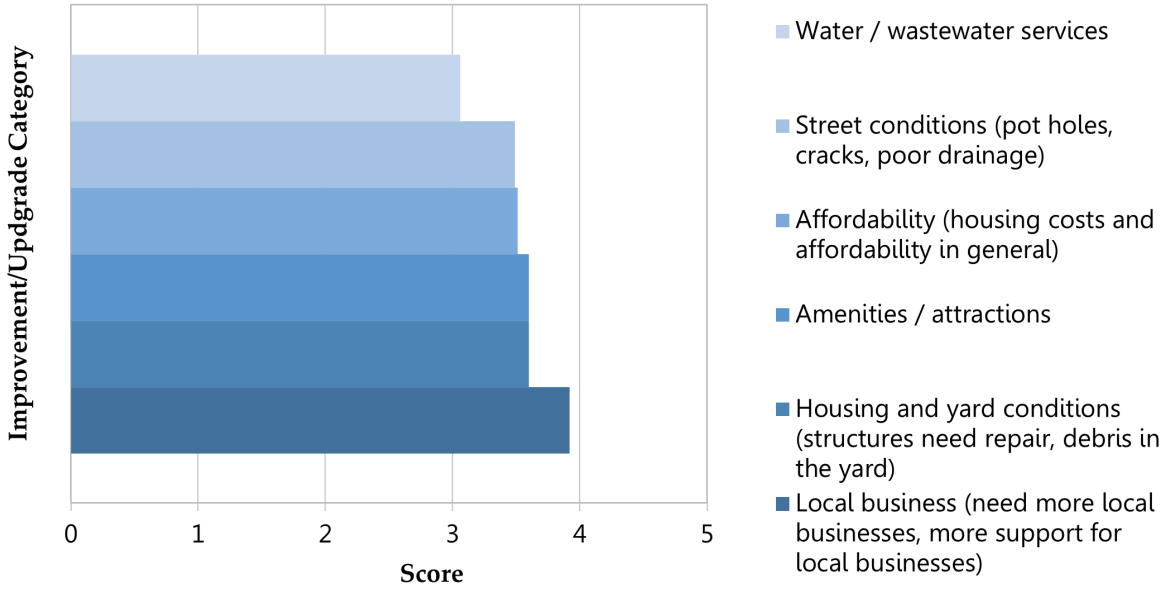


8. Which of the following businesses would you like to have, or have more of, in downtown Hemphill?

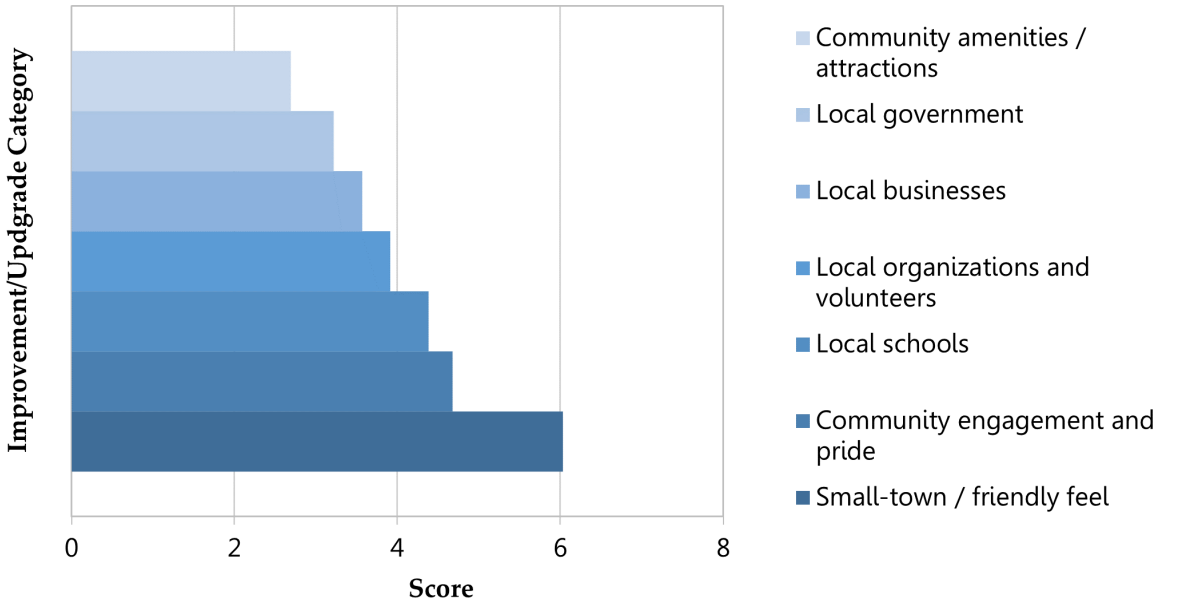


Respondents who chose to answer 'other' mention welcoming game shops, boutiques, flea markets and convenience stores.

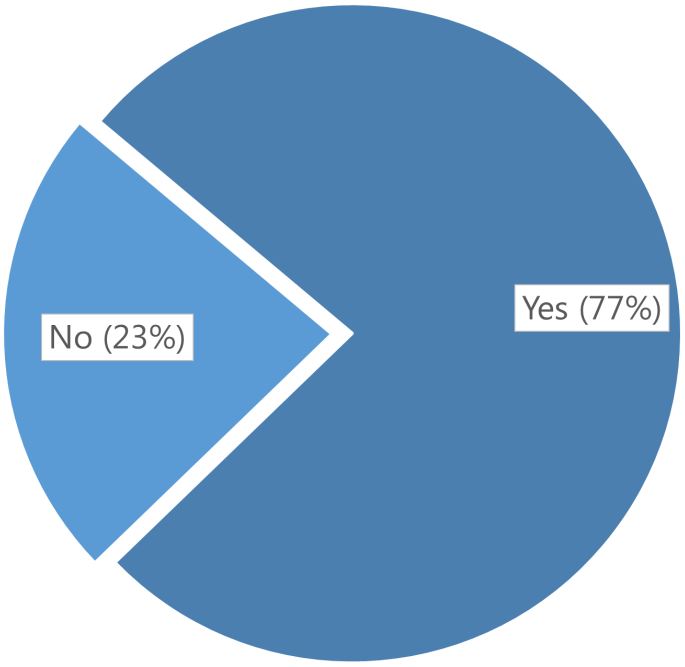
9. What are Hempstead's key challenges?



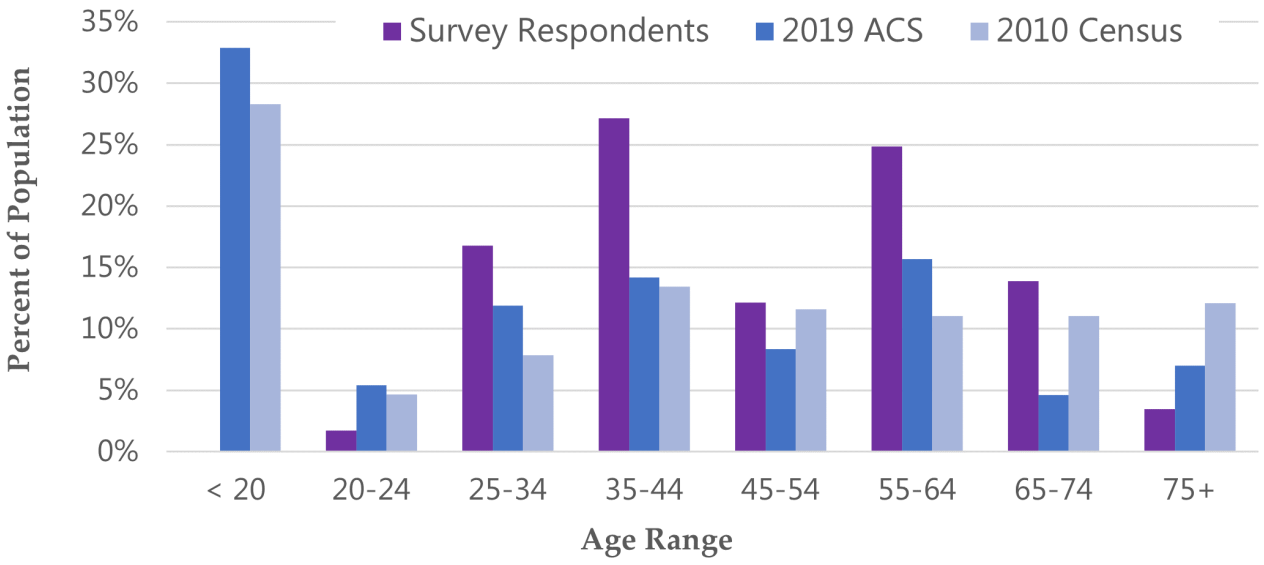
10. What are Hemphill's key strengths?



11. Do you live in Hemphill?



12. How old are you?



1.4 Implementation: Goals & Objectives Framework

Planning workshop and community survey input were used in conjunction with fieldwork findings and background research to define specific implementation plans for each area of this comprehensive plan. Each implementation plan contains long-term goals and specifically defined objectives, timelines, involved parties, and estimated costs.

1.5 Commitment to Fair Housing

In recognition of fair housing as important to all aspects of community planning, the studies in this plan include analyses of protected classes in Hemphill and of how Hemphill policies, procedures, and investments impact protected classes in the city.

2 Population Analysis

Comprehensive plans include estimates of the current and future population because the size and rate of a community's growth impacts planning for facilities and services. Information for this population analysis comes from the United States Census Bureau, the Texas Demographic Center, the Texas Water Development Board, and a survey of the community's occupied houses.

2.1 Highlights

The city of Hemphill is within Sabine County, approximately 56 miles east of Lufkin, Texas, and just west of Toledo Bend Reservoir on the Texas-Louisiana border. Incorporated in 1935, Hemphill is a General Law City with a city manager-council form of government and part of the Deep East Texas Council of Governments (DETCOG). In 2023 Hemphill is primarily a rural residential community that serves as a hub for county government and agricultural processing employers.

As the county seat and largest city in Sabine County, population changes in Hemphill have historically been closely tied to county-level dynamics. However, the city's share of county population has been decreasing since the 1990s.

Without a larger population center nearby, gaining ancillary benefits and drawing population from a metropolitan area is not an option for Hemphill. Making investments in infrastructure and amenities that enrich the lives of existing residents and position Hemphill as an attractive community for potential future residents is key to ensuring Hemphill's stability through the future. Recent development activity related to fishing and recreation on Toledo Bend Reservoir provides an opportunity for public representatives, city staff, and engaged residents to capitalize on Hemphill's strengths, while working through local challenges.

This study forecasts that Hemphill's population will increase over the next 10 years, reaching approximately 1,288 residents by 2033.

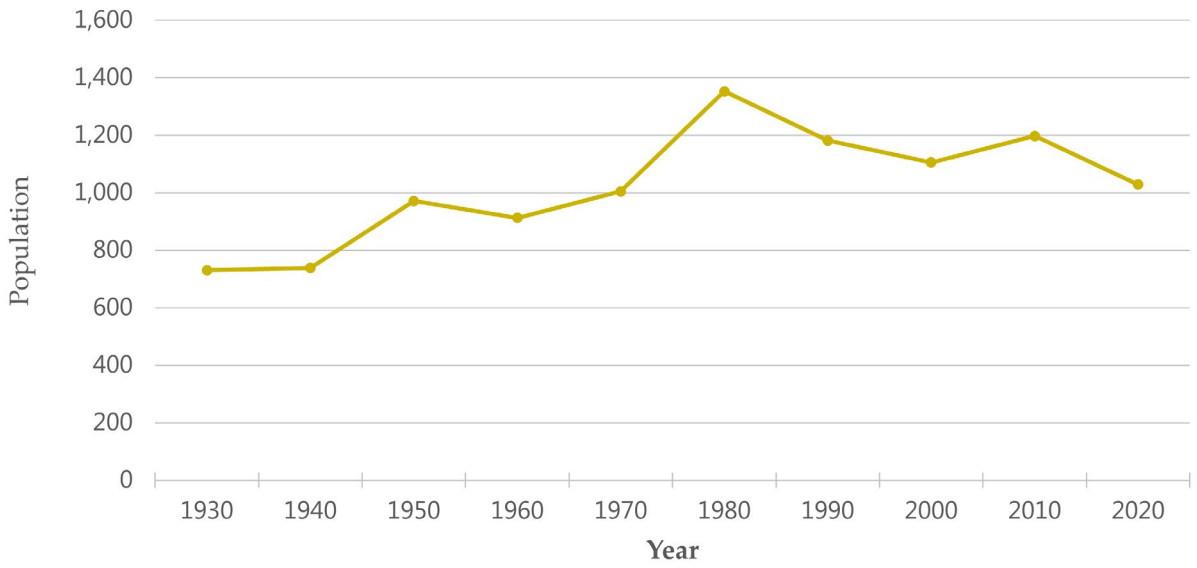
2.2 Historical, Regional, & Recent Changes

Historical & Regional Growth

The county seat of Sabine County, Hemphill is at the junction of State highways 87 and 184, thirty miles southeast of Nacogdoches. The original county seat of Sabine County was Milam, in the northern portion of the county, but voters in 1858 approved a resolution to move the county seat to a more central site.

The town received a post office in July 1859. In 1884 Hemphill had an estimated population of 350, two churches, a district school, a gin, a mill, and a newspaper. Residents received their mail triweekly. By 1900 the town's population was reported as 279, and by 1914 it had reached an estimated 430. Between 1914 and the 1920s the town grew rapidly, though population estimates for the 1920s, which vary from 3,100 to 1,200, may also encompass all or part of East Mayfield. During the 1930s and 1940s the population of Hemphill was estimated at 731. In 1988 Hemphill had an estimated 1,530 residents and seventy-six rated businesses. In 1990 its population was reported as 1,182, down to 1,106 in 2000. Between 2010 and 2020, Hemphill has seen a population change of -14%.

Chart 2A: Population (1930-2020) [City]



Source: US Census of Population and Housing, 1930-2020

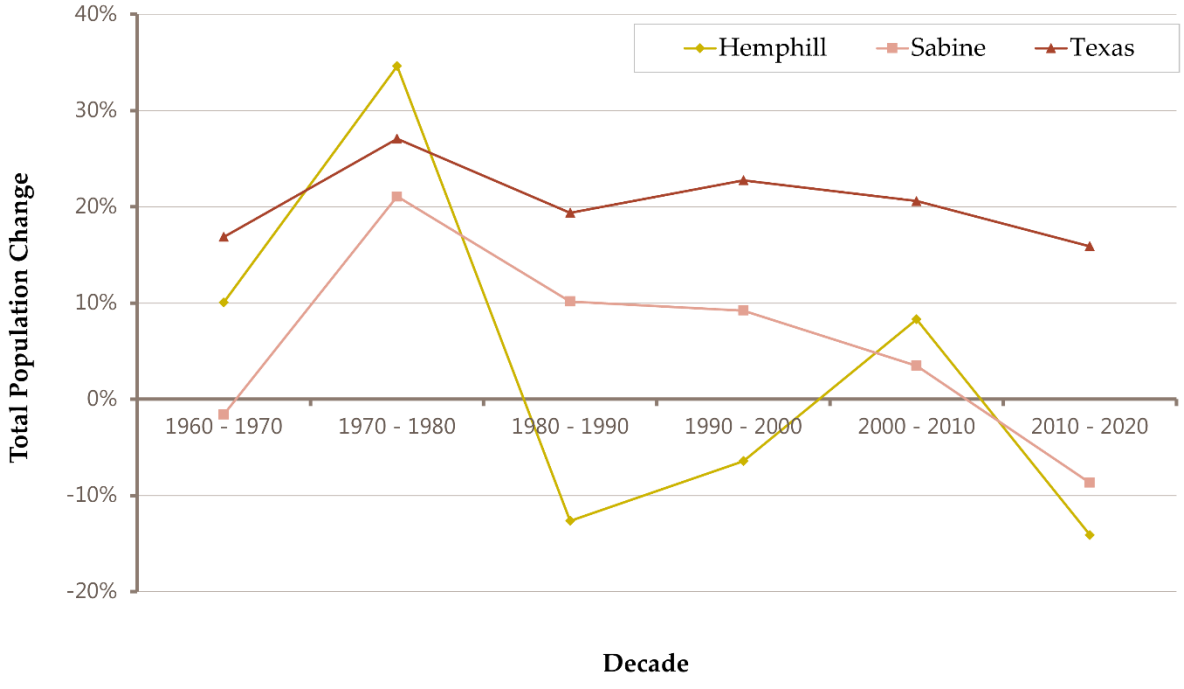
While Hemphill's population has fluctuated more since 1960, the trajectory of population change generally follows changes at the county and state levels. The rates of population change rose and fell during the same decades (see *Chart 2B and Table 2A*).

Table 2A: Historical Population (1960-2020) [City, County, State]

Year	Hemphill	Sabine County	State of Texas
1960	913	7,302	9,579,677
1970	1,005	7,187	11,196,730
1980	1,353	8,702	14,229,191
1990	1,182	9,586	16,986,540
2000	1,106	10,469	20,851,820
2010	1,198	10,834	25,145,561
2020	1,029	9,894	29,145,505

Source: US Census of Population and Housing, 1960-2020

Chart 2B: Historical Population Changes (1960 – 2020) [City, County, Texas]



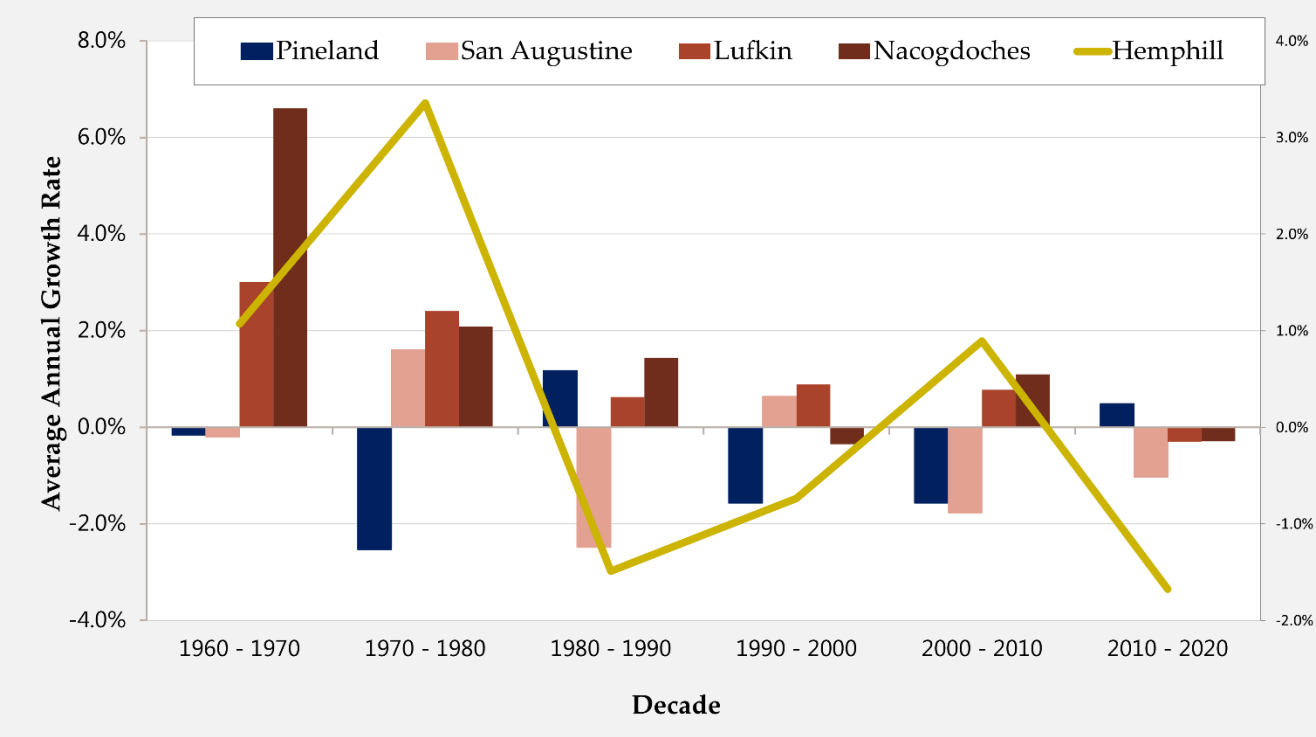
Source: US Census of Population and Housing, 1960-2020

Average annual growth rates show a regional trend of fluctuation in population, which can be tied to frequently shifting economic bases such as logging, mining, or jobs related to seasonal tourism, like lodging or equipment rentals *(see Chart 2C below)*.

Understanding Growth Rates

Approximate population doubling can be calculated by dividing 70 by the population growth rate. A continuing growth rate of 1% will result in population doubling within 70 years.

Chart 2C: Historical Population Changes (1960 – 2020) [City, Nearby Cities]



Source: US Census of Population and Housing 1960-2020

Recent Population Changes

Hemphill's population decreased by -14% (or 169 residents) between 2010 and 2020 and grew by 8.3% (92 residents) in the previous decade.

Population changes are the result of both **migration** (residents moving to or leaving a city) and **natural changes** (new births or current residents passing away). The following sections examine recent population changes in Hemphill, and potential implications for future growth. Complete 2020 Census data was not available at the time of plan production but, where possible, released data is used for analysis.

Age Distribution

Chart 2D compares Hemphill's expected 2010 population with the actual population figures from the 2010 Census.

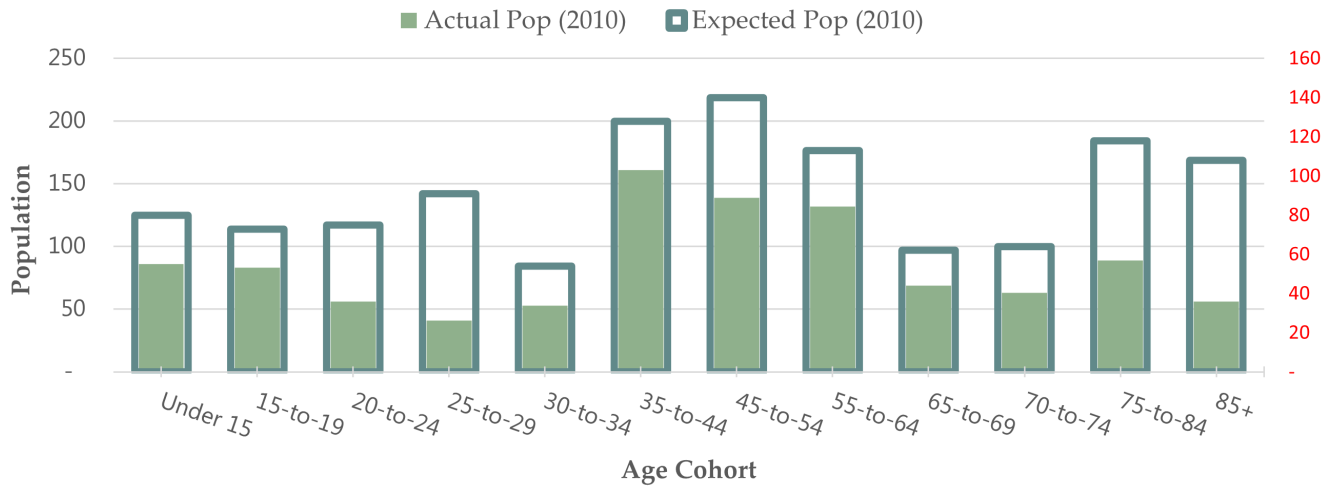
Expected Population

Comparing expected and actual populations by age group can indicate how migration and natural increases/decreases may have impacted overall population change. While a higher-than-expected population suggests that new residents in the age group moved to the community, a lower-than-expected population is often the result of residents moving or passing away.

The expected population in each group is based on the aging of individuals living in Hemphill in 2000. For example, the expected population of 20-to-24-year-olds in 2010 is the population that was 10-to-14 years-old in 2000.

Comparison of Hemphill's actual and expected populations suggests that **several children, young adults, and elder adults moved away between 2000 and 2010.** In the case of residents over 75, mortality was also a likely a factor.

Chart 2D: Expected & Actual 2010 Population, by Age Group



Source: US Census of Population and Housing, P012 (2000), P12 (2010)

Chart 2E illustrates age cohort distributions for Hemphill (2000 and 2010), Sabine County (2010), and the state of Texas (2010).

It should be kept in mind that, due to the relatively small size of Hemphill's population, the age distribution can fluctuate from minor changes.

However, Hemphill's flatter age distribution shape and increasing skew towards older age cohorts suggests that **natural population increases will be limited during the planning period.**

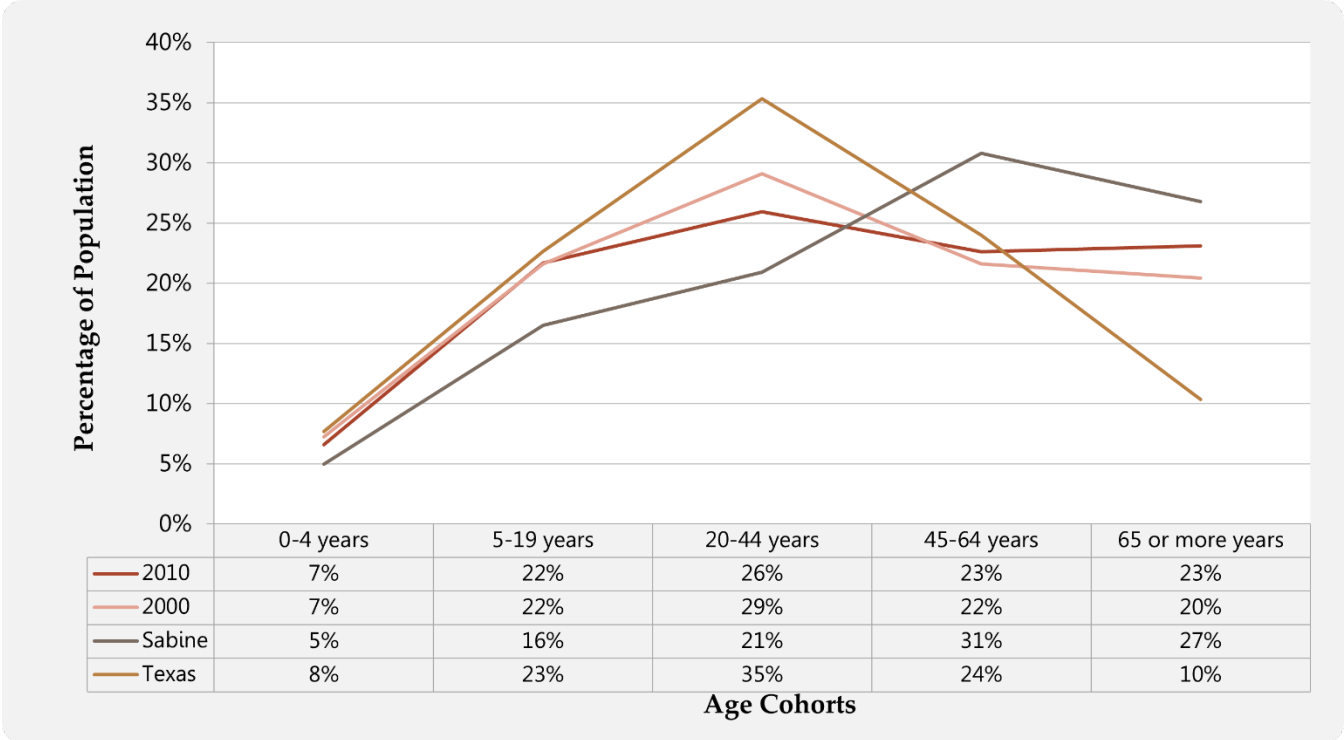
Age Cohort Distributions & Natural Population Growth

Age cohort distributions can indicate whether a community's population dynamics generally support expansion, stability, or decline.

A distribution peaked in the middle (adults 20-to-44) suggests stable-to-expanding or "healthy" natural population growth (births to current residents) because adults between 20 and 44 are considered the cohort most likely to have new children.

The 2010 Texas distribution is an example of a "healthy" distribution. In contrast, a flatter and/or right-skewed distribution can indicate relatively stationary or declining natural population change.

Chart 2E: Age Distribution Comparison (2000, 2010) [City, County, State]

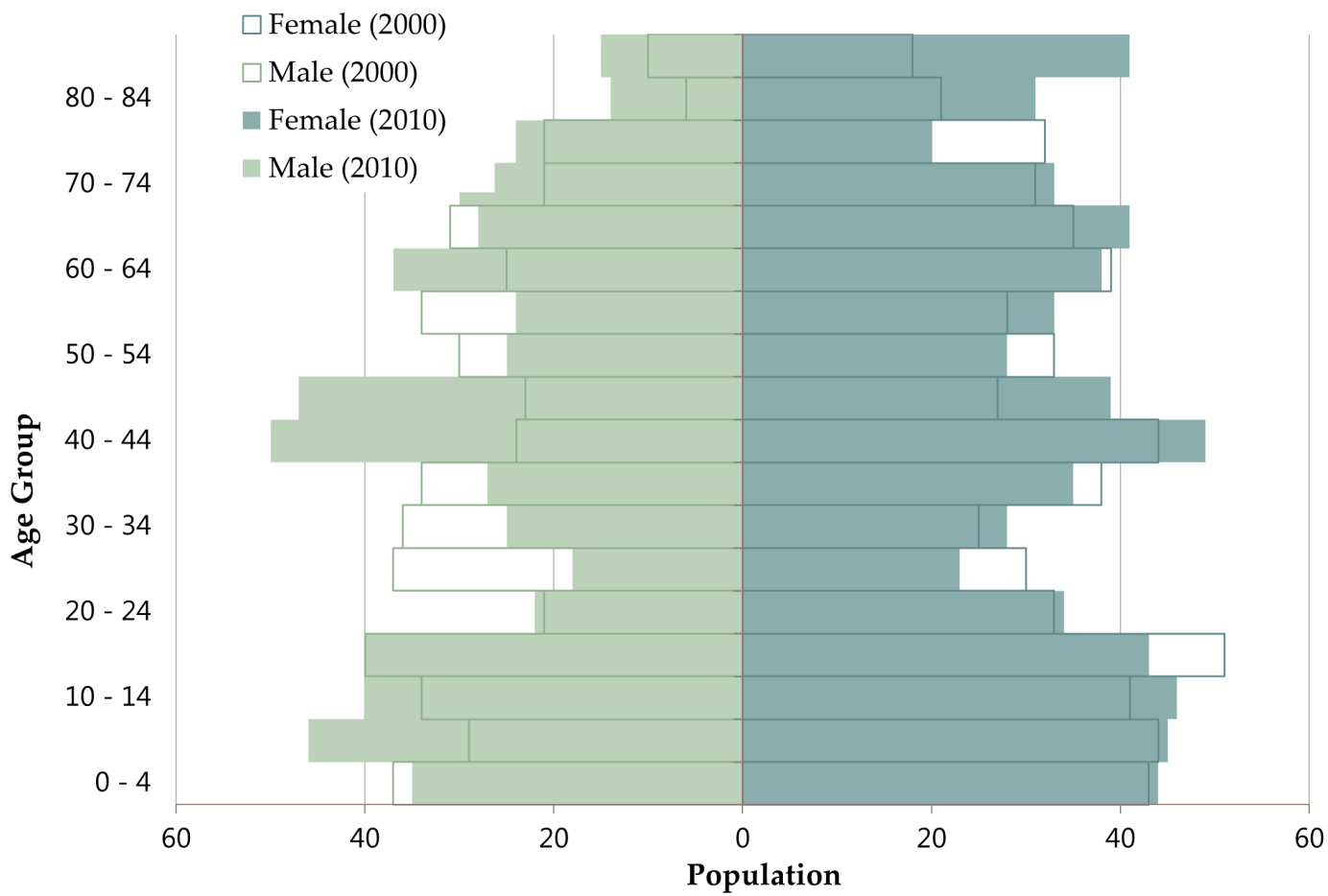


	0-4 years	5-19 years	20-44 years	45-64 years	65 or more years
2010	7%	22%	26%	23%	23%
2000	7%	22%	29%	22%	20%
Sabine	5%	16%	21%	31%	27%
Texas	8%	23%	35%	24%	10%

Source: US Census of Population and Housing, P012 (2000), P12 (2010)

Chart 2F shows Hemphill's 2000 and 2010 age distribution in additional detail, further illustrating the decreases in younger age cohorts and increases in older cohorts. It also illustrates the relatively small number of residents in each age group.

Chart 2F: Population Pyramid Comparison (2000, 2010) [City]



Source: US Census of Population and Housing, P012 (2000), P12 (2010)

Race & Ethnicity

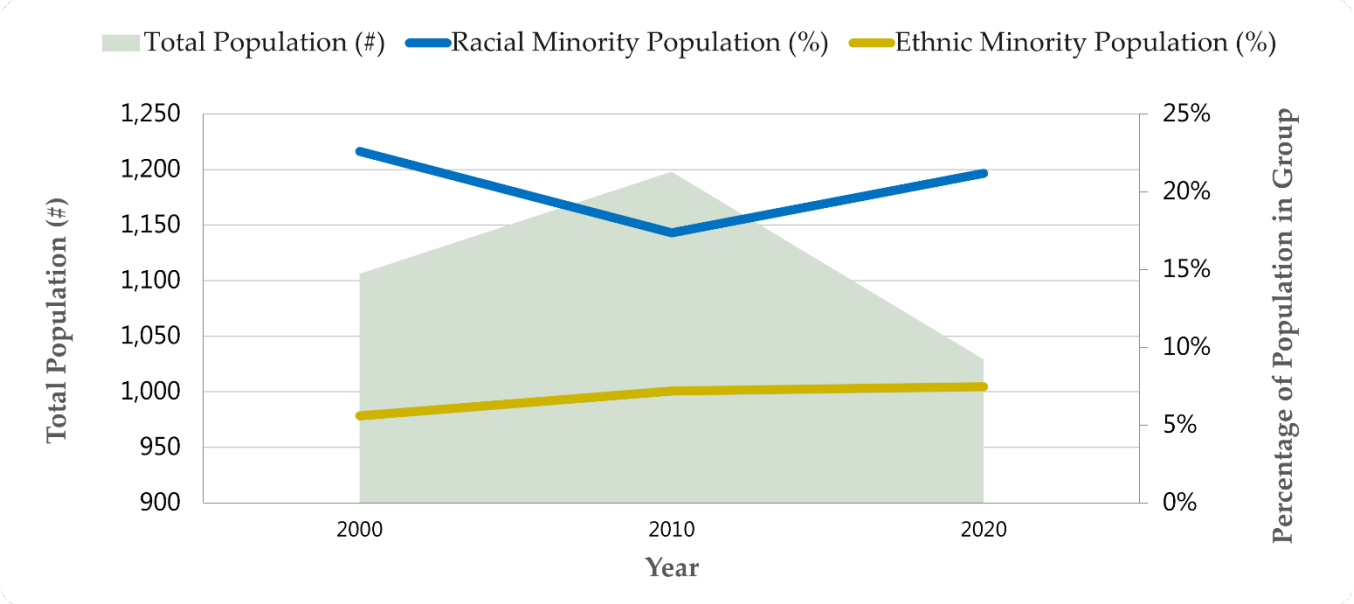
Chart 2G illustrates Hemphill's total population from 2000 to 2020 (green), as well as the percentage of residents that identify as a racial- or ethnic-minority (gold and blue lines).

Census Definitions

The U.S. Census distinguishes between two minority population groups: "racial minorities" - all non- "White" residents - and "ethnic minorities" - all "Hispanic or Latino" residents.

As the chart shows, **the percentage of Hemphill residents that identify as an ethnic minority slightly increased over the last 20 years, as well as the percentage of residents that identify as a racial minority, despite a small increase in the last decade.**

Chart 2G: Total & Minority Population Change Comparison (2000-2020) [City]



Source: US Census of Population and Housing, P8 & P5 (2010), P1 & P2 (2020)

Table 2B (next page) further illustrates these changes. As the table shows, just under 1/4 of Hemphill's 2020 population identified as a racial minority, and 7% identified as an ethnic minority. *Table 2B* also shows that **Hemphill's population is more racially and ethnically diverse than the Sabine County, but less racially and ethnically diverse than Texas.**

As shown on *Map 2A: Population Distribution* and discussed further in *Chapter 3: Housing Study,* **the city of Hemphill has few areas of high minority concentration**. The State of Texas defines an "Area of High Minority Concentration" as "a census block group that consists of 65% or more of minorities".[1] Minorities include all racial and ethnic population groups other than 'White, non-Hispanic (Anglo)'". Census data is not available to map the locations of other protected classes for towns or cities with fewer than 20,000 residents.

[1] The "65 percent threshold" is based on the definition of "an area of minority concentration" used by the Texas General Land Office in its 10/1/2012 publication, "Homeowner Opportunity Program Guidelines - CDBG Disaster Recovery Program - Hurricanes Ike & Dolly, round 2."

Appendix 2A: Project Beneficiaries includes additional data regarding minorities in Hemphill.

Table 2B: Population Change by Race & Ethnicity (2010, 2020) [City, County, State]

Characteristic	Hemphill				Sabine County		Texas	
	2010		2020		2020		2020	
	%	#	%	#	%	#	%	#
Total Population	***100%***	**1,412**	***100%***	**1,296**	***100%***	**16,968**	***100%***	**29,145,505**
Race								
White	*83%*	990	*79%*	811	*85%*	8,426	*50%*	14,609,365
Black or African American	*11%*	131	*11%*	118	*8%*	745	*12%*	3,552,997
American Indian, Alaskan Native	*0%*	5	*0%*	3	*1%*	51	*1%*	278,948
Asian	*1%*	8	*2%*	16	*1%*	53	*5%*	1,585,480
Native Hawaiian / Hawaiian / Another Pacific Islander	*0%*	0	*0%*	0	*0%*	0	*0%*	33,611
Other	*2%*	27	*3%*	29	*1%*	138	*14%*	3,951,366
Two or More Races	*3%*	37	*5%*	52	*5%*	481	*18%*	5,133,738
Ethnicity								
Hispanic or Latino	*7%*	86	*7%*	77	*4%*	393	*39%*	11,441,717
Not Hispanic or Latino	*93%*	1,112	*93%*	952	*96%*	9,501	*61%*	17,703,788

Source: US Census of Population and Housing, P8 & P5 (2010), P1 & P2 (2020)

Note: Figures may be rounded to next whole number

2.3 Current Population Estimate, Projections, & Forecast

In 2022, Hemphill is primarily a rural residential hub for county government and industrial employers in the region. Hemphill's proximity to Toledo Bend Lake and Sabine National Forest also provides the city with jobs for residents that are oriented towards hospitality and accommodations. Recent changes in regional employers and economic bases have impacted Hemphill's population, which has historically ebbed and flowed with the agricultural economy. By analyzing recent population data, trends in employment, and regional industry concentrations, current population can be estimated, and future population trends can be forecasted.

Population Estimate

The population estimate is based on the rounded population figure from the 2020 US Census. Planners considered two additional population estimates based on figures multiplied by the 2020 average household size: (1) a population estimate based on the number of residential sewer connections (594) and (2) a population estimate based on the number of occupied housing units identified in the field survey (517). Field housing counts are based on windshield observations. [2]

The city of Hemphill's estimated 2023 population is 1,228.

Economic Impacts on Future Population

Employment

Table 2C (next page) lists estimates of the number of Hemphill residents employed in each industry area. As the table shows, just over ¼ of Hemphill residents work in the agriculture, forestry, fishing, hunting and mining industry. Other common industry employment areas include education, health care, and social assistance services.

It is important to note that these figures refer to the industries that employ residents of Hemphill and do not necessarily mean that those residents are employed in Hemphill.

Chart 2H (next page) and *Table* 2D *(page 2-12)* illustrate estimated data for employment inflow to and outflow from the city of Hemphill. As *Chart 2H* shows, in 2019 most of the individuals surveyed who work in Hemphill do not live in the city. While data is limited, it is worth noting that 123 residents reported commuting more than 50 miles to Hemphill for work. Conversely, most of the individuals surveyed who live in Hemphill do not work in the city. Most outflow commutes take an approximately 30 minutes to an

[2] Windshield observations are necessarily limited to observation of external and readily apparent housing characteristics, and this may miss some units. In addition, windshield observations may undercount vacant structures in better condition because it is easier to identify vacant housing in substandard condition than vacant housing in standard condition.

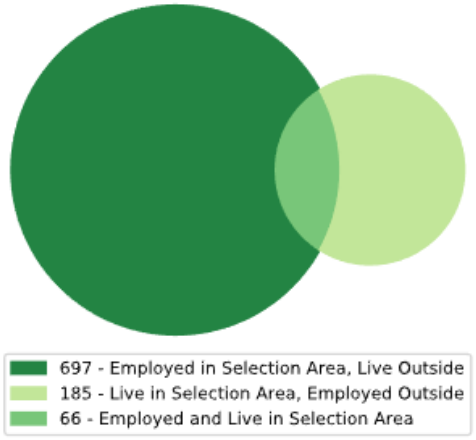
hour, and an estimated 46.3% of Hemphill residents (353) travel more than 24 miles *(see Table 2D).*

Table 2C: Residents Who Work, by Industry

Industry	Estimate	Margin of Error	Percent
Civilian employed population 16 years and over	1606	+/-151	1606
Agriculture, forestry, fishing and hunting, and mining	467	+/-112	29.10%
Educational services, and health care and social assistance	291	+/-77	18.10%
Transportation and warehousing, and utilities	144	+/-81	9.00%
Retail trade	135	+/-63	8.40%
Construction	128	+/-66	8.00%
Professional, scientific, and management, and administrative and waste management services	90	+/-53	5.60%
Other services, except public administration	83	+/-50	5.20%
Finance and insurance, and real estate and rental and leasing	75	+/-35	4.70%
Arts, entertainment, and recreation, and accommodation and food services	70	+/-58	4.40%
Public administration	63	+/-42	3.90%
Manufacturing	26	+/-29	1.60%
Wholesale trade	25	+/-22	1.60%
Information	9	+/-15	0.60%

Source: US Census, 2017-2021 American Community Survey, 5-Year Estimates, DP03: Selected Economic Characteristics for Hemphill
Note: Margins of error are large, data cited for trends only.

Chart 2H: Employment Inflow/Outflow (2019)



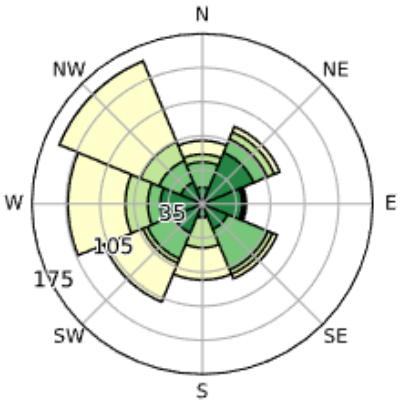
Employed in Hemphill	**% (#)**
Total	100% (763)
Living Outside	91.3% (697)
Living In	8.7% (66)
Living in Hemphill	**% (#)**
Total	100% (251)
Employed Outside	73.7% (185)
Employed In	26.3% (66)

Source: https://onthemap.ces.census.gov/ Note: Margins of error are large, data cited for trends only.

Table 2D: Employment Travel Profiles

Travel from Hemphill for Work

Direction



Distance

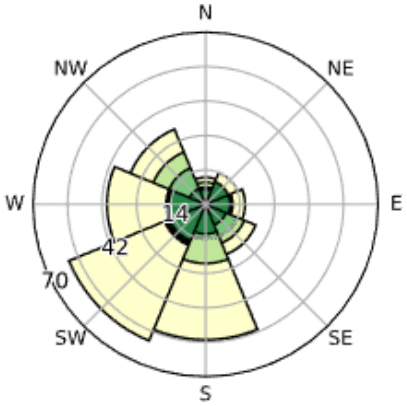
Distance (Miles)	%	#
Less than 10	33.4%	255
10 to 24	20.3%	155
25 to 50	13.4%	102
Greater than 50	32.9%	251
Total Primary Jobs	*100%*	*763*

Common Destinations

Place	%	#
Hemphill, TX	8.7%	66
Milam, TX	5.1%	39
Pineland, TX	2.2%	17
Lufkin, TX	2.1%	16
Jasper, TX	2.0%	15
Nacogdoches, TX	1.4%	11
Tyler, TX	1.2%	9
San Augustine, TX	1.0%	8
Beaumont, TX	0.9%	7
Many, LA	0.8%	6
All Other Locations	*74.6%*	*569*

Travel to Hemphill for Work

Direction



Distance

Distance (Miles)	%	#
Less than 10	33.9%	85
10 to 24	7.6%	19
25 to 50	9.6%	24
Greater than 50	49%	123
Total Primary Jobs	*100%*	*251*

Common Destinations

Place	%	#
Hemphill, TX	26.3%	66
Beaumont, TX	4.8%	12
Houston, TX	4.8%	12
Lufkin, TX	4.4%	11
Jasper, TX	2.8%	7
Center, TX	2.4%	6
Pineland, TX	2.4%	6
Natchitoches, LA	1.2%	3
Baytown, TX	1.2%	3
Corrigan, TX	1.2%	3
All Other Locations	*48.6%*	*122*

Source: https://onthemap.ces.census.gov/ Note: Margins of error are large, data cited for trends only.

Industry Concentration

Industry concentration refers to the degree to which activities associated with a given industry are present in each region. Generally, concentrated industries make a regional economy "unique" or "specialized". Location quotient (LQ) analysis identifies industry concentrations by comparing an industry's share of employment in a specific area (such as a county) with that same industry's share of employment in a larger geographic area (such as the state or nation). For example, the LQ for the Mining Quarrying, Oil & Gas Extraction industry in Texas was 4.31 in 2015. This indicates that the Mining Quarrying, Oil & Gas Extraction industry accounts for approximately three times more employment in the Texas economy than in the U.S. economy; employment within the Mining Quarrying, Oil & Gas Extraction industry is thus, in relative terms, more concentrated in the Texas economy than in the U.S. economy.

LQ figures are often used to identify export industries (industries that produce enough to meet local need and to sell products outside the region). Generally, an LQ score over 1.25 indicates an export industry. The direction of an industry's LQ score over time indicates whether that industry is growing or declining in the location.

Table 2E (right) lists the LQ calculations for Sabine County from 2018 to 2021. Based on the LQ scores, Sabine County's highest employment concentration is in Mining, Quarrying, oil & Gas Extraction. In 2021, mining and extraction industry employment was nearly three times as concentrated in Sabine County (7.84) than in the state (4.00).

Table 2E: Location Quotients for Sabine County Compared to Texas (2018-2022)

Industry	2018	2019	2020	2021
Agriculture, forestry, fishing, and hunting	1.26	-	-	-
Mining, quarrying, and oil and gas extraction	6.53	6.72	6.53	7.84
Utilities	2.43	2.39	2.27	2.26
Construction	1.02	0.87	0.99	1.32
Manufacturing	1.75	-	-	-
Wholesale trade	0.09	-	0.09	0.11
Retail trade	1.38	1.28	1.31	1.28
Transportation and warehousing	0.13	-	0.15	0.18
Information	-	0.21	0.43	0.49
Finance and insurance	0.64	0.62	0.56	0.54
Real estate and rental and leasing	0.17	0.31	0.34	0.33
Professional, scientific, and technical services	-	0.29	0.25	0.24
Administrative and support and waste management and remediation services	-	0.05	0.1	0.23
Health care and social assistance	1.84	2.08	2.08	1.91
Arts, entertainment, and recreation	-	-	-	-
Accommodation and food services	-	-	-	-
Other services (except public administration)	0.45	0.42	0.36	0.38
Unclassified	-	1.82	0.41	0.58

Population Projection

Population projections inform Federal, State, and local funding decisions about facilities such as highways, sewage treatment plants, and schools. Population projections are typically based on historical trends ranging from the population changes in the most recent decade to changes over the past century or more.

Planners considered several population projections, based on differing methods, to help guide the planning recommendations for the City of Hemphill in this comprehensive plan.

- Extrapolation of Texas Demographic Center (TDC) cohort population projection for Sabine County (adjusted by the city of Hemphill's relative population)
- Geometric extrapolation of recent Census data (2010, 2020)
- Linear regression analysis of Census data (1930-2020)
- Texas Water Development Board (2020-2070 Population Projections by Water User Group regional estimate)

Appendix 2B provides a more detailed discussion of the population projection methods.

Population Forecast

Rural and largely agricultural, the Sabine County population has fluctuated around 10,000 residents for the last 30 years. The county lost population in the last two decades, likely to outmigration and shifting economic bases. The Texas Demographic Center projects continued decline over the coming decades.

Projections vs. Forecasts

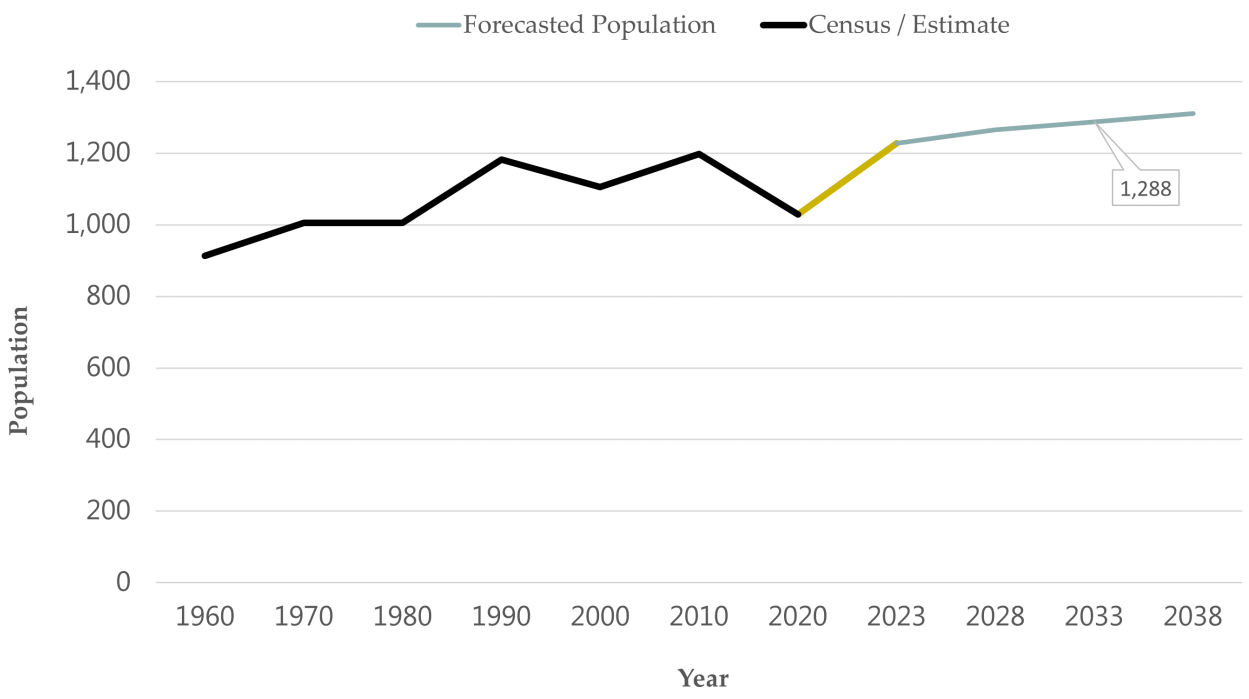
While a population **projection** hypothesizes values for the population by assuming historical trends will continue, the assumptions in a population **forecast** may also include informed expectations of future events, like non-traditional growth resulting from relocation of a major employer.

As the largest city in Sabine County, population changes in Hemphill have historically been closely tied to county-level dynamics. However, the city's share of county population has been decreasing since the 1980s (down from 15.5% in 1980 to 10.4% in 2020). Without a larger population center nearby, sharing population, employers, and resources with a metropolitan area is not attainable for Hemphill. Making investments in infrastructure and amenities that enrich the lives of existing residents and position Hemphill as an attractive community for potential future residents is key to ensuring Hemphill's stability through the future.

This study forecasts that Hemphill's population will increase over the next 10 years, reaching approximately 1,288 residents by 2033.

Map 2A shows the expected locations of Hemphill's population in 2033.

Chart 2I: Population Forecast



2.4 Appendix 2A: Project Beneficiaries

Table 2A.1 contains information required by the U.S. Department of Housing and Urban Development (HUD) in the fulfillment of this planning grant. The numbers detailed for project beneficiaries below may not correspond exactly to the numbers presented in *Table 2B (*above) because HUD grant programs generally require at least a 51% low-to-moderate community income level to qualify for funding. However, income levels are not collected from all Census respondents. Census income levels are derived from a sample and weighted to represent the total population. Race beneficiary numbers are then mathematically derived to correspond to income beneficiary numbers. The sample rates are dependent on population size and census tract density – the lower the density (i.e., rural census tracts), the lower the sample rate. When Census income level estimates seem too high, additional door-to-door surveys are conducted to verify a 51% low-to-moderate income level. Because the income tabulation is slightly different for the grant application, the resulting numbers generally do not correspond to the 100% population samples that represented in *Table 2A.1.*

Table 2A.1: Beneficiary Report

Total Project Beneficiaries 1,411 Male 729 Female 682

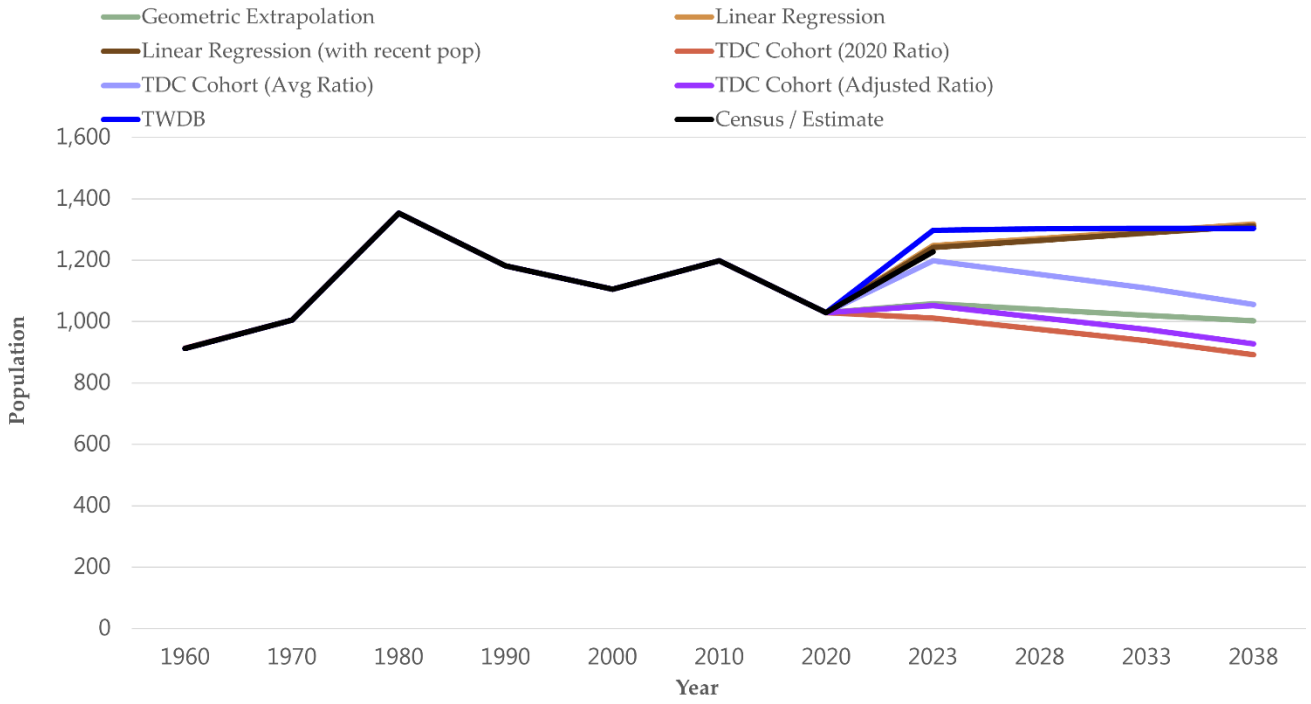
Race	Non-Hispanic	Hispanic Ethnicity Also	Total
White	1,050	91	1,141
Black/African American	131	0	131
American Indian/Alaskan Native	2	32	34
Asian	79	0	79
Some Other Race	0	8	8
Black/African American & White	7	0	7
American Indian/Alaskan Native & White	8	0	8
		Grand Total	*1,411*

Income Level	No. of Persons
Very Low (at or below 30% of the AMFI)	n/a
Low (31-50% of the AMFI)	n/a
Moderate (51-80% of the AMFI)	n/a
Non-Low/Moderate (above 80% of AMFI)	n/a
Total	**1,360**
Subtotal – All Low/Mod	***820 (60.3%)***

Appendix 2B: Population Projection Methods

Chart 2B.1 illustrates each projection considered for this plan. The following sections describe projection methods.

Chart 2B.1 Population Projections Comparison



Cohort Extrapolation

Population estimates identify changes to the city's population and provide a benchmark to guide population projections and forecasts. The Texas Demographic Center (TDC) periodically issues population estimates for all incorporated places in the state; the TDC's system provides a baseline for the cohort extrapolation estimate produced as part of this study. The TDC uses the **Cohort-Component Method** to calculate estimates and projections. The basic characteristics of this technique are the use of separate cohorts – persons with one more characteristic – and the separate projection of each of the major components of population change –fertility, mortality, and migration for each of the cohorts. The latest projections employ a migration scenario that assumes a continuation of 2010-2015 rates of age-, sex-, and race/ethnicity-specific rates of migration.

Geometric Extrapolation

The geometric extrapolation model operates on the assumption that the population will change by the

same percentage in each future year as the average annual change over the base period (2010-2020).

Linear Regression

Linear regressions attempt to model the relationships between two variables by fitting a linear equation to the observed data. One variable is considered an explanatory variable (time) and the other is considered a dependent variable (population change). Linear regressions help to adjust for short term fluctuations over time to identify longer-term trends.

Texas Water Development Board

The Texas Water Development Board (TWDB) provides population projections for "Municipal Water User Groups," which include:

- Cities with a 2010 population greater than 500,
- Select Census Designated Places, such as military bases and in counties with no incorporated cities,
- Utilities (areas outside the places listed above) providing more than 280 acre-feet of municipal water per year),
- Collections of utilities with a common water supplier or water supplies (Collective Reporting Units), and
- Remaining rural, unincorporated population summarized as "County-Other".

Municipal water user group ("MWUG") projections are taken from county-level projections based on projections from the Texas State Data Center (TSDC) / Office of State Demography (*see Cohort Extrapolation above*). County-level projections are based on the TSDC half-migration scenario, but alternative scenarios are selected where more reflective of anticipated growth patterns. Projections for individual MWUGs are developed by allocating growth from the county-level projections according to the following methods:

- Share of Growth – applying the MWUG's historical (2000-2010) share of the county's growth to future growth,
- Share of the Population – applying the MWUG's historical share (2000-2010) of the county population to the projected county population, and
- Constant Population – applied to military bases and other water user groups that had a population decline between 2000 and 2010 in a county with overall population growth.

The sum of all MWUG populations within a county is reconciled to the total county projection.

More information about the MWUG population projection methods and methodology can be found at https://www.twdb.texas.gov/waterplanning/data/projections/

3 Housing Study

The Housing Study analyzes the location and condition of Hemphill's housing stock. It identifies the various types of housing, including multifamily (apartments, duplexes, etc. and government-funded units), single-family (the typical house), and mobile/manufactured houses, as well as fair housing-related characteristics of the city's housing stock. The study lists particular issues that need to be addressed, actions municipal authorities should take, and resources available for improving local housing.

3.1 Highlights

The city of Hemphill's housing stock is characterized by single-family housing, both stick-frame (53%) and manufactured (28%). Approximately 67% of housing units are in standard condition, and residential vacancy rates are moderate (estimated 4.8%).[3] The City has a few multifamily units (62) including duplexes and apartments that are in standard or deteriorated condition. Many multifamily units in Hemphill are either income-limited or accept housing vouchers (52 units) and are renter-occupied.

Hemphill faces several significant challenges for maintaining and further developing a healthy housing stock. Approximately 34% of Hemphill's housing (201 units) is in substandard condition (i.e. deteriorated or dilapidated condition), and nearly all substandard units are occupied (90% or 180 units). In addition, there are 21 vacant, dilapidated/deteriorating units located within the city limits. Vacant, dilapidated houses are a key community concern, increase risks to public health and welfare, and should be removed.

Map 3A: Housing Conditions shows the location of housing by type and condition.

Improving the existing housing stock will require financial and technical support for repair and maintenance, as well as financial and technical support for housing removal and replacement. The City should focus on assisting residents with home repair (e.g., through grant applications and dissemination of information on organizations able to help individuals) and with dilapidated structure removal. The City should also update and enforce relevant ordinances to ensure that housing and lots meet high standards.

[3] Estimated vacancy rate derived from 2023 vacancy rated based on windshield observations (further discussed in *Section 3.3.2).*

The city of Hemphill will require new housing to accommodate anticipated population growth. Based on a projected 2033 population of 1,288, Hemphill will need approximately 50 new housing units over the next 10 years.[4] City representatives and residents expressed a desire for additional affordable housing for senior citizens and first-time homebuyers in Hemphill. The City should continue to work with area foundations, large landowners, and regional developers to identify areas and to finance and build new housing.

3.2 Context: History & Community Input

Previous Studies

A comprehensive plan was completed for Hemphill in 1989, over 20 years ago. A copy of the 1989 plan was not available at the time of the 2023-2033 plan's production.

Community Input

Housing goals expressed by residents in *Chapter 1: Community Goals & Objectives* are:

Table 3A: Community Goals & Objectives

Achieve/Preserve	Avoid/Eliminate
▪ New housing options that reflect the needs/income of current residents ▪ Affordable housing for first time home buyers ▪ More rental & affordable housing ▪ Support for housing maintenance & repair ▪ Resources for reconstruction & replacement ▪ Increased code enforcement ▪ Increase available housing for senior residents	▪ Substandard structures ▪ Damaged structures ▪ Abandoned properties ▪ Junked vehicles ▪ Unkept lots/yards ▪ Limit manufactured home parks

[4] This figure includes the currently vacant, dilapidated units that need to be removed and replaced.

3.3 Inventory & Forecast

Housing Types & Condition

The city of Hemphill's housing stock includes stick-frame, mobile manufactured, multifamily units, as well as a few recreational vehicles (RV) that seem to be primary residences. However, the housing stock in Hemphill is characterized by single-family, stick-frame units – 53% of all housing in the city (see *Chart 3A, next page*).

Approximately 2/3 of Hemphill's housing stock is in standard condition (see *Chart 3B, next page*). Relative housing conditions differ across housing types. A higher percentage of mobile/manufactured units are in substandard condition; 61% of all mobile/manufactured units are in deteriorated or dilapidated condition (see *Table 3B, page 3-5*).

There are 201 substandard housing units in Hemphill. Substandard units include all housing types, but mobile and manufactured homes account for 52% of all substandard units. Nearly all substandard units are occupied (90%). Approximately 27% of substandard housing units have significant problems indicating dilapidation, such as holes in the exterior walls, missing windowpanes, cracked foundation, etc.; nearly 3/4 of these dilapidated units are occupied *(see Table 3D, page 3-6)*. These findings support one of the key housing goals identified by Hemphill residents: the need for support for home repair and maintenance. *Appendix 3A.* provides a detailed tabulation of all housing units by type, condition, occupancy, and location (city and ETJ).

Chart 3A: Houses, by Type

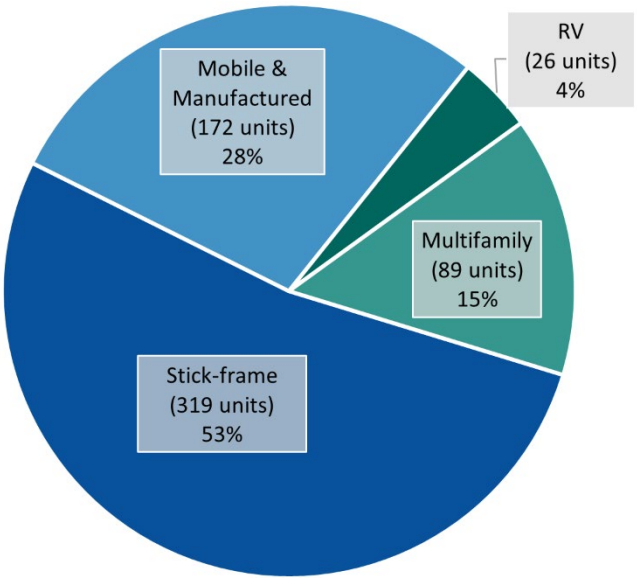
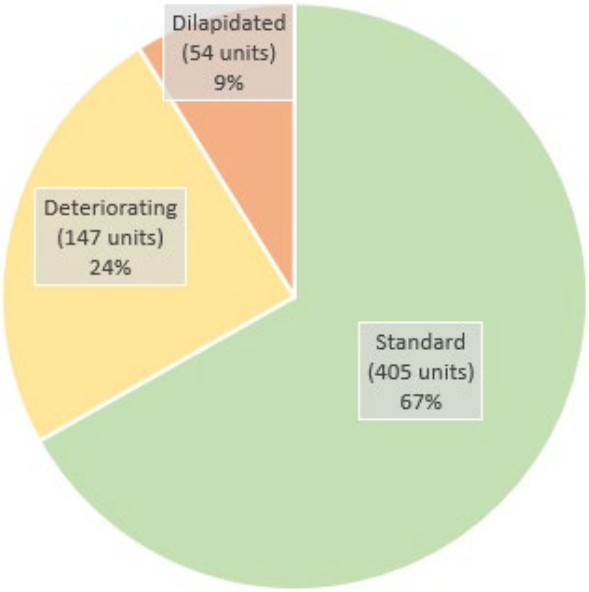


Chart 3B: Houses by Condition, All Types



Source: GrantWorks, Inc. Fieldwork 2023

Table 3B: Housing Conditions, by Type

Unit Type & Condition	All Units #	All Units %	
Stick-frame	**319**		
Standard	234	73%	**53%**
Deteriorated	59	18%	
Dilapidated	26	8%	
Mobile & Manufactured	**172**		
Standard	67	39%	**28%**
Deteriorated	79	46%	
Dilapidated	26	15%	
RV	**26**		
Standard	21	81%	**4%**
Deteriorated	3	12%	
Dilapidated	2	8%	
Multifamily	**89**		
Standard	83	93%	**15%**
Deteriorated	6	7%	
Dilapidated	0	0%	
Total Substandard Units	**201**	**33%**	
Total Dilapidated Units	**54**	**9%**	
Total Units	**606**	**-**	

Source: GrantWorks, Inc., Fieldwork 2023

Table 3C: Occupied Housing Conditions, by Type

Unit Type & Condition	Occupied Units #	Occupied Units %	
Stick-frame	**310**		
Standard	231	75%	**54%**
Deteriorated	53	17%	
Dilapidated	26	8%	
Mobile & Manufactured	**158**		
Standard	67	42%	**27%**
Deteriorated	78	49%	
Dilapidated	13	8%	
RV	**25**		
Standard	21	84%	**4%**
Deteriorated	2	8%	
Dilapidated	2	8%	
Multifamily	**84**		
Standard	78	93%	**15%**
Deteriorated	6	7%	
Dilapidated	0	0%	
Total Substandard Units	**180**	**31%**	
Total Dilapidated Units	**41**	**7%**	
Total Units	**577**	**-**	

Source: GrantWorks, Inc., Fieldwork 2023

Table 3D: Substandard Housing Conditions & Occupancy, by Type

Unit Type & Condition	All Units #	All Units %		Occupied Units #	Occupied Units %		Occupancy Rate %	
Stick-frame	**85**			**79**				
Deteriorated	59	69%	**42%**	53	67%	**44%**	90%	**93%**
Dilapidated	26	31%		26	33%		100%	
Mobile & Manufactured	**105**			**91**				
Deteriorated	79	75%	**52%**	78	86%	**51%**	99%	**87%**
Dilapidated	26	25%		13	14%		50%	
RV	**5**			**4**				
Deteriorated	3	60%	**2%**	2	50%	**2%**	67%	**80%**
Dilapidated	2	40%		2	50%		100%	
Multifamily	**6**			**6**				
Deteriorated	6	100%	**3%**	6	100%	**3%**	100%	**100%**
Dilapidated	0	0%		0	0%		0	
Total Dilapidated Units	54	27%		41	23%		76%	
Total Units	**201**			**180**			**89.6%**	

Source: GrantWorks, Inc., Fieldwork 2023

Vacancy Rate

Hemphill's estimated residential vacancy rate is 4.8%, or approximately 1-in-21 houses.[5]

Vacant Structures

Fieldwork windshield observation identified 29 vacant units in Hemphill. Most vacant units have significant problems like holes in exterior walls, missing windowpanes, cracked foundation, etc. (coded as dilapidated). An additional eight vacant units requite repair beyond routine maintenance (coded as deteriorated) (*see Table 3E*). Vacant, dilapidated housing increases the risks to public health and welfare and should be removed.

Table 3E: Vacant Housing, by Condition

Unit Condition & Type	Vacant Units #	Vacant Units %	
Standard	**8**		
Stick-frame	3	38%	**28%**
Mobile/Manufactured	0	0%	
RV	0	0%	
Multifamily (Excluding Institutional)	5	63%	
Deteriorated	**8**		
Stick-Frame	6	75%	
Mobile/Manufactured	1	13%	**28%**
RV	1	13%	
Multifamily (Excluding Institutional)	0	0%	
Dilapidated	**13**		
Stick-Frame	0	0%	
Mobile/Manufactured	13	100%	**45%**
RV	0	0%	
Multifamily (Excluding Institutional)	0	0%	
Total Substandard Units	21	72%	
Total Units	**29**	**100%**	

Source: GrantWorks, Inc. Fieldwork 2023

[5] The estimated vacancy rate for this study is the average of the 2010 U.S. Census vacancy rate and the 2023 vacancy rate based on windshield observations. According to U.S. Census Data, 15% of houses in Hemphill were vacant in 2010. Fieldwork windshield observations from 2023 indicate a 5.4% vacancy level. Windshield observations are necessarily limited to observation of external and readily apparent housing characteristics and therefore may miss some units. In addition, windshield observations may undercount vacant structures in better condition because it is easier to identify vacant housing that is deteriorated/dilapidated than vacant housing that is in standard condition. For example, some houses in Hemphill had "For Sale" signs posted. Unless otherwise apparent, it was assumed that these structures were occupied. However, the possibility exists that these structures, and other structures in an externally standard condition, were in fact vacant. As a result, the vacancy rate based on windshield observations may be somewhat understated.

These findings support one of the key housing goals identified by Hemphill residents: to eliminate substandard and dangerous houses from the community.

Multifamily Housing

Hemphill has a handful of multifamily housing options. The Hemphill Housing Authority offers two housing complexes, one in the northern area of the city and one in the south-east. All units are income limited. Together the complexes include 20 units, one of which is ADA accessible. Most multifamily units (26) have two or more bedrooms, indicating opportunities for tenants with families.

Hemphill's largest multifamily complex is Westlake Apartment, located on Adickes. Alley, just east of the city center. The complex includes 32 units. Nearly all units are income-limited, and two are ADA accessible. Unit options range from one- to three-bedrooms, indicating opportunities for tenants with families.

There are two privately owned complexes in Hemphill- one four-unit apartment complex on Sabine St, and a set of three duplexes on Lillian St *(see Map 4A: Existing Land Use).* Detailed information about date of construction, number of bedrooms/bathrooms, ADA accessibility, and income limitations for these units was not available at the time of plan production.

Residents would like to see an increase in housing development that will be attractive and affordable for current and future residents. Additional multifamily housing development could support this goal (see *Section 3.4.2 – Key Housing Considerations).*

Table 3F: Multifamily Housing Condition, Occupancy, & Income-Limitations

Name	Condition	# of Units	# Occupied	# Vacant	# Income-
Ash & Hornet	Standard	12	12	0	12
460 Sabine St	Standard	4	4	0	-
Westlake Apartments	Standard	32	27	5	32
Rash St	Standard	8	8	0	8
160 Lillian St	Deteriorated	6	6	0	-
Total Standard		56	51	5	N/A
Total Deteriorated		6	6	0	N/A
Total Dilapidated		0	0	0	N/A
Total Multifamily Units		**62**			

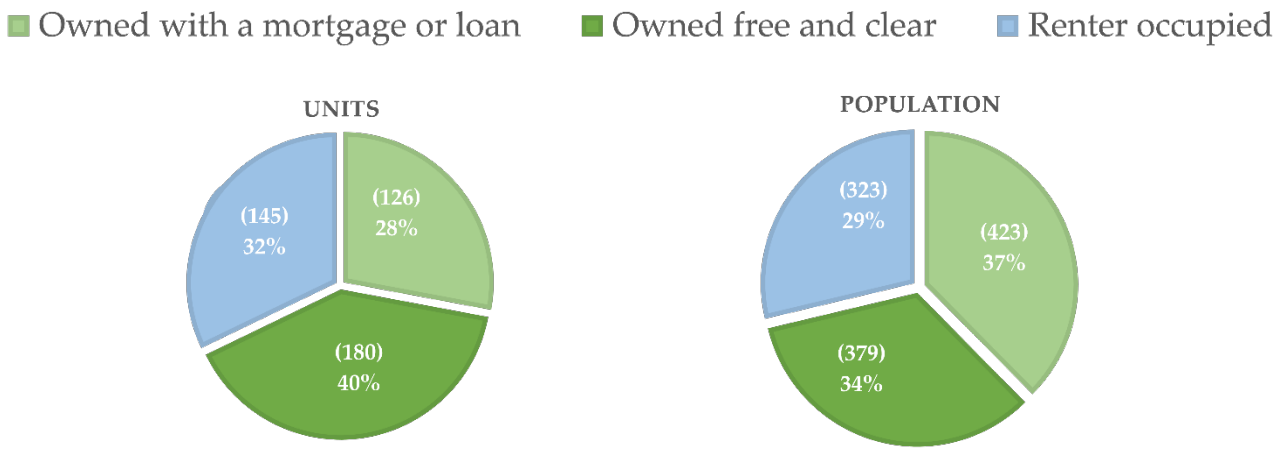
Source: GrantWorks, Inc. Fieldwork 2023

Homeownership & Renting

Tenure refers to the conditions under which land or buildings are held or occupied, for example, through ownership or through renting. Examining tenure types and comparing the characteristics of residents with different types of tenure can provide helpful information about shared or differing needs between these groups.

Chart 3C compares the percentage of units, and of Hemphill's total population, held through the following tenure types: outright ownership, ownership through a mortgage, and renting. As the chart shows, most Hemphill residents own or are in the process of purchasing their house, but, notably, nearly 1/3 of residents live in a rental unit.

Chart 3C: Housing Unit & Population, by Tenure Type

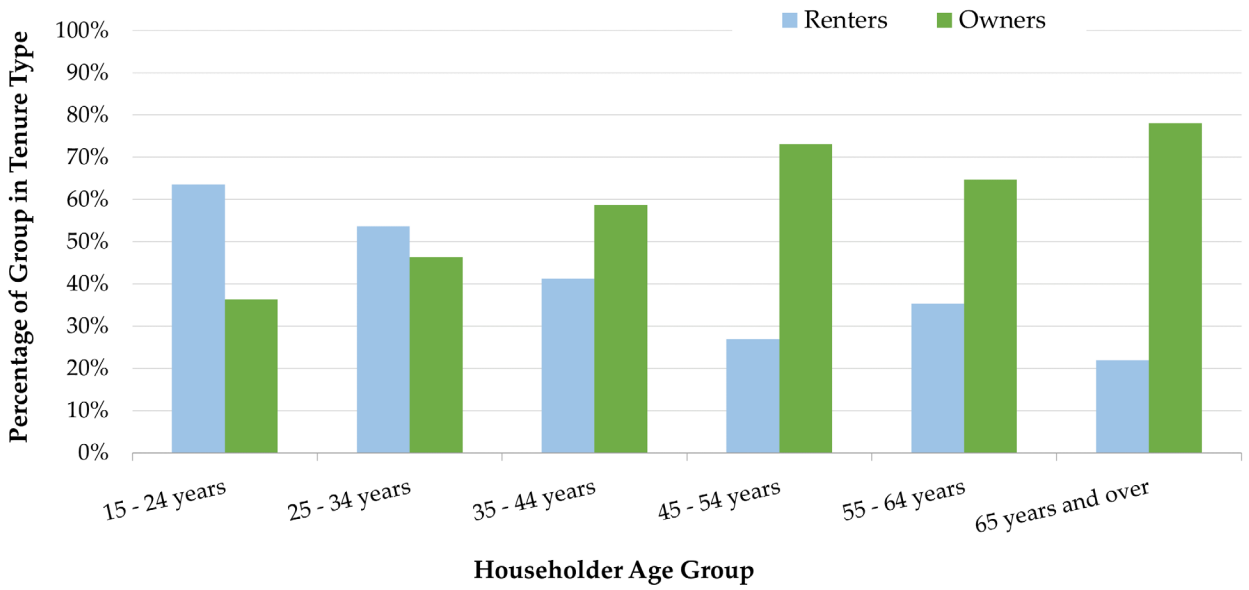


Source: Census 2010, SF1, Tenure (H4) and Population in Occupied Units By Tenure (H11)

Renter-householders and owner-households[6] in Hemphill differ in terms of age. As in many US cities, renting is more common among younger residents, and homeownership is more common among older residents. *Chart 3D (next page)* demonstrates this difference by illustrating the percentage of householders in each age group that rent or own their house. As the chart shows, most householders in Hemphill between 15 and 34 rent their house but starting in the 35-to-44-year-old age group most householders own their house.

[6] Refers to the person who is the head of the household.

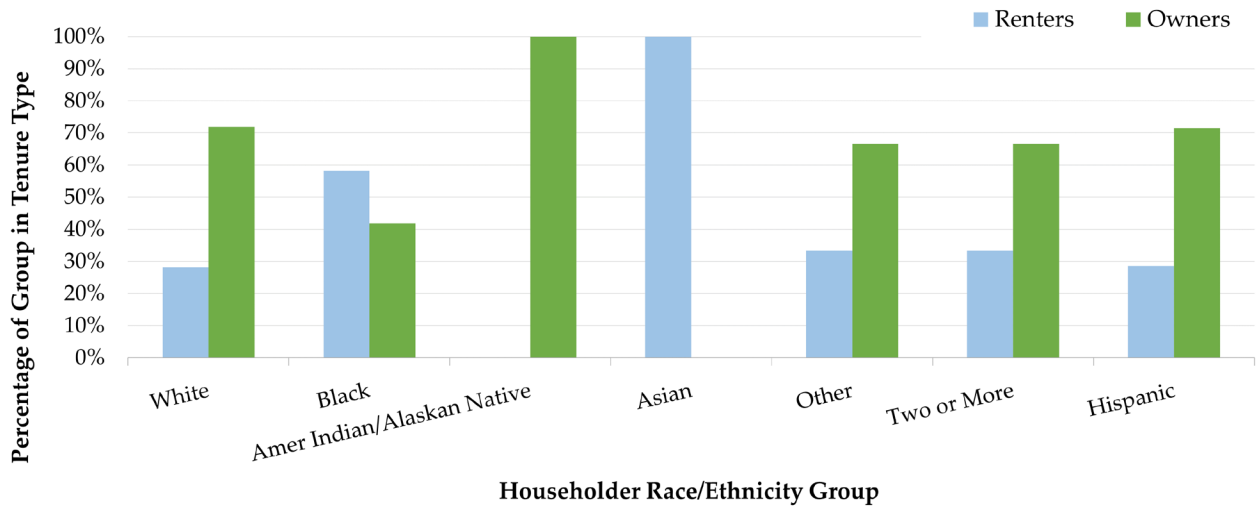
Chart 3D: Householders, by Age, Tenure



Source: Census 2010, SF1, Tenure by Age of Householder (H17)

Renter- and owner-householders in Hemphill also differ in terms of race and ethnicity. *Chart 3E* compares the percentage of Hemphill householders that rent or own their house across several racial/ethnic groups. As the chart shows, the prevalence of homeownership varies between many groups.

Chart 3E: Householders, by Race/Ethnicity[7]

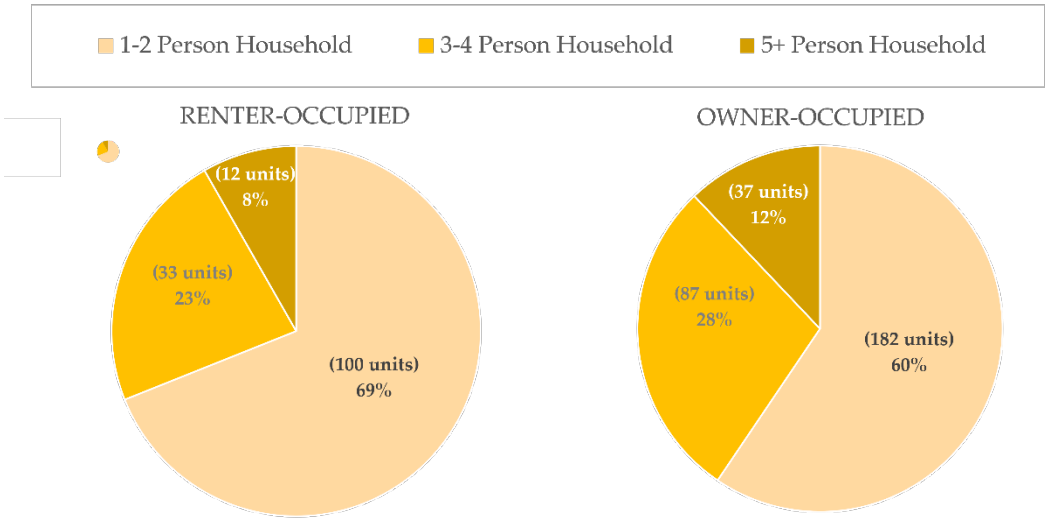


Source: Census 2010, SF1, Tenure by Hispanic or Latino Origin of Householder By race of Householder (HCT1)

[7] For ease of reference this chart only shows population groups with a universe greater than 10.

While renter- and owner-householders in Hemphill differ somewhat in terms of age, race, and ethnicity, household sizes are similar in these two groups. *Chart 3F* compares household sizes in Hemphill by tenure type. As the chart shows, household sizes are somewhat similar in both tenure categories. Notably, 23% of renter-occupied households include three or more people, suggesting that rental housing may be an important housing option for families in Hemphill.

Chart 3F: Household Size Comparison, by Tenure



Source: Census 2010, SF1, Tenure by Household Size (H16)

Rental housing has often been characterized as a necessary option for only certain groups, such as low-income households or individuals and young couples in transition to homeownership. As a result, rental housing may be treated as an option of secondary importance (to homeownership). However, studies in cities throughout the U.S. have found that renting is increasingly prevalent and that renter households represent a more diverse array of individuals and life situations than previously thought. These findings have led many researchers and policymakers to reconsider the contribution that renting can make to a healthy housing market (further discussed in *Section 3.4.2 - Key Housing Considerations).*

Residents in Hemphill recognize the prevalence of renting in their community and would like to see additional rental housing development that is affordable for residents from all segments of the population. Residents would also like to achieve more support for local landlords interested in providing affordable rental housing.

Housing Affordability

According to the 2021 American Community Survey 5-year estimate (ACS) data, houses in Hemphill are, on average, more affordable than those in Sabine County or the state of Texas. The median home value in Hemphill – estimated at $75,800 - is lower than the county-area and state-wide estimates. The city's median home value is approximately 66% of the median home value for Sabine County ($114,300) and approximately 37% of the median home value for Texas ($202,600).

However, the median household income in Hemphill – estimated at $32,759 annually - is also lower than county-area and state-wide estimates; the median annual household income in Hemphill is approximately $8,549 less than the county-area estimates and $34,562 less than the state-wide estimates, or a difference in monthly income of roughly $712-$2,880. Therefore, a more appropriate measure of housing affordability in Hemphill would be the percentage of the median income consumed by housing costs.

Housing expenses are conventionally considered to be affordable when they consume less than 30% of a household's monthly income. The level of affordability for owner-occupied units differs depending on whether the owner has a mortgage or owns the home outright. Owner-occupied housing costs for Hemphill residents *without a mortgage* consume an estimated 18% of the average income. However, owner-occupied housing costs for Hemphill residents *with a mortgage* consume an estimated 41% of the average income (see *Appendix 3B*). Owner-occupied housing costs for residents with a mortgage in Sabine County consume an estimated 36% of the average income in the county.

Housing affordability in Hemphill also varies by tenure.[8] Monthly housing costs for renters in Hemphill are affordable but consume a slightly higher percentage of the average income than rental costs in Sabine County; median monthly rent consumes approximately 26% of the average income in Hemphill and 20% of the average income in Sabine County (see *Appendix 3B*).

Appendix 3B includes detailed tables and methodology regarding housing affordability calculations.

Fair Housing

In conjunction with the acceptance of grant funds from the Texas Community Development Block Grant Program (TxCDBG) program of the U.S. Department of Housing and Urban Development (HUD), the City of Hemphill stated that it would affirmatively further fair housing (AFFH) and uphold the 1968 Fair Housing Act. The Fair Housing Act prohibits discrimination based on disability, familial status, race, color, religion, sex, or national origin. *Table 3G, page 3-14* provides basic data on the availability of housing types to those protected classes. The following paragraphs discuss each protected group.

[8] "Tenure" refers to the conditions under which land or buildings are held or occupied, for example through ownership or through renting.

- Disability: According to the 2017-2021 American Community Survey (ACS), approximately 18.4% of residents in Hemphill (estimated 246 residents) have a disability;[9] this figure is higher than the state-wide average – 11.4% of all Texans. An estimated 29% of Hemphill residents with a disability are over 74 years old. It is not known how many single-family homes in Hemphill fully meet ADA accessibility standards. *Appendix 3C* includes information about organizations providing grants and loan assistance to disabled individuals.

- Familial Status: As measured by the number of bedrooms available, a variety of rental properties and homes for ownership are available to accommodate families, as well as single occupants.

- Race & Ethnicity: As shown in *Figure 3A (page 3-15)*, no Census areas of Hemphill have a minority population of 65% or higher, which is the threshold[10] used by the State of Texas for defining an area of "minority concentration." Houses in both good and poor conditions are located throughout the community. There are five multifamily developments within the city limits.

[9] In the 2017-2021 American Community Survey, individuals were classified as having a disability if they had hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, and/or independent living difficulty.
[10] The "65% threshold" is based on the definition of "an area of minority concentration" used by the Texas General Land Office in its 10/1/2012 publication**, "**Homeowner Opportunity Program Guidelines - CDBG Disaster Recovery Program - Hurricanes Ike & Dolly, Round 2."

Table 3G: Fair Housing Data

Housing by Type/Location (Field Survey 2023)

	Units	% of all Units in City [1]	ADA Accessible	2+ Bedroom	Location
Multifamily Units (Occupied and Vacant)					
Ash & Hornet	12	2.0%	1	6	City
460 Sabine St	4	0.7%	n/a	n/a	City
Westlake Apartments	32	5.3%	2	16	City
Rash St	8	1.3%	0	4	City
160 Lillian St	6	1.0%	n/a	n/a	City
Total MF Units	**62**	**10%**	**3**	**26**	
Houses (Occupied and Vacant)					
Single-family Rentals [2]	83	24%	N/A	27	Throughout
Single-family Owned	236	69%	N/A	125	Throughout
Single-family Vacant	23	7%	N/A	7	Throughout
Total Units	342				

Housing by Race/Ethnicity (Census 2010) [3]

Characteristic	Owned		Rented	
	#	%	#	%
Race				
White	275	72%	108	28%
Black	23	42%	32	58%
American Indian or Alaska Native	2	100%	0	0%
Asian	0	0%	2	100%
Other	0	0%	0	0%
Two or More Races	4	67%	2	33%
Native Hawaiian & Other Pacific Islander	2	67%	1	33%
Ethnicity				
Hispanic or Latino	15	71%	6	29%

Source: Census 2010, Sf-1 Data, Quick Table Hi (QTH1)

Notes: [1] Percentage derived from total housing units in City from 2023 Plan field survey (occupied and vacant); [2] 2+ bedroom is estimated from 2017-2021 ACS Census data using minimum percentage with 90% margin of error; [3] Number estimated based on total number of rentals counted in the Census minis number of apartments counted in field survey

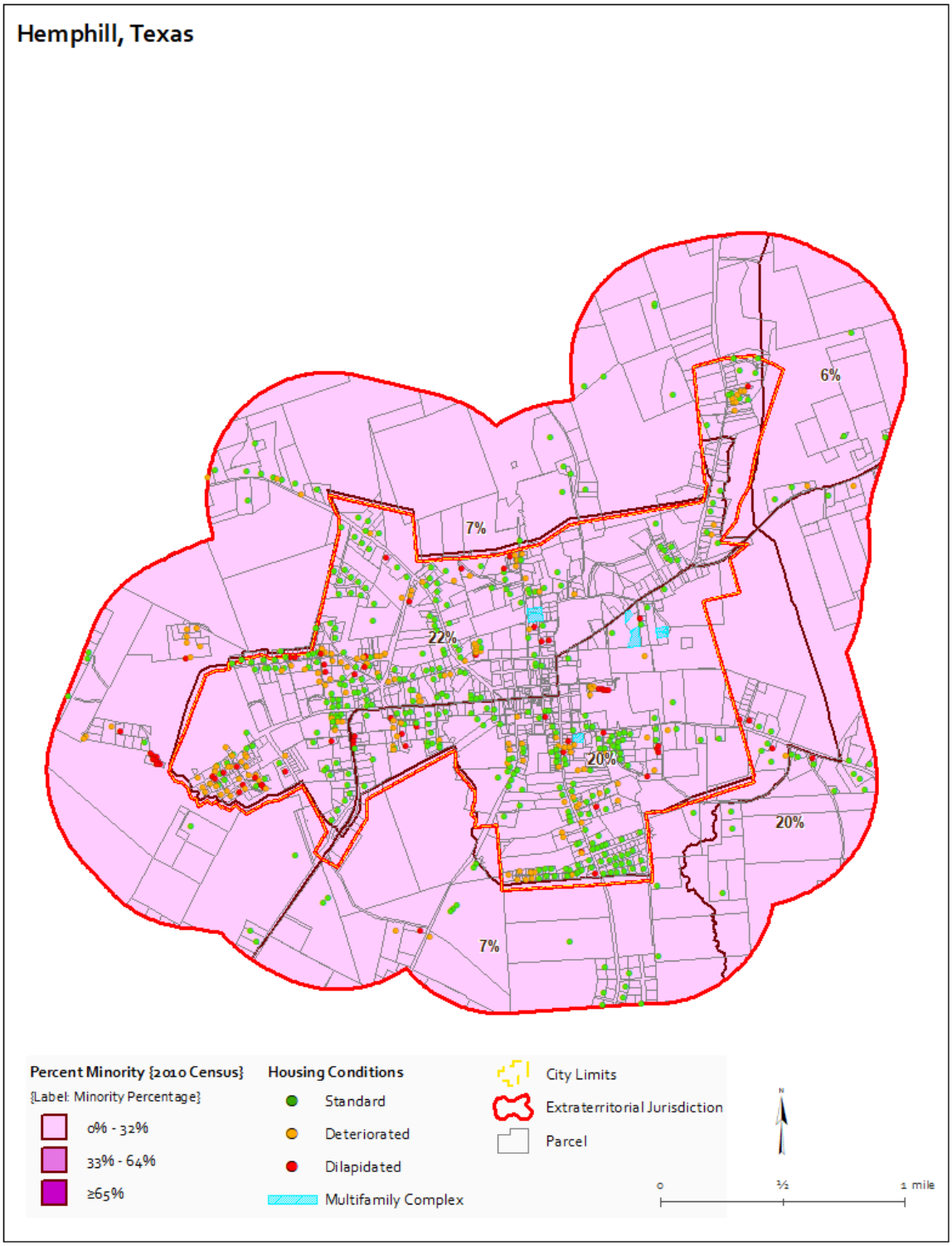


Figure 3A: Distribution of Minority Residents

Future Housing Needs

To improve the condition of the existing housing stock and ensure that current residents have access to safe and suitable housing, Hemphill will need to remove and replace the following occupied, substandard units:

- 91 occupied deteriorated/dilapidated mobile/manufactured units,
- 26 occupied, dilapidated stick-frame unit,
- And 26 RV-units used as primary housing.

The City will also need to take action to support repair and prevent further deterioration of 65 currently deteriorating, stick-frame- and multifamily-units (see *Table 3H*). Additional construction beyond the 117 replacements for occupied, substandard units may take place instead of deteriorated unit rehabilitation. However, rehabilitation is often cheaper.

In addition, based on a projected 2033 population of 1,288 residents, Hemphill will need an additional 24 units to accommodate the anticipated population growth. To increase housing diversity in Hemphill, at least 6 of the new units should be multifamily units. New housing units should ideally support the goal of removing and replacing the 20 currently vacant, substandard, single-family units in Hemphill *(see Table 3H)*.

Table 3H: Future Housing Needs

	Single-family	Multifamily	Total
Housing 2023-2033			
Occupied Housing in 2023	468	84	552
Total Housing in 2023	491	89	580
Total needed in 2033	486	90	576
Future Housing Strategy 2023-2033			
Need to repair *(Deteriorated SF)*	59	6	65
Need to remove/replace *(Occupied: dilapidated MH & SF, deteriorated MH)*	117	0	117
New construction needed	18	6	24
Need to remove *(Vacant: dilapidated MH & SF, deteriorated MH)*	21	0	21

Note: SF – Strick Frame; MH – Manufactured House

3.4 Key Housing Considerations

Based on the community input and local housing data described above, the City of Hemphill and its residents should focus on the following key areas related to housing:

- Structure conditions
- Stock diversity and affordability
- Fair Housing Act compliance

3.4.1 Improving Structural Conditions

Hemphill residents expressed a desire for improved housing conditions. The City has two ongoing methods for assisting residents with single-family housing conditions: HOME program grants and enforcement of City ordinances (further described below). The City should pursue the following strategies to support improved residential structural conditions.

Reduce Dilapidated Housing

Within the city limits, Hemphill has 41 occupied, substandard houses that need to be replaced, and 21 vacant substandard houses. Dilapidated houses comprise approximately 9% of Hemphill's housing stock.

Common causes of house deterioration include:

- A change in financial circumstances that makes an owner unable to pay for home repairs;
- Elderly residents no longer attentive to or able to maintain their homes;
- Lack of motivation by rental property owners to maintain their properties (because of low renter expectations, desire to maximize profit, living out-of-town, lack of enforcement, etc.); and
- Lack of pride in the property.

Figure 3B: Overgrown Yard/Dilapidated Housing Example

The effects of deteriorated and dilapidated houses impact the entire community, and it is worth community investment to address the problem. Effects include:

- Health risks to residents of deteriorated and dilapidated structures;
- Downward pressure on property values; and
- Reluctance of future homeowners to move to an area with large numbers of deteriorated or dilapidated houses.

Hemphill should pursue the following strategies to support the renovation or removal of substandard houses in the community, and to prevent future deterioration.

To improve the condition of Hemphill's housing stock, the City should:

a) Track the number and location of vacant, dilapidated structures in the community;

b) Update the Substandard Buildings and Structures Ordinance;

c) Support voluntary and alternative dilapidated building removal; and

d) Apply for, and educate homeowners about, available grants.

The following sections describe these recommendations in further detail.

Many of these strategies require clear property titles to be successful. Complicated titles are a key concern raised by residents and public representatives. See *Chapter 4: Land Use* for more information about legal clinics to assist residents.

Track Vacant, Dilapidated Structures

Tracking vacant, dilapidated housing enables the City to have a clear understanding of both the extent of the challenge and of progress in addressing that challenge. Depending on municipal resources and needs, the tracking system could be as sophisticated as a mapped database or something as simple as a single word document or excel spreadsheet noting structure addresses and the date each vacancy was identified. Tracking implies regular or semi-regular updates to the database or document/spreadsheet. Updates can similarly vary based on the resources and needs of the municipality. Municipalities with less available resources for this activity could select a time each year to drive the community, identify newly vacant, dilapidated structures, and update the document/spreadsheet as needed.

An up-to-date record of vacant, dilapidated housing can enable a city to make strategic decisions about its actions, such as focusing efforts on a few proximate structures or integrating demolition activities with other neighborhood improvements. Vacant, dilapidated housing records may also support grant applications. The City could also share general figures with community members as part of an educational campaign about housing conditions or to encourage support for a voluntary clean up event.

The City of Hemphill does not have an established system for tracking vacant, dilapidated housing. As part of this comprehensive plan, the city will receive fieldwork data collected to support each study, including housing. The City could use this data to start a tracking system according to its resources and needs.

Update the Substandard Buildings & Structures Ordinance

Local Government Code, Title 7, Subtitle A, Chapter 214 establishes a municipality's authority to regulate substandard buildings. The statutes enable a municipality to, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of certain buildings. Such ordinance must

- ✓ Establish minimum standards for the continued use and occupancy of all building regardless of the date of their construction
- ✓ Provide for giving proper notice
- ✓ Provide for a public hearing to determine whether a building complies with the ordinance standards

In addition, in 2011 and 2012, the Texas Supreme Court released opinions on the City of Dallas v. Stewart that impact dangerous structures ordinance enforcement. Most importantly, cities must allow 30 days after an administrative nuisance declaration for an owner to appeal the declaration before enforcing the ordinance. The Texas Municipal League (TML) has prepared a detailed report on the case and its implications for municipal enforcement of substandard structures ordinances. That report is included in the *Digital Appendix* to this study and is available on the TML website (www.tml.org).

According to existing records, the City of Hemphill adopted a substandard buildings ordinance (Article IV – Unsafe and Dilapidated Buildings) in 1988. With outdated language and standards, and limited local ability for enforcement, The City should update the ordinance to regulate substandard buildings and structures in Hemphill. The *Digital Appendix* to this study includes a sample ordinance for reference.

The effectiveness of an ordinance depends on enforcement, and The City should train an existing staff member or hire new staff members to complete basic code enforcement training provided by the Texas Department of Licensing and Regulation. However, given Hemphill's limited financial resources and municipal staff, this may not be feasible. Other Texas cities facing similar challenges have signed interlocal agreements with neighboring cities to share code enforcement resources (such as enforcement officers), usually for a fee. Hemphill has a few neighboring towns that may be willing to sign an interlocal agreement.

Support Voluntary & Alternative Building Removal Strategies

The City can also support the effectiveness of a Substandard Structures Ordinance by supporting voluntary and alternative building removal strategies. One way that some cities have encouraged landowners to abide by dangerous structures codes without entering litigation is to include a provision in the regulating ordinance that provides City assistance with demolition to landowners who voluntarily come forward and ask for an inspection. Instead of the $5,000-to-$10,000 it can cost to demolish the structure, the property owner pays landfill costs and $500 to the City for labor and hauling.

Some cities also provide no-cost demolition to homeowners who show financial inability to pay. Some small cities negotiate with their solid waste providers to include provisions such as removal of one or more dilapidated structures per year in their solid waste contract.

Home demolition is expensive, and costs may prove prohibitive for municipalities and residents. The City can also facilitate ordinance compliance by allowing for demolition alternatives. Two increasingly popular alternatives to house demolition are deconstruction and house moving. Rather than bringing in heavy equipment to raze an abandoned structure before sending it to the landfill, home deconstruction specialists and salvagers take apart abandoned houses piece by piece. Their focus is on collecting materials for reuse, so they limit the amount of waste that heads to the landfill. Unlike demolition, pricing for deconstruction is not always straightforward.

In some cases, salvagers will pay to remove certain materials, but they might not take everything. In other cases, deconstruction specialists will demolish the house for the right to collect the materials they want. In still other cases, deconstruction can cost significantly more than demolition. However, deconstructing a home allows the homeowner to take a significant tax deduction, often higher than the cost of deconstruction itself. The *Digital Appendix* includes an explanation of the appraisal process for donated building materials.

Some structural moving companies maintain an inventory of the commercial and residential structures they remove from properties to resell and relocate. Often, structural moving companies sell their inventory at relatively affordable prices. By reselling the homes, house movers keep them out of the landfill, and they give new buyers an opportunity to rehabilitate the structures. If structural movers keep the structure, they may or may not charge for house removal. Depending on the house, they might buy it from the property owner before moving the structure. As long as the home is structurally sound enough to be moved, structural moving companies will collect homes and other buildings in all conditions.

Improve Manufactured Housing Regulations

Manufactured houses comprise 28% of Hemphill's housing stock. Although less durable than well-constructed, stick-frame houses, when in compliance with HUD and building codes, manufactured units can provide affordable, safe housing. One of the most common complaints about manufactured houses is that their appearance negatively impacts surrounding property values. Manufactured houses are increasingly similar to stick-frame houses in design and, when located on single-family lots with landscaping, masonry skirts, and regular maintenance, can be near-indistinguishable from stick-frame houses.

Figure 3C: New Manufactured Home Example

Manufactured home values may be more likely to depreciate than stick-frame homes values due to factors like location, maintenance, and purchase price. Depreciation negatively impacts local property tax revenues. A 2003 study conducted by the Consumers Union in Texas assesses which aspects of manufactured houses are most likely to lead to depreciation or appreciation in value.[11] The Consumers Union concludes that variability in manufactured house appreciation/depreciation is much higher than in stick-frame construction. However, the study finds that homeowners and regulators can pursue several actions to increase the likelihood of appreciation:

- ✓ Own Land. If land ownership is not an option, rent and tenancy should be as stable as possible. Homes should be sold in place
- ✓ Select durable houses
- ✓ Pay fair price – and it may be that shopping for a deal in used homes is worthwhile
- ✓ Improve demand for used homes by creating lending products to finance this market
- ✓ Place housing in good locations and neighborhoods [increase appreciation]
- ✓ Give the home-site built visual appeal and congruence with neighborhood styles
- ✓ Budget money for repairs
- ✓ Consider all the aspects that lead to equity building, not just appreciation

[11] Study available from www.consumersunion.org and is included in the *Digital Appendix* for this plan.

The impact of manufactured houses on municipal tax revenues also depends on state tax law and county appraisal district methods for depreciating manufactured housing.

Because of the dual considerations of Hemphill's larger low-income population *(see Appendix 2A)* and residents' desire to improve the city's housing stock, the City of Hemphill should;

a) Adopt manufactured housing ordinance to replace the outdated mobile home ordinance currently in effect; and

b) Over time and in conjunction with other economic development projects, consider adopting stricter ordinance standards to both improve manufactured house value and encourage more stick-frame construction.

Adopt a Manufactured Housing Ordinance

Manufactured housing standards are not likely to reduce the number of manufactured units in the city, but standards are likely to improve the condition of Hemphill's manufactured housing stock over time.

The Texas Manufactured Housing Standards Act, passed in June 2003, established manufactured housing regulations at the state level (Texas Occupations Code, Subtitle C, Chapter 1201). The standards create an important distinction between "Mobile Homes" and "HUD-Code Manufactured Homes". This distinction is important because the structure types receive different protections under the law. For example, it is lawful for a city to prohibit the new installation of a Mobile Home within the city limits (with a few caveats). However, a city may NOT prohibit the new installation of HUD-Code Manufactured Home in the city limits. The act defines the term "Manufactured Home" or "Manufactured Housing" as a "HUD-code Manufactured Home or a Mobile Home".

Sample manufactured housing ordinances from other municipalities, as well as a legal Q&A report regarding manufactured housing regulation from the Texas Municipal League, are included in the *Digital Appendix* to this study.

Apply for Grants / Educate Homeowners about Available Grants

Within the city limits, Hemphill has 59 occupied, stick-frame, single-family structures in deteriorated conditions that need renovation and 180 occupied, substandard units that need to be replaced. The City can further support improved housing conditions by applying for grants and working to share information about available grant programs with homeowners.

HOME Grants. According to available data, Hemphill has never utilized HOME Grants. The HOME grant is the most common grant program for rehabilitation or replacement of single-family homes. The program is managed by the Texas Department of Housing and Community Affairs (TDHCA) and funded by the U.S. Department of Housing and Urban Development (HUD). Program details change year to year, but, in general, the recipient resident must meet income limits and have a clear title to the property and land. The City may also have to provide a cash or labor/materials match, depending on population size.

Maintenance Grants. Municipal authorities should also work to share information about available maintenance grant programs with homeowners. Housing maintenance and repairs can be costly. Providing homeowners with information about home maintenance and repair grant and loan programs is a key component to not only preventing structural deterioration but also for maintaining affordability. Several programs are available to homeowners that assist with a variety of home maintenance needs such as weatherization improvements, general home repairs, and low-interest loans.

Appendix 3C: Community Housing Organizations & Grant Programs lists grant programs and resources that public officials should be aware of and should share with residents.

Consider Developing a Disaster Recovery Program

On August 25, 2017, Hurricane Harvey made landfall near the Texas Gulf Coast. The Category 4 hurricane's slow movement over the next several days caused catastrophic damage in small and large communities throughout the region.

The city of Hemphill was primarily impacted by Harvey's extensive flooding that occurred in neighboring communities. As a result, Sabine County was awarded $14.2 million in May 2021 by the Texas General Land Office (GLO) to address drainage and sewer infrastructure throughout the county.[12]

The City should consider developing a disaster recovery program. The Rapid Disaster Recovery Housing Report, developed out of the Rapid Housing Recovery Pilot Program (RAPIDO) in the Lower Rio Grande Valley, is an excellent resource.

[12] https://www.glo.texas.gov/the-glo/news/press-releases/2021/may/mitigation/14-point-2-million-granted-by-texas-glo-for-historic-disaster-mitigation-projects-in-sabine-county.html

The report was created to "…give an overarching view of the lessons learned from the RAPIDO Demonstration Project[13] as well as findings from a comparison of other reports completed after similar disasters across the Gulf and Atlantic Coasts" (CDC Brownsville, 2015).

The report approaches disaster management as an "ongoing cycle of action that takes place both during and between disasters. In other words, recovery from one disaster is mitigation for the next" (CDC Brownsville, 2015). The disaster management cycle consists of four phases – mitigation, preparedness, response, recovery – each requiring ongoing planning to reduce the impact of disasters. The program emphasizes several "Key Concepts and Innovations", including pre-disaster preparedness, pre-procurement, local focus, supportive case navigation, community empowerment, and temporary-to-permanent housing strategy.

> *"Disasters both magnify and accelerate processes already occurring in communities, such as housing turnover, gentrification, or conversions of land use from residential to commercial…. Such acceleration might not permit the extent of community input or interventions that might occur normally.*
>
> *Consequently, in the days, weeks, and months that follow a disaster, decisions must be made rapidly to deal with pressing immediate issues like emergency sheltering and temporary housing, rebuilding, and the restoration of community infrastructure.*
>
> *The pace of decision-making defies typical rational planning methods that require the collection of data and consideration of many alternatives, forcing communities to make hasty decisions that may later turn out to be ill-advised, but yet now are long-lasting if not permanent."*
>
> (CDC Brownsville (2015)., pg. 05)

The Rapid Disaster Recovery Housing Report consists of three documents: policy recommendations, a step-by-step technical guide for local jurisdictions, and a program comparison report. The report is available online at http://www.rapidorecovery.org/.

3.4.2 Developing More Diverse & Affordable Housing Options

Hemphill residents expressed a desire for additional housing development to meet the high demand for affordable and rental housing. Residents currently living in dilapidated/deteriorating housing that needs to be replaced could also benefit from additional housing development efforts. The City should pursue the following strategies that promote a variety of housing options, affordable for diverse incomes and stages of life:

(a) Establishing strategic development decisions

(b) Collect and share housing and community information

(c) Network with affordable housing organizations and developers

[13]http://www.cdcbrownsville.org/rapido.html

Increase Housing Diversity Through Strategic Development Decisions

Housing diversity can refer to structure-type – such as detached, single-family houses, townhouses, duplexes, triplexes, apartments, and tiny houses – as well as targeted occupant group – such as renter, senior, low(er)-income, or luxury occupants. In both cases, the purpose of supporting housing diversity is to ensure that people of varying economic means and life stages have access to suitable and affordable housing in their community.

Prioritize Residential Infill, Allow ADUs

One way to limit the increased infrastructure costs that result from growth is to prioritize residential infill development on vacant, subdivided land within the city limits. Since existing infrastructure systems already serve these lots, new development should not require significant infrastructure expansion and allow the City of Hemphill to focus on existing system maintenance and improvements.

Allowing accessory dwelling units (ADUs), or smaller, independent residential units, to co-locate on an existing lot is another way to support residential infill, as well as increase housing diversity and affordability. ADUs can provide low-cost housing options for renters, family members or caretakers, as well as allowing older residents to remain in their home community and maintain independence for longer, also known as "aging-in-place". Permitting ADUs often requires an update to zoning ordinance standards, such as reducing minimum unit size requirements. The American Association of Retired Persons (AARP) Policy institute offers a free model local ordinance to allow accessory dwelling units and other related resources (see AARP.org/ADUs).[14]

The City of Hemphill can support residential infill by:

- Adopting and sharing a future land use map that illustrates a community preference for infill of existing residential neighborhoods.
    - *Map 4B: Future Land Use* illustrates a future land use in Hemphill according to the principals and goals established in this plan.
- Adopting a zoning ordinance to limit development outside of existing residential neighborhoods and allow accessory dwelling unit development in one or more zoning districts.
    - *Chapter 9: Zoning Ordinance* provides a recommended zoning ordinance for the City of Hemphill's consideration.

Chapter 4: Land Use Study further discusses strategies to promote infill development and provides map showing the location of developable properties ideal for infill.

[14] https://www.aarp.org/livable-communities/housing/info-2021/adu-model-state-act-and-local-ordinance.html

Support a Variety of Multifamily Housing Developments

According to a study conducted by the Urban Land Institute (ULI), multifamily housing can play a key role in housing affordability. The study found that multifamily housing:

- ✓ Is needed and preferred by many people at a variety of life stages (individuals, new families, empty-nesters, seniors, etc.);
- ✓ Is important to the economic vitality of the broader community;
- ✓ Can help minimize traffic congestion;
- ✓ Enables a community to provide housing that is affordable to a broader range of incomes; and
- ✓ If well designed, can be an attractive and compatible addition to the community.

The ULI study is included in the *Digital Appendix* to this plan.

Multifamily housing does not have to be exclusive to renters. Multifamily housing development could also provide an important alternative housing option for potential new homeowners in Hemphill. Building types such as duplexes or townhomes, or condominiums are often more attainable to first-time home buyers than single-family, detached housing on large lots of land.

The City of Hemphill can support development of a variety of multifamily housing types and sizes by:

- ❖ Adopting and sharing a future land use map that illustrates or allows for a mix of housing structure types (see *Map 4B: Future Land Use*).
- ❖ Updating the zoning ordinance as needed to allow a variety of multifamily structures in one or more zoning districts (see *Chapter 9: Zoning Ordinance).*

Collect & Share Housing & Community Information

The City of Hemphill can also support the development of more diverse and affordable housing options by collecting and sharing housing and community information through record-keeping, surveys, and workshops.

The City should keep records of housing market information such as:

- ✓ Requests made to City Hall for rental housing information;
- ✓ Records of occupancy and vacancy rates in rental housing (including RV parks and single-family houses);
- ✓ Information on land available for lease or purchase; and
- ✓ Information on utility rates and capacities.

Keeping records of inquiries about available single-family and multifamily housing opportunities would make Hemphill more appealing to potential residents and housing developers. This type of basic legwork by municipal staff and residents makes a city more appealing. The potential resident/developer does not have to spend as much time on research, and such work builds trust that residents and staff members are able and willing to work with new residents or development groups.

The City should also consider regularly collecting information from residents about housing conditions. For example, a survey conducted every three-to-five-years could help the City maintain a better understanding of housing conditions. In addition to potentially supporting grant applications and studies, record keeping and housing survey results could help the City identify key community challenges and opportunities and to work with residents on these issues. For example, the housing survey could be followed up with a workshop to educate residents about fair housing laws and available grant and loan programs that pertain to housing needs expressed through the survey.

Network with Affordable Housing Organizations & Developers

The City should network with affordable housing organizations. Several regional and State organizations promote affordable housing. Coordinating and communicating with these organizations will keep Hemphill updated about affordable housing programs and opportunities. State organizations working on affordable housing initiatives include the Texas Department of Housing and Community Affairs, Texas Affiliation of Affordable Housing Providers, Texas State Affordable Housing Corporation. *Appendix 3C* includes more information about those and other housing organizations.

The City should also network with affordable housing developers. Currently, Hemphill may be most appealing to niche developers in the lower-income, worker, and senior housing markets. Recruiting those developers would require networking, consulting with potential developers about their needs, and providing information about the city to as many people as possible. *Appendix 3C* describes several organizations that provide general information, grants, and loans for housing development and access to networks of housing developers, including:

- ✓ Texas Affiliation of Affordable Housing Providers (TAAHP)
- ✓ Texas State Affordable Housing Corporation (TSAHC)
- ✓ Texas Department of Housing and Community Affairs (TDHCA)
- ✓ U.S. Department of Agriculture Rural Development (USDA-RD)

In terms of bringing affordable, multifamily, rental housing development to Hemphill, the City should focus on working with developers who are eligible to apply for the Housing Tax Credit (HTC) program. The HTC program is a dollar-for-dollar reduction of federal income tax liability through the Texas Department of Housing and Community Affairs (TDHCA). The program reduces the cost to developers, allowing them to provide more affordable units at lower rates to tenants. This would increase the number of quality affordable units in Hemphill. The program is competitive, so municipal participation is encouraged in the form of development support and funding contributions. Visit the TDHCA website for more information (http://www.tdhca.state.tx.us/multifamily).

3.4.3 Continuing to Support Fair Housing

The City of Hemphill has adopted or agreed to adopt several policies and to undertake actions to increase local awareness of fair housing issues and increase the availability of housing choices to protected classes. The City must consider whether its policy and budget decisions intentionally or unintentionally sanction segregation or limit free housing choice, if it has sufficiently educated the public about the Fair Housing Act, and if it has taken proper steps to uphold the Act.

The fair housing analysis in this plan is guided by the State of Texas Analysis of Impediments and the Fair Housing Activities Statement of Texas (FHAST), both of which provide standards for analyzing fair housing in a community. The FHAST often combines references to protected classes with references to low-income because there is a high correlation between the two groups; therefore, the following analysis also references income-related assistance.

The City has at least three tools by which it can affect fair housing:

Grant Applications. With the exception of HOME (described above), many grant applications that would help residents with home repair and rehabilitation must be initiated by individuals or non-municipal organizations. Hemphill's public officials and municipal staff can publicize and provide contact information for such grants. *Appendix 3C* provides a list of grant programs and area organizations that work on housing assistance.

Ordinance Adoption & Enforcement. The City's ordinances do not appear to contain fair housing impediments. The following review assesses how fair housing is affected by the City's standards for flood damage prevention and minimum standards for continued use and occupancy of a building.

- *Flood Damage Prevention Ordinance*: Hemphill's Flood Damage Prevention Ordinance permits the construction of structures in flood-prone areas provided that the construction meets damage-prevention and safety standards. The ordinance applies equally to all residential structures in the 100-year Floodplain; there are currently 17 single-family structures located in the 100-year Floodplain.
- *Minimum Standards for Building Use/Occupancy.* Houses of varying conditions are located throughout the City, and the standards apply equally to all such housing. The standards would be improved if combined with assistance to owners who are unable to repair or replace their homes (primarily through HOME grants and other grant resources listed in *Appendix 3C*).

Policy Adoption & Community Education. The City has regularly published the following ad in its newspaper of record in conjunction with TxCDBG grants.

To promote fair housing practices, the City of Hemphill encourages potential homeowners and renters to be aware of their rights under the National Fair Housing Law. Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination against any person on the basis of race, color, religion, sex, handicap, familial status, or national origin in the sale or rental of units in the housing market. For more information on fair housing or to report possible fair housing discrimination, call the U.S. Department of Housing and Urban Development's toll-free hotline at 1-800-669-9777.

The City posts provisions of the National Fair Housing Laws and the process for filing a complaint regarding housing discrimination at City Hall.

The City should take the following actions to further support fair housing in Hemphill;

a) Provide at City Hall:

- Local, State, and Federal contacts for reporting a fair housing complaint.
- A copy of the City's Fair Housing policy and complaint procedures.
- A copy of the Federal Fair Housing Act.[15]
- A copy of the Texas Accessibility Standards[16] and Construction Requirements for Single-Family Affordable Housing (Texas Government Code, Section 2306.514).[17]

b) Adopt and annually update fair housing ordinances, resolutions, and policies, including:

- A Fair Housing Ordinance based on HUD model ordinances.
- A policy explicitly requiring that all non-federally funded projects in the city follow State and Federal laws regarding special-needs construction standards.
- A policy preventing the concentration of undesirable infrastructure (e.g., sewer plant, solid waste dump, etc.) in locations that would unfairly impact protected classes.
- A resolution designating April as Fair Housing Month.

c) Provide annual fair housing training to all senior municipal staff.[18]

d) Establish a procedure for municipal staff to keep logs and records of fair housing complaints and referrals.

e) Coordinate housing grant applications with other grant applications so that housing quality in an area is improved at the same time as water, sewer, streets, and drainage.

f) Develop an anti-NIMBYism[19] action plan to disseminate timely and accurate information to residents and other concerned parties during the planning and execution of fair housing projects and developments.

[15] Availa*ble at the Department of Justice Civil Rights Division website: www.justice.gov/crt/about/hce/title8.php*
[16] *Available at www.tdlr.state.tx.us/ab/abtas.htm*
[17] *Available at www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm#2306.514*
[18] The Texas Workforce Commission offers a variety of training programs. Visit http://www.twc.state.tx.us/partners/fair-housing-presentations-training for further information.
[19] "NIMBY" is an acronym for "Not In My Backyard". An AntiNIMBYism action plan is intended to prevent/address misinformation that may lead to NIMBY-type sentiments about proposed new developments and fair housing opportunities.

3.5 Implementation Plan

The Implementation Plan organizes the recommended action items recommended to address each issue identified in the above sections into a timeline for completion. The actions are prioritized and organized by date.

Table 3I: Implementation Plan: 2023-2033

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2026	2027-2029	2030-2033			
Goal 3.1 *Renovate or replace occupied, substandard housing and support housing stock resiliency*						
Reconstruct or replace at least two (2) houses per year with HOME grants	X	X	X	City	Match is variable[20]	GEN; TDHCA;
Keep up-to-date information on housing assistance organizations at City Hall, on a City website, and at local institutions (service organizations, churches, etc.) (*see Appendix 3C for a list of organizations*)	X	X	X	City	Staff	GEN
Keep up-to-date information on grant programs at City Hall, on a City website, and at local institutions (service organizations, churches, etc.) (*see Appendix 3C for a list of programs*)	X	X	X	City	Staff	GEN
Adopt an updated Manufactured Housing Ordinance	X			City	$1,000 (legal)	GEN
Consider developing a Disaster Recovery Housing Program		X	X	City	Staff; Variable	GEN

[20] HOME program details, including match requirements, change year-to-year.

Goal 3.2 *Remove vacant, dilapidated structures*						
Create and maintain a log of vacant, dilapidated structures	X	X	X	City	Staff/Varies	GEN; Local
Pursue one or more strategies to support voluntary and alternative dilapidated building removal	X	X	X	City	Staff	GEN; Local
Designate and train a staff member in code enforcement or develop an interlocal agreement with a neighboring municipality for code enforcement assistance		X		City	$1,000 (legal)	GEN; TDLR
Update the Substandard Structures Ordinance	X			City	$1,000 (legal)	GEN
Remove at least one (2) vacant, dilapidated houses per year	X	X	X	City	Varies (US avg. = $18,000)	GEN; Local
Goal 3.3 *Pursue diverse and affordable housing development*						
Collect information on Hemphill's population and housing needs (e.g., rental housing requests, occupancy rates, demographics)	X	X	X	City	Varies by form	GEN; Local
Prioritize and market lots suitable for residential infill	X	X	X	City	Staff	GEN
Adopt an updated Zoning Ordinance to establish development standards that allow for diverse housing types	X			City	$1,000 (legal)	GEN
Adopt a Future Land Use Map that guides healthy housing development patterns and promotes infill development	X			City	Staff	N/A

Network with affordable housing organizations and developers	X	X	X	City	Variable	EDC; GEN; Local
Update website to make information about Hemphill easily accessible to residents and developers (*see also Chapter 9: Economic Development*)		X	X	City	Variable by form; (estimated $100 - $1,500/year) + Staff	EDC; GEN; Local
Establish a schedule for regular review of Future Land Use Map and Zoning Ordinance		X		City	N/A	GEN
Goal 3.4 *Continue to support Fair Housing initiatives*						
Adopt and conduct annual reviews of ordinances, resolutions, and policies that support fair housing	X	X	X	City	Staff	GEN
Keep up-to-date information on Fair Housing laws, policies, complaint procedures, and ADA construction standards at City Hall and on a City website	X	X	X	City	Staff	GEN
Provide annual fair housing training to all senior staff	X	X	X	TWC, Staff	Staff	GEN
Establish a procedure for City staff to keep logs and records of fair housing complaints and referrals	X			Staff	Staff	GEN

Sources: **GEN** = Municipal funds; **Staff** = Staff time (City); **Local** = donations of time/money/goods from private citizens, charitable organizations, and local businesses; **TDHCA** = Texas Department of Housing and Community Affairs; **TDLR** = Texas Department of Licensing and Regulation

3.6 Appendix 3A: Detailed Housing Data

In January and February 2023, GrantWorks, Inc. conducted an exterior/windshield survey of all residential buildings in Hemphill to determine the physical condition of each housing unit in the city and extraterritorial jurisdiction (ETJ). A housing unit can be a single-family detached house, a mobile/manufactured house, or a multifamily unit such as an apartment, condominium, or townhome). The survey rated the condition of each housing unit on a scale from "standard" to "dilapidated," as defined in *Table 3A.1.*

Table 3A.1: Housing Condition Survey Classifications & Criteria

	Criteria
Standard	Few or no minor visible exterior defects such as: • cracked, peeling, or missing paint • cracked, sagging, rotting, or missing siding, steps, porch planks, or other wooden surfaces • cracked or broken window panes • cracked masonry, brick, or mortar surfaces • missing or damaged roof shingles • small rust spots on mobile homes Generally meets local building codes No detriment to health and safety present
Deteriorating	Few visible exterior defects requiring repair beyond routine maintenance such as: • missing or damaged wooden surfaces that could cause injury if walked upon or leaned against • missing windowpanes • badly deteriorated window frames • major holes in exterior walls, up to one (1) foot across and/or penetrate through the interior walls • roof missing many shingles or has holes up to six (6) inches across • chimney bricks missing • extensive rusting, joint separation on mobile home exterior Rehabilitation is economically feasible
Dilapidated	Fails to provide safe shelter Several of the major defects listed under Deteriorating Any major structural damage such as: • sagging foundation • sagging roof • slanted or tilted exterior walls • missing doors • collapsed chimney or porch • fire or severe water damage Rehabilitation is not economically feasible All non-HUD Code (pre-June 15, 1976) mobile homes are considered dilapidated

Housing occupancy was determined by visual inspection of each house. Each house was checked for: wired electric meter, yard maintenance, intact blinds and/or visible furniture, undamaged or secured windows, and the condition of yard furniture. *Table 3A.2* tabulates the complete survey results.

Table 3A.2: Housing Data from Windshield Survey

	Type / Condition	Occupancy	City	ETJ	Total Region
Stick Frame	**Standard**	Occupied	231	54	285
		Vacant	3	0	3
	Deteriorated	Occupied	53	3	56
		Vacant	6	3	9
	Dilapidated	Occupied	26	5	31
		Vacant	0	0	0
	Total (Occupied)		310	62	372
	Total (Vacant)		9	3	12
	Subtotal - Stick Frame Homes		*319*	*65*	*384*

	Type / Condition	Occupancy	City	ETJ	Total Region
Mobile & Manufactured	**Standard**	Occupied	67	13	80
		Vacant	0	0	0
	Deteriorated	Occupied	78	10	88
		Vacant	1	0	1
	Dilapidated	Occupied	13	6	19
		Vacant	13	1	14
	Total (Occupied)		158	29	187
	Total (Vacant)		14	1	15
	Subtotal – Manufactured Homes		*172*	*30*	*202*
	Subtotal- Single-Family Homes		*491*	*95*	*586*

	Type / Condition	Occupancy	City	ETJ	Total Region
RV	**Standard**	Occupied	21	4	25
		Vacant	0	0	0
	Deteriorated	Occupied	2	1	3
		Vacant	1	0	1
	Dilapidated	Occupied	2	2	4
		Vacant	0	1	1
	Total (Occupied)		25	7	32
	Total (Vacant)		1	1	2
	Subtotal – RV Homes		*26*	*8*	*34*

	Type / Condition	Occupancy	City	ETJ	Total Region
Multifamily	**Standard**	Occupied	78	0	78
		Vacant	5	0	5
	Deteriorated	Occupied	6	0	6
		Vacant	0	0	0
	Dilapidated	Occupied	0	0	0
		Vacant	0	0	0
	Total (Occupied)		84	0	84
	Total (Vacant)		5	0	5
	Subtotal - Multifamily Homes		*89*	*0*	*89*

	Type / Condition	Occupancy	City	ETJ	Total Region
Total Housing Conditions	**Standard**	Occupied	397	71	468
		Vacant	8	0	8
		Total Standard	405	71	476
	Deteriorated	Occupied	139	14	153
		Vacant	8	3	11
		Total Deteriorated	147	17	164
	Dilapidated	Occupied	41	13	54
		Vacant	13	2	15
		Total Dilapidated	54	15	69
	Total (Occupied)		577	98	675
	Total (Vacant)		29	5	34
	Total Housing Units		606	103	709

Source: GrantWorks, Inc., 2023 Fieldwork Study

3.7 Appendix 3B: Housing Affordability Calculations

Housing units are conventionally considered to be affordable when monthly costs are less than 30% of monthly income. *Table 3B.1: Housing Tenure Data* tabulates the median monthly income, the total number of owner- and renter-occupied housing units, and housing costs as a percentage of income for both renters and homeowners. Average housing costs for owner-occupied units with a mortgage consume 41% of the median monthly income in Hemphill.

Table 3B.1: Housing Tenure Data (2021)

		Hemphill	Sabine County
Owner-occupied Units	*Total Occupied Housing Units*	*448*	*4,317*
	# of Units	282	3,726
	% of Total	63%	86%
	Monthly $ w/Mortgage (median)	$1,112	$1,251
	% of monthly income	**41%**	**36%**
	Monthly $ w/o Mortgage (median)	$504	$385
	% of Income	**18%**	**11%**
Rental Units	# of Units	166	591
	% of Total	37%	14%
	Median monthly rent	$721	$686
	% of monthly income	**26%**	**20%**

** The City housing unit count is from the ACS and does not include additional houses counted in the field survey.*
Source: U.S. Census Bureau; American Community Survey 2017-2021, Tables S2502, B25077, B19013, B25088, B25064; <data.census.gov>

Another affordability measure for housing and a key component of mortgage lending decisions is the price-to-income ratio. The price-to-income ratio is the disparity between median income and median housing value. It provides a measure to answer the question "Is a median-priced home affordable for a median income earner?" Houses are generally considered to be affordable for the purchaser when the cost of the house equals roughly 2.6 times the purchaser's annual income.[21] *Table 3B.2* shows that Hemphill's price-to-income ratio is less than the ratios for the state and Sabine County. Ratios over 2.6, like Sabine County and the state, are considered unaffordable.

Table 3B.2: Median Household Income & Housing Values

	Hemphill	Sabine County	State
Median Household Income	$32,759	$41,308	$67,321
Median Household Monthly Income	$2,730	$3,442	$5,610
Median Home Value	$75,800	$114,300	$202,600
Median Home Value / Median Household Income	**2.3**	**2.8**	**3.0**

Source: U.S. Census Bureau; American Community Survey 2017-2021, Tables B19013 and B25077; <data.census.gov>

3.8 Appendix 3C: Community Housing Organizations & Grant Programs

Detailed information regarding programs that serve housing needs in Sabine County and Hemphill are listed below. Additional information on state and federal programs that may be useful to Hemphill's residents may be found by contacting local offices and reviewing individual organizations' websites.

3.8.1 Services Currently Available/Active in Hemphill

Southeast Texas Housing Finance Corporation (SETH)

Established in 1981, SETH's primary business activity is to issue tax-exempt single-family mortgage revenue bonds. The corporation also issues bonds for affordable multifamily housing projects, provides homebuyer training, and offers administration of federal housing programs/awards.

Organization / Office:	Southeast Texas Housing Finance Corporation (SETH)
Address:	11111 South Sam Houston Parkway East Houston, Texas 77089
Phone / Email:	(281) 484-4663
Website:	http://sethfc.com/

[21] "Where the House-Price-to-Income Ratio is Most out of Wack" retrieved from: https://www.citylab.com/equity/2018/05/where-the-house-price-to-income-ratio-is-most-out-of-whack/561404/; "High Home Price-to-Income Ratios Hiding Behind Low Mortgage Rates" retrieved from: http://www.forbes.com/sites/zillow/2013/04/16/high-home-price-to-income-ratios-hiding-behind-low-mortgage-rates/

Hemphill Housing Authority

The Hemphill Housing Authority provides housing assistance to low-income families and administers the Public Housing and Housing Choice Voucher Program (Section 8) through federal funding from the U.S. Department of Housing and Urban Development (HUD). The Housing Authority manages two, income-limited, multifamily complexes in Hemphill (20 total units).

Organization / Office:	Hemphill Housing Authority
Address:	102 Ash St Hemphill, Texas 75948
Phone / Email:	(409) 787-3937

Deep East Texas Council of Governments (CBCOG)

Council of Governments (COGs), also known as regional planning commissions, are voluntary associations of local governments formed under Texas law. These associations address problems and planning needs that require regional attention or that cross the boundaries of individual local governments. COGs coordinate planning and provide a regional approach to problem-solving through cooperative action and may provide direct services at the local level. The Coastal Bend COG conducts planning activities, applies for grants for local communities, administrates programs such as the Area Agency on Aging program and the Housing Choice and Voucher program, and is an Economic Development District (established in 1966).

Organization / Office:	Deep East Texas Council of Governments
Address:	1405 Kurth Drive, Lufkin, TX 75904-1929
Phone / Email:	(936) 634-2247
Website:	*https://www.detcog.gov/*
Counties Served:	*Angelina, Houston, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity and Tyler*

Area Agency on Aging

Local area agencies on aging (AAAs) are affiliated with the Texas Department on Aging and receive State and federal funds to help coordinate local elderly care for those over age 60. Services the agency provides include: Nursing Home Ombudsman, Benefits Counseling (legal information), Care Coordination (in-home assistance with meals, minor repair, health care, etc.), Caregiver Support Program (counseling/assistance to caregivers) and some additional services (health and wellness). DETCOG administers the program in Sabine County. The Department of Health and Human Services provides an online eldercare locator that includes the option for an online chat at *http://www.eldercare.gov/eldercare.NET/Public/index.aspx.*

Organization / Office:	Area Agency on Aging of Deep East Texas

Address:	1405 Kurth Drive, Lufkin, TX 75904-1929
Phone:	(936) 634-2247
Website:	*https://www.aaadeepeasttx.org/*
Counties Served:	*Angelina, Houston, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity and Tyler*

3.8.2 Grants/Loans & Organizational Resources Available to the City

Texas Department of Housing and Community Affairs (TDHCA)

TDHCA is the state agency responsible for promoting and preserving homeownership, and financing the development of affordable rental housing. The agency has programs to build and to rehabilitate single-family and multifamily housing. The City can apply for funding to:

- Assist with multifamily unit rehabilitation projects; (Rental Housing Development Program);
- Assist renters, including veterans and persons with disabilities, with utility and security deposits (Tenant-Based Rental Assistance Program, Tenant-Based Rental Assistance Program for Persons with Disabilities, and the Veterans Housing Support Program);
- Provide down payment assistance to individuals who have not owned a home in three years or who are first-time home buyers (Texas HOME buyer Assistance Programs);
- Repair or replace substandard homes for low-to-moderate-income residents (HOME Rehabilitation Program and Homeownership Assistance Program); and
- Construct home accessibility projects for disabled residents (Amy Young Barrier Removal Program)

Organization / Office:	Texas Department of Housing & Community Affairs
Address:	221 East 11th Street Austin, Texas 78701
Phone / Email:	(512) 475-3800 or (800) 525-0657 / *info@tdhca.state.tx.usa*
Website:	*www.tdhca.state.tx.us*

U.S. Department of Agriculture Rural Development (USDA-RD)

The mission of USDA-RD is to improve the economy and quality of life in rural America. USDA programs include homeownership opportunities, owner-occupied housing assistance, rental assistance, rental housing development, community development activities, business development, and technical assistance in rural areas of the State (generally considered areas with a population of fewer than 20,000 people). Programs include:

- Loan Program: USDA-RD Guaranteed Rural Housing Loans for Single-family Dwellings offers help for people who want to own a home but cannot pay a down payment. Low and moderate-income applicants can have closing costs associated with purchasing a house financed into the loan up to the appraised value of the property. Loans can be for new or existing homes.

The Guaranteed Rural Housing Program charges a 1.5% guarantee fee that is due at closing. Generally, the program targets communities with populations of 10,000 or less in locations not closely associated with urban areas.

- Direct Loan Program: Individuals can apply for direct loans through the area offices.
- Rural Repair and Rehabilitation Loans: Used to modernize existing homes by adding bathrooms, central heating, modern kitchens, and other improvements such as driveways and foundation plantings. Individuals who meet the requirements should contact USDA directly for these loans. Some seniors may be eligible for grants of up to $7,500 for home repairs.

Programs are explained at www.rd.usda.gov/programs-services or the following offices can be contacted.

Organization / Office:	US Department of Agriculture Rural Development / State Office
Contact:	Housing Program Staff
Address:	101 South Main Street, Suite 102 Temple, Texas 76501
Phone / Email:	(254) 742-9770, TTD (254) 742-9712
Website:	*http://www.rd.usda.gov/tx* or *http://www.rd.usda.gov/contact-us/state-offices/tx*

Texas Affiliation of Affordable Housing Providers (TAAHP)

TAAHP is a non-profit association of affordable housing developers, financers, and designers throughout Texas. The goal of TAAHP is to "increase the supply and quality of affordable housing for Texans with limited incomes and special needs," and the organization's primary focus is on education and lobbying. The group is a good starting place for communities interested in affordable housing projects. It provides communities with networking opportunities (through conferences and newsletters) to market available land, seek financing information, and/or discuss changes to state laws that could bring more affordable housing to their cites.

Organization / Office:	Texas Affiliation of Affordable Housing Providers
Address:	221 East 9th Street, Suite 408 Austin, Texas 78701
Phone / Email:	(512) 476-9901
Website:	*http://www.taahp.org/*

Rural Rental Housing Association of Texas (RRHA)

RRHA is a non-profit association of professionals involved in the development and management of rental housing in rural Texas. Like TAAHP, the organization provides communities with networking opportunities and lobbying for the industry as well as technical assistance and training for housing providers.

Organization / Office:	Rural Rental Housing Association of Texas
Address:	2 North 9th Street, Suite B Temple, Texas 76501
Phone / Email:	(254) 778-6111 / office@rrhatx.com
Website:	*http://www.rrhatx.com/index.php*

3.8.3 Grants/Loans & Organizational Resources Available to Residents

Combined Community Action, Inc.

Combined Community Action, Inc. is a non-profit organization that provides assistance through programs focusing on tenant-based rental assistance, weatherization, and comprehensive energy assistance, among others. CCA's mission is to assist people to become independent and self-sufficient by transitioning people out of poverty and providing comprehensive programs that support families and individuals.

Organization / Office:	Combined Community Action, Inc.
Address:	165 West Austin Giddings, Texas 78942
Phone / Email:	(979) 540-2980/ info@bvcaa.org
Website:	*http://www.ccaction.com/about/about-cca*
Counties Served:	*Not specified*

Texas State Affordable Housing Corporation (TSAHC)

TSAHC is a self-supporting, not-for-profit organization created by state statute in 1994 to provide safe, decent and affordable housing for low-income Texans and other underserved populations. TSAHC provides a variety of affordable housing programs that range from First-time Homebuyer Programs for individuals and families. Programs provide low-interest financing to individuals, particularly first-time homebuyers, teachers, paid firefighters, EMS personnel, peace officers, correction of juvenile corrections officers, county jailers, and public security officers. It also provides various financing options for developers of both single-family and multifamily housing, portions of which would serve low-to-moderate income tenants. Programs are listed on the agency website at www.tsahc.org. The agency can be reached at 512-477-3555 or 888-638-3555.

Aging in Place

Aging in Place is a joint program of Partners for Livable Communities and the National Association of Area Agencies on Aging. It provides regional workshops and Jumpstart grants to facilitate conversations and form action plans that address issues of aging in place within a community. Past JumpStart grants have been used to create programs that assist seniors with home maintenance and lawn care, provide paratransit services to help senior residents remain an active part of their community, and create "return visit" programs where nurses/social workers visit regularly to identify possible issues that may impair the individual's ability to remain in their home. For information, contact Penny Cuff, Vice President of Programs for Partners for Livable Communities by emailing pcuff@livable.org or calling (202) 887-5990. Website: www.aginginplaceinitiative.org

Additional resources on aging in place can be found through national networks:

National Aging in Place Council (www.ageinplace.org)
Senior Resource (www.seniorresource.com/ageinpl.htm)

Texas Ramp Project

Texas Ramp Project is a non-profit agency that relies on volunteers, foundations, civic organizations, and corporate partners to build ramps for low-income elderly and disabled residents. Since it was established in 2006, the organization has built over 18,994 ramps throughout the state. The organization accepts client referrals from social service agencies through its 33 service areas. Social service agencies can refer clients by submitting an online form to their respective service area.

Organization / Office:	Texas Ramp Project / Central Administration Office
Address:	PO Box 832065 Richardson, Texas 75083
Phone / Email:	(214) 675-1230 / *info@texasramps.org*
Website:	*http://www.texasramps.org/*

Texas Association of Structural Movers (TASM)

TASM is a statewide trade organization for structural movers. Their website provides an easy-to-use Member Directory that is organized by region. It also provides an Online Quote Engine to send a request for services to all TASM members. The organization is a good source for helpful information about the house moving process and permitting requirements.

Organization / Office:	Texas Association of Structural Movers
Address:	2202 South 51st Street Temple, TX 76504
Phone / Email:	(254) 613-9099 / *sawmhq@gmail.com*
Website:	*www.texashousemovers.com*

The ReUse People of America

The ReUse People of America provide deconstruction services across the country. With over 20 years of experience in the deconstruction industry, they are experts in making sure that homeowners get as much salvageable material as possible. Their expertise is important because the value of the salvageable material will determine the tax deduction that a homeowner can take on the donated deconstructed materials. In addition to deconstruction services, The ReUse People of America conduct job training seminars. In the past, they have worked with cities to provide job training for unemployed and underemployed residents.

Organization / Office:	The ReUse People of America
Contact Name:	Mike Thrutchley, Deconstruction Manager, Texas Regional Office
Phone / Email:	(214) 251-2306 / mikethrutchley@thereusepeople.org
Website:	*http://www.deconstructiontexas.com/*
Corporate Office	9235 San Leandro Street Oakland, California 94603 (510) 383-1983 / *info@thereusepeople.org*

Pure Salvage Living

Pure Salvage Living is Tiny Texas Houses' salvage operation. They salvage materials from dilapidated and decaying structures before completing demolition. They can deconstruct a structure and leave the salvaged materials for the property owner, or they can keep the salvaged materials. The Pure Salvage Living website is a good source for homeowners trying to locate deconstruction professionals in their area. The website is also the best way for homeowners to have their projects evaluated. It includes an online form where homeowners can input information about the size, condition, and location of the structure that needs to come down, along with the desired project timeframe. Pure Salvage Living reviews deconstruction projects on a case-by-case basis. All fees for deconstruction must be worked out directly with Pure Salvage Living or their representatives.

Organization / Office:	Pure Salvage Living
Address	20501 East I-10 Luling, Texas 78648
Phone / Email:	(830) 875-2500 / brad@puresalvageliving.com
Website:	*www.salvagetx.com*

Legal Aid Services

Local legal aid organizations provide civil legal representation and advice at little or no cost to low-income individuals who cannot afford a lawyer. Legal aid focuses on legal issues relating to basic needs, self-sufficiency, children and families, elderly and disability, and housing and homelessness prevention.

Texas Rio Grande Legal Aid (www.trla.org/) serves communities around Texas with legal aid in housing, family, health, public benefits, education, employment, individual rights, fair housing, and many other areas.

Organization / Office:	Texas Rio Grande Legal Aid / Austin TAJ
Address	4920 North I-35 (Austin Office) Austin, Texas 78751
Phone / Email:	(888) 988-9996 Austin Office: (512) 347-2700
Website:	*http://www.trla.org/office*
Counties Served:	*Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Llano, Mason, Maverick, McMullen, Medina, Nueces, Pecos, Presidio, Real, Reeves, Refugio, San Patricio, Starr, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala*

Leader Dog for the Blind

Leader Dog works to improve the mobility and independence of blind or visually impaired individuals by partnering them with a guide dog. Applicants complete a 26-day residential training program and must be 16 years or older and in good mental and physical health. The training program is located in Rochester Hills, Michigan and is offered at no cost. Room and board and transportation costs to and from the training program for clients traveling within the United States are also provided free of charge. The organization also offers orientation and mobility and GPS programs to professionals and clients. Applicants can apply online at or can download an application to print and mail.

Organization / Office:	Leader Dogs for the Blind
Address	1039 South Rochester Rd. Rochester Hills, Michigan 48307
Phone / Email:	(248) 651-9011, Toll Free (888) 777-5332, TTY (248) 651-3713 / *leaderdog@leaderdog.org*
Website:	*http://www.leaderdog.org*

4 LAND USE STUDY

Land use location and extent impact community property values, City service expenditures, traffic flow, aesthetics, and economic development potential. The Existing Land Use Map (*Map 4A*) shows land development patterns within the city limits and extraterritorial jurisdiction (ETJ).[22] The Future Land Use Map (*Map 4B*) and Land Use Study help the community plan for infrastructure to guide the desired direction of future growth.

4.1 Highlights

Approximately 63.4% of land in the Hemphill city limits is developed (1,034 acres). An additional 7 acres of land is developed as a reservoir. The remaining 590 acres are undeveloped or used for agriculture.

Of the developed land, approximately 8.1% is used for public right-of-way (132 acres), due in part to the city's centers grid-like road system, as well as state and county highway right-of-way. Most of the remaining land is used for single-family residential housing (401 acres) and semi-developed residential lots (249). Other more common land uses in Hemphill include commercial/retail (105 acres), institutional (96 acres), recreation/open space (16 acres), public (12 acres), public utilities (7 acres), and cemetery (6 acres).

The primary natural barriers to construction are flooding, steep slopes, and depth-to-saturation.

Residents would like to see an improvement in the conditions of existing houses in Hemphill, including dilapidated building removal and improved yard maintenance to enhance community appearance. Residents would also like to see more affordable housing development to serve the needs of people of varying economic means and life stages (such as affordable, senior, market-rate, first-time homebuyer, and rental housing needs). In addition, residents would like to see more opportunities for business development to support an active local economy.

Map 4B: Future Land Use illustrates (a) a preference to limit new development in and around the floodplain to support improved street and housing conditions; (b) a preference for additional and diverse housing development to serve varying resident needs; and (c) a desire to further a vibrant, local activity center in the traditional downtown.

[22] The ETJ is the area within a certain distance beyond the city or town limits in which the local government can control land development patterns through its subdivision ordinance.

4.2 Context: History & Community Input

Previous Land Use

A comprehensive plan was completed for Hemphill in 1989, over 20 years ago. A copy of the 1989 plan was not available at the time of the 2023-2033 plan's production.

Community Input

A detailed discussion of community input collection is in *Chapter 1: Community Goals & Objectives.* The goals and concerns expressed by residents that relate to land use are:

Achieve/Preserve	Avoid/Eliminate
▪ Small-town / friendly feel ▪ Diverse housing options ▪ More local businesses ▪ A city center with attractions/ ▪ More sidewalks ▪ Separation between residential and nuisance land uses	▪ Vacant, dilapidated commercial structures ▪ Abandoned housing ▪ Unkept yards ▪ Improper/ insufficient drainage resulting in flooding ▪ manufactured houses/parks ▪ poorly maintained roads

4.3 Inventory & Forecast

4.3.1 Existing Land Use

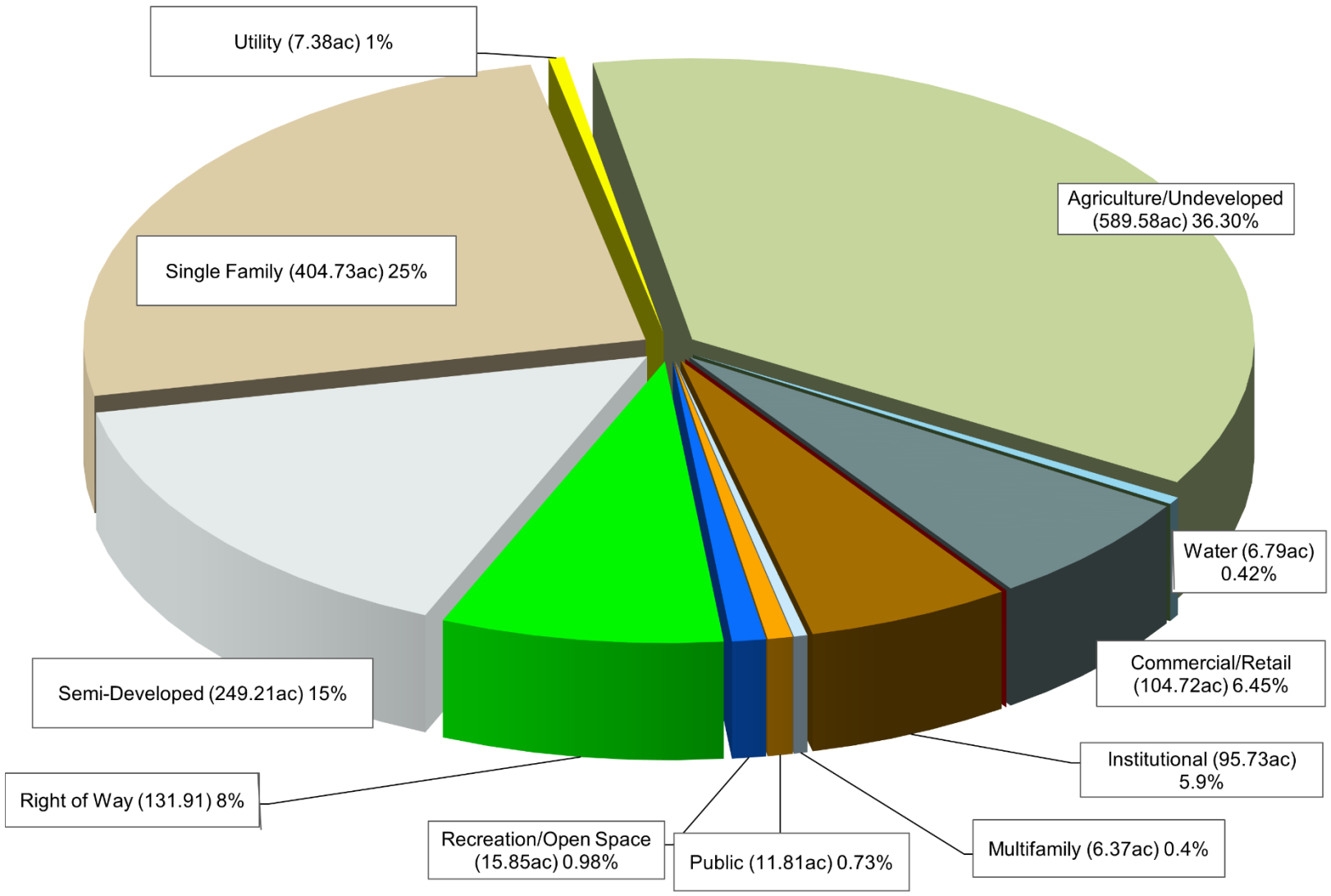
Hemphill's land use in 2023 is characterized by:

- Approximately 1,630 acres in the city limits; approximately 839 semi-developed[23], undeveloped, or used for agriculture.
- Approximately 405 acres of single-family residential land (a median 0.79 acres per house).
- Approximately 132 acres of right-of-way.
- General separation of commercial, residential, and industrial land uses (see *Map 4A*).

Appendix 4A provides definitions, detailed tables, and an explanation of the methodology used to calculate land use.

[23] Subdivided and provided with city services, but no building on the property.

Chart 4A: Land Use, Total Acres/Percent



4.3.2 Land Development Factors

Environmental Factors

Environmental factors impacting construction include lakes and streams, floodplain, soil type, and slope. These factors do not prevent construction, but they can make initial costs and/or long-term maintenance more expensive.

Lakes, Rivers, & Streams

Several streams of varying size are located throughout Hemphill and it's ETJ (see *Figure 4B, next page*).

Floodplain

Floodplain consists of the main channel of a river or stream – or a *floodway* – and the generally flat area of land next to the floodway that experiences flooding during periods of high discharge – or the *flood fringe (see figure 4A)*. Structures and other development in the floodplain are at risk for flood damage. Development in the floodplain can also cause a "rise" of floodwaters outside of the floodway fringe. Floodplain development should ideally be discouraged but, with additional building requirements such as elevated lowest floors, may be safely constructed and used (see *Section 4.4.1 Protect Floodplain & Prevent Flood Damage*). Construction in the floodway should be discouraged.

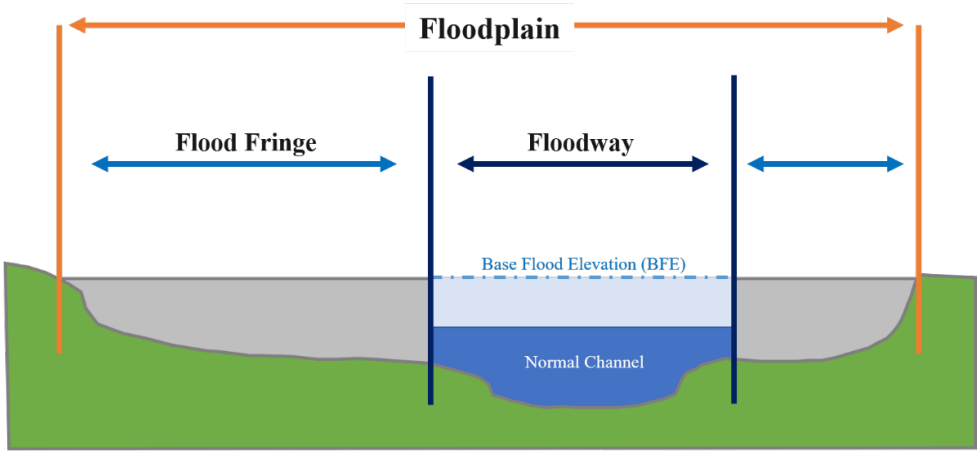


Figure 4A: Floodplain Crossection

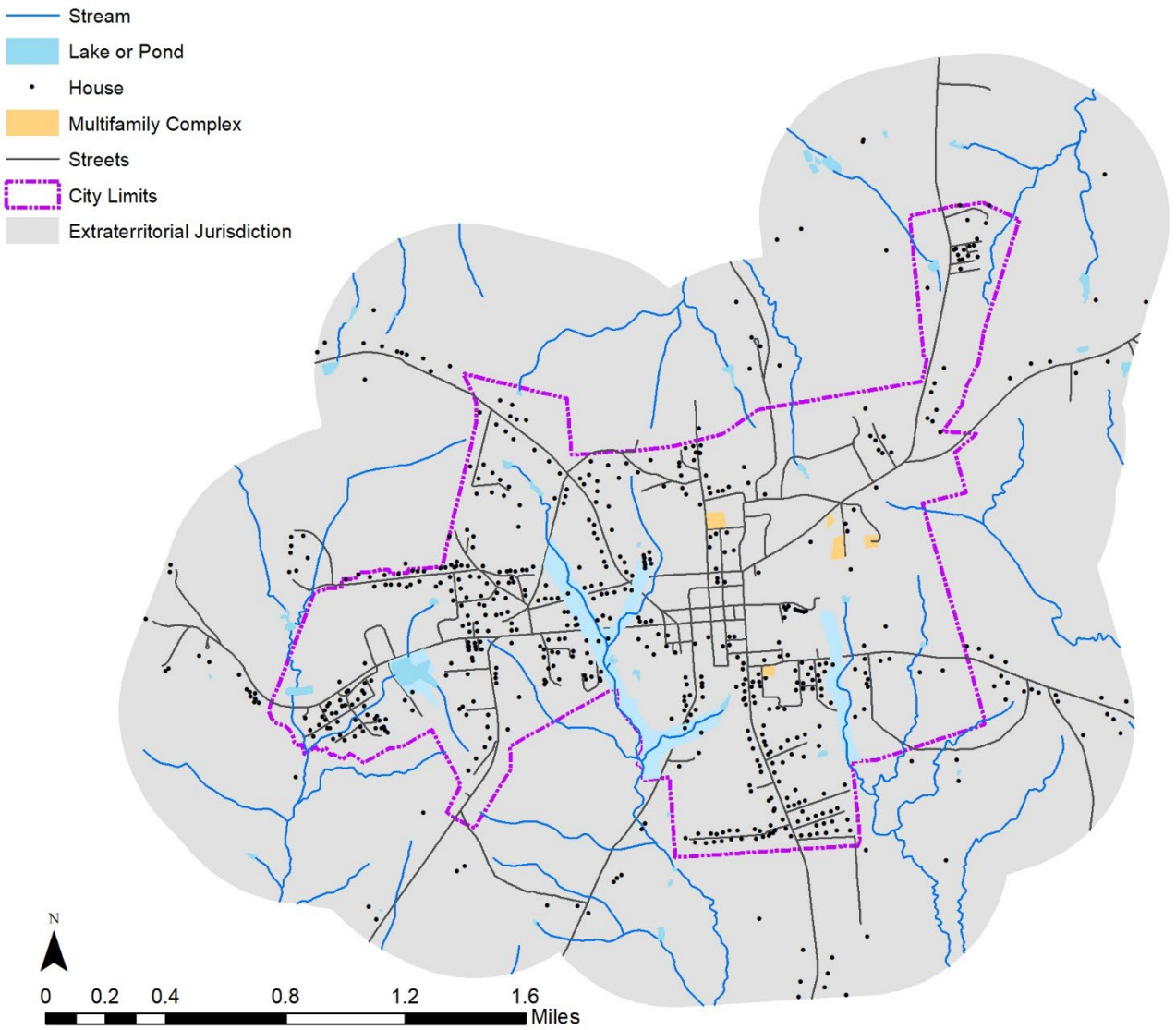


Figure 4B: Floodplain Map

Approximately 75 acres of land within Hemphill's city limits are within the FEMA-identified 100-year floodplain.

Most land that falls within the floodplain is agricultural or undeveloped (33.8%) and approximately 11.6 acres of floodplain is semi-developed.

An additional 19.7 acres of floodplain is single-family residential, including 17 houses located in the floodplain *(see Figure 4B)*. all homes within the floodplain are occupied except for one.

8.9% of floodplain in the city limits is within a pond/lake, and the remaining 15% of floodplain falls on Right-of-way, public, Recreation/open space, and cemetery land uses.

Soil

The primary limiting soil factors in Hemphill are flooding, slope, and depth to saturated zone. Depth to saturated zone refers to distance from the surface to the area below ground in which water fills all openings (pores) in the soil or rock. The probability of soil instability increases in areas with shallower depth to saturation because saturated soil has a higher tendency to shift under weight and pressure, especially in areas with steeper slopes. Areas with shallower depth to saturation zones are also subject to increased risk of groundwater contamination.

Figure 4C (next page) illustrates soil types within and around Hemphill. Detailed soil data is available through the U.S. Department of Agriculture – Natural Resources Conservation Service.[24]

Construction Limitations

Figure 4C also illustrates construction limitations for soil in Hemphill and its ETJ. Soil areas are organized in two groups: soil types that create more construction restrictions (darker red indicating more restrictions) and soil types that create fewer construction restrictions (green indicating fewer restrictions).

Most houses in Hemphill have been constructed in areas with some soil limitations on construction of streets, small commercial buildings, or one-to-three-story, single-family homes (shades of yellow and orange in *Figure 4C*). The presence of limiting factors does not prevent construction, but it can make initial development and long-term maintenance more expensive. Detailed soil data is available through the U.S. Department of Agriculture – Natural Resources Conservation Service.[25]

Slope

Slope impacts site drainage, and steep slopes may be more susceptible to erosion and landslides. Generally, land with slopes between 0.5% and 1.0% are ideal for development. Land with a slope under 0.5% lacks drainage and is likely unsuitable for development, while slopes over 1.0% may create slight-to-major problems for commercial or large-scale development Slopes over 5.0% may only be suitable for special development.

See slope ranges for each soil type in *Figure 4C (next page)*.

[24] http://datagateway.nrcs.usda.gov/GDGOrder.aspx
[25] http://datagateway.nrcs.usda.gov/GDGOrder.aspx

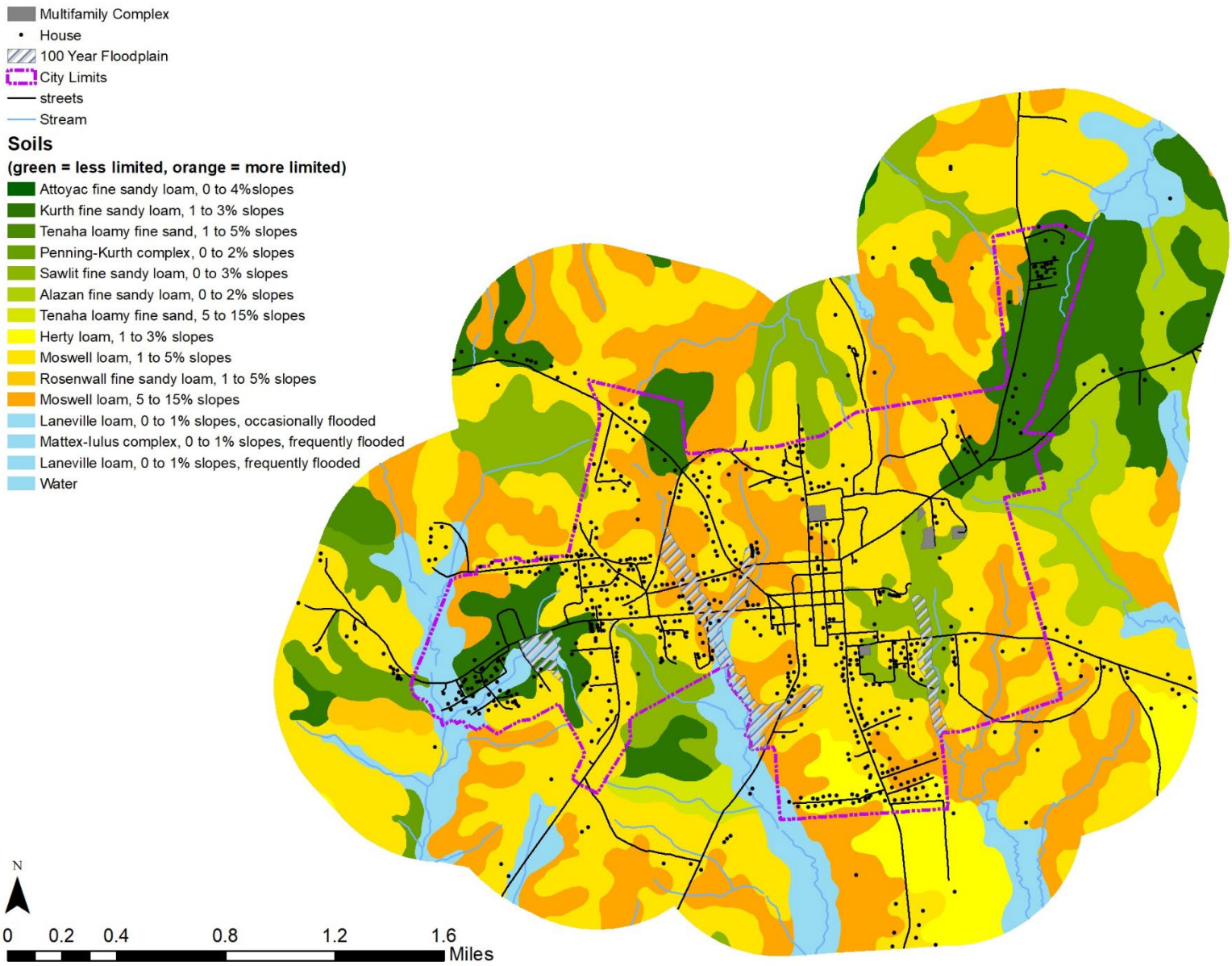


Figure 4C: Soil Type, Slope, & Construction Limitations

Access to Existing Infrastructure

Additional land development considerations in Hemphill include access to existing infrastructure like water and wastewater services and connection to the existing road network.

Lots that are already served by or located close to existing infrastructure like water mains, sewer mains, and roads avoid the need for significant infrastructure extensions, and the associated debt required to fund those extensions. In this sense, these lots are easily developed.

There are approximately 442 acres within the city limits that are easily developed, meaning that the land is:

- ✓ Currently identified as either semi-developed, undeveloped, or used for agricultural purposes,
- ✓ Within 100 feet of water and sewer distribution lines,
- ✓ Located adjacent to public right-of-way and paved or dirt streets, and
- ✓ Located outside of the 100-year floodplain (FEMA special hazard area).

Approximately 29% (130 acres) of this easily developed land has frontage on a major arterial road *(see Table 4A)*.

Table 4A: Ease of Development

Ease of Development	Acres Outside Floodplain
Easily Developed (All)	442
With Arterial Access	*130*
Lacks Built ROW Access	233

Figure 4D (next page) shows Hemphill's undeveloped, agricultural, and semi-developed land as defined by the above criteria, including 28 acres of land within or proximate to floodplain where limited and/or special development is recommended.

A large-scale version of the map in PDF format is included with the *Digital Appendix* to this study. The map should be posted in a visible location at City Hall (and ideally on a City website) to demonstrate the type and variety of undeveloped land within the city limits.

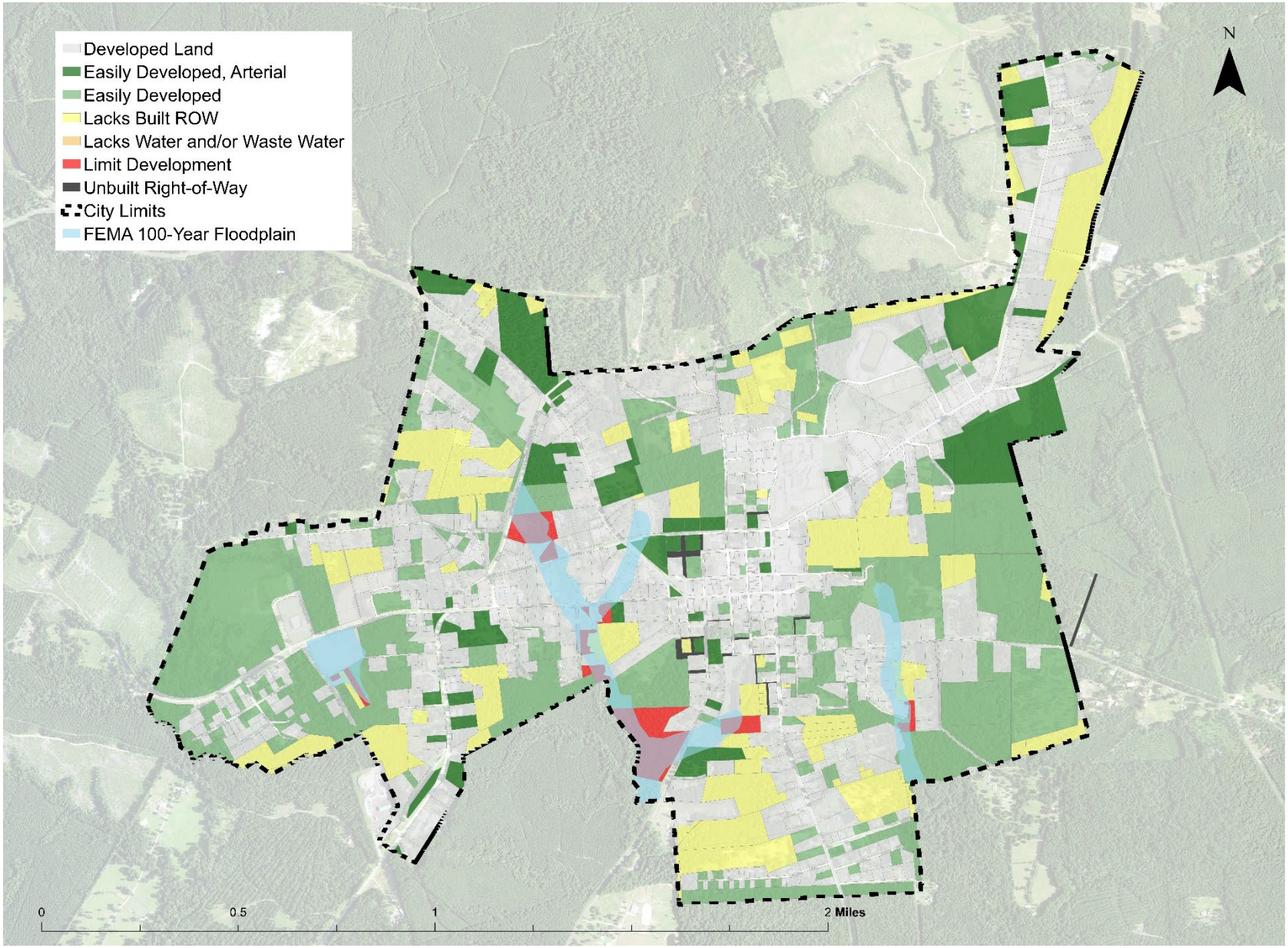


Figure 4D: Ease of Development Map

4.4 Key Land Use Considerations

Based on the community input and local land use data described in this chapter, the City of Hemphill should focus on the following key areas related to land use:

- Floodplain protection and flood damage prevention
- Community physical appearance and historical assets
- Planning for future development

4.4.1 Protect Floodplain & Prevent Flood Damage

Approximately 75 acres of land within Hemphill's city limits are within the FEMA-identified 100-year floodplain. Most land that falls within the floodplain is agricultural or undeveloped (33.8%) and approximately 11.6 acres of floodplain is semi-developed. An additional 19.7 acres of floodplain is single-family residential, including 17 houses located in the floodplain *(see Figure 4B).* all homes within the floodplain are occupied except for one.

The best way to prevent flood damage to structures in the floodplain is to prevent new construction and to remove existing structures. If a structure must remain or be built in the floodplain, it is important ensure that it meets heightened construction standards. The City of Hemphill can work to prevent future damage due to flooding by pursuing the following strategies:

- Update development regulations to limit new construction in and around the floodplain
- Adopt a future land use map that illustrates floodplain protection goals
- Pursue grants to elevate or remove existing structures in the floodplain
- Enforce flood damage prevention regulations
- Promote NFIP participation
- Consider participation in the Community Rating System (CRS)

Update Development Regulations to Limit New Floodplain Construction

The City should update its development regulations to limit new construction in the floodplain and consider extending those limitations to a portion of nearby land. Extending the regulations to create a floodplain buffer would further preserve floodplain function and better prevent flood damage as the shape and nature of a floodplain can change over time.

Zoning Ordinance

Zoning ordinances establish regulations and standards for how property in a specific location – or a certain zoning district - within the city limits can be used and developed. For example, a zoning ordinance may regulate the location and use of buildings, structures, and land, or the height, number of stories, and size of buildings and other structures. Some municipalities create zoning districts to preserve, conserve, and protect environmentally sensitive areas, like floodplains.

The proposed zoning ordinance in this plan *(Chapter 9: Zoning Ordinance)* includes a Floodplain Overlay District. An overlay district applies an additional layer of standards to areas within a defined boundary, regardless of the underlying base district zoning. As proposed, the overlay district reinforces the City's current flood damage prevention standards, but the City should consider expanding the overlay district standards to ensure open space preservation or strict use limitations for further floodplain protection.

Subdivision Ordinance

Subdivision standards, which apply to new developments in both the city limits and the extraterritorial jurisdiction (ETJ), can also be used to limit floodplain development.[26] Subdivision ordinances authorize and regulate division of land into lots and blocks, most often for residential development. The regulations are intended to ensure reasonable and acceptable design standards for new developments, as well as appropriate infrastructure and improvements that will be compatible with the city's utility and street systems.

Subdivision standards can limit development in the floodplain by regulating building sites. For example, Hemphill could require that each lot in a subdivision provide a building site that is on natural, high ground, out of the 100-year floodplain. *Figure 4E (next page)* illustrates a few alternatives to the traditional approach to developing a property that is partially in the floodplain *(further discussed in 4.4.3 Guide Future Development)*.

[26] The Texas Statutes enable a city to extend subdivision ordinance standards to regulate the following aspects of development in the ETJ: (1) the use of any building or property for business, industrial, residential or other purposes; (2) the bulk, height, or number of buildings constructed on a particular tract of land; (3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage; or (4) the number of residential units that can be built per acre of land.

Subdivision standards can also support limited, appropriate development in the floodplain by allowing that land to be used to meet a portion of open space/recreation area requirements in new subdivisions.

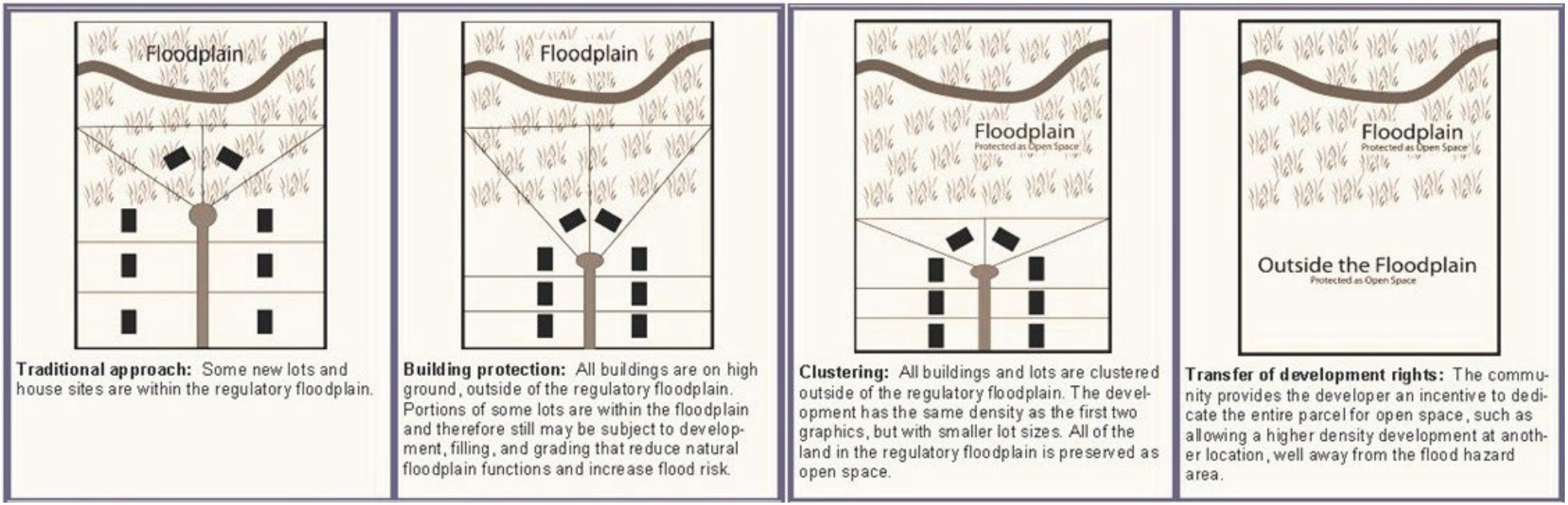


Figure 4E: Alternative Development Approaches to Limit Development in the Floodplain[27]

[27] *Source: NFIP Community Rating System's Coordinator's Manual FIA 15/2013 (2013)*

Pursue Grants to Elevate or Remove Existing Development from the Floodplain

The City should pursue grant support for elevating or removing existing development located in the floodplain (see *Figure 4B, page 4-5*).

For example, the FEMA Hazard Mitigation Grant Program (HMGP) provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration. HMGP funds may be used to fund projects that will reduce or eliminate the losses from future disasters.

Projects must provide a long-term solution to a problem, for example, elevation of a house to reduce the risk of flood damages as opposed to buying sandbags and pumps to fight the flood. In addition, a project's potential savings must be more than the cost of implementing the project. Funds may be used to protect either public or private property or to purchase property that has been subjected to, or is in danger of, repetitive damage.

Examples of projects include, but are not limited to:

- Acquisition of real property for willing sellers and demolition or relocation of buildings to convert the property to open space use.
- Retrofitting structures and facilities to minimize damages from high winds, earthquake, flood, wildfire, or other natural hazards.
- Elevation of flood-prone structures.
- Development and initial implementation of vegetative management programs.
- Minor flood control projects that do not duplicate the flood prevention activities of other federal agencies.

More information about FEMA hazard mitigation grants is available at https://www.fema.gov/hazard-mitigation-assistance.

Assist Residents with Clarifying Clouded Property Titles

"Clouded title" refers to issues in a property's past that make legal ownership of that property unclear. Several situations may result in a clouded title such as unreleased liens or improperly described foreclosures. Very often, however, clouded titles may result from lack of clear inheritance, sometimes over multiple generations, and/or disagreement between multiple heirs. Lack of clear title presents a major impediment to connecting residents with State and federal housing funding.

Enforce Flood Damage Prevention Regulations

Flood damage prevention ordinances or standards establish requirements and limitations for construction in flood hazard areas. Flood hazard areas and designations are usually established in a Federal Insurance Rate Map (FIRM) and created as part of a FEMA Flood Insurance Study (FIS). A firm will generally specify:

- Risk areas (high risk or *Special Flood Hazard Areas (SHFA)*, moderate-risk, or low-risk)
- Regulatory floodway[28] (if applicable)
- Base Flood Elevations[29] (BFEs)
- Flood insurance risk designations and definitions (assists in determining the flood insurance premium rates for properties)

Flood damage prevention ordinances can apply to all areas of special flood hazard within a city's jurisdiction, which can include the ETJ.

The City of Hemphill has participated in the NFIP since 1979[30] and enforces a Flood Damage Prevention Ordinance that mirrors the model ordinance created by the Federal Emergency Management Agency (FEMA).[31] Chapter 14 of Hemphill's municipal code establishes requirements and limitations for construction in flood hazard areas as established by FEMA's "flood insurance rate map (FIRM) or flood hazard boundary map (FHBM), Community Number 480997, dated 09/18/89, and any revisions thereto".

The ordinance does not prohibit development in the floodplain, but it establishes construction requirements like requiring all structures built in the floodplain to obtain a development permit, and that all structures or modifications placed in the floodplain be designed and adequately anchored to prevent floating, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Promote NFIP Participation

Created by the US Congress in 1968, the NFIP aims to reduce the impact of flooding on private and public structures by providing affordable, federal flood insurance to property owners, renters, and businesses. Residents gain access to this federal flood insurance when their local government volunteers to participate in the NFIP and implements required floodplain management regulations, such as a Flood Damage Prevention Ordinance (discussed in next section).

[28] The regulatory floodway is the channel of a stream plus adjacent floodplain areas that must be kept free of encroachment so that the one percent annual chance flood can be carried without substantial increases in flood heights.
[29] Base Flood Elevation (BFE) is the computer elevation to which the flood is anticipated to rise during the base flood (the flood having a one percent chance of being elevated or exceeded in any given year).
[30] More information available at https://www.fema.gov/national-flood-insurance-program-community-status-book.
[31] http://www.twdb.texas.gov/flood/insurance/participation.asp

As of 3/16/2023, there is only one active (enforced) NFIP policies in Hemphill.[32]

The City of Hemphill should encourage residents to participate in the NFIP. Many residents may not be aware that flood insurance is available, may not see the need to insure their property, or may not be aware that insurance must be purchased at least 30 days before any claim to be covered. As noted in the NFIP manual:

> *"Flood insurance is a wise investment. Floods are the number-one natural disaster in the United States… Just a few inches of water can cause tens of thousands of dollars in damage. Flood damage is not covered by most standard homeowners or business insurance policies. Disaster assistance, if it is available, is typically a loan that must be repaid with interest".*[33]

Residents with buildings close to floodplain boundaries may also want to consider purchasing flood insurance. You are not required to live in the floodplain to purchase a flood policy. Areas outside of 100-year flood zones may flood for several reasons. For example, this may happen when the FIRM used to establish flood boundaries is older. Older maps and boundaries may not account for factors like recent urbanization and increases in impervious cover.

The most recent FIRM for the City of Hemphill was completed in 1979.

To promote and support NFIP participation, the City should conduct public outreach to educate residents about the need for flood insurance and information about the NFIP. Public outreach activities could include a workshop, targeted letters to owners of property within or near floodplain, or even a few sentences included in each water bill indicating where residents can obtain more information about the NFIP. Public outreach activities could also result in credit – and therefore reduced insurance premiums for residents – through the NFIP's Community Rating System (further discussed below).

In addition, the City should:

- Post the FEMA Flood Insurance Rate Map (FIRM) in a visible location at City Hall.
- Maintain records of the number of flood insurance policies in the community and identify areas that require further coverage.
- Post information about flood damage and flood insurance on the City website.

[32] https://nfipservices.floodsmart.gov/reports-flood-insurance-data
[33] Federal Emergency Management Agency. (2017). "National Flood Insurance Program Community Rating System Coordinator's Manual FIA-15/2017". https://www.fema.gov/media-library/assets/documents/8768

Consider Participation in the Community Rating System (CRS)

The City of Hemphill should consider participation in the National Flood Insurance Program's (NFIP) Community Rating System (CRS).

The purpose of CRS is to encourage and recognize community and state activities that exceed the minimum NFIP requirements. Based on credited activities, residents in participating communities can obtain discounts of up to 45% off flood insurance premiums.

There are 19 creditable activities organized under four categories: public information activities; mapping and regulations; flood damage reduction activities; and warning and response. For example, under mapping and regulation activities, the CRS defines several "higher regulatory standards" that a community may adopt to receive credit, such as a freeboard requirement. A freeboard requirement establishes that the lowest floor of new buildings (or a substantial improvement) is a certain number of feet above the base flood elevation (BFE), rather than "at or above" base flood elevation level. This City of Hemphill's current Flood Damage Prevention Ordinance currently does not contain a freeboard requirement.

The CRS also provides credit for revised standards of "substantial improvement" to property in the floodplain. Hemphill could obtain points by (a) reducing the cost amount that triggers a "substantial improvement" from 50% to a lower figure like 30% or 25% and/or (b) adopting rules that would cumulatively count all improvements over a given period (such as 5 or 10 years).

The City should work with its Floodplain Administrator to increase familiarity with opportunities to obtain CRS credit. Specifically, the City may want to consider the following creditable activities:

- Adopting one or more of the recommended higher regulatory standards.
- Public information activities, such as outreach about the risks of floodplain development and/or resources that may mitigate damage or speed recovery (such as better building practices and NFIP insurance policies).
- Staff training and certification in floodplain management.

The 2017 Community Rating System Coordinator's Manual and 2021 Addendum details the activities and requirements for obtaining CRS credit. The manual is available online at https://www.fema.gov/floodplain-management/community-rating-system and included in the *Digital Appendix* for this plan.

4.4.2 Enhance Hemphill's Physical Appearance

Survey respondents identified housing and yard conditions as one of Hemphill's top three key challenges. Hemphill can support an enhanced physical appearance by pursuing the following strategies:

- Enforce nuisance standards
- Develop a code enforcement framework and strategy
- Consider voluntary measures to promote building and yard clean up
- Promote visually appealing development in commercial centers and along thoroughfares
- Activate Vacant Lots Through Temporary Use

Enforce Nuisance Standards

The City of Hemphill should continue to enforce its nuisance standards.

Many cities use nuisance standards or ordinances to address structure and yard conditions such as vacant/dangerous structures and junked vehicles. Generally, nuisance refers to the use of land/property in a way that injures the rights of others or that may negatively impact the health, morals, safety, welfare, comfort, or convenience of the public. For example, allowing weeds and trash to accumulate may negatively impact the health and safety of the public by resulting in an unsanitary environment which may attract vermin and disease-carrying pests.

Article 6-91 of the City of Hemphill's Code of Ordinances regulates unsafe dilapidated buildings, which *Chapter 3: Housing Study* provides additional suggestions for improving housing conditions in Hemphill. Section 16 regulates weeds, downed trees garbage and rubbish accumulation. Section 16 defines a nuisance as: The regulations in both sections establish definitions, procedures and requirements for notice of violation, collection of costs and other methods of abatement, and penalty for violations.

Develop a Code Enforcement Framework & Strategy

The City of Hemphill should also consider developing and maintaining a code enforcement framework and strategy.

Ordinance effectiveness depends on enforcement, but the time and expenses needed to ensure code compliance are often major challenges for small towns and cities. The report *Code Enforcement: Recommendations for Small Towns* developed by the State of Utah's Rural Planning Group provides a valuable resource for cities facing this challenge. The report outlines the following general steps and provides strategies, samples, and checklists to assist community leaders with each step:

- Develop a clear and consistent plan that outlines long-term goals for the community.
- Update the current code/regulations to ensure consistency with the general plan, as needed
- Develop and adopt an enforcement framework and strategy, ensuring not to commit to more enforcement than is reasonable for finances or employee capacity.

The Rural Planning Group's report is included in the *Digital Appendix* and can be found on their website http://ruralplanning.org/.

Consider Voluntary Measures to Promote Building/Yard Cleanup

Adopting voluntary measures is another key method for addressing structure and yard conditions. Motivating property owners to voluntarily clean up their buildings and yards is usually the most politically popular and effective mechanism for eliminating junked yards and dilapidated buildings and improving property maintenance.

Hemphill should support additional voluntary activities related to housing and yard conditions that have been successful in other similarly sized communities such as:

Competitions for "yard of the month," "best garden," and/or "best maintained property". For example, each month from June through October members of a local landscape committee in Mesquite, Texas selects up to five residents living in the city to receive a "Yard of the Month" award signed by the mayor. Award winners demonstrate property that has no visible code violations and is considered one of the most visually pleasing in the area. For more information, visit https://www.cityofmesquite.com/385/Yard-of-the-Month.

Self-assessments. It is easy for anyone to get used to how the things and places around them look. One effective way to help property owners refocus on their property is to ask them to conduct a self-assessment of their property's appearance. A "Self-Assessment Questionnaire" used in another small city is included in the *Digital Appendix* to this study. The questionnaire was sent by a volunteer group working on image improvement to owners of properties on that city's main thoroughfares. The volunteers included a letter explaining the project and requesting that owners evaluate their properties. The letter resulted in approximately 50% of property owners conducting repair and maintenance work.

Mowing Clubs. Mowing clubs can help support regular private yard maintenance. Often mowing clubs are designed to assist low-income seniors in the community who may be unable to maintain their properties. Clubs can be started as Eagle-Scout projects or by other neighborhood and community groups. The Aging in Place Initiative is one organization that has successfully implemented such a program. (See www.aginginplaceinitiative.org and information in *Appendix 3C* in *Chapter 3: Housing Study.*

In addition to promoting voluntary activities like the ones listed above, the City can help connect residents with support opportunities from governmental and non-profit organizations. For example, the Texas Department of Transportation and Keep Texas Beautiful sponsor a scholarship competition for high-school students involved in a trash-off organization. Information is available on their websites (http://www.ktb.org/programs/litter-prevention/dont-mess-with-texas-trash-off.aspx and http://dontmesswithtexas.org/).

Promote Visually Appealing Development in Key Areas

Commercial centers and major thoroughfares can provide a community's visual introduction. Seemingly minor changes in the type and form of permitted development can have a notable on the impact on the appeal of that introduction.

A comparison of streets in Dallas (*Figure 4F, next page)* and Lubbock (*Figure 4G, next page*) provides an illustrative example. The Dallas and Lubbock street sections have several similarities: the buildings in both locations have masonry/hardwood/cement facades, plenty of windows, and neither street boasts amenities such as benches, decorative lighting, or underground telephone wires. Nevertheless, basic differences in layout and maintenance give the Dallas street a much more appealing aesthetic than the Lubbock street.

The following differences contribute to the differing appeal of each area:

	Oak Lawn (Dallas)	34th St (Lubbock)
Traffic Lanes	4	5
Parking Lot Entrances	Few, minimally sized	Frequent, wide
Sidewalks	Wide, well-maintained	Narrow, poorly maintained
Awning/Walkway in Strip-mall	Deep	Shallow
Street & Building Maintenance	Well maintained	Poorly maintained
Building Placement	Generally consistent and close to the sidewalk/street	Irregular, set farther back from sidewalk/street

Figure 4F: Oak Lawn, Dallas

Auto-oriented, pedestrian accessible development[34]

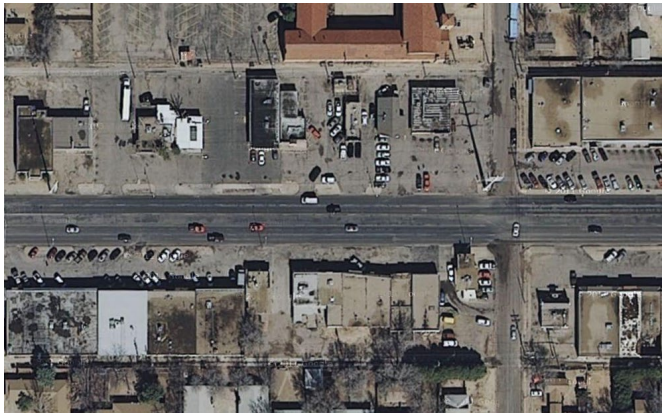


Figure 4G: 34th St, Lubbock

Auto-oriented development with limited pedestrian features (narrow sidewalk on right, wide driveways, no trees in right-of-way)[35]

[34] Images downloaded from Google Streetview.
[35] Images downloaded from Google Streetview.

The City of Hemphill could participate in the Texas Main Street City program. Main Street programs seek to strengthen communities through preservation-based economic development in older and historic downtowns or neighborhood commercial districts, and Hemphill's traditional downtown illustrates the value of these investments.

Hemphill's traditional downtown is developed around the county courthouse square, and is roughly bound by Rice St, Hwy 87, Bank St, and Beckom Rd. This area includes public offices and facilities (the Hemphill Police station, fire station, and Sabine County facilities), and an array of commercial development. However, commercial development also extends east of Hwy 87 and west of Beckom St.

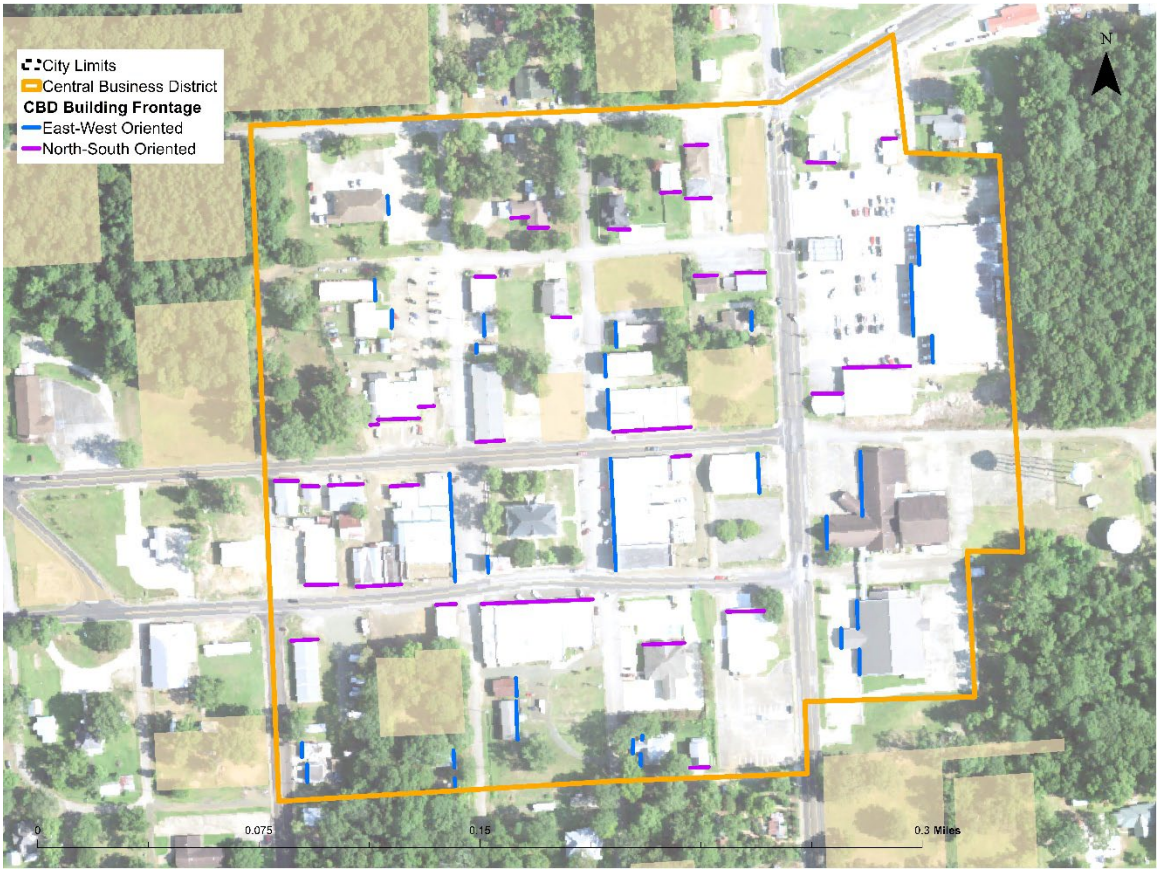


Figure 4H: Central Hemphill

The traditional downtown includes several features that work together to identify and 'define' the area including generally uniform building setback, orientation, and massing around the courthouse square, as well as decorative lights with flags and planters. Most buildings in the area are well maintained and aesthetically appealing with preserved brick or new paint, attractive signage, and inviting storefronts with large windows. Vacant buildings and lots detract somewhat from the area's visual appeal, but window displays and offer charming solutions. Central Hemphill is further discussed in *Chapter 7: Central Business District Study*.

Outside of the buildings surrounding the courthouse square however, the impression of a defined and explorable commercial area diminishes. Building setback, orientation, and massing notably varies and limited sidewalks and large parking lots with wide entrances create a dangerous environment for pedestrians, discouraging non-automotive visits to and around the area. Commercial development along Garland Street is particularly inaccessible without a car.

In the short term, the City might consider supporting beautification projects. This could include painting murals on the prominent sides of warehouse buildings, replacing chain link fences with more aesthetically appealing fences or walls, or turning them into a living wall by planting vines to grow up and through the fence (where appropriate), and encouraging temporary uses on semi-developed or underdeveloped land in the area (such as community gardens and public art).

Hemphill should also adopt a zoning ordinance to establish what the City requires and encourages of development in these key areas. In addition to specifying permitted uses, zoning ordinances often include standards that, over time, contribute to the creation of visually appealing areas that may encourage not only resident pride in the community but also new business growth.

Adopting standards such as building orientation requirements and minimum/maximum setbacks, as well as parking and sidewalk requirements would ensure that future development follows positive trends already found in the historic downtown. Standards such as screening and landscaping requirements could also, over time, provide visual consistency and improve visual appeal in this area and along major thoroughfares like Garland Street/US 80. The proposed zoning ordinance in this plan *(Chapter 9: Zoning Ordinance)* includes several of these recommended standards.

Activate Vacant Lots Through Temporary Use

Hemphill's appearance can also be enhanced by activating some of the 843 acres of semi-developed, undeveloped, or agricultural land within the city limits, particularly vacant lots in existing residential and commercial areas. 75 acres of land within or proximate to the floodplain might also be activated through appropriate, temporary uses.

Vacant lots can have 'spillover' effects that negatively impact neighboring properties. Research has found that vacant and abandoned properties can be linked to reduced property values, increased crime, and increased risk to public health and welfare. In commercial areas, vacant lots can also reduce the feeling of business activity. Until such time as more-permanent development occurs, the City of Hemphill should consider activating vacant lots in the community through temporary uses.

The Office of Policy Development and Research for the United States Department of Housing and Urban Development (HUD) notes in its Winter 2014 issue of Evidence Matters that:

> "Temporary use, when successful, can rapidly and efficiently bring underutilized land into productive use, thereby reducing or removing many undesirable externalities. As low-cost and low-risk strategies, temporary projects can also respond quickly to changing conditions and demands — a particular advantage in many cities, where political and economic conditions are uncertain, and cause a reluctance to enter potential long-term commitments, responsibilities, and liabilities… For city administrators facing tight budgets, temporary use projects can be a cost-effective strategy for dealing with vacant land that yields rapid results."

A copy of this issue is included in the *Digital Appendix.*[36]

Vacant lots can be activated by introducing general activity spaces, as well as through more specific community events. The below lists provide just a few examples of temporary uses:

Activity Spaces	Events
• Public parks • Free library, outdoor reading space • Public art • Community garden/children's learning or school garden	• Farmer's market / bake sale • Community chess, board, or card game tournaments • Outdoor concert or dance • Local vendor and artisan stalls

Communities throughout the United States have been turning to temporary use to address some of the negative community impacts created by vacant lots in developed areas. As a result, there numerous resources available to help both residents and local governments pursue these options. In addition, state and national government departments provide resources for several activities that could be used to activate vacant land. For example, the Texas Department of Agriculture (TDA) provides resources supporting initiatives like garden-based learning[37] and setting up and maintaining a local farmer's market.[38] Similarly, the National Parks and Recreation Association (NPRA) offers a general guide for creating mini-parks.[39] The TDA and NPRA reports are included in the *Digital Appendix* for this plan.

[36] The *Evidence Matters (Winter 2014)* issue also available at and can be found at https://www.huduser.gov/portal/periodicals/em/winter14/index.html.
[37] For more information about garden-based learning visit http://www.squaremeals.org/FandNResources/TexasFarmFresh/GardenBasedLearning.aspx
[38] The TDA report on starting a farmer's market is also available at Reports are also available online at http://www.gotexan.org/Portals/1/PDF/FarmersMarketGuide-online_version_lo-res.pdf/
[38] The NPRA report on mini-parks is also available online at https://www.nrpa.org/uploadedFiles/nrpaorg/Grants_and_Partners/Recreation_and_Health/Resources/Issue_Briefs/Pocket-Parks.pdf.
[39] Ibid.

Figure 4I: Little Free Library[40]

Figure 4J: Community Garden[41]

Several nonprofits also provide useful guides and resources. For example, Keep Texas Beautiful offers grants and funding for a number of projects that could be used to activate vacant spaces, such as butterfly gardening[42], and the American Community Gardening Association provides informational and resource support for community gardening initiatives.[43] In addition, Hemphill can draw from the experiences of a number of local governments and communities throughout the United States that have already undertaken initiatives to activate vacant land in their cities. For example, the City of St. Louis, Missouri provides residents with several resources for "fostering the creative reuse of the city owned land" on its website.[44] The City of Milwaukee, Wisconsin has similarly put together a "Vacant Land Handbook" to support resident projects on publicly owned land.[45]

Highlighting & Protecting Historical Assets

A city's history can inspire a sense of community pride among residents and, if shared, may draw visitors and businesses. Hemphill can highlight and protect historical assets by pursuing the following strategies:

- Identify structures potentially eligible for state and/or national landmarks
- Preserve historical development character
- Identify buildings of local historical importance
- Develop a Historic Preservation Ordinance

[40] Source: https://littlefreelibrary.org/pressresources/
[41] Source: http://inhabitat.com/top-10-cities-in-the-us-for-urban-farming/portland-community-garden/
[42] More information about butterfly gardening is available at https://www.ktb.org/butterfly-gardening
[43] More information about the American Community Garden Association is available at https://www.communitygarden.org/
[44] More information available at https://www.stlouis-mo.gov/government/departments/planning/sustainability/toolkit/develop-creative-use-for-vacant-land.cfm
[45] Handbook available at http://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/planning/pdfs/VacantLotHandbook.pdf

There are 10 State historical markers located within the city commemorating the formation and early history of Hemphill and Sabine County, and historic businesses and churches of the community. There are currently no buildings in Hemphill that are listed on the National Register of Historic Places.

Hemphill should consider working with property owners to identify other structures that are potentially eligible for state and/or national landmark status. Communities often fail to recognize which of their characteristics non-members find important or attractive; therefore, it can be challenging but useful to receive the kind of recognition represented by historic listings such as the National Register of Historic Places[46] and the Texas Historic Landmarks Program.[47] Additional information can be found at: www.nps.gov/subjects/nationalregister/index.htm and http://www.thc.state.tx.us/preserve/projects-and-programs/state-historical-markers.

Hemphill's historical development character is another important asset. Preservation of amenities commonly found in historic districts and lost in new construction adds value to properties. Streets that accommodate pedestrian and bicycle as well as automobile traffic (and typically include features such as uniform setbacks, trees, benches, etc.) – create the following advantages:[48]

- Retail sales increase through accommodating non-auto users and creating an appealing space for pedestrians and shoppers
- More residents shop locally due to reduced travel time and added convenience
- New development and businesses are attracted to the area
- Residential property values increase because, in general, homeowners will pay a premium to reside in walkable communities
- Office and retail property values increase[49]

From a land use perspective, Hemphill should strongly consider regulations and public investments that:

- Preserve existing historical structures and lot layouts
- Encourage new construction that matches or enhances existing historical structures and lot layouts
- Provide additional practical and/or aesthetic benefits that will draw people to the city

[46] The National Register of Historic Places is a nation-wide program aimed at protecting America's historic and archaeological resources.
[47] Awarded by the Texas Historical Commission, Texas Historical Landmarks recognize historically and architecturally significant properties in the State of Texas.
[48] See www.completestreets.org/complete-streets-fundamentals/factsheets/economic-revitalization/ for examples and studies
[49] Pivo, G. & Fisher, J.D. (2010). The Walkability Premium in Commercial Real Estate Investments. Retrieved from http://merage.uci.edu/ResearchAndCenters/CRE/Resources/Documents/01%20-%20Fisher-Pivo%20Walkability%20Paper.pdf

Recent labor by local preservation advocates in Hemphill, which includes mapping and taking inventory of 76 structures in a 14-city block area around the County Courthouse Square, has positioned the city's traditional commercial center to soon become a registered historic district, which is further discussed in *Chapter 7: Central Business District Study.*

Texas Local Government Code (Sec. 211.003) provides that "In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures." No limits are placed on the type of city with regards to that type of regulation (i.e., general law or home rule).

The Texas Historical Commission has produced a model ordinance and that ordinance, as well as the version of that ordinance adopted by Fredericksburg, are included in the *Digital Appendix* to this plan. Mount Vernon, a General Law Type A City in northeast Texas has also been widely recognized for the success of its historic preservation efforts.[50] Grapevine, TX has a useful FAQ related to its historic preservation ordinance listed on its website.[51]

4.4.3 Guide Future Development

Based on future housing recommendations *(Chapter 3: Housing Study)* and existing lot sizes, there is enough land within the current Hemphill city limits and outside of the floodplain to accommodate the anticipated population increase over the planning period, as well as potential space for desired non-residential development, such as additional commercial establishments, open space, and other community amenities. There are approximately 843 acres of land in the city limits that is semi-developed or used for agriculture/open space and located outside of the floodplain.

However, Hemphill's ability to accommodate new development efficiently and affordably during the current planning period, and beyond, will depend on where development takes place in relation to existing homes, businesses, and infrastructure. Hemphill can support these goals by pursuing the following strategies for guiding future growth:

- Adopt a Future Land Use Map
- Prioritize infill development
- Permit alternative development types
- Ensure orderly and timely expansion through targeted annexation

[50] Mount Vernon's historic preservation ordinance is available at www.comvtx.com/
[51] www.grapevinetexas.gov/IndividualDepartments/HistoricPreservation/HistoricPreservationFrequentlyAskedQuestions.aspx

Adopt a Future Land Use Map

The City of Hemphill can make clear what type of development is preferred where by adopting a future land use plan that reflects residents' concerns and preferences, and posting the map at City Hall and on a City website. The Future Land Use Map created for this plan illustrates a preference expanded housing options, strengthening the city center, additional amenities for visitors and residents, and to limit new construction in the floodplain.

Prioritize Infill Development

Population growth is often accommodated through "greenfield development", or development of land not previously used, usually in the form of large lots outside of existing developed areas. Greenfield development offers a blank slate but can create significant, and costly, challenges for cities and towns. This type of development often requires lengthy extensions of municipal water/wastewater systems, as well as street and drainage systems.

In contrast, "infill" refers to the process of developing vacant lots (or portions of a lot) in areas with existing development, like neighborhoods and commercial areas. Lots in areas with existing development often already have road network access and are already served by water, wastewater, and drainage systems (or, if not, are more likely to require minimal expansions).

By avoiding the need for significant infrastructure extensions, municipalities can also avoid the debts often required to finance such improvements. While municipal debt may still be required, infill development can allow the municipality to focus on existing systems maintenance and improvements that will serve a larger population.

There are approximately 422 acres within the city limits that are easily developed. Approximately 29% of this easily developed land (130 acres) has frontage on a major arterial (see *Figure 4D, page 4-9*).

To facilitate infill development, Hemphill should:

- Limit extension of City utility services beyond the city limits
- Adopt a future land use map that illustrates preferences for where infill development will occur and what type of infill development is prioritized by the community
- Adopt an updated zoning ordinance and map to support future land use goals

Permit Alternative Development Types

When considering greenfield development or large-scale redevelopment projects, the City of Hemphill should permit alternative development types such as Planned Unit Developments and Cluster Developments.

Planned Unit Development (PUD): A PUD is a designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, within one development or subdivision. It is used as part of conventional zoning or form-based code to allow for flexibility in land use planning. It can be an overlay district or a zoning category. Depending on the type of PUD, a project might go through the subdivision and zoning processes at the same time.

PUDs are usually implemented to carry out master planning of a tract of land, and are intended to:

- Foster city or public/private partnered special projects
- Allow for the development of mixed use, transit-oriented, or traditional neighborhoods with a variety of uses and housing types
- Carry out specific goals of a comprehensive plan
- Preserve natural features, open space, and other topographical features of the land

Standards within a PUD are usually negotiated between city authorities and staff and the developer on a case-by-case basis, and they require approval under adopted zoning and/or subdivision codes, including plan review and public hearings. The proposed zoning ordinance in this plan (*Chapter 9: Zoning Ordinance*) allows for Planned Unit Developments.

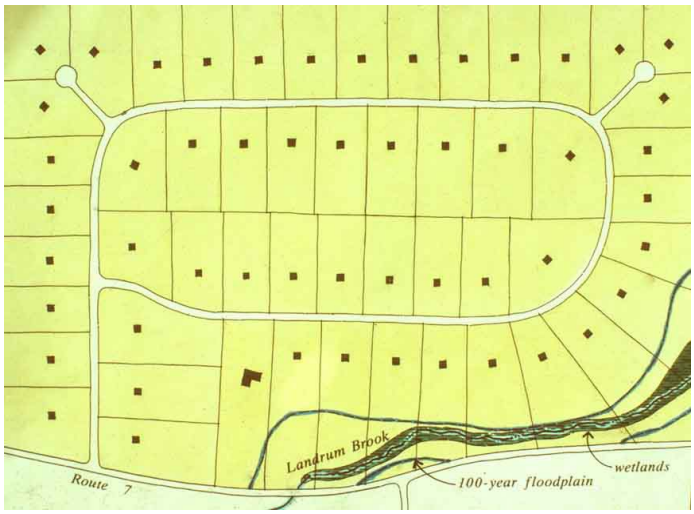
Cluster Development: Cluster developments, also known as conservation subdivisions, are residential subdivisions that have been designed to maximize contiguous open space to:

- Provide habitat for wildlife
- Provide shared open space for recreation
- Enhance community spirit
- Reduce infrastructure maintenance costs (fewer miles of pavement and utility lines)
- Reduce flooding and road deterioration (less water enters the drainage system)
- Preserve a city's rural character (by preserving open space

Figures 4K and *4L below* illustrate how a piece of land subdivided as a cluster development allows for the same number of houses as a traditional development. While each individual lot is smaller in the cluster development, the remaining land becomes common open space that can be used for recreation, utilities such as storm water detention ponds, and for public gardens or agriculture.

The City of Pearland has adopted a provision for cluster developments and could be contacted for guidance on adopting an appropriate ordinance amendment and encouraging their construction. See City of Pearland website at www.cityofpearland.com and *Digital Appendix* for this study. The *Digital Appendix* also includes a fact sheet on cluster developments created by Ohio State University.[52]

Several non-profit groups are working with cities, developers, and individuals throughout the country to promote energetic, livable cities through design and would be a good source for technical information on various design features, community education, and funding as it relates to both alternative subdivision design (PUDs and cluster developments) and thoroughfare design elements. These include the USDA Office of Sustainable Development (www.usda.gov), the Congress for New Urbanism (http://www.cnu.org/), the Urban Land Institute (www.uli.org), and Smart Growth Online (http://www.smartgrowth.org/).



130-acre site with 55, 2-acre home sites

Figure 4K: Standard Subdivision[53]

Same 130-acre site with 55, ¾ acre home sites; 81 acres preserved as common open space.

Figure 4L: Cluster Subdivision

[52] The fact sheet is also available at http://ohioline.osu.edu/cd-fact/1270.html
[53] Images retrieved from www.landchoices.org. Extensive information available on that site and from the University of Minnesota Extension office www.extension.umn.edu/

Ensure Orderly & Timely Expansion through Targeted Annexation

Targeted or directed annexation is another way to shape and manage growth. The purpose of annexing land is to bring urbanizing areas into a system where development can be regulated to ensure public health, safety, and welfare.

Only parcels in certain locations and under certain conditions can be annexed. A city may only annex land that is contiguous with its city limits. The land must also be located within that city's extraterritorial jurisdiction. Cities are further limited in terms of how annexation may occur. The Texas Local Government Code establishes two general forms of annexation for municipalities: voluntary and unilateral (or involuntary).

In the 2017 and 2019 legislative sessions, a series of laws were passed that greatly limit cities' ability to unilaterally annex neighboring communities. Under the new laws, almost all annexation must be done by consent, with only a few narrow exceptions. *Appendix 4B* further describes the main elements of several of these key bills. In addition, in July 2019 the Texas Municipal League updated its existing, detailed explanation[54] of annexation procedures and requirements in Texas *(included in the Digital Appendix)*.

Annexation can be financially beneficial for cities when it brings the developed land on to the city's tax rolls. At the same time, annexation can introduce an additional financial burden because a city that annexes land must provide full municipal services, including water and sewer, within a designated period. Thus, at minimum, cities considering annexation should conduct a financial analysis to determine whether the provision and maintenance of water, sewer, street, drainage, and police and fire services would be adequately paid for by fees and taxes on those served over the long-term (i.e., including replacement of lines and pavement at 30-year intervals).

Determining the relative costs and benefits of annexation is often complex and may involve factors that are not easily measurable in financial terms. As a result, many larger cities in Texas have developed policies or criteria to help guide decisions. For example, the City of Tyler, Texas uses the following prioritized criteria to guide annexation decisions:

- Amount of existing development and potential tax benefits
- Potential for imminent new development
- Potential connection to unique transportation locations like interstate highway interchanges and the airport
- Adverse consequences of not annexing the area
- Cost of extending infrastructure
- Potential for significant shaping of the development character

[54] https://www.tml.org/DocumentCenter/View/1233/Annexation-Paper-TML-July-2019PDF

Due to the large amount of easily developed land already within the city limits (approximately 843 acres, see Figure 4K, page 4-20), annexation is not recommended for Hemphill. Nonetheless, the City can begin work now to ensure that Hemphill is prepared to make informed decisions about growth and annexation when and where the opportunity arises in the future.

4.5 Future Land Use

Unlike an existing land use map, which identifies distinct land uses for each parcel, a future land use map depicts the desired general character of areas in the community. The future land use map illustrates community goals and those illustrated changes often extend beyond the current planning period to visually establish preferred growth boundaries.

Hemphill is expected to experience some small changes in land use over the next 10 years based on a forecasted population increase from 1228 to 1288 residents. This is reflected in the desire to focus residential and commercial development to parcels already semi-developed and within city limits. Development within the ETJ is limited to areas with existing residential uses present, and large tracts of semi-developed land are left in their natural state or used for agricultural purposes.

Soil conditions and flooding may limit some new construction, but the feasibility of additional development will depend primarily on continuing improvements to Hemphill's stormwater drainage systems and street infrastructure in order to keep up with the level of service needed.

Hemphill's future land use map illustrates: (a) a preference to limit development in and around the floodplain to support improved street and housing conditions; (b) prioritizing vacant lots within the city limits for development; (b) a preference for additional and diverse housing development to serve varying resident needs; and (d) a desire to further a vibrant, local activity center in the traditional downtown; *see Figure 4N, next page; and Map 4B*.

It is important to note that **a future land use map is a visual statement of where and how a community wants to grow, not a prediction of future growth**. However, adopting a future land use map can encourage additional growth because it communicates a city's long-range development goals not only to residents and future local government, but also to potential developers with an interest in creating thriving projects.

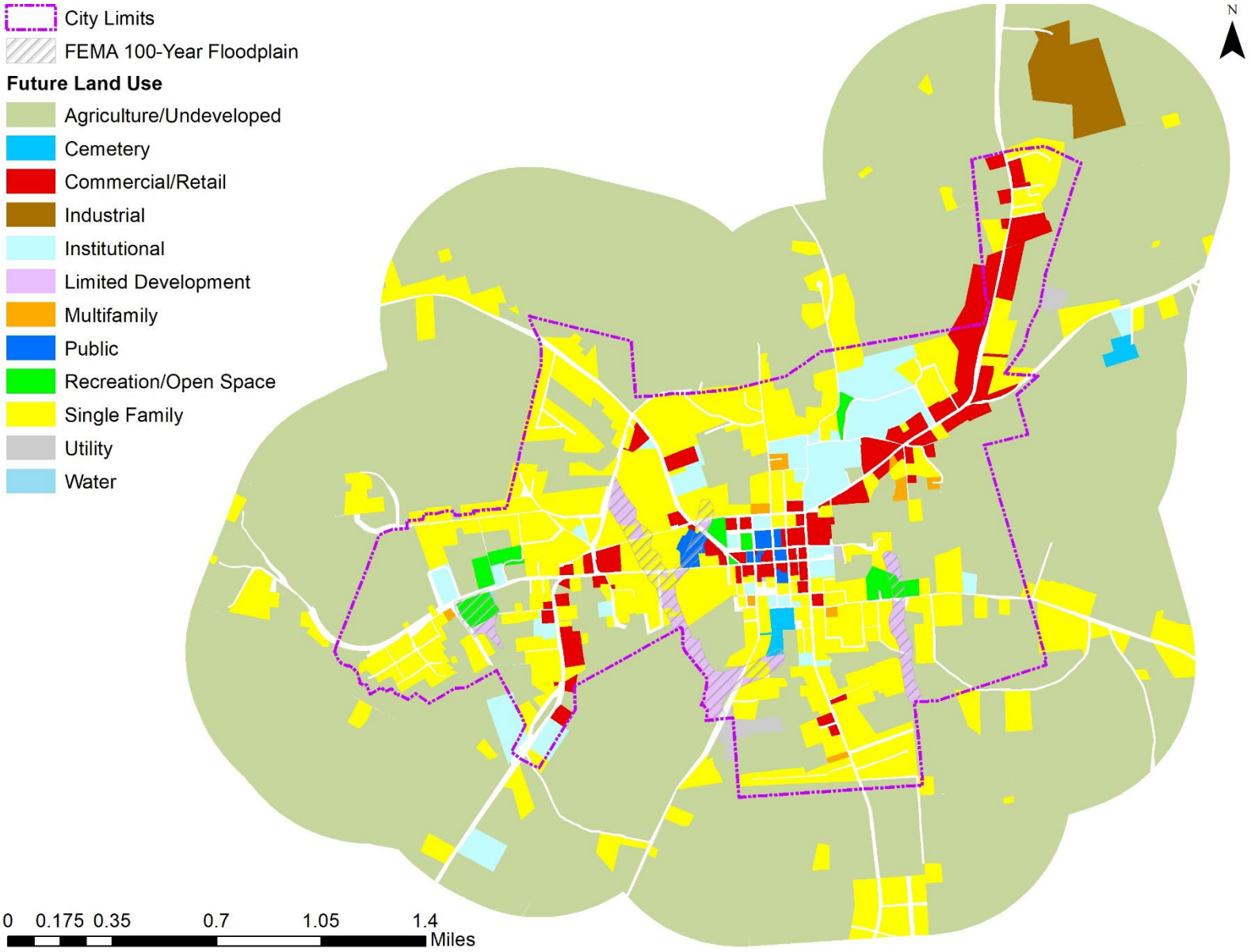


Figure 4M: Future Land Use Map

4.6 Implementation Plan

The Implementation Plan organizes the action items recommended to address each issue identified in the above sections into a timeline for completion. The actions are prioritized and organized by date.

Table 4B: Implementation Plan: 2023-2033

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2026	2027-2029	2030-2033			
Goal 4.1 *Support flood damage prevention*						
Enforce flood damage prevention standards	x	x	x	City	Variable	GEN
Pursue grants to remove or elevate structures in floodplain	x	x	x	City	Up to 25% match	GEN; FEMA
Adopt a *Zoning Ordinance* that supports floodplain protection goals	x			City	<$2,000 (Legal), Staff	GEN
Adopt a *Future Land Use Map* that illustrates community floodplain protection goals	x			City	<$2,000 (Legal), Staff	GEN
Post *FEMA FIRM* and *Future Land Use Map* in a visible location at City Hall and on City website; update as needed.	x			City	-	-
Conduct one or more activities to support NFIP Participation.		x	x	City	Variable	GEN
Adopt a *Subdivision Ordinanc*e to ensure standards that limit floodplain development		x		City	<$2,000 (Legal)	GEN
Consider participation in NFIP's Community Rating System			x	City	Staff	GEN

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2026	2027-2029	2030-2033			
Goal 4.2 *Enhance Hemphill's physical appearance and recognize community beautification efforts*						
Enforce nuisance ordinances	x	x	x	City	Variable	GEN
Host annual trash collection day(s); keep records of tons of trash collected	x	x	x	City	Variable	GEN, Local
Encourage local organizations and groups to form mowing clubs to help low-income seniors maintain their yards	x	x	x	City	Staff	GEN, ISD
Adopt a *Zoning Ordinance* that supports high quality development in Hemphill	x			City	<$2,000 (Legal), Staff	GEN
Develop a code enforcement framework and strategy	x			City	Staff / Variable	GEN
Start a community beautification recognition program; record winning properties with pictures; post at City Hall and on City website		x		City	<$1,000, Staff	GEN
Remove at least one dilapidated, non-residential structure per year		x	x	City	$1,000 (legal) + cost per structure (variable; US avg. = $18,000/structure)	GEN, EDC
Reconstruct or replace at least two substandard house per year		x	x	City	See *Chapter 3: Housing Study*	
Develop reference library at City Hall (and/or website) to support residents interested in temporary uses			x	City	Staff	GEN

Goals & Objectives	Activity Year(s) 2023-2026	2027-2029	2030-2033	Lead Organization	Cost Estimate	Funding Sources
Goal 4.3 *Preserve Hemphill's rural character and strengthen the existing commercial center by guiding new development towards existing vacant lots within city limits*						
Limit extension of City utility services beyond city limits	x	x	x	City	-	-
Adopt a *Future Land Use Map* that illustrates a preference for infill development and community preferences	x			City	<$2,000 (Legal), Staff	GEN
Establish a schedule for regular review of Future Land Use Map, Zoning Ordinance, and Subdivision Ordinance	x			City	-	-
Keep the Future Land Use map and information on desired development types on display at City Hall and on City website	x	x	x	City	-	-
Adopt a *Zoning Ordinance* that supports future land use goals	x			City	<$2,000 (Legal), Staff	GEN
Conduct a cost/benefit analysis of new developments	x	x	x	City	Variable	GEN
Develop annexation assessment protocol and criteria			x	City	Staff	GEN
Adopt a *Subdivision Ordinance* to ensure standards support community goals		x		City	<$2,000 (Legal), Staff	GEN

Sources: **GEN** = Municipal funds; **FEMA** = Federal Environmental Management Agency hazard mitigation/disaster recovery grants; **Local** = donations of time/money/goods from private citizens, charitable organizations, and local businesses; **Staff** = Staff time

4.7 Appendix 4A: Land Use Methodology

GrantWorks Inc. conducted a land use survey in Hemphill in January and February 2023. Land use data was collected by driving by every property in the city and extraterritorial jurisdiction (ETJ), using aerial imagery available from the Texas Natural Resources Information System (www.tnris.org), and consulting with City staff.

Table 4A.1: Land Use Classifications defines the land uses selected to describe property in Hemphill.

Table 4A.1: Land Use Classifications

Classification	Examples
Agricultural / Undeveloped	Fields, farms, woodlands, open flood plain
Single-Family Residential	Single-family houses, mobile homes
Multifamily Residential	Duplexes, triplexes, apartments, condominiums
Commercial	Stores, daycares, RV parks, mini-storage businesses, offices, including medical offices, and commercial parking lots/facilities
Industrial	Mills, factories, salvage yards, mines, large warehouses, industrial yards and refineries
Institutional	Educational and religious institutions, and hospitals, jails, prisons, and nursing homes, including associated parking lots and recreation/park areas for the institutional use only, Mason's Lodge, Lion's Club, and other related private group centers
Recreation/Open Space	Developed recreational or open space (public or private), not associated with other uses
Public	Government offices and facilities, water and wastewater facilities, public utilities
ROW	Highway and street right-of-way, railroad right of way
Utility	Private utility, including cell phone towers, electrical stations, transformer stations, etc.
Semi-Developed	Vacant subdivided lots of less than 10 acres in areas with or very near water, sewer, and street infrastructure

Table 4A.2: Detailed Land Use Tabulation

City Land Use Classification	Acres	% DEV	% TOTAL	Acres/100
Cemetery	6	0.6%	0.4%	0.5
Commercial / Retail	105	10.1%	6.4%	8.0
Institutional	96	9.3%	5.9%	7.3
Multifamily	6	0.6%	0.4%	0.5
Public	12	1.1%	0.7%	0.9
Recreational / Open Space	16	1.5%	1.0%	1.2
Right of Way	132	12.8%	8.1%	10.1
Semi-Developed	249	24.1%	15.3%	19.0
Single Family	405	39.1%	24.8%	30.9
Utility	7.4	0.7%	0.5%	0.6
Total for Developed Areas	*1,034*	*100.0%*	*63.4%*	*78.9*
Agriculture / Undeveloped	*590*	-	36.2%	45.0
Water	*7*	-	0.4%	0.5
Citywide Total	**1,630**		**100.0%**	**124.4**

ETJ Land Use Classification	Acres	% DEV	% TOTAL	Acres/100
Cemetery	5	1.0%	0.1%	2.2
Commercial / Retail	1	0.3%	0.0%	0.7
Industrial	49	9.9%	1.4%	22.0
Institutional	23	4.6%	0.7%	10.2
Multifamily	0	0.0%	0.0%	0.0
Public	0	0.0%	0.0%	0.0
Recreational / Open Space	0	0.0%	0.0%	0.0
Right of Way	69	14.0%	2.0%	31.1
Semi-Developed	168	34.0%	4.9%	75.6
Single Family	172	34.7%	5.1%	77.3
Utility	8	1.5%	0.2%	3.4
Total for Developed Areas	*494*	*100.0%*	*14.5%*	*222.5*
Agriculture / Undeveloped	*2,903*	-	91.0%	1307.7
Water	*0*	-	0.0%	0.0
ETJ Total	**3,397**	**-**	**100.0%**	**1530.2**

Regional Land Use Classification	Acres	% DEV	% TOTAL	Acres/100
Cemetery	11	0.7%	2.0%	0.7
Commercial / Retail	106	6.9%	2.1%	6.9
Industrial	49	3.2%	1.0%	3.2
Institutional	118	7.7%	2.4%	7.7
Multifamily	6	0.4%	0.1%	0.4
Public	12	0.8%	0.2%	0.8
Recreational / Open Space	16	1.0%	0.3%	1.0
Right of Way	201	13.2%	4.0%	13.1
Semi-Developed	417	27.3%	8.3%	27.2
Single Family	576	37.7%	11.5%	37.6
Utility	15	1.0%	0.3%	1.0
Total for Developed Areas	*1,528*	*100.0%*	*30.4%*	*99.7*
Agriculture / Undeveloped	*3,493*	-	69.5%	223.9
Water	7	-	0.1%	0.4
Regional Total	**5,027**	**-**	**100.0%**	**322.3**

Source: GrantWorks, Inc. Field Survey, 2023

Note: Values may be rounded to next whole number.

4.8 Appendix 4B: Summary of Recent Annexation Bills

HB 347

1. Eliminates the distinction between Tier 1 and Tier 2 cities and counties created by S.B. 6.
2. Eliminates existing annexation authority that applied to Tier 1 cities and makes most annexations subject to the three consent annexation procedures that allow for annexation:
    a. On request of each owner of the land,
    b. Of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and
    c. Of an area with a population of at least 200 by election of voters and, if required, petition of landowners.
3. Authorizes certain narrowly defined types of annexation (e.g., city-owned airports, navigable streams, strategic partnership areas, industrial district areas, etc.) to continue using a service plan, notice, and hearing annexation procedure.

HB 4257

Applies only to Subchapter C-4 (election-approved annexations).

1. The disapproval of the proposed annexation of an area does not affect any existing legal obligation of the city proposing the annexation to continue to provide governmental services in the area, including water or wastewater services, regardless of whether the municipality holds a certificate of convenience and necessity to serve the area; and
2. A city that makes a wholesale sale of water to a special district may not charge rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation.

SB 1024

Applies only to "consent exempt" annexations.

1. A city with a population of 350,000 or less shall provide access to services provided to an annexed area under a service plan that is identical or substantially similar to access to those services in the city.
2. A person residing in an annexed area subject to a service plan may apply for a writ of mandamus against a city that fails to provide access to services in accordance with (1).

3. In the action for the writ:
    a. The court may order the parties to participate in mediation,
    b. The city has the burden of proving that it complied with (1),
    c. The person may provide evidence that the costs for the person to access the services are disproportionate to the costs incurred by a municipal resident to access those services,
    d. If the person prevails, the city shall disannex the property that is the subject of the suit within a reasonable period specified by the court or comply with (1); and (e) the 12 court shall award the person's attorney's fees and costs incurred in bringing the action for the writ; and
4. A city's governmental immunity to suit and from liability is waived and abolished to the extent of liability created under the bill.

SB 1303

1. Every city must maintain a copy of the map of city's boundaries and extraterritorial jurisdiction in a location that is easily accessible to the public, including:
    a. The city secretary's office and the city engineer's office if the city has an engineer; and
    b. If the city maintains a website, on the city's website.
2. A city shall make a copy of the map under (1), above, available without charge.
3. Not later than January 1, 2021, a home rule city shall:
    a. Create, or contract for the creation of, and make publicly available a digital map that must be made available without charge and in a format widely used by common geographic information system software,
    b. If it maintains a website, make the digital map available on that website, and
    c. If it does not have common geographic information system software, make the digital map available in any other widely used electronic format.
4. If a city plans to annex under the "consent exempt" provisions that remain in the Municipal Annexation Act after the passage of H.B. 347 (discussed below), a home rule city must:
    a. Provide notice to any area that would be newly included in the city's ETJ by the expansion of the city's ETJ resulting from the proposed annexation; and

b. Include in the notice for each hearing a statement that the completed annexation of the area will expand the ETJ, a description of the area that would be newly included in the ETJ, a statement of the purpose of ETJ designation as provided by state law, and a brief description of each municipal ordinance that would be applicable, as authorized by state law relating to subdivision ordinances, in the area that would be newly included in the ETJ; and

c. Before the city may institute annexation proceedings, create, or contract for the creation of, and make publicly available, without charge and in a widely used electronic format, a digital map that identifies the area proposed for annexation and any area that would be newly included in the ETJ as a result of the proposed annexation. (Note: Many of the remaining provisions of the bill modified sections in Chapter 43 of the Local Government Code, relating to municipal annexation, which were eliminated by H.B. 347.)

5 Storm Drainage System Study

Storm drainage facilities prevent or minimize damage resulting from overland flows or pooling of water during and after periods of rainfall. They collect and channel the runoff from heavy rainfalls and other surface water into a natural stream course or other body of water. A community's storm drainage system might include creeks, rivers, canals, reservoirs, lakes, marshes or wetlands, channels, culverts, enclosed pipe storm sewers, and ditches.

5.1 Highlights

There is no known previous comprehensive study and there are no known maps of the City's network of roadside ditches. The fieldwork associated with this plan will produce a map of the roadside ditches, curb and gutter sections, culverts, and channels for the City of Hemphill.

GrantWorks, Inc. will provide an updated map of Hemphill's stormwater drainage system based on the fieldwork conducted for this comprehensive plan. In December 2022 planners and GIS analysts surveyed drainage infrastructure in the Hemphill city limits and extraterritorial jurisdiction (ETJ). The survey identified the location, type, size, condition, and level of blockage or damage (when applicable) for all drainage features including curb and gutter, channels and roadside ditches, bridges, and culverts.

Map 7A: Existing Drainage System illustrates the collected information.

This plan recommends that the City of Hemphill attempt to obtain funding for problem drainage mitigation projects, establish a routine program to clean out culverts, grade ditches, regularly maintain drainage facilities, replace selected damaged culverts, replace undersized culverts, re-grade associated ditches where necessary, and adopt a streets and drainage construction manual/ordinance.

5.2 Storm Drainage System Inventory

Previous Studies & Plan Fieldwork

The most recent study of Hemphill's stormwater drainage system was completed by GrantWorks, Inc. in 2022 as part of the larger comprehensive planning effort for the City of Hemphill.

Key Components

Drainage systems typically consist of curb-and-gutter, pipes, ditches, and bridges that use the natural topography or grade of the land to facilitate the movement of stormwater out of a community's developed areas. Drainage in Hemphill relies on a system of curb and gutter, culvert pipes, roadside ditches, channels, and creeks to control excess stormwater and convey it to Jack Creek off Housen Bayou River and its tributaries.

Table 7A inventories the number and general location of key elements in the Hemphill area's drainage system. Culvert pipes found throughout Hemphill and the ETJ include Corrugated Metal Pipe (CMP), Reinforced Concrete Pipe (RCP), Reinforced Concrete Box Culvert (RCBC), High Density Polyethylene (HDPE), PVC, and Cast Iron. Drainage channel/ditch types include roadside ditches, natural-lined channels, and concrete-lined channels.

Table 7A: Key Drainage System Components

	City Limits	ETJ	Total
Drainage Ditch/Channel (LF)	52,567 LF	29,678 LF	82,245
Culverts (#)	99	26	125
Curb & Gutter (LF)	19,308 LF	0 LF	19,308 LF
Area Inlets (#)	11	0	11
Curb Inlets (#)	7	0	7

Source: 2022 Fieldwork

Underground storm drains may be located in some areas of Hemphill where curb inlets were mapped but mapping of underground pipes was not available. In other locations the inlets are assumed to drain into adjacent channels or roadside ditches.

Jurisdiction

The City of Hemphill does not control many of the decisions relating to the type, location, or timing of drainage system improvements. Three separate entities control the drainage system elements that serve Hemphill:

- Texas Department of Transportation (TxDOT)
- Sabine County
- City of Hemphill

Based on road jurisdiction, TxDOT maintains the drainage system along US and State Highways as well as Farm-to-Market Roads (SH 87, SH 184, FM 83, FM 2971, FM 944, and FM 1175 in the Hemphill region). Sabine County is principally responsible for drainage along county roads in the extraterritorial jurisdiction (ETJ), and the City of Hemphill is responsible for roadside drainage maintenance and major structures within the city limits and on City-maintained properties.

5.3 Storm Drainage System Analysis

The drainage system analysis evaluates the system components described in the previous sections with respect to location, condition, and overall drainage performance.

This analysis will consider the following elements:

- Geographic context & current system performance
- Roadside ditches / drainage channels
- Culverts
- Curb & gutter
- Underground storm drainage system
- Drainage problem areas
- Flood damage prevention
- National Flood Insurance Program / Community Rating System

Geographic Context & Current System Performance

Hemphill is located in the Sabine River Basin. Natural drainage occurs in a north-south/southwest direction following the multiple slopes of hills throughout the city. The highest elevation in Hemphill is 330' above sea level and the lowest is 210' above sea level. This equates to a drop of 120' or less over the entire city.

Water drains into three main ditches. Hemphill's two south sections drain into poorly defined channels through Barber Street, Worth Street, and along Cedar Street leading to the Travis Branch of Housen Bayou River. The other southern section drains into the ditch that runs along Harvey Street and through Lillian Street, and the ditch serving Hemphill's southwestern section Hemphill runs along FM 83 by Hemphill City Lake leading through Pine View Street which runs above Jack Creek.

Hemphill's drainage system was developed over the course of the city's growth. Existing roadside ditches, culverts, and curb and gutter serve as the primary roadway drainage infrastructure in the city.

The system does not function well in some areas in its present configuration. In some cases, ditches lack adequate capacity to convey runoff during average rainfall events, and many also do not drain well after the event.

Inadequate ditches also do not provide positive drainage for the pavement resulting in pavement subgrade and surface deterioration. Moreover, localized flooding occurs due to the lack of ditches, culverts, and maintenance of curb and gutters along local streets. The below sections examine the state of each drainage facility type in more detail.

Roadside Ditches/Drainage Channels

Table 7B lists the types and extents of drainage channel/ditches in Hemphill.

Roadside drainage ditches line state roads and city streets within Hemphill. The roadside ditches within the city and its ETJ are maintained by TxDOT, Sabine County, and the City.

Table 7B: Drainage Channel Type & Length, City Limits & ETJ

Drainage Channel Type	Linear Feet (LF)
Roadside Ditch	81,625
Natural Lined Channel	620
Concrete Lined Channel	0

Source: 2022 Fieldwork

Figure 7A: Roadside Ditch & Concrete Culvert Example

Figure 7B: Roadside Ditch Example

Culverts

The most significant problems with culvert facilities in Hemphill are inadequate sizing in some locations and lack of maintenance. The most common problem encountered with culvert pipes is blockage from the accumulation of silt, vegetation, and other debris, or from damaged ends from vehicle traffic.

Culvert damage can result from several factors including but not limited to:

- insufficient turning radii of pavement sections at intersections
- insufficient pavement width at intersections
- high velocities of the runoff in the ditches, channels, and streams
- absence of protective headwalls or end treatments for the culvert pipes

Those factors cause vehicular traffic, particularly truck traffic, to pass over and crush the unprotected ends of the pipes in the process of turning. High water velocities within the ditches, channels, and streams can cause erosion and undermining of the culvert pipes, which can damage or significantly reduce their bearing capacity.

The majority of the culverts in the Hemphill area are the responsibility of the City of Hemphill or Sabine County.

Of the 99 City-maintained culverts, 22 are damaged.

Figure 7C: Damaged Culvert Example

Figure 7D: Undamaged Culvert Example

Curb & Gutter / Underground Storm Drainage

In addition to culverts and drainage channels, stormwater is removed from Hemphill by approximately 19,308 Linear Feet (LF) of curb and gutter, 7 identified area inlets, and 11 identified curb inlets.

The curb-and-gutter system appears to be in good condition and to be functioning properly.

No maps of the underground systems are available currently.

Underground storm drains may be in some areas of town where curb inlets were mapped. According to the best information available, underground storm drains, if any, are likely located along TxDOT-maintained SH 87, SH 184, and FM 83 within the Hemphill. In other locations the inlets are assumed to drain into adjacent channels or roadside ditches.

Map 7A: Existing Drainage System illustrates the location of curb and gutter in the city, as well as any damage sections. Curb inlet markings indicate where underground storm drainage may be handling stormwater.

Figure 7E: Example Inlet

Drainage Problem Areas

According to City staff, nuisance water ponding occurs primarily on streets in the town due to the age of infrastructure and lack of maintenance, and mainly in areas following the north-south sections of Hemphill.

There are occasional cases of nuisance ponding throughout the city during average rainfall events that could result in standing water being detrimental to road surfaces. The areas are:

- Intersection of Worth St. and Howard St.
- Oak Street between Birch St. and Bank St.
- Main St. between Texas St. and Market St.
- Hwy 87N (Sabine St.) near intersection with Wright St.

The City of Hemphill has established priorities and/or procedures for responding to routine flooding.

Flood Damage Prevention

Flood Prevention Ordinance

The City of Hemphill participates in the National Flood Insurance Program (NFIP) and, to participate, must enforce a Flood Damage Prevention Ordinance. The ordinance is a comprehensive ordinance that sets forth rules and regulations for development within the community that meets and satisfies CFR Section 60.3C of the NFIP Regulations.

Major Flood Preparedness

Disaster preparedness refers to measures taken to anticipate and attempt to reduce the damage caused by disaster events, such as a major or extreme flood event.

Communities can take the following key steps to support disaster preparedness:

- Identify and understand potential vulnerabilities in the event of a disaster
- Designate someone responsible for emergency management prior, during, and after a disaster
- Coordinate with other government emergency mangers/local utility providers to prepare for a potential disaster
- Ensure that residents know emergency procedures in the event of disaster

The City of Hemphill has designated a local emergency management coordinator and does have a Disaster Preparedness and Response Plan for a major flood event.

National Flood Insurance Program & Community Rating System

The National Flood Insurance Program (NFIP) is a FEMA program that provides federally backed flood insurance to members of communities that carry out measures to reduce the risk of flood damage. While NFIP participation is voluntary, federally backed flood insurance is not available for structures in non-participating communities, and disaster assistance as well as federal grants and loans are not available for structures in FEMA designated special flood hazard areas (SFHAs) of non-participating communities.

Various requirements and caveats apply to the obligations of lenders and property owners with respect to flood insurance and specific questions should be addressed to FEMA or the Texas Water Development Board NFIP division.

The City of Hemphill has participated in the National Flood Insurance Program (NFIP) since 1979.

Among many other services, the U.S. National Flood Insurance Program provides flood insurance rate maps that depict the 100-year and 500-year special flood hazard areas (SFHA's) for many communities. The special flood hazard areas of the city are shown on *Map 7A: Existing Story Drainage System.*

Appendix 7A contains more detailed information concerning the NFIP and the benefits that a community can receive through active participation. More detailed information regarding all aspects of the program can also be found through the TWDB (www.twdb.state.tx.us/wrpi/flood/nfip.htm) and FEMA (www.fema.gov/nfip/) websites.

Appendix 7B contains information on how to score points through the Community Rating System (CRS), which is a set of actions participating communities can take to reduce flood insurance rates for property owners.

Community Rating System recommended actions related to the Hemphill Comprehensive Plan include:

- Adopting the Comprehensive Plan.
- Adopting a subdivision ordinance that includes erosion and sedimentation control requirements during construction in addition to establishing standards for drainage facilities for new construction.
- Educating residents whose properties are located within floodplains about floodplain building regulations.
- Purchasing property in the floodplain, zoning for open space, or otherwise restricting the use of parcels in the floodplain. These actions increase the credits homeowners receive on flood insurance premiums. The amount of premium reduction is based on the percentage of special flood hazard area preserved as open space.

5.4 Storm Drainage System Improvement Projects

This document is an evaluation, analysis, and planning report rather than a design study; detailed design data for individual construction projects were not developed. **This report is intended solely to provide the City of Hemphill guidance for planning future storm drainage improvements. Storm drainage improvements should not be constructed without detailed engineering design analysis, plans, and specifications.**

GrantWorks, Inc. worked with City representatives and staff to identify and analyze major obstacles to drainage solutions in Hemphill. The below sections discuss proposed projects and their scope. Together, the projects form an area-wide solution to Hemphill's drainage issues.

Prioritized Problems

City staff and consulting engineers identified the following areas of concern regarding Hemphill's storm-water system.

1. Not enough curb-and-gutter in the street system to effectively remove runoff. Need to install curb-and-gutter throughout the city, especially where streets are flat.
2. Need to maintain and install properly sized culverts to effectively remove runoff.
3. Need to alleviate flooding in Hemphill's central section of the city along Worth St. and Cedar St. and Cannon St. and FM 83. To address flooding in areas in the floodplain, road shaping and elevation projects should be considered by the City.
4. Need to maintain ditches and control erosion and sedimentation build-up that impedes drainage infrastructure function.
5. Need to make Hemphill more resilient against flooding.

Like many rural cities, Hemphill faces a difficult predicament with respect to drainage problems. There is little grant money available to make improvements to the drainage systems of rural towns. Routine maintenance is the only viable route available to many cities to address various drainage problems. The following plan framework outlines a specific set of actions to meet Hemphill's drainage system needs with local resources.

Goals & Objectives for Storm Drainage System

Goal 1: The city-wide drainage system prevents flooding of private property.

Objective 1.1: Mitigate all nuisance ponding areas over the planning period.

Policy 1.1.1: Between 2023 and 2033, budget annually to fund the installation of curb and gutter throughout the city and engaging engineers to properly design curb and gutter improvements.

Policy 1.1.2: Between 2023 and 2033 determine if nuisance ponding areas can be addressed as water and sewer improvements are made.

Policy 1.1.3: Continue to communicate regularly with TxDOT and Sabine County to provide for on-going, semi-annual routine maintenance of all culvert pipes, drainage channels, and roadside ditches by removing silt, debris, and vegetation that impede the flow of water.

Objective 1.2: By 2026, commission and adopt a basic street and drainage construction manual/ordinance specifying required width and depth of drainage channels and diameter of culverts for use by current and future City staff and contractors hired to construct improvements.

Goal 2: The City maintains a functional city-wide drainage system that limits sedimentation loading to nearby creeks.

Objective 2.1: Improve drainage system between 2023 and 2033 to alleviate nuisance ponding areas.

Objective 2.2: Decrease opportunities for introducing sediment into the city's drainage system.

Policy 2.2.1: Educate City public works staff on and increase annual funding to the public works department to construct properly sized drainage channels and culverts.

Goal 3: Hemphill responds quickly and efficiently to flood events and pursues strategies to reduce the impact of flooding on the community.

Objective 3.1: Maintain a clear organizational framework to respond to flood events.

Policy 3.1.1: Coordinate with other government emergency managers and local utility providers about priorities/procedures before, during, and after an extreme flood event.

Policy 3.1.2: Disseminate and inform residents of emergency procedures in the event of a major flood.

Objective 3.2: Reduce impact of flood events on Hemphill.

Policy 3.2.1: Incorporate targeted projects to eliminate/mitigate flooding vulnerabilities in capital improvements projects.

Policy 3.2.2: Adopt land-use policies that prevent/reduce flooding vulnerabilities.

Proposed System Improvements – Planning Period 2023-2033

Proposed improvements to Hemphill's existing drainage system are presented as phased projects suggested for implementation over the 10-year planning period encompassed by this comprehensive plan.

The phased project sequence is a logical step-by-step process intended to increase drainage infrastructure safety and efficiency. However, this sequence is just one of several possible avenues, all of which should enable the City of Hemphill to achieve its long-term drainage infrastructure maintenance goals. The sequence is intended only as a suggested program of phased improvements; alternative sequencing is recommended if funding availability requires significant changes to this proposed infrastructure improvements program.

Table 7B (Section 7.4) indicates the proposed phase schedule.

Phase costs are based on current costs of record for similar projects in the same geographical area of the state. Every effort has been made to include appropriate cost factors such as inflation, variations in the market, and advances in stormwater technology. Cost estimates are predicated on several assumptions related to the scope of each phase. These assumptions are as follows (next page):

- Culvert pipe replacements costs are based on using Reinforced Concrete Pipe (RCP).
- Culvert replacements are estimated for a pipe size increase of one standard size over the existing size. Standard sizes are defined as those sizes that are readily available from a local supplier.
- The culverts that are identified as damaged are assumed to require 100% replacement.
- For City-maintained culverts, the addition of a standard TxDOT-type Safety End Treatment (SET) at each end of the pipe is assumed for culverts scheduled for replacement.
- The cost estimates include grading to "daylight" at each end to ensure positive drainage.
- Culvert replacement includes driveway and pavement repair assuming a pavement cut of 4' in width, ROW width minus 20' in length, and a 2" depth of HMAC pavement placement.
- New and existing roadside ditches assume a full-depth excavation with a triangular cross-section of a 3.0' top width and a 1.0' depth at center.
- Existing drainage channel maintenance assumes a one-half depth excavation with a trapezoidal cross-section of a 7.0' top width, 1.0 bottom width, 3.0' depth at center, and 1:1 side slope.
- Engineering and surveying – Engineering and surveying services are estimated at 20%-35% of the estimated construction costs of an element as described above.

The proposed phases of future drainage system improvements are as follows:

- **Phase 1 (2023-2025)**: Obtain funding to restore and maintain approximately 3,000 LF of roadside ditch along Birch St, Texas St and S. Oak St, and extend ditch from southward from S. Oak to Travis Branch. Project also includes easement acquisition, driveway and driveway culvert repair, administration, and survey and engineering services.
- **Phase 2 (2026-2029)**: Work with TxDOT to obtain funding to replace and enlarge curb inlets adjacent to the courthouse square. In addition, install storm sewer inlets at Worth and Howard and approximately 300 LF of 24" Storm sewer. Project also includes street repair, traffic control administration, and survey and engineering services.
- **Phase 3 (2030-2033)**: Work with TxDOT to obtain funding to install slot drain and replace and enlarge curb inlets on both sides of FM 83 and tributary to Beef Creek between Wright St. In addition, maintain ditches and construct 24" RCP cross drainage culvert at Mayfield St to existing drainage way. Project also includes street repair, traffic control administration, and survey and engineering services.

5.5 Implementation Plan

Like many rural cities, the City of Hemphill faces a difficult predicament with respect to drainage problems. There is little grant money available to make improvements to the drainage systems of rural towns. Routine maintenance is the only viable route available to many cities to address various drainage problems. The following plan framework outlines a specific set of actions to meet the city's drainage system needs. The estimated costs for the actions and improvement projects are as follows:

Table 7C: Drainage System Improvement Plan Projects: 2023 - 2033

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2025	2026-2029	2030-2033			
Goal 7.1 *Develop a city-wide drainage system that prevents flooding of private property*						
Phase 1: Obtain funding to restore and maintain approximately 3,000 LF of roadside ditch along Birch St, Texas St and S. Oak St, and extend ditch from southward from S. Oak to Travis Branch. Project also includes easement acquisition, driveway and driveway culvert repair, administration, and survey and engineering services.	X			City	$160,000	ARP
Phase 2: Work with TxDOT to obtain funding to replace and enlarge curb inlets adjacent to the courthouse square. In addition, install storm sewer inlets at Worth and Howard and approximately 300 LF of 24" Storm sewer. Project also includes street repair, traffic control administration, and survey and engineering services.		X		City/TxDOT	$274,853	ARP
Phase 3: Work with TxDOT to obtain funding to install slot drain and replace and enlarge curb inlets on both sides of FM 83 and tributary to Beef Creek between Wright St. In addition, maintain ditches and construct 24" RCP cross drainage culvert at Mayfield St to existing drainage way. Project also includes street repair, traffic control administration, and survey and engineering services.			X		$184,000	CDBG; GEN; USDA; TWDB loan; City Utility Fund (Rev Bond)

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2025	2026-2029	2030-2033			
Adopt a basic street and drainage construction manual/ordinance specifying required width and depth of drainage channels and diameter of culverts for use by current and future city staff and contractors hired to construct improvements		X		City	$2,000 (Legal, Engineers)	TxCDBG; USDA
Goal 7.2 *Respond quickly and efficiently to flood events and pursue strategies to reduce the impact of flooding on the community*						
Disseminate and inform residents of emergency procedures in the event of a major/extreme flood	X	X	X	City	Variable	GEN
Coordinate with regional partners to maintain a Disaster Preparedness Response Plan for major/extreme flood events	X	X	X	City; County; COG	Variable	GEN
Adopt and enforce land-use policies that support flood damage and disaster prevention (*See Chapter 4: Land Use Study)*	X	X	X	City	See chapter	See chapter

Source: **ARP** = American Rescue Plan funds; **FMA**=Flood Mitigation Assistance program through the TWDB for NFIP members only; **GEN** = Municipal fund; **Private**=Land donation; **FHWA**=Federal Highway Administration; **TWDB**=Texas Water Development Board Flood Protection Planning; **TxCDBG**=Texas Community Development Block Grant program if area is involved in project where street/curb and gutter repair is required; **TxCDBG-DR**=TxCDBG Disaster Relief funds; **TxDOT**=Texas Department of Transportation; **USDA**=USDA Rural Development

*Notes on Estimates: * Negotiate a cost-sharing agreement that provides equipment, labor, and materials for drainage maintenance. ** Refer to NFIP information concerning available funding through the program.*

5.6 Appendix 5A: National Flood Insurance Program

The following describes regulations set by FEMA with which NFIP members must comply. The text derives primarily from NFIP Legislation and Regulation Guidance Documents (sections 59-61, available at http://www.fema.gov/guidance-documents-other-published-resources)

Federal "100-year" Standard: The NFIP has used a comprehensive study by a group of experts to advise the agency as to the best standard to be used as the basis for risk assessment, insurance rating, and floodplain management for the Program. After extensive study and coordination with Federal and State agencies, this group recommended the one-percent-annual-chance flood (also referred to as the 100-year or "Base Flood") be used as the standard for the NFIP. The -percent-annual-chance flood was chosen on the basis that it provides a higher level of protection while not imposing overly stringent requirements or the burden of excessive costs on property owners. The one-percent-annual-chance flood (or 100-year flood) represents a magnitude and frequency that has a statistical probability of being equaled or exceeded in any given year, or, stated alternatively, the 100-year flood has a 26 percent (or one-in-four) chance of occurring over the life of a 30-year mortgage. The regulatory flood plains cover areas that would most likely be inundated by the largest storm events that typically occur in the area. While these storm events are referred to as 100-year or 500-year events, the designation actually refers to the probability of a storm of that particular magnitude occurring in any given year. As mentioned before, the "100-year" storm has a 1% chance of occurring in any given year, and the "500-year" storm has a 0.2 percent chance of occurring in any given year.

Identifying and Mapping Flood-Prone Areas: Under the NFIP, Flood Hazard Boundary Maps (FHBMs), which delineated the boundaries of the community's Special Flood Hazard Areas (SFHAs), have been prepared using approximate methods prior to completion of a community's Flood Insurance Study (FIS), These methods identify on an approximate basis a one-percent-annual-chance floodplain, but do not include the determination of Base Flood Elevations (BFEs) (100-year flood elevations), flood depths, or floodways. The Flood Hazard Boundary Map is intended to assist communities that do not have current FIRMs in managing floodplain development, and to assist insurance agents and property owners in identifying those areas where the purchase of flood insurance was advisable.

FISs that use detailed hydrologic and hydraulic analyses to develop BFEs and designate floodways and risk zones for developed areas of the floodplain have been subsequently produced for most NFIP communities. Once more detailed risk data was provided to communities, the community could then enter the Regular Program whereby the community is required to adopt more comprehensive floodplain management requirements and owners of structures could purchase higher amounts of insurance.

An FIS usually generates the following flood hazard information:

- BFEs are presented as either water-surface elevations or average depths of flow above the ground surface. These elevations and depths are usually referenced to either the National Geodetic Vertical Datum of 1929 (NGVD29) or the North American Vertical Datum of 1988 (NAVD88).
- Water-surface elevations for the 10-year (10-percent-annual-chance), 50-year (2-percent-annual-chance), 100-year (1-percent-annual-chance), and 500-year (0.2-percent-annual-chance) floods.
- Boundaries of the regulatory 100-year floodway. The regulatory floodway is defined as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the entire Base Flood (100-year flood) discharge can be conveyed with no greater than a 1.0-foot increase in the BFE.
- The boundaries of the 100- and 500-year floodplains. The 100-year floodplain is referred to as the Special Flood Hazard Area (SFHA).

Floodplain Management: The Congressional Acts that created the NFIP prohibit the Federal Emergency Management Agency (FEMA) from providing flood insurance to property owners unless the community adopts and enforces floodplain management criteria established under the authority of Section 1361(c) of the Act. These criteria are established in the NFIP regulations at 44 CFR §60.3. The community must adopt a floodplain management ordinance that meets or exceeds the minimum NFIP criteria. Under the NFIP, "community" is defined as:

"Any state, or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction."

The power to regulate development in the floodplain, including requiring and approving permits, inspecting property, and citing violations, is granted to communities under a state's police powers. FEMA has no direct involvement in the administration of local floodplain management ordinances.

Minimum NFIP Floodplain Management Requirements: Under the NFIP, the minimum floodplain management requirements that a community must adopt depend on the type of flood risk data (detailed FIS and FIRMs with BFEs or approximate A Zones and V Zones without BFEs) that the community has been provided by FEMA. Under the NFIP regulations, participating NFIP communities are required to regulate all development in SFHAs. "Development" is defined as:

"Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials."

Before a property owner can undertake any development in the SFHA, a permit must be obtained from the community. The community is responsible for reviewing the proposed development to ensure that it complies with the community's floodplain management ordinance. Communities are also required to review proposed development in SFHAs to ensure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, such as 404 wetland permits from the Army Corps of Engineers or permits under the Endangered Species Act.

Under the NFIP, communities must review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions to ensure that these development proposals are reasonably safe from flooding and that utilities and facilities servicing these subdivisions or other development are constructed to minimize or eliminate flood damage.

In general, the NFIP minimum floodplain management regulations require that new construction or substantially improved or substantially damaged existing buildings in A Zones must have their lowest floor (including basement) elevated to or above the Base Flood Elevation (BFE). Non-residential structures in A Zones can be either elevated or dry-floodproofed. In V Zones, the building must be elevated on piles and columns and the bottom of the lowest horizontal structural member of the lowest floor of all new construction or substantially improved existing buildings must be elevated to or above the BFE. The minimum floodplain management requirements are further described below:

- For all new and substantially improved buildings in A Zones:
- All new construction and substantial improvements of residential buildings must have the lowest floor (including basement) elevated to or above the BFE.
- All new construction and substantial improvements of non-residential buildings must either have the lowest floor (including basement) elevated to or above the BFE or dry-floodproofed to the BFE. Dry floodproofing means that the building must be designed and constructed to be watertight, substantially impermeable to floodwaters.
- Buildings can be elevated to or above the BFE using fill, or they can be elevated on extended foundation walls or other enclosure walls, on piles, or on columns.
- Because extended foundation or other enclosure walls will be exposed to flood forces, they must be designed and constructed to withstand hydrostatic pressure otherwise the walls can fail, and the building can be damaged. The NFIP regulations require that foundation and enclosure walls that are subject to the 100-year flood be constructed with flood-resistant materials and contain openings that will permit the automatic entry and exit of floodwaters. These openings allow floodwaters to reach equal levels on both sides of the walls and thereby lessen the potential for damage. Any enclosed area below the BFE can only be used for the parking of vehicles, building access, or storage.

In addition, to the above requirements, communities are required to select and adopt a regulatory floodway in riverine A Zones. The area chosen for the regulatory floodway must be designed to carry the waters of the one-percent-annual-chance flood without increasing the water surface elevation of that flood more than one foot at any point. Once the floodway is designated, the community must prohibit development within that floodway which would cause any increase in flood heights. The floodway generally includes the river channel and adjacent floodplain areas that often contain forests and wetlands. This requirement has the effect of limiting development in the most hazardous and environmentally sensitive part of the floodplain.

Ordinance Adoption: Once FEMA provides a community with the flood hazard information upon which floodplain management regulations are based, the community is required to adopt a floodplain management ordinance that meets or exceeds the minimum NFIP requirements. FEMA can suspend communities from the Program for failure to adopt once the community is notified of being flood-prone or for failure to maintain a floodplain management ordinance that meets or exceeds the minimum requirements of the NFIP. The procedures for suspending a community from the Program for failure to adopt or maintain a floodplain management ordinance that meets or exceeds the minimum requirements of the NFIP are established in the NFIP regulations at 44 CFR §59.24(a) and (d).

Prior to filing an application for NFIP participation, the community would have to adopt a resolution stating it wishes to become an NFIP participant and designating a Floodplain Administrator. The 77th Legislature of the State of Texas amended Subchapter I, Chapter 16, Water Code, by adding Section 16.3145 to read as follows:

"The governing body of each city and county shall adopt ordinances or orders, as appropriate, necessary for the city or county to be eligible to participate in the National Flood Insurance Program...., not later than January 1, 2001".

Model ordinances and sample permit forms are available online at www.twdb.state.tx.us/wrpi/flood/nfip.htm. Flood prevention ordinances often require or encourage appropriate development in flood prone areas and/or set zoning standards for areas to restrict the use or density of floodplain development. They also vest a designated Flood Administrator with the responsibility of delineating areas of special flood hazard; providing information about inhabited floodplain areas; maintaining FEMA flood maps; and cooperating with federal, state and local officials and private firms in undertaking to study, survey, map and identify floodplain. The Administrator is also to assist with the development and implementation of floodplain management measures.

Community Rating System: The NFIP's Community Rating System (CRS) provides discounts on flood insurance premiums in those communities that establish floodplain management programs that go beyond NFIP minimum requirements. Under the CRS, communities receive credit for more restrictive regulations, acquisition, relocation, or floodproofing of flood-prone buildings, preservation of open space, and other measures that reduce flood damages or protect the natural resources and functions of floodplains.

Under the CRS, flood insurance premium rates are adjusted to reflect the reduced flood risk resulting from community activities that meet the three goals of the CRS:

1. Reduce flood losses, i.e.
    a. Protect public health and safety,
    b. Reduce damage to property,
    c. Prevent increases in flood damage from new construction,
    d. Reduce the risk of erosion damage, and
    e. Protect natural and beneficial floodplain functions;
2. Facilitate accurate insurance rating; and
3. Promote the awareness of flood insurance.

There are 10 CRS classes: Class 1 requires the most credit points and gives the largest premium reduction; Class 10 receives no premium reduction. CRS premium discounts on flood insurance range from five percent for Class 9 communities up to 45 percent for Class 1 communities. The CRS recognizes 18 creditable activities, organized under four categories: Public Information, Mapping and Regulations, Flood Damage Reduction, and Flood Preparedness.

For example, credits are provided for use of future conditions hydrology and more restrictive floodway standards, prohibiting fill in the floodway, and adopting compensatory storage regulations, innovative land development criteria, storm water management regulations, other higher regulatory standards, and local floodplain management plans. Credits are also provided in the CRS for preserving open space in their natural state and for low-density zoning and for acquiring and clearing buildings from the floodplain and returning the area to open space. The 2002 *CRS Coordinator's Manual* includes a new section, "Land Development Criteria," which specifically credits community land development regulations that limit development in the floodplain or provide incentives to limit floodplain development. Communities receive credits for adopting smart growth land development criteria and for creating open space through their land development process.

5.7 Appendix 5B: NFIP Community Rating System

The National Flood Insurance Program Community Rating System

Information from: http://training.fema.gov/EMIWeb/CRS/

The Community Rating System (CRS) is a part of the NFIP. The CRS reduces flood insurance premiums to reflect what a community does above and beyond the NFIP's minimum standards for floodplain regulation. The objective of the CRS is to reward communities for what they are doing, as well as to provide an incentive for new flood protection activities. The reduction in flood insurance premium rates is provided according to a community's CRS classification, as shown in the chart.

Community participation in the CRS is VOLUNTARY.

To apply for CRS participation, a community submits documentation that shows what it is doing and that its activities deserve at least 500 points. The documentation is attached to the appropriate worksheet pages in this CRS Application. The application is submitted to the ISO/CRS Specialist. The ISO/CRS Specialist is an employee of the Insurance Services Office, Inc. (ISO). ISO works on behalf of the Federal Emergency Management Agency (FEMA) and the insurance companies to review CRS applications, verify the communities' credit points, and perform program improvement tasks.

The 2017 CRS manual is included in the *Digital Appendix* and available at https://www.fema.gov/media-library/assets/documents/8768.

A Quick Check of a Community's Potential CRS Credit

a. Purpose

A minimum of 500 points is needed to receive a CRS classification of Class 9, which will reduce premium rates. This quick check provides some basic information for local officials to determine if their communities will have enough points to attain Class 9.

If a community does not qualify for at least 500 points, it may want to initiate some new activities in order to attain Class 9. For example, some of the public information activities can be implemented for a very low start-up cost. The quick check can identify where points can be earned for new activities.

b. Quick Check Instructions

The section numbering system is used throughout all CRS publications. Sections 300 through 600 describe the 18 creditable activities. Activity 310 (Elevation Certificates) is required of all CRS communities and Activity 510 (Floodplain Management Planning) is required of designated repetitive loss communities. The rest of the activities are optional. Only the elements most frequently applied for are listed.

If the activity is applicable, the average community score (which is in parentheses) should be entered in the blank to the left to provide a rough estimate of the community's initial credit points.

c. Minimum Requirements

Section 211 (Prerequisites): The community must be in the Regular Phase of the NFIP and be in full compliance with the minimum requirements of the NFIP. The application must include a letter from the Federal Emergency Management Agency (FEMA) Regional Office confirming that the community is meeting all of the latest NFIP requirements.

Activity 310 (Elevation Certificates): All CRS communities must maintain FEMA's elevation certificates for all new and substantially improved construction in the floodplain after the date of application for CRS classification.

Sections 501–503 (Repetitive Loss Areas): A community with properties that have received repeated flood insurance claim payments must map the areas affected. Communities with 10 or more such properties must prepare, adopt, and implement a plan to reduce damage in repetitive loss areas. The FEMA Regional Office can tell whether this applies to any given community.

d. Other Activities

If the activity is applicable, the average community score (which is in parentheses) should be entered in the blank at left to provide a rough estimate of the community's initial credit points.[55]

[55] Figures are based on communities that have received verified credit under the 2013 CRS Coordinator's manual, as of October 2016. The Maximum points available are based on the 2013 *Coordinator's Manual.* Growth adjustments are not included.

Public Information Activities (Series 300)

____ (38) 310 (Elevation Certificates) Maintain FEMA elevation certificates for all new construction. Maintaining them after the date of CRS application is a minimum requirement for any CRS credit.

____ (73) 320 (Map Information) Respond to inquiries to identify a property's FIRM zone and publicize this service.

____ (87) 330 (Outreach Projects) Send information about the flood hazard, flood insurance, and flood protection measures to flood-prone residents or all residents of the community.

____ (14) 340 (Hazard Disclosure) Real estate agents advise potential purchasers of flood-prone property about the flood hazard; or regulations require a notice of the flood hazard.

____ (38) 350 (Flood Protection Information) The public library maintains references on flood insurance and flood protection.

____ (55) 360 (Flood Protection Assistance) Give inquiring property owners technical advice on protecting their buildings from flooding and publicize this service.

____ (39) 370 (Flood Insurance Promotion) Assess current flood insurance coverage; develop and implement a plan to improve coverage; and provide technical advice to property owners about flood insurance.

Mapping and Regulatory Activities (Series 400)

____ (509) 420 (Open Space Preservation) Guarantee that a portion of currently vacant floodplain will be kept free from development.

____ (270) 430 (Higher Regulatory Standards) Require freeboard; require soil tests or engineered foundations; require compensatory storage; zone the floodplain for minimum lot sizes of 1 acre or larger; regulate to protect sand dunes; or have regulations tailored to protect critical facilities or areas subject to special flood hazards (e.g., alluvial fans, ice jams, or subsidence).

____ (115) 440 (Flood Data Maintenance) Keep flood and property data on computer records; use better base maps; or maintain elevation reference marks.

____ (132) 450 (Storm water Management) Regulate new development throughout the watershed to ensure that post-development runoff is no worse than pre-development runoff

Flood Damage Reduction Activities (Series 500)

____ (175) 510 (Floodplain Management Planning) Prepare, adopt, implement, and update a comprehensive plan using a standard planning process.

____ (195) 520 (Acquisition and Relocation) Acquire and/or relocate flood-prone buildings so that they are out of the floodplain.

____ (73) 530 (Flood Protection) Document floodproofed or elevated pre-FIRM buildings.

____ (218) 540 (Drainage System Maintenance) Conduct periodic inspections of all channels and retention basins and perform maintenance as needed.

Warning and Response (Series 600)

____ (254) 610 (Flood Warning and Response) Provide early flood warnings to the public and have a detailed flood response plan keyed to flood crest predictions.

____ (157) 620 (Levee Safety) Maintain levees that are not credited with providing base flood protection.

____ (35) 630 (Dam Safety) All communities in a State with an approved dam safety program receive credit.

____ **TOTAL ESTIMATED POINTS FOR THE COMMUNITY**

6 Street System Study

Streets are in some ways the most difficult capital improvement to budget for because they are expensive, not usually related to imminent health and safety concerns, and not often fundable through grants. This study assesses existing street conditions and makes recommendations for the timing and funding of needed improvements.

As in many small towns and cities in Texas, street conditions present a major challenge for Hemphill.

The City of Hemphill is responsible for maintaining approximately 54% of the road network within the city limits and extraterritorial jurisdiction. Most of the City-maintained roadways are paved (81%) and more than 20% of the City-maintained road network is in poor condition.

Hemphill's street system was partially analyzed in 2022 for a Community Development Block Grant (CDBG) mitigation project. At the time of this study, Hemphill does not currently have an established street maintenance schedule, but contracts work as needed and as funds allow.

A regular and strategic street maintenance schedule is key to avoiding extensive street deterioration and costly repairs. Delayed maintenance decreases the surface life of paved roads. Routine maintenance extends the life of streets, delays higher cost improvements, and can save a city money in the long run.

Drainage infrastructure and regular maintenance is also essential to keeping Hemphill's streets in good condition by preventing water pooling and damage to both paved and unpaved streets *(see Chapter 5: Storm Drainage System Study)*.

6.1 Street System Inventory

In January and February 2023, the existing street system was surveyed, and the following information collected:

- Dimensions, both width and right-of-way
- Surface material (e.g., asphalt, caliche, or gravel/dirt)
- Location of existing curbs and gutters or similar drainage (all drainage structures identified in *Chapter 5: Storm Drainage System Study)*
- Surface condition rating, according to the following classifications *(see also Figure 6A, next page)*.

CHARACTERISTICS	CONDITION		
	Good	Fair	Poor
Surface Cracks *(width)*	Few	Less than ½-inch	Greater than ½-inch
Potholes *(diameter or depth)*	Few	Less than 2 inches	2 inches or more
Edge Deterioration	Limited	Less than 1 inch	1 inch or more

The survey included streets within both the Hemphill city limits and the extraterritorial jurisdiction (ETJ).

Figure 6A: Good, Fair, and Poor Asphalt Conditions

Table 6A and Table 6B (next page) inventory survey findings. Both tables describe the street system according to street type (paved, unpaved), material (asphalt, gravel, etc.), and condition (good, fair, poor).

Table 6A inventories all streets in the Hemphill city limits and ETJ.

Table 6A: Street Inventory (All)

Type, Material, & Condition	LF	Miles	%	
Paved	*127,520*	*24.2*	*78%*	
Asphalt	*126,317*	*23.9*		
Good	72,214	13.7	57%	*99%*
Fair	45,241	8.6	36%	
Poor	8,862	1.7	7%	
Concrete	**1,203**	0.2		
Good	260	0.0	22%	*1%*
Fair	0	0.0	0%	
Poor	943	0.2	78%	
Unpaved	*36,605*	*6.9*	*22%*	
Gravel	*25,439*	*4.8*		
Good	0	0.0	0%	*69%*
Fair	23,577	4.5	93%	
Poor	1,863	0.4	7%	
Dirt	**11,166**	2.1		
Good	0	0.0	0%	**31%**
Fair	0	0.0	0%	
Poor	11,166	2.1	100%	
All Streets	**164,125**	**31.1**	**100%**	
Good	**72,474**	**13.7**	**44%**	
Fair	**68,818**	**13.0**	**42%**	
Poor	**22,833**	**4.3**	**14%**	

Source: GrantWorks 2023 Fieldwork

Table 6B inventories all City-maintained streets. The City of Hemphill maintains approximately 42% of road network.

Table 6B: Street Inventory (City-Maintained Streets)

Type, Material, & Condition	LF	Miles	%	
Paved	*68,347*	*12.9*	*81%*	
Asphalt	*67,144*	*12.7*		
Good	16,454	3.1	25%	*98%*
Fair	42,491	8.0	63%	
Poor	8,200	1.6	12%	
Concrete	*1,203*	*0.2*		
Good	260	0.0	22%	*2%*
Fair	0	0.0	0%	
Poor	943	0.2	78%	
Unpaved	*15,747*	*3.0*	*19%*	
Gravel	*9,719*	*1.8*		
Good	0	0.0	0%	*62%*
Fair	7,857	1.5	81%	
Poor	1,862.67	0.4	19%	
Dirt	*6,027*	*1.1*		
Good	0	0.0	0%	*38%*
Fair	0	0.0	0%	
Poor	6,027	1.1	100%	
All Streets	**84,094**	**15.9**	**100%**	
Good	**16,714**	**3.2**	**20%**	
Fair	**50,347**	**9.5**	**60%**	
Poor	**17,032**	**3.2**	**20%**	

Source: GrantWorks 2023 Fieldwork

Map 6A: Existing Street Conditions illustrates the survey findings for spatial analysis and includes street location, condition, right-of-way, width, as well as unbuilt right-of-way.

6.2 Street System Analysis

Based on the survey findings outlined in *Chapter 1: Goals & Objectives*, the street system analysis determines system adequacy to meet existing and forecasted needs and recommends improvements concerning traffic flow and street conditions as needed. No previous studies have bee conducted for Hemphill's city streets.

6.2.1 Street Condition

As in many small towns and cities in Texas, road conditions and maintenance present a major challenge in Hemphill.

Approximately 20% of City-maintained streets are in poor condition, most of which are paved (81%).

Nearly all the remaining streets are in fair condition. Most streets in fair condition are paved (84%) but fair condition streets include approximately 1 ½ miles of gravel roads *(see Table 6C)*. Without proper maintenance, these streets will further deteriorate over the planning period.

Table 6C: Street Condition (City-Maintained Streets)

Condition & Material	LF	Miles	%	
GOOD	***16,714***	***3.2***		
Paved (Asphalt/Concrete)	16,714	3.2	100%	**20%**
Unpaved (Gravel/Dirt)	0	0.0	0%	
FAIR	***50,347***	***9.5***		
Paved (Asphalt/Concrete)	42,491	8.0	84%	**60%**
Unpaved (Gravel/Dirt)	7,857	1.5	16%	
POOR	***17,032***	***3.2***		
Paved (Asphalt/Concrete)	9,143	1.7	54%	**20%**
Unpaved (Gravel/Dirt)	7,890	1.5	46%	
All Streets	**84,094**	**15.9**	**100%**	

Source: GrantWorks 2023 Fieldwork

6.2.2 Street Repair

Four standard street repair options are available to improve and maintain asphalt street conditions in Hemphill:

Point Repairs *(Annual, Ongoing)*

Point repairs, like treating potholes and roadway hazards, are completed by excavating failed pavements sections to the back course and back filling with cold mix asphalt, which is then compacted to the existing grade. Surface sealant is optional.

Seal Coat / Chip Seal *(Ideally every 3-to-5 years)*

Seal coating maintains streets and forestalls costlier repairs. Seal coats are completed by applying asphalt cement which is then covered with pre-coated aggregate at about 1 yd^3 of aggregate per 90 yd^2. Chip seal coat costs approximately **$4.65 per yd^2,** based on recent engineering estimates. There are several different types of materials used for seal coating. One of the most popular materials, coal-tar sealcoat, is a widely recognized source of polycyclic aromatic hydrocarbons (PAHs). The USGS provides facts and research about *PAHs and Coal-Tar-Based Pavement Sealcoat* on their website, at: http://tx.usgs.gov/sealcoat.html.

Overlay *(Every 10-to-20 years)*

Overlay completely replaces the surface material of a street to address pavement deterioration and extend street life; overlay frequency depends on traffic load and environmental conditions. Depending on the severity of wear, approximately 1" of surface is milled off the existing street to level depressions in the pavement. The remaining surface material is overlaid with a minimum of 1.5"-to-2" of hot mix asphaltic concrete (HMAC) or hot mix/cold laid asphaltic concrete, followed by a surface treatment (two-course). Two-course overlay increases pavement life and requires additional milling. Overlay projects cost approximately **$14.81 per yd^2,** based on recent engineering estimates, and depending on selected processes.

Reclaim/Reconstruct *(As needed in cases of extensive deterioration)*

Street reconstruction involves removing the existing base to a minimum depth of 6"; creating a roadway base of emulsified asphalt mixed with recycled asphalt; and creating a bearing surface by applying two-course of asphalt cement. Base is proof-rolled at each course. Surface sealant is optional. Streets receiving the reclamation treatment will last 12-to-20 years, depending on the traffic load and environmental conditions. Reconstruction projects cost approximately **$93.06 per yd^2,** based on recent engineering estimates. The cost of this method also approximates costs for paving a gravel road.

Before seal coat, overlay, or reconstruct activities, an engineer should assess road condition and needed kind of construction. Road base condition cannot always be accurately determined by driving condition and **choosing the wrong construction type will increase costs over time.**

While paved roads provide a higher quality surface, the costs of constructing and maintaining an entirely paved local road network may not be economically feasible. The Federal Highway Administration's Gravel Roads Construction and Maintenance Guide provides an excellent resource for gravel road maintenance and rehabilitation.[56]

Street repairs should also always occur in conjunction with or shortly following water, sewer, and other underground utility line projects to avoid duplicating efforts. When street repairs are not consciously phased with line projects, it is not uncommon for a street to be paved, torn up for line replacement, and then repaved within the space of five years.

6.2.3 Street Maintenance Costs

In addition to maintenance policies, street network and construction design decisions impact maintenance costs over time. Communities often overlook the long-term cost implications of design decisions because the initial costs of streets are usually paid by the developer and new residents. However, these early design decisions can have significant consequences for maintenance and reconstruction costs which, unlike the initial construction costs, are typically paid for by the whole community through taxes. When considering policies that set standards for street design and maintenance, the City should consider the costs and benefits of each criterion.

Street Network Design

Street network layout and connectivity impact maintenance costs. For example, a high number of dead-end streets – as shown in the cul-de-sac networks in *Figure 6B* - will increase congestion and speed road deterioration. Grid-based networks facilitate ease of access and movement, but also require a greater dedication of land for streets and, as a result, higher maintenance costs. Curvilinear loop networks offer an option for maintaining connectivity while reducing the land area required for streets (*see Figure 6B*).

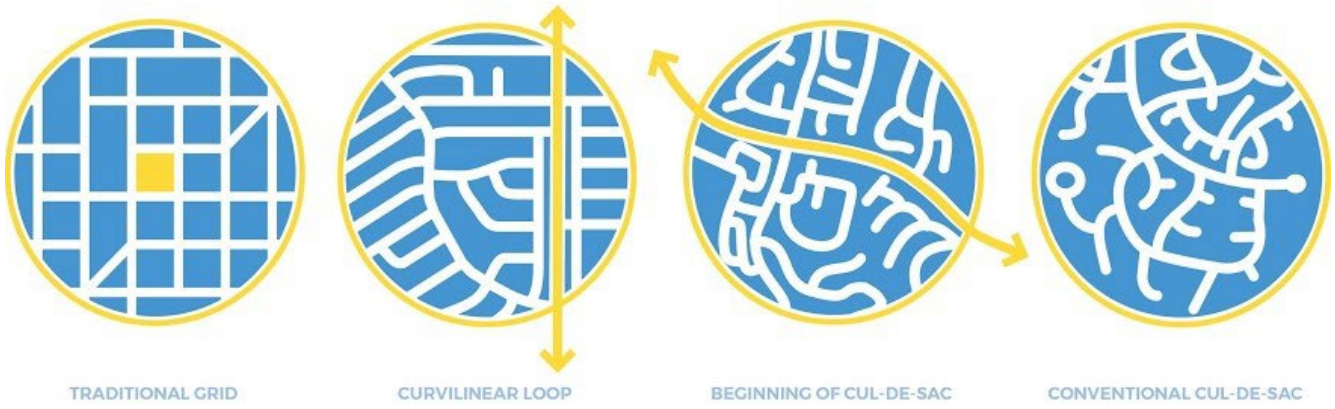


Figure 6B: Street Network Examples[57]

[56] https://www.fhwa.dot.gov/construction/pubs/ots15002.pdf
[57] *Source: https://www.cnu.org/our-projects/street-networks/street-networks-101*

Figure 6C shows the street footprint in central Hemphill. The layout of Hemphill's street system has been determined primarily by the location of Tx-DOT-maintained and County-maintained roads (SH 87, SH 184, FM 83, FM 944, FM 1175 and FM 2971). Streets in central Hemphill extend from these thoroughfares to form a general grid, while many other streets follow paths dictated by topography and natural barriers, such as streams. The primarily grid-like system allows residents to access other areas of the city by traveling on both thoroughfares and neighborhood roads.

Figure 6C: Hemphill Street Footprint

Require Connectivity

The City of Hemphill should take actions to ensure connectivity between existing streets and future developments.

Cul-de-sacs may be appropriate where topography limits through-streets. However, if new development does not incorporate connections with existing local streets, the high number of dead ends will create otherwise-avoidable additional financial and administrative burdens.

Street layout and connectivity requirements are usually established within a subdivision ordinance, although they can also be controlled through zoning or through a construction manual. *Chapter 9: Zoning Ordinance* provides recommended ordinances with standards intended to improve street network connectivity.

Make Strategic Decisions About Unbuilt Right-of-Way

Strategic decisions about unbuilt right-of-way can also support connected and efficient future street development. Often, cities have sections of right-of-way that were dedicated when the land was platted but streets were never constructed. This commonly occurs because (a) the developments were never completely built out or (b) topographic barriers made construction of the streets impractical.

Making strategic decisions about whether to maintain or abandon unbuilt right-of-way can support future connectivity and avoid unnecessary general maintenance expenditure (such as mowing). For example, it may not be worthwhile to keep sections of unbuilt right-of-way that have already been occupied by residential yards or structures, or that are considered a poor location for development because of existing streams or swampy soil. **In general law cities, an abutting street may not be closed or vacated without consent of the adjoining property owners.**

Figure 6D (next page) illustrates recommendations for which sections of unbuilt right-of-way in and around Hemphill should be maintained to enable connections with future development (orange) and which sections should be abandoned (red).

Share the Road

The City of Hemphill can further improve connectivity by investing in non-motorized connections, such as sidewalks, paths, trails, bike lanes, etc. Biking and walking are not just for dense, urban areas. Active transportation has many benefits for rural Americans, and data shows that rural Americans are not just interested in walking and biking, they are already doing it at higher rates than previously believed. [58]

Investing in active transportation infrastructure like bike facilities, sidewalks, and trails can mitigate traffic congestion and improve community safety, health, and happiness. Safe and comfortable pedestrian and bike facilities encourage those who might otherwise feel unsafe or intimidated to explore the city outside of their vehicle. Active transportation projects are also much less expensive to construct and offer less expensive transportation options for users. Transportation is the second-largest expenditure for American families (after housing) (National Complete Streets Coalition, 2018).

[58] U.S. DOT 2009 Omnibus Household Survey

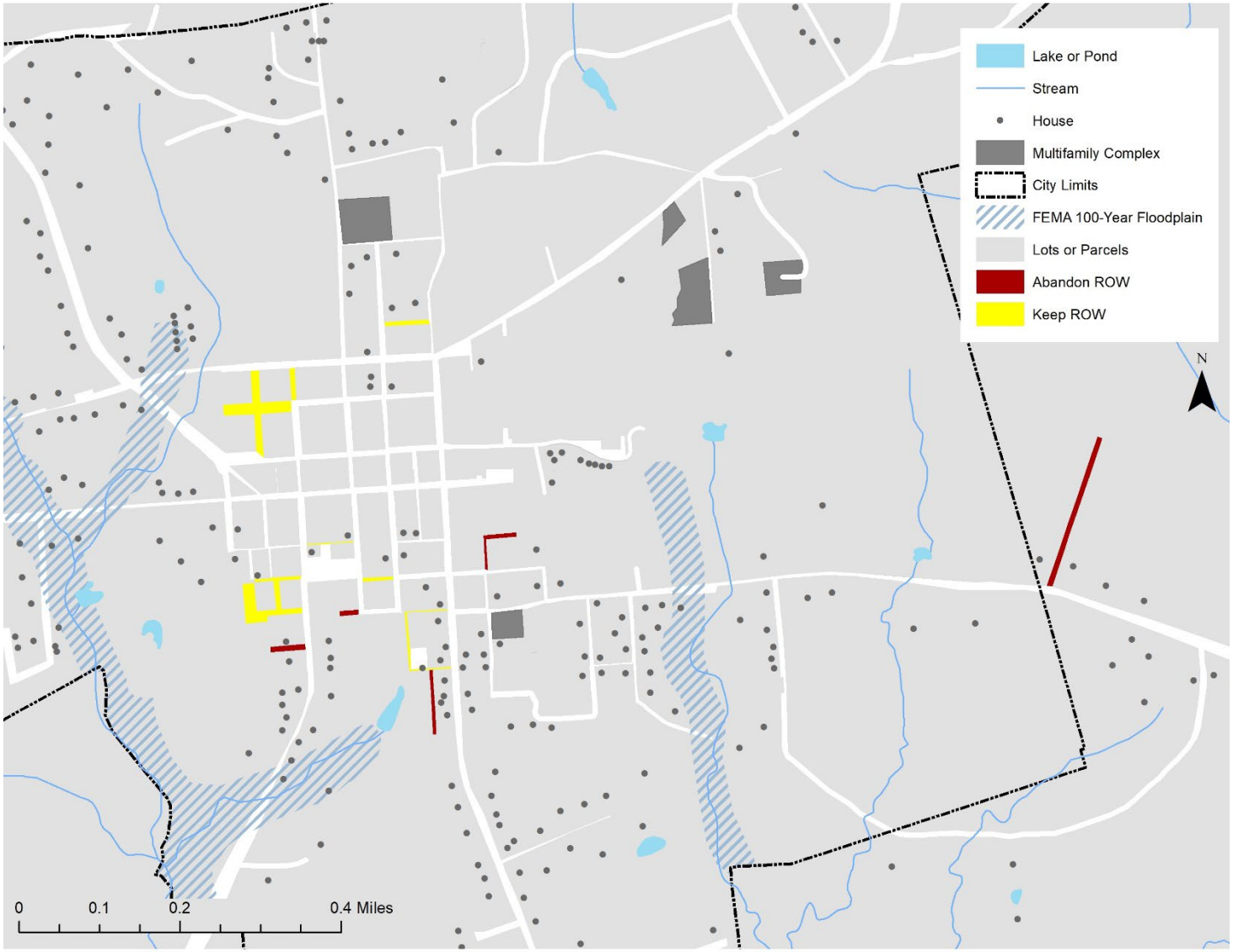


Figure 6D: Unbuilt Right-of-Way

Coordinate Transportation &Land Use Goals

Coordination between transportation goals and land-use goals is essential. **Land-use patterns have a significant impact not only on connectivity, but also ease of movement (*mobility*) and quality of travel (*accessibility)***. As *Figure 6F* illustrates, the typical suburban housing development design has limited connectivity. This 'lollipop' street network layout is less efficient in terms of both mobility and accessibility, especially for residents on foot. A one-minute walk becomes a 10-minute walk or, without the infrastructure to support non-motorized travel such as sidewalks or bike lines, travelers may only feel safe driving. Similarly, a neighborhood with high connectivity but no attractions to meet residents' needs, such as schools, parks, or nearby businesses, will result in more vehicle trips, more traffic, and reduced accessibility and mobility.

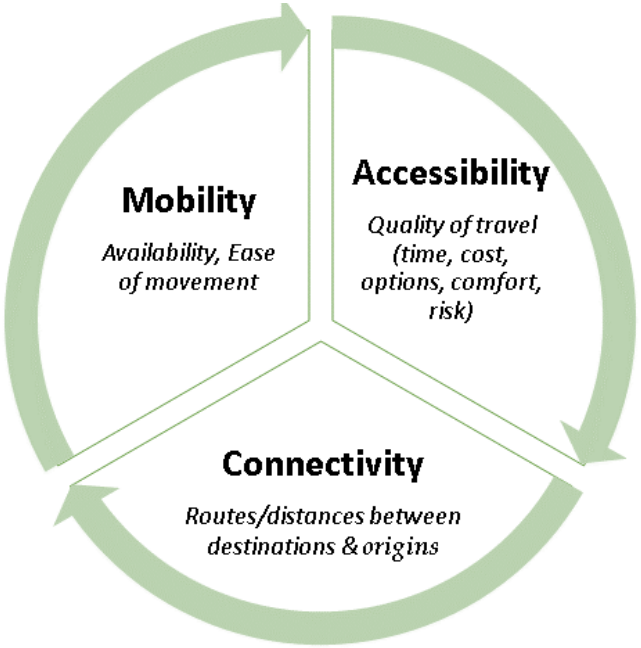


Figure 6E: Key Transportation Considerations

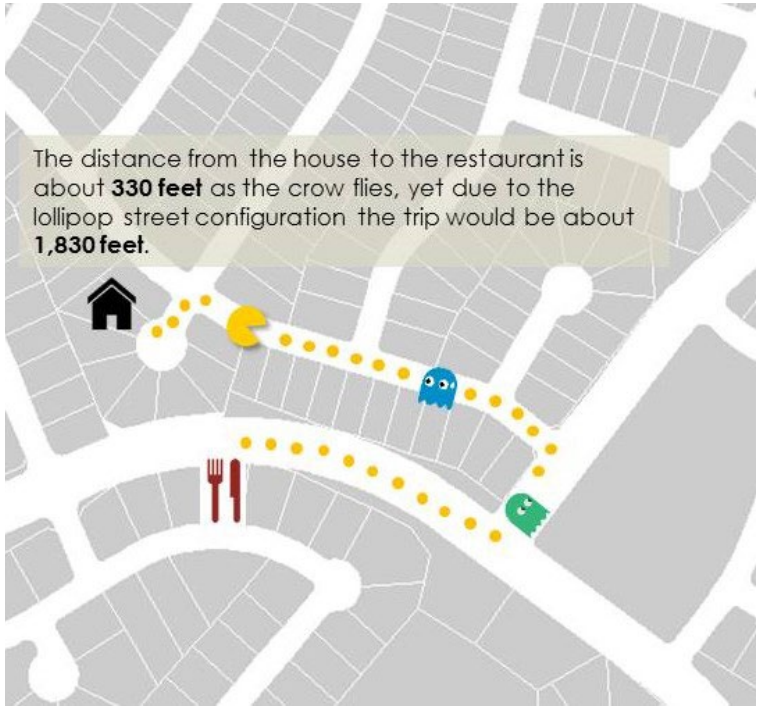


Figure 6F: Land Use Impacts Transportation

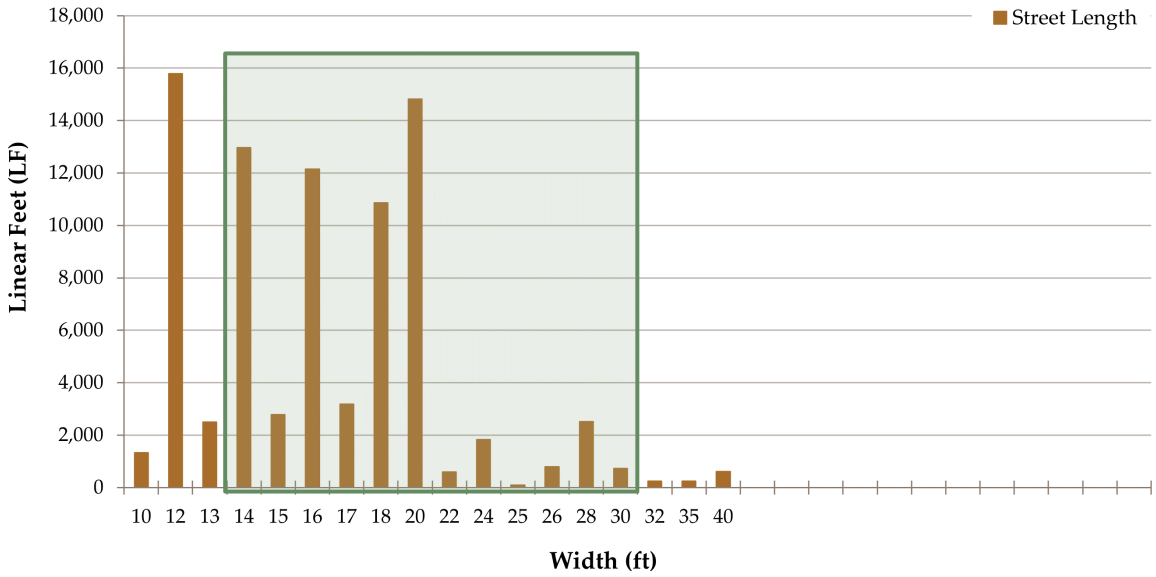
Street & Lane Width

Street width can have important implications not only for maintenance costs but also for public safety. "The wider the better" is often an accepted standard for street width, and subdivision ordinances frequently reflect that sentiment. However**, in general, streets should be built to a minimum of 14 feet and a maximum of 25 feet.** Widths below 14 feet can limit automobiles' ability to easily pass each other. As roads exceed 25 feet in width, problems related to speeding, on-street parking (which can be a hazard to children in residential areas), heat-island effects, and maintenance of street and drainage systems increase. Wider roads should be used in high-traffic areas, including dense residential neighborhoods.

Lane widths present a similar issue. The American Association of State Highway and Transportation Officials (AASHTO) manual states that lane widths for rural and urban arterials may vary from 10-to-12-feet. Common practice builds to 12 feet and assumes that narrower lane widths are less safe. However, there is ample research that proposes the exact opposite – that **narrower lane widths are not correlated with higher crash rates and may even be associated with lower crash rates by helping to reduce speeding.** Cities around the country are finding that when an existing road is redesigned for 10- or 11-foot lanes there is enough left-over space to include on-street bike facilities.

Chart 6A shows the number of linear feet of roadway at each road width measured in the field survey. As the chart demonstrates, approximately 75% of the City-maintained road network is within the recommended road width range of 14-to-25 feet (shown as green square). Streets with widths greater than the recommended range are mostly State or County controlled roadways (see *Map 6A: Existing Street Conditions*).

Chart 6A: Street Width Distribution, City-maintained Streets



Maintenance Policies

A regular and strategic street maintenance schedule is key to avoiding extensive street deterioration and costly repairs.

Delayed maintenance decreases the surface life of paved roads. A delayed maintenance schedule only addresses roads that have fallen into fair-to-poor condition. Because of surface and road base deterioration, cheaper maintenance options will only have a temporary effect on roads in fair-to-poor condition.

In contrast, routine maintenance extends the life of streets, delays higher cost improvements, and can save a city money in the long run. An ideal maintenance schedule addresses road deterioration as it occurs so that roads never fall below "fair" condition. Roads receive annual pothole and crack sealing, a seal coat every 8-to-10-years, some overlay every 20 years, and reconstruction every 30 years. Seal coat and overlay repairs extend the life of the road and forestall more expensive maintenance. *Figure 6G* illustrates how the use of preventative maintenance treatments can defer the need for rehabilitation.

The City of Hemphill does not have an established street maintenance schedule. The City contracts work as maintenance is needed and as resources allow.

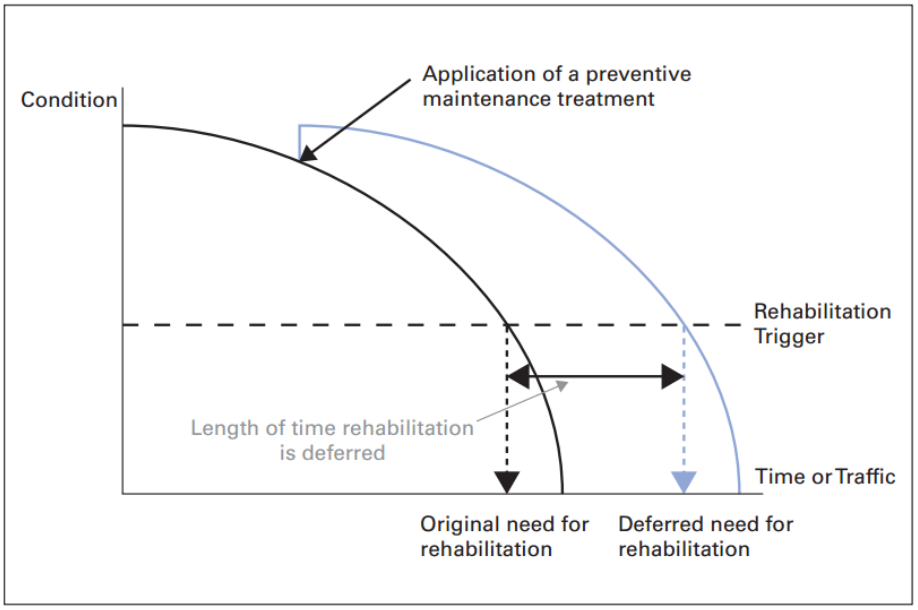


Figure 6G: Preventative Maintenance Treatments Slow the Rate of Pavement Deterioration[59]

[59] *Source: Federal Highway Administration Pavement Preservation Compendium II http://www.fhwa.dot.gov/pavement/preservation/ppc06.pdf*

Table 6D indicates costs for ideal road maintenance program in Hemphill based on the percentage of asphalt streets currently maintained by the City of Hemphill and street repairs pricing from the Texas Department of Transportation (TxDOT) for the area. As the table demonstrates, an ideal road maintenance program for currently paved roads would cost approximately $222,858 per year. The table also shows that widening City-maintained streets by only one foot raises the cost of an ideal maintenance program by approximately $8993.63 per year. Currently, the City of Hemphill budgets approximately $25,000 annually for street maintenance.

Table 6D: City-wide Street Maintenance Costs

Repair Type	Repair Frequency	$ per square yard	Ideal Maintenance Schedule (**annual** price at existing average street width of 22 feet)	**Annual** price per each additional foot of road width*
Seal Coat (asphalt)	10 years (10% per year)	4.65	$76,320	$3,469
Overlay (asphalt)	20 years (5% per year)	14.81	$121,538	$3,854
Preventative Maintenance (e.g., potholes)	Annual, city-wide, as needed	N/A	$25,000	-
	Total		**$222,858**	**$8,993**

*Estimate in 2022 dollars using 2022 costs; does not include inflation, cost fluctuation, or other variables, and $/yard estimate is included to facilitate re-calculation using adjusted numbers.

Regular drainage infrastructure maintenance is also essential to keeping Hemphill's streets in good condition by preventing water pooling and damage to both paved and unpaved streets. Without regular drainage maintenance, flooding can damage both unpaved and paved streets (such as stripping asphalt overlays) (see also *Chapter 5: Storm Drainage System Study*). The City of Hemphill does not have an established drainage maintenance schedule. Work like ditch or culvert cleanouts are completed as resources allow.

Future maintenance costs can be reduced by ensuring that new streets and roadside drainage facilities, which are generally maintained by the municipality after installation, are of standard quality. Substandard materials decrease the surface life of paved roads. Developers will sometimes attempt to cut construction costs by installing inferior quality materials and sub-standard design in towns and cities that do not have minimum design standards and/or that do not require regular inspection during construction by a licensed engineer. Adopting a public works construction manual and ensuring subdivision regulations include key standards like specific warranty and testing requirements for new street construction can prevent this situation.

6.2.4 Emergency Preparedness

Well-planned transportation systems should also consider movement of people in non-routine and less predictable circumstances, such as events that may require evacuation and emergency transportation.

The Texas Department of Transportation (TxDOT) designates specific routes for safe and timely evacuation of coastal areas in the event of a hurricane. TxDOT may use *contraflow* (reversal of inbound lanes to outbound lanes) or *evaculanes* (use of the road's shoulder) to facilitate evacuation along these regional routes. TxDOT's regional evacuation routes cover most of southern and eastern Texas planning for evacuation to the north and west as needed.

The closest official evacuation route to Hemphill is SH 87, which runs through the city. US 96, which is west of Hemphill, also provides an evacuation route that runs north-south through Pineland. Hemphill's position on the eastern edge of Texas limits access to evacuation routes east of the city. However, regional arterials like SH 103 provide direct east-west connection to larger thoroughfares and additional evacuation routes within the state *(see Figure 6H, next page)*.

The City of Hemphill should consider developing local evacuation routes/procedures. The City should identify roads that (a) have numerous connections with local roads (providing key connections through and between neighborhoods, and/or (b) provide connections to major arterials and regional evacuation routes. Roads that meet these specifications, especially roads meeting both specifications, should be established as local evacuation routes and receive priority for traffic (re)direction, debris clearing, etc. in the event of an emergency.

Developing a local evacuation plan will also help the City identify potentially vulnerable areas, such as areas of the community that have only single street access. Residents in these areas may not be able to safely access an evacuation route if a tree or large debris blocks the road. The City of Hemphill should invest in projects to improve connectivity to and within these areas. A well-connected street system can greatly facilitate the safe and rapid movement of people away from a threat, as well as the swift delivery of post-disaster assistance and supplies. *Section 6.2.3 – Street Network Design (above)* discusses different approaches to street network connectivity and recommendations for existing unbuilt rights-of-way in Hemphill.

The City of Hemphill should also invest in preventative measures to reduce/avoid the impact of potential flooding on the city and the city's road network in the future. Over the planning period, the City should complete the storm drainage improvements identified in *Chapter 5: Storm Drainage Study* and pursue the flood damage prevention and alternative development land use policies and practices described in *Chapter 4: Land Use Study*.

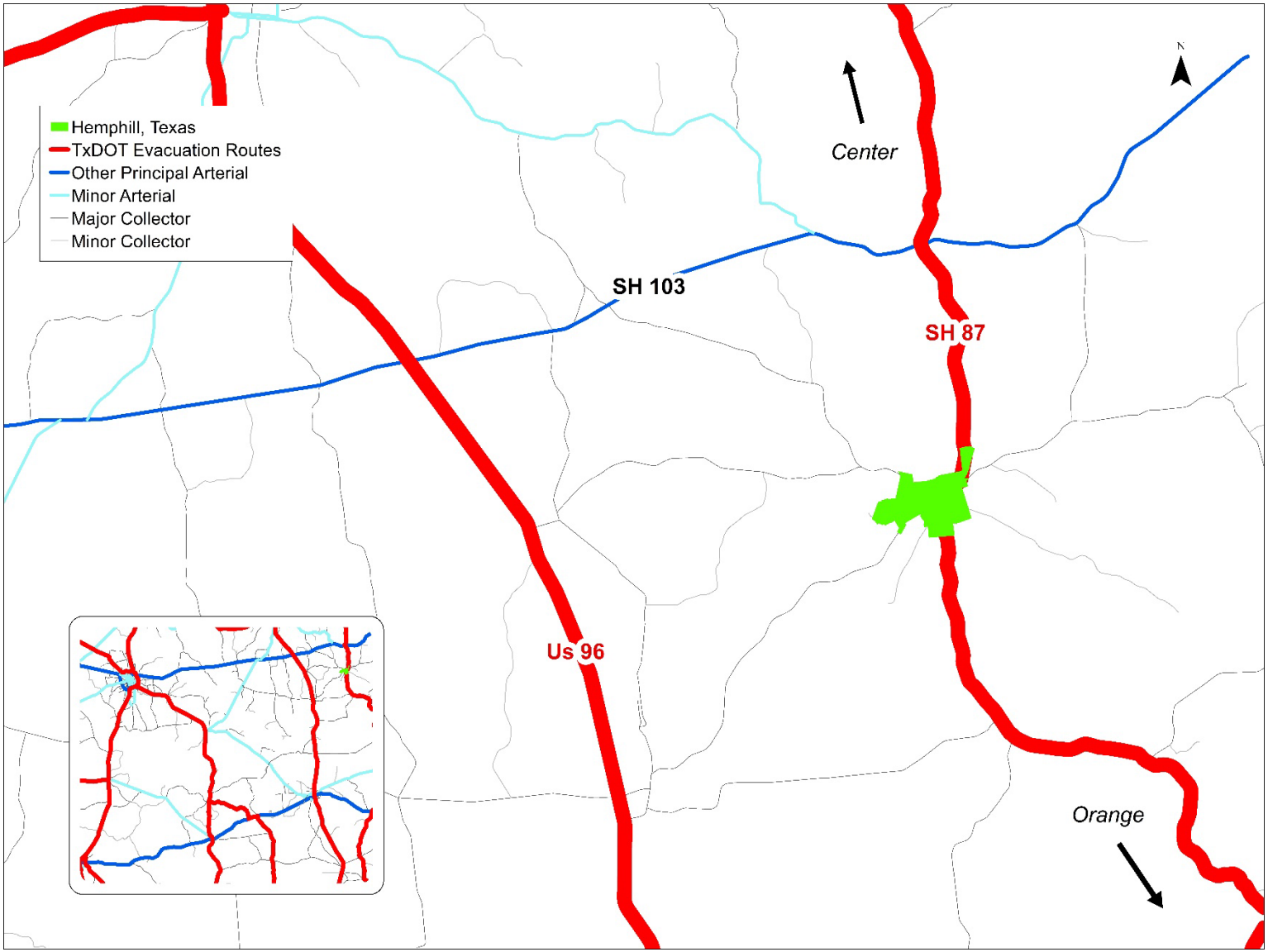


Figure 6H: Key Arterials for Regional Evacuation

6.2.5 Funding

One alternative to using a General Fund for street maintenance costs is a 4B Sales Tax. The 4B Sales Tax is a locally implemented program that allows municipalities to create economic development corporations that manage projects funded by local sales tax. The tax can fund a broad range of community improvement projects related to economic development and community improvement, and many Texas cities choose to dedicate revenues to street improvements. The 4B program is established by vote at the local level and requires the establishment of a development corporation to manage the funds. The tax is adopted as an additional increment of 0.125% on top of a city's existing sales tax.

A second alternative to using the General Fund for street maintenance costs is a Street Maintenance Tax. Like the 4B Sales Tax, the Street Maintenance Tax is established by vote. Unlike the 4B Sales Tax, the Street Maintenance Tax is capped at 0.25%, all revenues are dedicated to street maintenance, the tax must be re-established every four years, and no development corporation is required.

However, local sales taxes cannot exceed 2.0% (or 8.25% total sales tax).

The City of Hemphill collects a 0.5% property tax relief tax in addition to the 1% local sales tax (for a total local sales tax of 1.5%). Therefore, Hemphill has the option increase 4B funding or adopt a street maintenance tax to further fund street improvements.

6.3 Prioritized Problems

Problems with the City's street system are ranked and listed as follows:

1. Local streets in fair-to-poor condition need repaving or regrading.
2. Drainage challenges and aging/deteriorated/insufficient infrastructure contribute to substandard street conditions.
3. No maintenance program to limit long-term costs.
4. Unbuilt right-of-way not intended for future construction should be vacated.

6.4 Street System Improvement Projects

The section describes a series of proposed improvements to the existing street system. The improvement projects are presented as phased improvements that are suggested for implementation over the 10-year planning period encompassed by this comprehensive plan.

Table 6E: Implementation Plan (Section 6.5) elaborates the implementation plan for street improvements in Hemphill over the next 10 years. The plan includes four construction phases:

- **Phase 1 (2024-2025):** Repair 8,843.19 LF of primarily asphalt or concrete streets in poor condition. The repair operations include a seal coat for paved streets in fair condition, an overlay process for the sections of paved streets that can be salvaged and reclamation and reconstruction for the rest. Cost estimates do not assume paving of unpaved roads.
- **Phase 2 (2026-2028):** Repair 37,737 LF of primarily asphalt streets in fair condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.
- **Phase 3 (2029-2031):** Repair 25,097 LF of gravel and asphalt streets in primarily fair to poor condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.
- **Phase 4 (2032-2033):** Repair the remaining 14,707 LF of local streets that are primarily in fair to good condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.

Map 6B: Proposed Street Improvements illustrates the proposed construction phases.

The construction phasing reflects an effort to address streets in fair-to-poor condition by 2033 and to execute an ongoing system of street maintenance for local roads in fair-to good condition. **Street repairs should occur in conjunction with or shortly following drainage projects to avoid duplicate street construction/paving caused by damage from storm drainage improvement projects**. Changes to stormwater drainage project phasing (commonly due to funding availability and changes in project priorities) would result in changes to street project phasing.

For those streets that route traffic directly to highly traveled destinations, including schools, parks, central business districts, repair operations should include an overlay process for the sections of paved streets that can be salvaged and new pavements sections for those areas that currently do not have pavement.

For less highly traveled roads, seal coating may be sufficient.

Table 6E (Section 6.5) also includes estimated costs for each construction phase. Estimates are based on current costs of record for similar projects in the same geographical area of the state. Estimates are also based on the goals of regrading gravel streets and repaving all roads in fair-to-poor condition, as well as the assumption that street widths will not change.

Appendix 6A includes the costs of each type of construction and the linear feet and cubic yards for each street to facilitate cost estimate adjustments.

The proposed construction phases average approximately $173,561 per year. As with all planning documents, the costs are estimates only provided to inform staff and council members on approximate amounts required for city-wide street improvements. Exact prices cannot be known until specific proposals have been created and construction bids entered. Construction phases are also expected to be altered based on fund availability.

Although generally more cost-effective in the long term, the costs of increasing and maintaining a paved road network are not financially feasible for many smaller communities. **The City should develop paving priorities based on the frequency of use and connections between key destinations** such as schools, business centers, etc. In addition, the Federal Highway Administration's "Gravel Roads Constructions and Maintenance Guide" provides both information to help guide paving decisions and technical guidance for extending the longevity of unpaved roads (guide included in the *Digital Appendix)*.

6.5 Implementation Plan

The following table outlines a specific set of actions and improvement projects to achieve a functional street system that improves the quality of life in Hemphill. The estimated costs for the actions and improvement projects are as follows:

Table 6E: Street Improvement Plan Projects: 2023 - 2033

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2025	2026-2029	2030-2033			
Goal 8.1 *Provide a safe, well-maintained, and functional community street system.*						
By 2024, establish a system for maintaining the street system on an overlapping, rotating basis by following a program of chip seal coating, overlay, and reclamation projects to keep paved surfaces in good condition.	X			City	N/A	N/A
Adopt a subdivision ordinance to ensure appropriate minimum street design requirements and require developers to provided interconnectivity between new development and the existing street system		X		City	< $2,000 (legal)	GEN
Phase 1: Repair 8,843.19 LF of primarily asphalt or concrete streets in poor condition with a seal coat, overlay, or reclamation & reconstruction	X			City	$343,509 ($171,764/yr)	GEN
Phase 2: Repair 37,737 LF of primarily asphalt streets in fair condition that provide key connections to local arterial roads. The repair operations include a seal coat of paved streets that need repair, and regrading for gravel streets. Cost estimates do not assume paving of unpaved roads.		X		City	$585,768 ($195,256/yr)	GEN
Phase 3: Repair 25,097 LF of gravel, dirt, and asphalt streets in primarily fair to poor condition that provide key connections to local arterial roads. The repair operations include a seal coat of paved streets that need repair, and regrading for gravel and dirt streets. Cost estimates do not assume paving of unpaved roads.		X	X	City	$585,884 ($195,295/yr)	GEN

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2025	2026-2029	2030-2033			
Phase 4: Repair the remaining 14,707 LF of local streets that are primarily in fair to good condition. The repair operations include seal coats for paved roads in good to fair conditions, an overlay process for paved streets that can be salvaged, and regrading for gravel and dirt roads in fair condition.			X	City	$263,880 ($131,940/yr)	GEN
Implement drainage projects in *Chapter 5: Storm Drainage System Study* to prevent ponding of water on roadways.	X	X	X	City	$618,853	ARP,CDBG; USDA; TWDB
Goal 8.2 *Hemphill's street system supports safe and rapid movement of people in the event of an emergency.*						
Develop a local evacuation plan that establishes priority routes based on key connector streets	X			City	Staff	GEN
Disseminate and inform residents of regional emergency routes/procedures	X	X	X	City	Variable / Staff	GEN
Incorporate targeted projects to improve street network connectivity in capital improvement projects so residents have more options to access emergency routes	X	X	X	City	Variable	GEN

Source of Funds:* **GEN =** City of Hemphill General Fund (GEN), including funds from any new tax **ARP =** American Rescue Plan Funds

Some street segments may require associated curb and gutter construction. Those prices are not included in the costs on this table.

6.6 Appendix 6A: Detailed Street Improvements

Table 6F: Street Improvements by Construction Phase (Current Widths)

Street	From	To	Condition	Material	Linear Feet	Width (ft)	Square Yards	Cost ($)
PHASE 1: 2024 - 2025								
Adickes Allee St	SH 87	end of street	Poor	Concrete	943	16	1,676	156,008
Ballpark St	Worth St	Italy St	Poor-Fair	Asphalt	1,509	14-16	2,469	29,691
Bass St	London Town Rd	Lillian St	Poor	Asphalt	327	14-16	1,328	19,664
Beauchamp St	Worth St	end of street	Poor	Asphalt	784	13	1,132	16,774
Cannon St	FM 1175	end of street	Poor	Asphalt	1,097	14	1707	25,278
Inman St	N Texas St	end or street	Poor	Asphalt	549	14	854	12,642
Kirby St	FM 83	FM 83	Poor	Asphalt	731	18	1,462	21,652
Medical St	SH 87	end of street	Poor	Asphalt	877	16	1,559	23,090
Misty St	SH 87	end of street	Poor	Asphalt	258	12	344	5,092
Oliphant St	FM 83	end of street	Poor	Asphalt	518	12	691	10,226
S Texas St	Worth St	E Main St	Poor	Asphalt	790	18	1,579	23,391
		Phase 1 Subtotal			***8,843***		***14,800***	***$343,509***
PHASE 2: 2026 - 2028								
Arney St	SH 87	end of street	Fair	Asphalt	1,807	14	2,810	21,723
Arnold St	Starr St	N Texas St	Fair-Good	Asphalt	2,656	16	4,723	30,500
Barber St	Italy Rd	Starr St	Fair	Asphalt	1,835	18	3,671	28,374
Barlow St	SH 87	turn in road	Fair	Asphalt	1,025	15	1,708	13,201
Birch St	S Oak St	Main St	Fair	Asphalt	338	17	639	4,940
Butler St	SH 87	end of street	Fair	Asphalt	867	12	1,156	8,939
Charlie Hamilton St	FM 1175	Pine View St	Fair	Asphalt	382	16	680	5,255
Erwin St	SH 87	end of street	Fair	Asphalt	961	14	1,495	11,559
Felts St	Mann St	Lillian St	Fair	Asphalt	843	14	1,312	10,143
Goodart St	FM 1175	end of street	Fair	Asphalt	240	20	534	4,128
Hackamore St	Bass St	Lindsey St	Fair	Asphalt	281	12	375	2,898
Hamilton St	Italy Rd	end of street	Fair	Asphalt	518	13	748	5,784

Street	From	To	Condition	Material	Linear Feet	Width (ft)	Square Yards	Cost ($)
Hammock St	Mann St	end of street	Fair	Asphalt	304	10	338	2,611
Highland St	FM 1175	end of street	Fair	Asphalt	265	30	884	6,831
Hornet St	N Texas St	Milam St	Fair	Asphalt	674	16	1,198	9,264
Hornet Stadium	Smith St	Wright St	Fair	Asphalt	1,916	20	4,258	32,918
Howell St	Lillian St	London Town Rd	Fair	Asphalt	555	18	1,111	8,587
Lindsey St	Lillian St	End of street	Fair	Gravel, Asphalt	1,252	14-16	1,982	43,957
Market St	Worth St	Mann St	Fair	Gravel, Asphalt	1,513	12-22	2,788	56,349
Mayfield St	FM 1175	FM 1175	Fair	Asphalt	968	16-20	1,723	13,322
Mill St	Mann St	end of street	Fair	Asphalt	797	16	1,417	10,954
N Oak St	E Main St	Hornet St	Fair	Asphalt	1,364	17-30	2,987	27,982
Parker Blvd	Mann St	end of street	Fair	Asphalt	1,181	12-25	1,840	14,246
Payne St	Worth St	end of street	Fair	Gravel, Asphalt	518	12-15	799	15,951
Pine View St	Mayfield St	end of street	Fair	Asphalt	1,785	12-16	2,724	21,049
Rice St	Starr St	SH 87	Fair	Asphalt	2,009	20	4,462	34,485
S Oak St	E Main St	S Texas St	Fair	Gravel, Asphalt	1297	18-35	3,194	60,241
Shoemaker St	Arnold St	City Limits	Fair	Asphalt	245	20	544	4,205
Short St	FM 1175	end of street	Fair	Asphalt	226	14	352	2,719
Tanglewood Dr	SH 184	Red Bud St	Fair	Asphalt	1,854	14	2,884	22,292
Tower St	E Main St	end of street	Fair	Asphalt	324	14	503	3,891
W Lott St	Wilson St	end of street	Fair	Asphalt	574	12	765	5,912
Williams St	Italy Rd	Ballpark St	Fair	Asphalt	828	15	1,381	10,674
Willow St	N Texas St	Smith St	Fair	Asphalt	871	18	1,743	13,473
Wright St	SH 87	end of street	Fair	Asphalt	642	12-18	907	7,007
		Phase 2 Subtotal			***34,737***		***62,485***	***$585,768***
			PHASE 3: 2029 - 2031					
Allie Ln	Solley St	end of street	Poor	Dirt	289	12	386	-*
Fed Wood St	FM 2971	end of street	Fair	Gravel	468	10	520	24,356
Foster St	Arnold St	end of street	Fair	Gravel	561	10	624	29,187
Fuller St	Church St	end of street	Fair	Gravel	178	12	237	11,090
Harvey St	Lillian St	City Limits	Fair	Gravel	2,029	12	2,705	126,590
Industrial Cir	FM 1175	FM 1175	Poor	Dirt	1,575	12	2,100	-*
Irona Williams St	FM 1175	end of street	Poor	Gravel	202	16	359	16,789

Street	From	To	Condition	Material	Linear Feet	Width (ft)	Square Yards	Cost ($)
Ironwood St	E Main St	Church St	Fair	Gravel	714	14-18	1,239	57,990
Italy Rd	Worth St	City Limits	Fair	Asphalt	4,006	18-20	8,366	64,671
Kirby St	FM 83	FM 83	Poor	Dirt	93	14	145	-*
Lillian St	Mann St	City Limits	Fair-Good	Asphalt	3,699	20-28	8,435	41,807
Linda Ln	Italy Rd	Solley St	Poor	Dirt	1,124	16	1,998	-*
London Town Rd	Howell St	Bass St	Poor	Gravel	796	12	1,061	49,670
McDaniel St	Linda Ln	end of street	Fair	Gravel	300	15	500	23,414
N Texas St	E Main St	City Limits	Fair	Dirt, Asphalt	2,917	14-28	5,785	38,925
Palm St	Worth St	end of street	Poor-Fair	Dirt, Asphalt	1,049	12-15	1,500	3,930
Rash St	Us 87	end of street	Faor-Good	Concrete, Asphalt	1,217	17-26	3,095	18,119
Smith St	US 87	Milam St	Good-Fair	Asphalt	1,710	18-20	3,466	25,378
Solley St	Italy Rd	end of street	Poor	Dirt	797	13-14	1,200	-*
Sunset St	Palm St	end of street	Poor	Dirt	507	12	677	-*
Terrell St	Misty St	end of street	Poor	Gravel	336	12	448	20,956
Tucker St	US 87	end of street	Poor	Dirt, Gravel	529	12	705	33,012
		Phase 3 Subtotal			***25,097***		***45,552***	***$585,884***

** While still calculated into the total linear feet of roadway maintained by the City of Hemphill, maintenance priority has been given to roadways that are already paved or gravel. Therefore, maintenance of dirt roads is not included in the cost calculation. Should city priorities shift, or changes need to be made to the construction phases, all roads are included in this streets improvements table.*

PHASE 4: 2032 - 2033								
Ash St	N Texas St	end of street	Good	Asphalt	220	30	734	3,415
Beckom Rd	Worth St	Fed Wood St	Good	Asphalt	2,318	28-40	8,031	37,343
Cedar St	Worth St	end of street	Fair	Gravel	1,521	12	2,029	94,937
Church St	Ironwood St	Beckom Rd	Poor	Asphalt	370	12	494	16,883
E Lott St	Wilson St	end of street	Good	Asphalt	264	20	359	1,668
Floyd St	SH 87	end of street	Good	Asphalt	205	20	456	2,122
Howard St	E Main St	Worth St	Good	Asphalt	250	18	500	2,326
Milam St	Rice St	Smith St	Good	Asphalt	1,246	24	3,125	14,532
N Milam St	Smith St	City Limits	Good	Asphalt	1,804	14	2,806	13,048
Old Sabinetown Rd	SH 87	City Limits	Good	Asphalt	1,266	28	3,476	16,162

Street	From	To	Condition	Material	Linear Feet	Width (ft)	Square Yards	Cost ($)
Park St	Lillian St	end of street	Good	Asphalt	159	20	353	1,641
Railroad St	Italy St	Starr St	Good	Asphalt	2,447	20	5,438	25,286
Redbud St	Tanglewood St	end of street	Good	Asphalt	215	13	311	1,444
S Texas St	E Main St	Worth St	Good	Asphalt	246	32	876	4,074
School Bus Run	Us 87	end of street	Good	Asphalt	1,190	20	2,644	12,294
Wilson St	Pine View St	end of street	Poor	Asphalt	985	14	1,620	16,705
		Phase 4 Subtotal			***14,707***		***33,251***	***$263,880***
		TOTAL 2023-2033			***83,385***		***156,088***	***$1,779,041***

7 Central Business District

A city's Central Business District (CBD) can define that city's character. In many cities, the historic downtown embodies the city's glory days and provides opportunities for tourism and community development. New bedroom communities and cities that have lost the vibrancy of their commercial centers look to CBD re-development to redefine their identity and provide a unique place for community activities and local businesses. This study analyzes the CBD's existing composition, envisions the City's relationship to its CBD for the future; and provides a local plan of action to increase CBD economic development and its contribution to residents' quality of life.

7.1 Highlights

The county seat of Sabine County, Hemphill is at the junction of State highways 87 and 184, thirty miles southeast of Nacogdoches. Consisting of 15 blocks that surround the Sabine County Courthouse, the Hemphill CBD has a mix of retail shops, restaurants, financial services, single-family homes, and government offices and facilities. While the noticeable building type of the CBD reflects the early 19th century building form, which was a time of considerable growth in Hemphill, over time buildings have been torn down and replaced with auto-oriented or more cost-efficient building types. Approximately 17% of buildings in the CBD are vacant, and 9% are considered below standard condition. The residents and staff of Hemphill have shown interest in revitalizing the historic commercial center of the city, and through public input and data analysis, the following have been established goals to reach by 2033:

1. Develop regulations to preserve the historic character of Hemphill's CBD.
2. Increase accessibility and amenities for pedestrians.
3. Improve structural conditions and vacancy rates.
4. Increase residential density around the CBD.

7.2 Context & Community Input

Development History

The Hemphill CBD is located at the convergence of multiple regional arterial roads and highways (SH 184, SH 87, FM 83, and FM 297) and consists of 15 blocks that surround the central feature of the CBD - The Sabine County Courthouse. Originally set in Milam, the county seat of Sabine County was approved to be relocated to Hemphill in 1858 to move the county seat to a more centralized site.

The CBD has a mix of retail shops, restaurants, financial services, single-family homes, and government offices and facilities. While the noticeable building type of the CBD reflects the early 19th century building form, which was greatest period of growth in Hemphill, over time buildings have been torn down and replaced with auto-oriented or more cost-efficient building types.

Physical Constraints

Plotted on relatively level and stable ground, limitations to development in the Hemphill CBD is limited. Most of the land within the CBD boundary is already developed, and if future expansion of the CBD boundary is desired in the future, barriers exist in the form of established residential neighborhoods to the North and South, a stream to the West, and city utilities and residences to the east. Natural resources should be considered, and existing businesses and residences involved in the process should the CBD be expanded.

CBD Boundary

As illustrated in *Figure 7A (next page)*, the City's Central Business District (CBD) is a 35-acre area that generally follows lot lines and streets laid from the Original Townsite of Hemphill. It includes the Sabine County Courthouse, EMS Station, Law Enforcement building, and general county office and services. The CBD also includes several local restaurants, retail shops, as well as historically important commercial buildings and residences. This boundary is not formally adopted by the City and was developed for the purpose of this CBD Study by GrantWorks, Inc staff and Hemphill municipal staff.

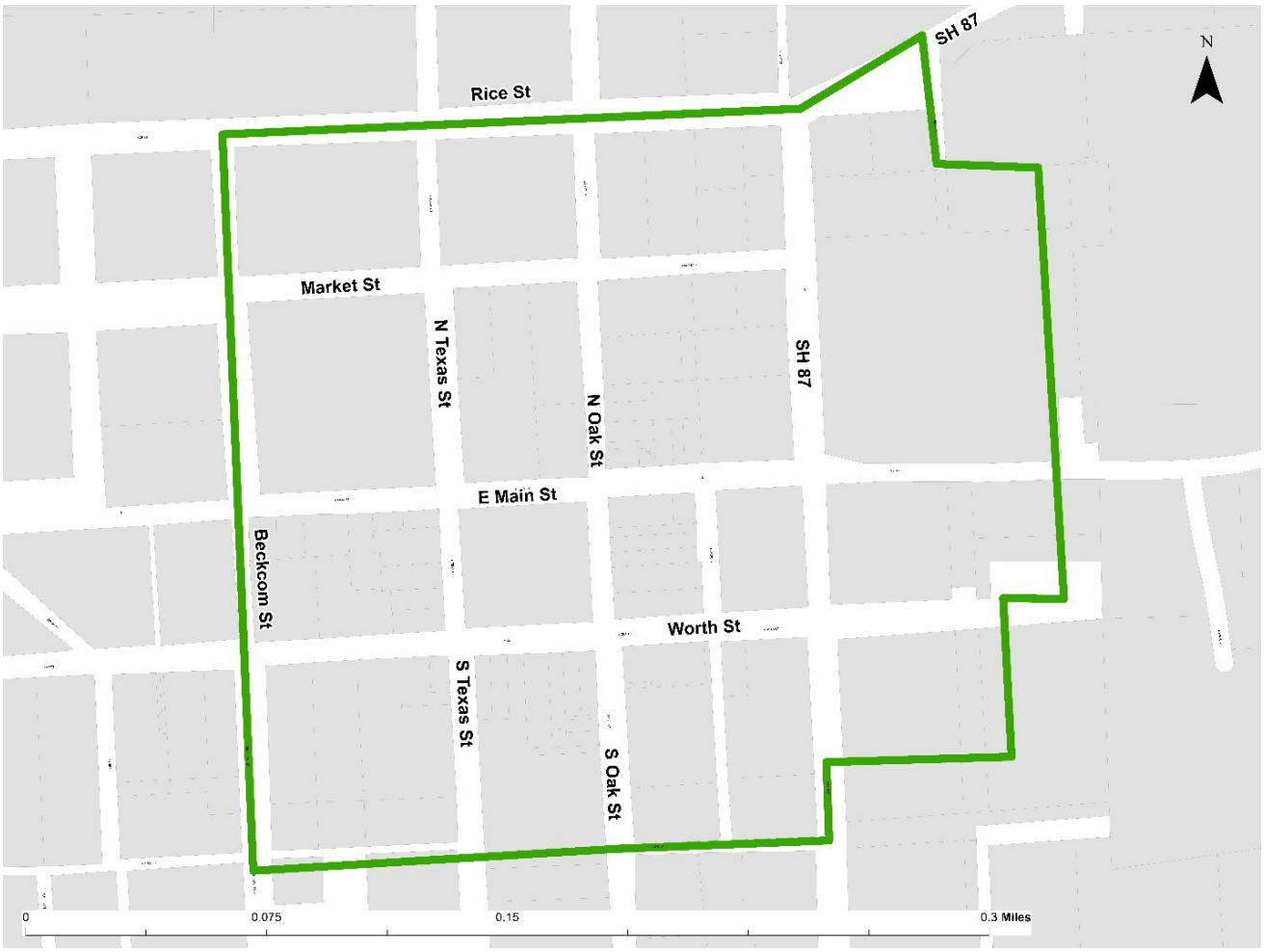


Figure 7A: Extent of the Central Business District

Competing and Supporting Business Areas

Because of the isolated location of Hemphill, the only nearby commercial areas exist within the city. While other commercial areas of town could be considered competition for the CBD by pulling businesses away from the city center, the location, lot size, and type of businesses located in these areas act as separate but complementary to those in the CBD. As seen in Figure *7B (next page)*, other areas of town that have concentrated commercial uses are located along SH 87 and FM 83, which are regional routes that lead into the CBD. Lots sizes tend to be larger along these arterial roads to accommodate auto-oriented businesses and to serve a more regional population, whereas lots and buildings in the CBD are smaller, closer together, and are built to accommodate pedestrians and local traffic.

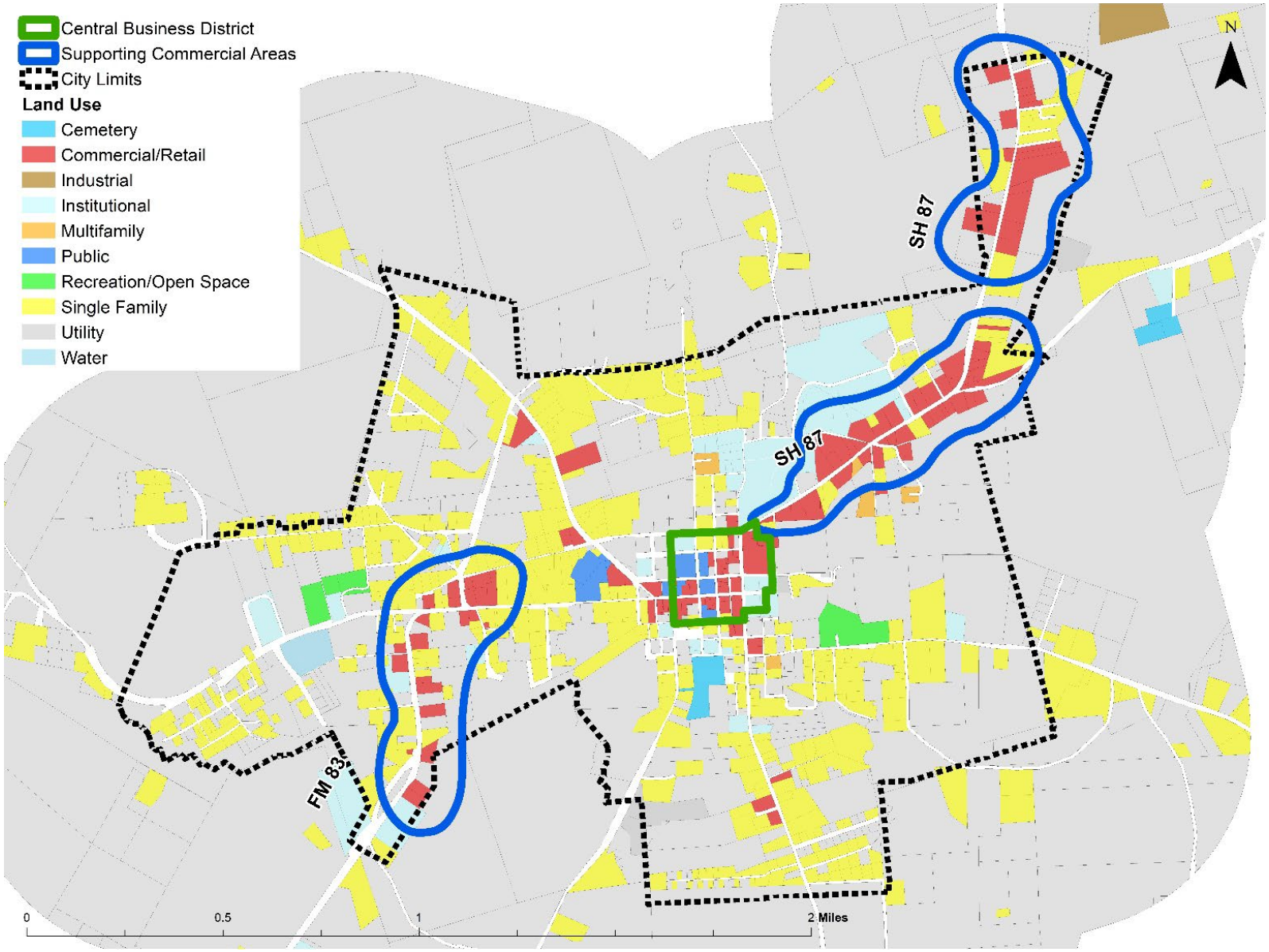


Figure 7B: Supporting Business Areas

Community Input

Hemphill residents believe that the CBD should be a point of pride for the community and provide space for local businesses and business owners to thrive. At a public workshop held at City Hall in February 2023, residents, stakeholders, and city staff gathered to discuss what is hindering the CBD from thriving, what to preserve, and what the future of the CBD looks like *(Figure 7C)*. A survey was also made available to residents online between December 22, 2022, and February 10, 2023. *Table 7A* summarizes workshop and survey participants desires for the CBD.

Figure 7C: Hemphill Planning Workshop

Table 7A: Participant input for CBD

Achieve/Preserve	Avoid/Eliminate
▪ Preservation of historic buildings and character of downtown ▪ Walkability and accessibility ▪ More small, local businesses (restaurants, retail, offices) ▪ Increased lighting, seating, and landscaping (beautification)	▪ Vacant, neglected buildings and lots ▪ Large chain restaurants in the downtown ▪ Poor drainage issues along main thoroughfares ▪ High-speed, unsafe traffic patterns from logging trucks

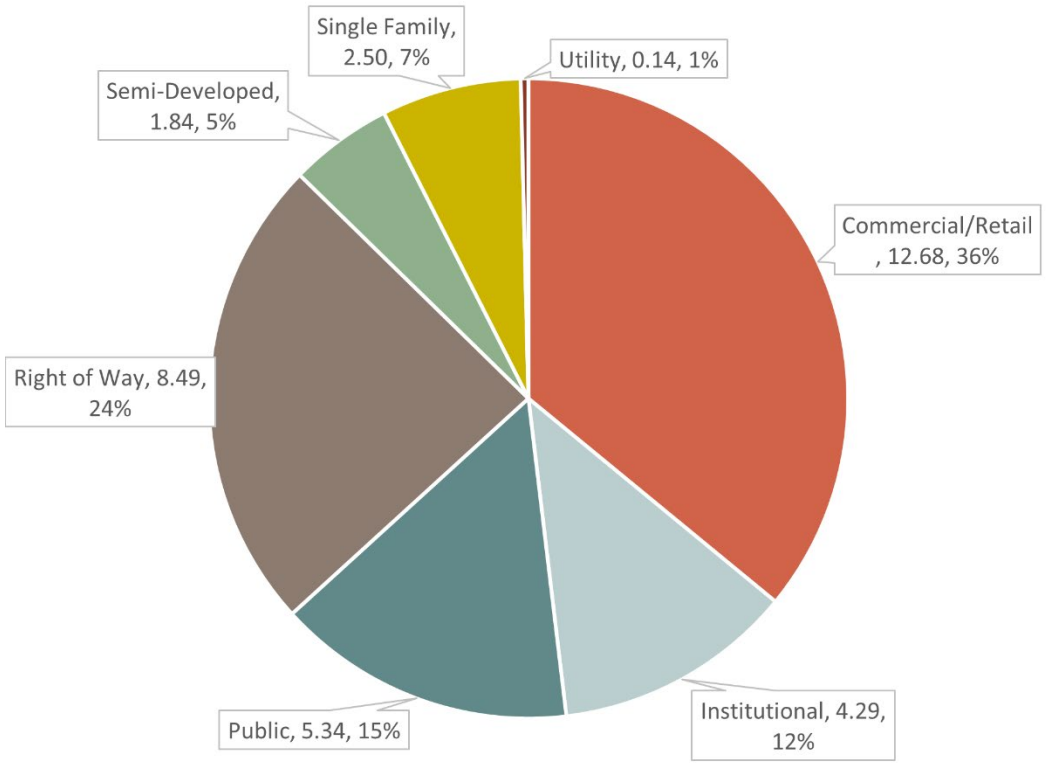
7.3 Inventory & Existing Conditions

From January 30 – February 3, 2023, GrantWorks, Inc staff performed fieldwork in Hemphill's CBD, which consisted of inventorying businesses, building types and condition, land uses, street conditions, parking, availability and condition of sidewalks, and other amenities available or serving the public. These were collected to gage the state of existing conditions and to build recommendations and considerations for the future growth and development of Hemphill's CBD within the planning period.

7.3.1 Land Use

Figure 7D illustrates the land uses that comprise the CBD, and *Chart 7A* tabulates existing land uses. Excluding Right-of-Way (24%), which is space that is dedicated to public roads, the dominant land uses by acreage in the CBD are Commercial (36%), Public (15%) and Institutional (12%).

Chart 7A: Existing Land Use by Acreage, Percentage



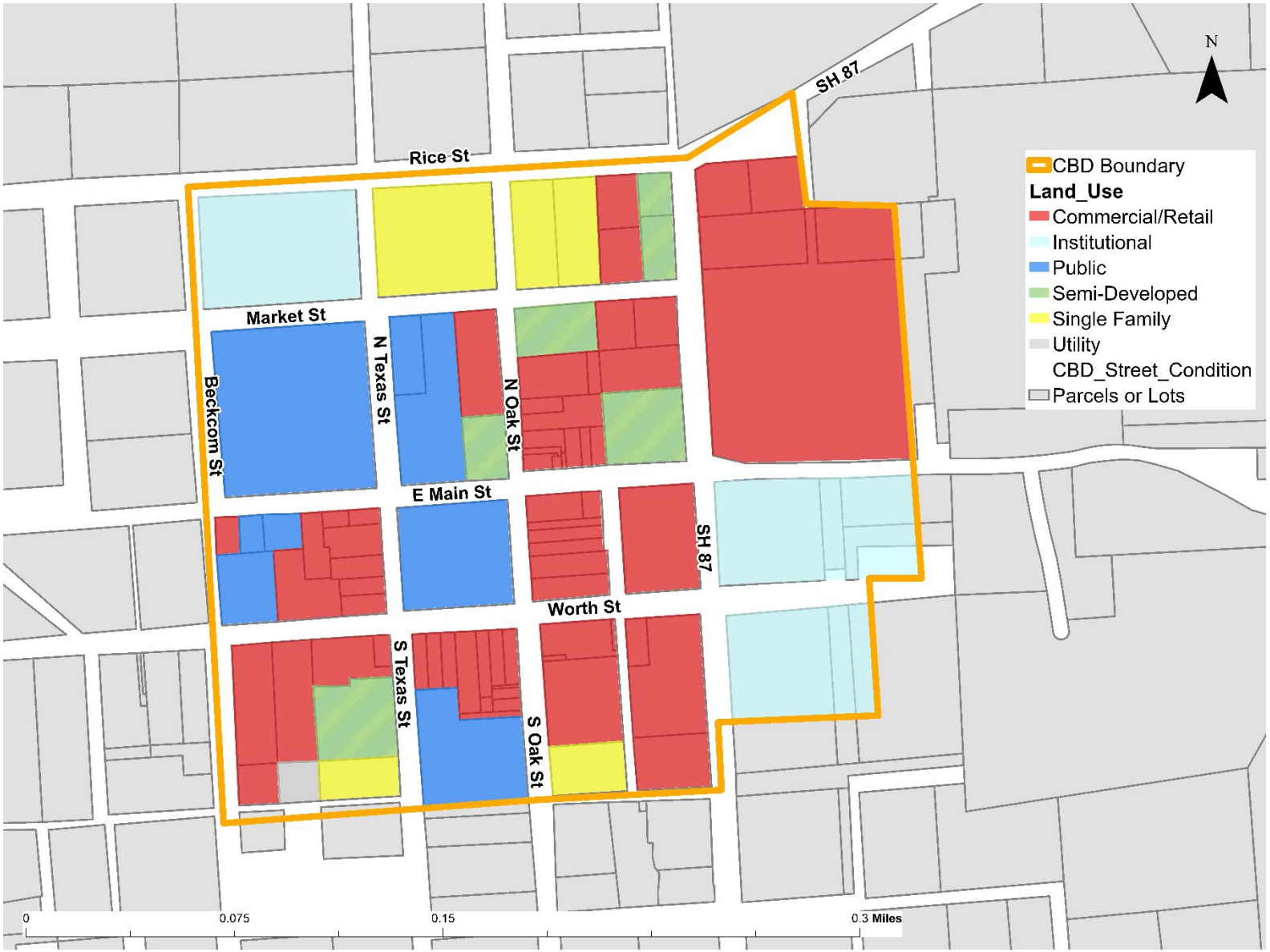


Figure 7D: CBD Existing Land Use

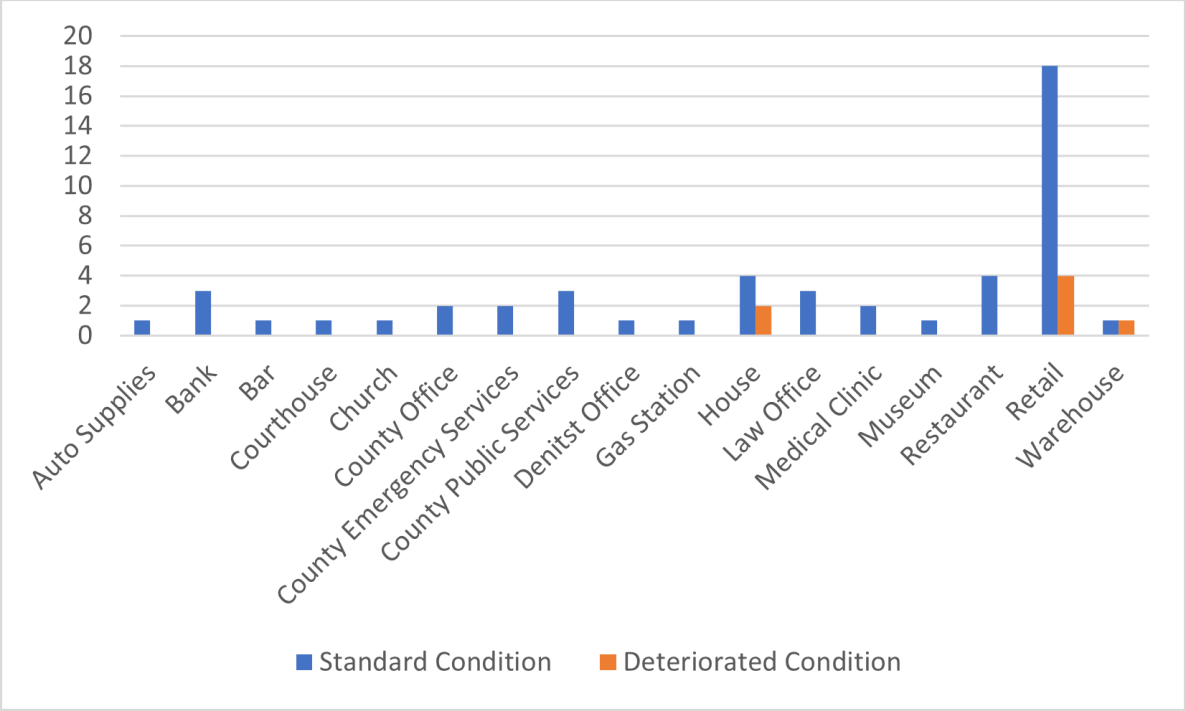
7.3.2 Buildings

Based on windshield observations during fieldwork in 2023, 17% of buildings in the CBD were vacant, and 9% were considered below standard (*Figure 7E, next page*). Structure conditions were rated on a scale from "standard" to 'dilapidated" as defined in *Table 7B*. Structures in the CBD were built between 1887 and 2015, the newest being a dentist's office. Buildings that surround the focal point of the CBD - Courthouse Square – were built between 1906 and 1937. The inventory of structures in the CBD is fully illustrated and tabulated on *Map 7B: Central Business District Buildings and Occupants, 2023*

Table 7B: Building Classification Criteria

Classification	Criteria
Standard	Minor or no visible exterior defects such as cracked peeling or missing paint, cracked or broken windowpanes, cracked mortar or masonry, and generally meets local building codes and poses no threat to health and safety.
Deteriorated	Few visible exterior defects requiring repair beyond routine maintenance that is economically feasible to rehabilitate, such deteriorated window frames, missing windowpanes, holes or cracks in exterior cladding or masonry, and damaged roofing.
Dilapidated	Fails to provide safe shelter, major structural damage such as sagging foundation or roof, slanted exterior walls, missing, broken or damaged doors and windows, or apparent fire or water damage.

Chart 7B: CBD Tenants by Type & Condition



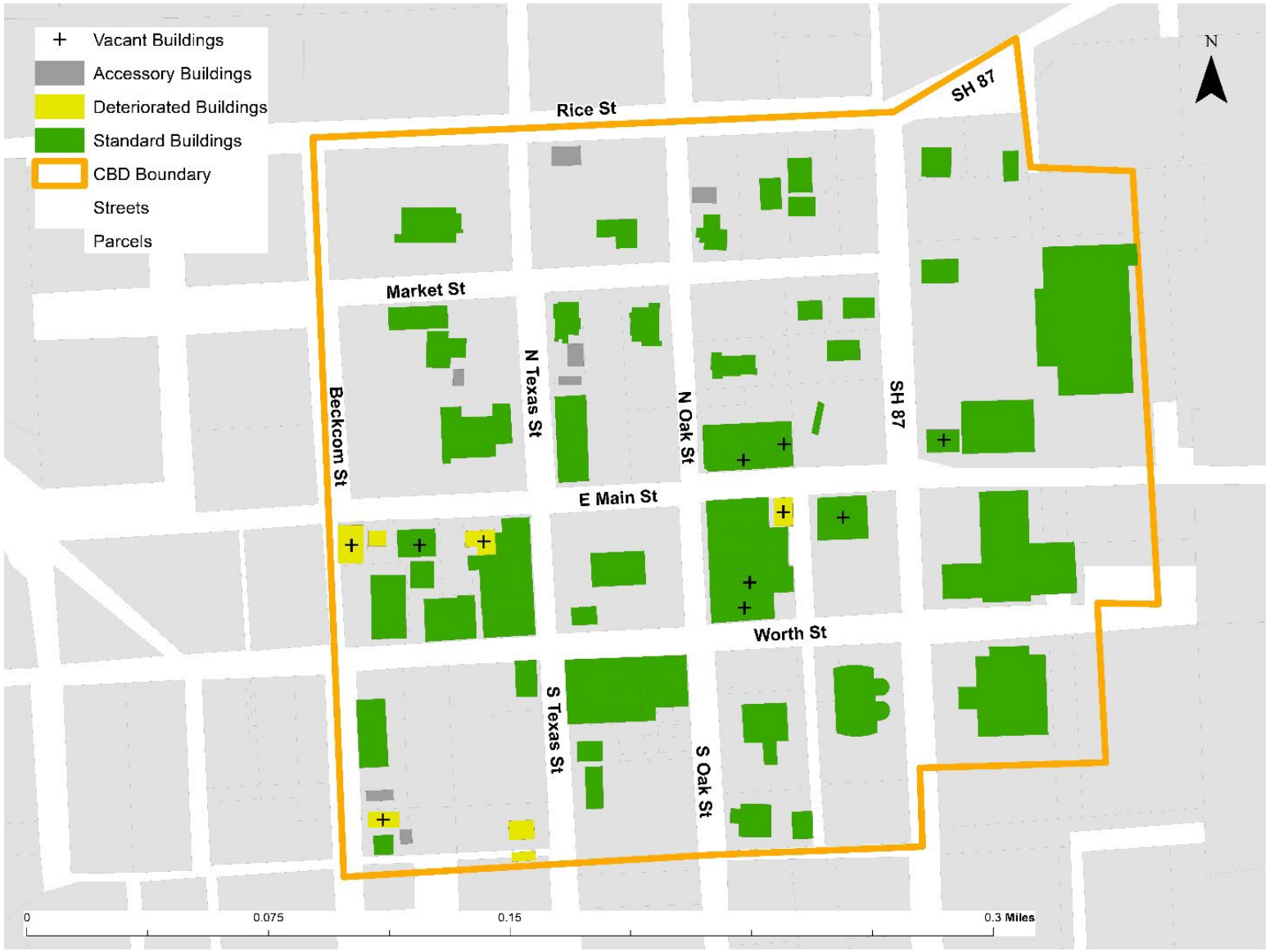


Figure 7E: CBD Buildings by Condition and Occupancy

Architectural Style

The CBD was built and re-built over the past 150 years with limited regulation on design or building placement; therefore, architectural styles vary by the buildings' age and use. Commercial development in the original town square can be characterized as Early Twentieth Century era in Texas.[60] Early twentieth century designs, were not ornate, but they did follow popular tenets of eclecticism and craftsmanship in which styles were borrowed and combined.

Figure 7F: Architectural styles in downtown Hemphill

Even though Hemphill was established in 1858, few buildings remain in Hemphill's CBD that have the Victorian style of the late 1800s, which incorporated decoration with new technology like large plate-glass windows and cast-iron supports, and ornate design reflected in wood or brickwork, with the building at the corner of Main and N Oak St being a prime example *(right, Figure 7F).* Most historic commercial buildings in the CBD surround The Sabine County Courthouse, which was built in 1906 in a Neoclassical Style after the original courthouse burned *(center, Figure 7F).*[61] Built in 1904, the Sabine County Jail's (now Museum) includes a tower with battlement details along the top *(left, Figure 7F).* These buildings are just a few examples of the eclectic and varied age of architectural style in Hemphill's CBD.

[60] Texas Handbook Online, *Architecture, accessed at http://www.tshaonline.org/handbook/online/articles/cmask in 2012.*
[61] https://architecturestyles.org/neoclassical/

Building Materials

Structures in downtown Hemphill are predominantly built with or have a façade of brick. Other materials used are wood or composite clad structures, mostly present on residential structures, and metal, prefabricated structures.

Awnings and Canopies

A variety of awnings and canopies are located throughout the CBD, specifically surrounding courthouse square which provide shade for pedestrians and business patrons. Awnings hang from the exterior wall, while canopies are supported by poles. Most signs are located either on the canopy or above the awning. While awnings and canopies provide shade and an identifying character for businesses and downtown Hemphill, they can also impede accessibility and cause maintenance issues for property owners. For example, poles can make sidewalk maintenance more difficult for the City and may impede walkways for people using strollers, wheelchairs, or those with limited mobility.

7.3.3 Amenities

Amenities in public spaces help to define an area's identity, represent the attitude of residents and business owners towards the public, and provide a sense of comfort and convenience to customers. Access to good public spaces and amenities has also been shown to increase neighborliness, feelings of safety, social trust, and positive feelings about the community.[62]

Hemphill's downtown amenities are both privately and publicly owned, and include benches (10), flagpoles (5), mailboxes (1), monuments (4), planters (10), and trashcans (4). There are 12 decorative streetlights and 23 standard streetlamps. As shown in *Figure 7G (next page)*, most publicly accessible amenities in the CBD are clustered around the central town square. Benches and planters are outside of local businesses and on the courthouse square, which is speckled with monuments. Amenities can also include pedestrian infrastructure, like sidewalks and ADA accessible ramps, which are discussed further in *section 7.3.4: Transportation Infrastructure and Circulation.*

[62] https://www.americansurveycenter.org/research/public-places-and-commercial-spaces-how-neighborhood-amenities-foster-trust-and-connection-in-american-communities/

Figure 7G: Hemphill CBD amenities

7.3.4 Transportation Infrastructure and Circulation Patterns

Street condition and circulation patterns affect the functioning of the CBD and residents' willingness to go downtown for shopping, events, and restaurants. The inventory of CBD traffic circulation and capacity is illustrated on *Map 11A: Central Business Circulation 2023*. Included on the map are street widths, sidewalks, curb and gutter traffic volumes, and traffic controls.

Pedestrian Accessibility

While vehicles can move easily about the CBD on the well-connected street grid in Hemphill, smooth pedestrian movement can be difficult in areas. Hemphill's CBD has 15 street intersections; seven of which are state highways; but only has four crosswalks. The CBD contains 0.48 miles of sidewalks and 11 ADA accessible ramps, all of which are in standard condition. However, the sidewalk network has limited accessibility due to the presence of five sets of steps along sidewalk routes as well as disconnected sidewalk sections *(see figure 7H, next page)*.

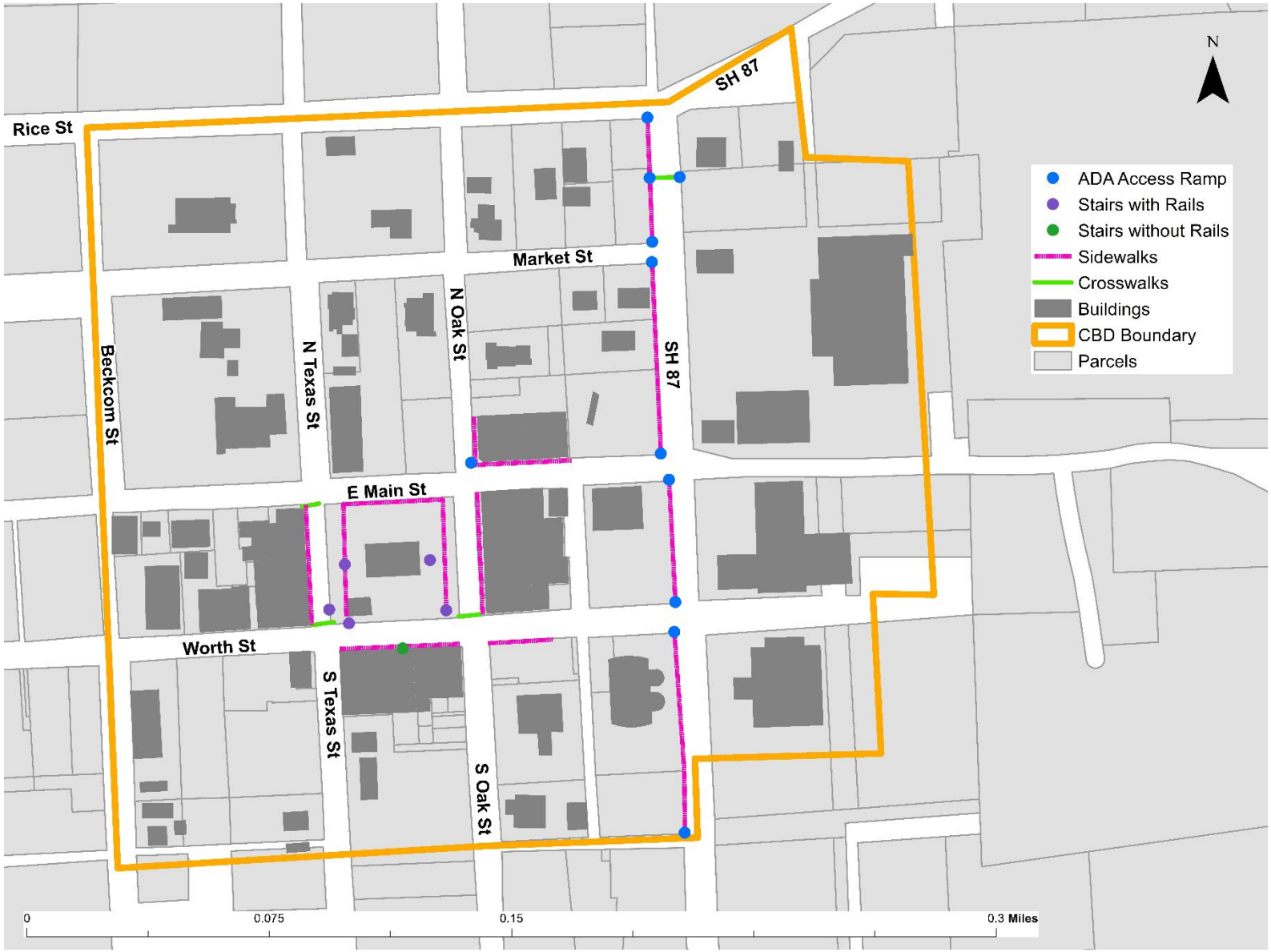


Figure 7H: CBD Pedestrian Facilities

Streets, Traffic, and Circulation

The CBD contains 8.5 acres of road and right of way (24% of total acreage) and more than 1.3 miles of paved streets. 51% of feet of paved roads within the CBD are maintained by the city, 14% is maintained by Sabine County, and the remaining paved roads are maintained by TxDOT (35%). Road conditions in the CBD are good to fair, with most roads being paved. Roughly half of the streets in downtown Hemphill have curbs and gutters, the rest only having natural ditches for stormwater drainage.

According to TXDOT 2021 Annual Average Daily Traffic (AADT) counts, traffic volumes are highest on SH 87 (6,028 trips) on any other recorded streets in downtown Hemphill.[63] Speed limits are between 15 and 30 mph within the CBD, and is only restricted to one way traffic on the east and west sides of Courthouse Square; northbound traffic only on S Oak St Between E Main St and Worth St, and southbound traffic only on S Texas St between E Main St and Worth St *(see figure 7I, next page)*.

Parking

Parking inventoried in early 2023 in the CBD includes public parking and private lots. There are currently an estimated 587 available parking spots within Hemphill's CBD, with 40 spots being marked as ADA accessible. 70 on-street parking spaces are available and marked on E Main St, S Oak St, Worth St, and S Texas St surrounding the Sabine County Courthouse and is a mix of pull-in parking and parallel parking. Public off-street parking spaces (parking lots owned by the county or city) make up 21% of off-street parking in the CBD. Privately owned parking lots provide 411 total parking spaces within the CBD, or 79% of total off-street parking. 31 ADA accessible parking spaces are within privately owned parking lots *(see Figure 7I, next page)*.

In total, the Hemphill CBD has 77 buildings served by 587 parking spaces, which equates to 7.6 parking spaces per building; or 2 parking spaces per 1,000 square feet of building space (2.2:1,000 parking ratio), which falls slightly above the expected normal parking ratio of 2:1,000 for CBDs in Texas.[64]

[63] TxDOT AADT data is limited to TxDOT or County maintained streets, and AADT numbers do not reflect full traffic impacts of local traffic along local streets.
[64] https://assets.recenter.tamu.edu/documents/articles/1516.pdf

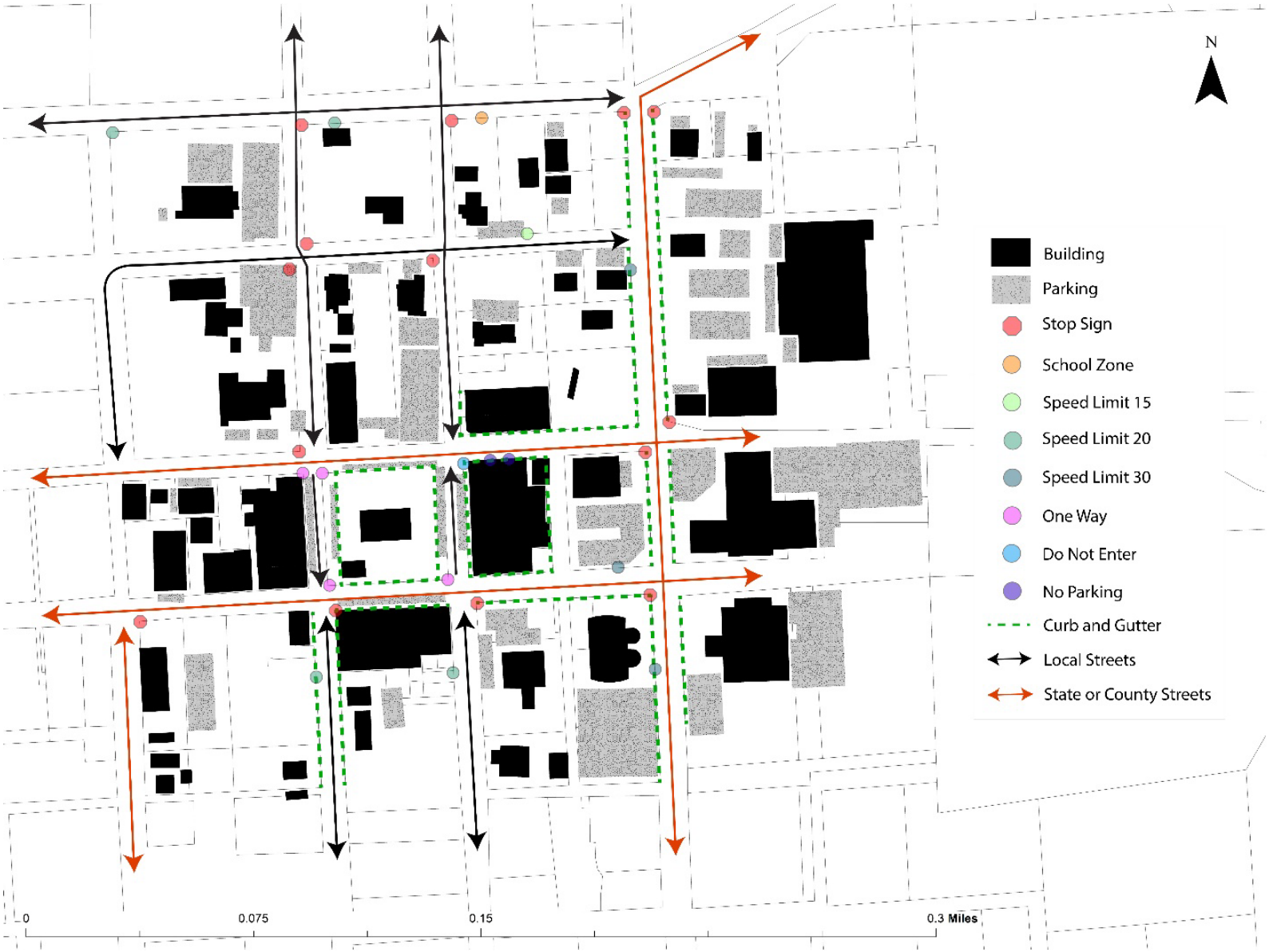


Figure 7I: CBD Traffic Circulation and Controls

7.1 Key Central Business District Considerations

Based on the community input and local housing data described above, the City of Hemphill and its residents should focus on the following key areas related to the Central Business District: preserving historic character, increasing accessibility and pedestrian infrastructure, improving structural conditions and vacancy rates, increasing residential density near the CBD, and organizing funding and community efforts.

7.1.1 Developing Regulations to Preserve Historic Context

Coined by architect Christopher Alexander, a Pattern Language is described as an organized and coherent set of patterns, each of which describes a problem and the core of a solution that can be used in many ways within a specific field. In the context of community building and design, pattern language can be seen as a series of design and policy choices – patterns – that help build better relationships between people and how they interact with their built environment. A cohesive set of building guidelines, regulations and incentives, or a Pattern Language, can help Hemphill strengthen the historic and distinct character of the Central Business District.

Design Standards

Many of Hemphill's newer buildings in the CBD are constructed with more contemporary setbacks, building sizes, and parking requirements with little attempt to follow the general design features of surrounding historic buildings. Buildings in most downtowns are *historic*, but are not *historically significant*, so full restoration to their exact original appearance may not be necessary, and often is not desirable due to cost and current use limitations. However, encouraging and ensuring the proper treatment of a building's character-defining features such as storefronts, window openings, historic awnings and building materials is essential to maintaining the authenticity and integrity of the structure and the district.

With the help of the Sabine County Historical Commission, local activists have been working towards designating the original town plot of Hemphill, which includes the CBD, as a national historic district. Giving official recognition to historically contributing buildings, as well as taking inventory of their structural, material, and design can help establish design standards specific to Hemphill's CBD. With design standards, new construction and structure rehabilitation can make design choices that create an aesthetic complementary to the CBDs historic context. As an example, the following is a list of characteristics that are consistent with CBDs in America built during Hemphill's historic period prior to the mid-20th century, which could be a starting place for developing design standards for the CBD.

1. Buildings met the street or sidewalk, creating a sense of street enclosure and walkability. Buildings were parallel to the street and parking lots were not located in front of buildings. A maximum street setback of 10 feet is advisable so that buildings meet the street and buildings are designed so that parking lots are behind or at least to the sides of buildings.
2. Building heights were one to three stories.
3. Building materials were brick or wood.
4. Entrances faced the main street.
5. Windows provided a high percentage (40 to 60%) of transparency on bottom floors on all sides of a building so that customers outside could see into business spaces. The Zoning Ordinance does not address transparency requirements.
6. Building widths extend the entire width of the lot providing an unbroken façade that would maintain a historic pedestrian-oriented atmosphere.
7. On most buildings, awnings hang from the building facades.

Figure 7J: Hemphill historic commercial buildings

Ordinances

Hemphill currently does not have municipal zoning regulations, which increases the possibility of undesired building types and uses being introduced into the CBD. Zoning ordinances generally regulate the scale and position of structures in relation to the lot they are built on and the buildings surrounding the development area. Depending on desires, the level of regulation in a zoning ordinance can vary greatly. A Base of zoning ordinance usually covers allowed land uses, building setbacks, and building heights, but can be expanded to require a percentage of building frontage, floor height, maximum impervious surface coverage, as well as parking maximums. *Figure 7K (below) and Table 7C (page 7-20)* provide an example of building regulations for a typical commercial building in a small-town CBD.

Adoption of a historic preservation ordinance would complement a full zoning ordinance, with additional regulations and processes for preserving historic building envelopes, materials, and appearances. Historic preservation ordinances are generally accompanied by an appointed Historic Landmarks Commission, which review building, zoning, and signage applications that impact historic structures or districts. *Chapter 9: Zoning Ordinance* provides a template for adopting zoning and historic preservation ordinances, which if adopted, can bolster economic and development desires in the CBD.

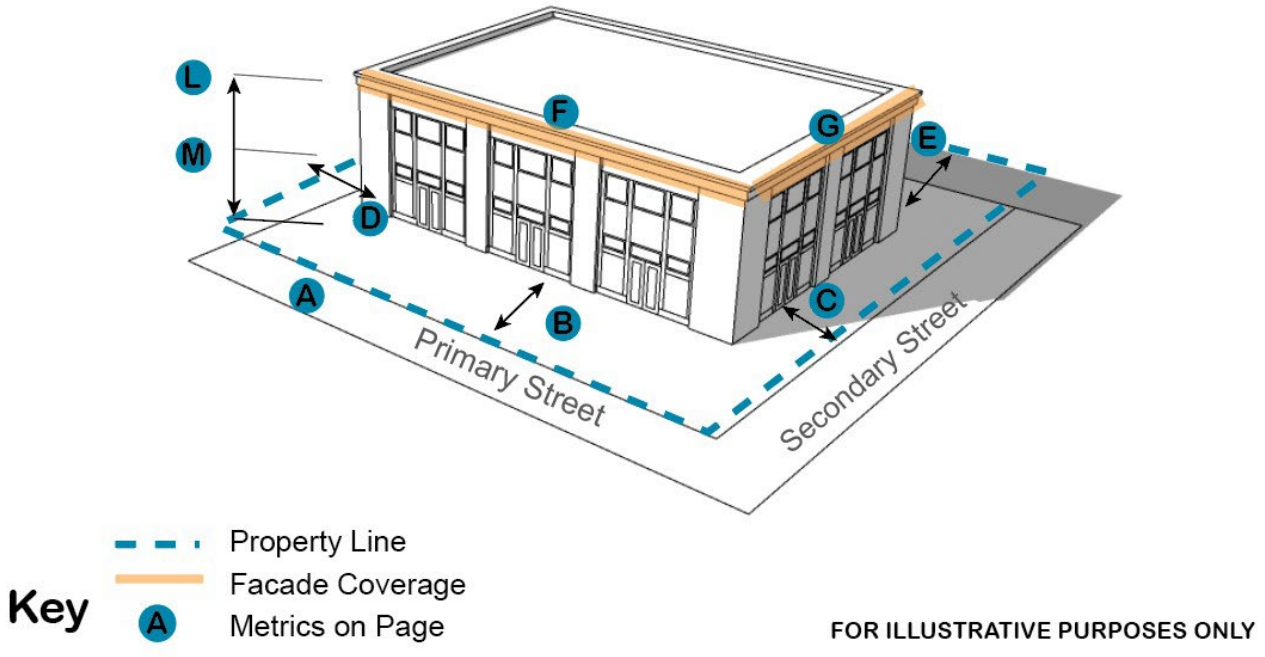


Figure 7K: Commercial Zoning Regulation Illustration

Table 7C: Commercial District Standards Example

	Principal Structure		Accessory Structure	Parking
Lot (A)				
Area (min. square feet)	4,500			
Impervious Cover (max. %)	75%			
Width (min. feet)	45			
Setbacks				
Primary Street (min/max. feet)	20/50	**(B)**	n/a	0
Side, Street (min. feet)	10	**(C)**		0
Side, Interior (min. feet)	0	**(D)**		0
Rear (min. feet)	0	**(E)**		0
Rear, Alley (min. feet)	0	**(E)**		0
Abutting R District	Setback + 5	**(D)/(E)**		20
Height				
Max (stories)	2	**(L)**	n/a	n/a
Max (feet)	30	**(L)**		
Ground Story Elevation (min. feet)	8	**(M)**		
Building Façade Coverage				
Primary Street (min. %)	75	**(F)**	n/a	n/a
Secondary Street (min. %)	20	**(G)**		
Max (feet)	35	**(L)**		
Ground Story Elevation (min. feet)	12	**(M)**		

Voluntary Agreements and Incentives

To be the most effective, architectural guidelines within Hemphill should be agreed upon by the property/business owners affected by the guidelines. Incentives such as matching grants for signage or façade improvements can motivate those less inclined to participate. Aside from the marketing aspect of district-wide design coordination, property and business owners should be aware that approximately half of their customer base will care about aesthetics, while half will care about functionality. Whichever they themselves care about; they risk losing customers if they do not balance both aspects of design. Recommended organizations for voluntary participation and grants that volunteers should pursue are discussed below.

7.1.2 Increasing Accessibility and Amenities for Pedestrians

Like downtown buildings, downtown amenities can define Hemphill's Central Business District as a distinct place to visitors and passersby. The available amenities also determine how likely passersby are to stop in the city. Categories of desired amenities are described below.

Sidewalks, Crosswalks, and Lighting

The main impediments to increased pedestrian use in the CBD are the lack of a continuous sidewalk network, few crosswalks, and limited accessibility. While continuous sidewalks exist along the west side of SH 87, it does not connect to the rest of the CBD sidewalks. Residents also showed concern for pedestrian safety when crossing Worth St, which has a high frequency of logging trucks. Increasing visibility decorative lighting, which has a more pedestrian scale, can increase the feeling of safety and pedestrian comfort, especially during times of the year when the sun sets during normal business hours. Currently, most decorative lighting is centered around Courthouse Square, which naturally does not get foot traffic after 5pm.

These amenities are basic infrastructure needed to create a place where residents and visitors can wander from shop to shop or from restaurant to shops; come to the district after dark; and use both sides of each street to reach local businesses easily and comfortably. To increase accessibility and safety downtown for all pedestrians, including handicapped individuals, the City should consider 1) building new sidewalks to create a connected pedestrian network 2) increasing crosswalks and pedestrian crossing signage or lights; and 3) marking spaces as handicapped, building new parking, and designated handicapped spaces. Suggested locations and phasing for these improvements can be found on *Map 7C.*

Maintaining high-quality pedestrian infrastructure in the CBD has implications for transportation, housing, and economic development. Advantages include:

1. Greater willingness of customers to walk from parking, which reduces perceptions of parking congestion and reduces the number of cars that circle in search of parking.
2. Greater interest among travelers to stop and window shop.
3. Improved aesthetics, which make the downtown more attractive to new investors.
4. Greater accessibility for those who feel uncomfortable walking on uneven surfaces.
5. Increase in property values for businesses and for residences neighboring the CBD[65]

Parking

Most of the parking for CBD businesses is provided through off-street, privately owned parking lots. The narrow ROW of major arterials that run through the CBD make it difficult to provide adequate on-street, public parking throughout the city center. While parking is not particularly difficult in the CBD, planning for a more active CBD may require the City to develop additional parking options to accommodate increased vehicular traffic.

Some cities address parking shortages by encouraging shared parking or by regulating parking in its zoning ordinance. As an example, approximately 140 spaces are located at The First Baptist Church, just east of SH 87 in the CBD. When the church is not in service, those parking lots could provide additional parking spaces for shopping customers if signed accordingly.

Map 7C: Proposed Central Business District Improvements shows locations where on-street parking and lot parking could be added. These include lots with vacant buildings or lots being used for storage at the southwest or southeast corners of Hamilton and Avenue C and at the corner of Elm and Avenue B. The City would need to purchase or lease the lots from their current owners and build a parking facility. Adding landscaping to the parking facilities would ensure that they blend in with downtown décor and style.

Street Furniture

Street furniture is a collective term for objects and pieces of equipment installed on streets and roads for various purposes, including traffic barriers, benches, bollards, post boxes, phone boxes, streetlamps, traffic lights, traffic signs, bus stops, grit bins, tram stops, taxi stands, public lavatories, fountains, watering troughs, memorials, and waste receptacles. Street furniture provides opportunities to lengthen the trip to downtown; convey the city's "brand," and provide architectural beauty and color.

[65] A study of 15 U.S. cities showed a residential property premium in more walkable neighborhoods of approximately $4,000 to $34,000. See: Cortright, J. (2009). Walking the Walk. Retrieved from www.ceosforcities.org/work/walkingthewalk; Also: Pivo, G. & Fisher, J.D. (2010). The Walkability Premium in Commercial Real Estate Investments. Retrieved from http://merage.uci.edu

The CBD has some street furniture in the form of planters and benches. Some businesses have placed benches, newspaper stands, and mail drops outside their locales. However, there is no coordination between street furniture that conveys a brand. With adequate sidewalks and landscaping, the addition of benches, trash and recycling receptacles, and public art would add to the character of the Hemphill CBD.

Signs

The city currently does not regulate signs within the City limits. The City may want to consider design regulations for signs in the Central Business District that could present a specific brand for the CBD. The City also may want to consider broad regulations for awnings to better identify the downtown style. Both items could be regulated via zoning regulations.

The City may want to consider the following design standards for signs encouraged in other rural downtowns across the country.

- Encourage low-key, pedestrian-oriented (eye-level from sidewalks) signage.
- Attached signs should be flush with the building facade, should not extend beyond the roofline, and should not hide interesting architectural detail.
- Canopy signs can be painted directly onto canopies.
- Small signs hung perpendicular to the street may be hung under canopies and arcades or from poles extending from the facade of the building.

Gateways and Wayfinding

Gateways and murals can set the tone for downtown, reflect the City's history, and contribute to a sense of place, allowing visitors to know they have arrived somewhere special *(see Figure 7L, next page)*. Sign and mural creation is often a popular activity for collaboration between property owners, business owners, community members, and municipal staff.

Wayfinding refers to the systems that are employed to help tourists and visitors orient their position and get to their desired location. These directional systems should help visitors determine where they are, designate the route they should take, reassure them that they are following the correct route once they have committed, and finally, they should confirm arrival at the desired destination once it has been reached. Signage, large maps and even touchscreens can be used to help people orient where they are in relation to where they wish to travel. These wayfinding systems should provide a graphic representation that clearly identifies where the visitors are positioned.[66]

[66] https://www.nrpa.org/blog/wayfinding-navigation-and-site-planning/

Photo courtesy of Corsicana Daily Sun

Figure 7L: Example Gateway Sign and Mural

7.1.3 Improving Structural Conditions and Vacancy Rates

Approximately 1 in 11 CBD buildings are deteriorated. Four sub-standard buildings are located along E Main S, with one located on Beckcom St and two on S Texas St. Some owners have covered their street-facing windows and use the buildings for personal storage. Others sit vacant with old signage in them. Some of the deteriorated buildings will become dilapidated if they are not maintained and/or leased during the planning period. At the time of inventory by staff, there were twelve vacant buildings in the CBD, which accounts for approximately 31,164 out of 291,391 total square feet of building space in the CBD.

The City could take the following actions to incentivize downtown building maintenance.

1. Track building vacancies and for-sale properties on a website linked to other economic development, community development and tourism information in HEMPHILL so that investors outside the region may easily consider the properties;
2. Continue to enforce fire code, nuisance, building and other city codes that would improve the downtown. Vacant or dilapidated structures and properties are currently regulated by City Code Chapter 6, Article IV – Unsafe dilapidated buildings; and Chapter 16, Article II – Nuisances.
3. Create a tax abatement program for property owners who renovate buildings within the Central Business District so that taxes will be fixed on properties prior to their improvement for a limited number of years to allow property owners to recoup their rehabilitation expenses (examples can be found in Llano and Waxahachie, Texas).

4. Establish a low-interest financing pool available for restoration projects downtown. Repaid loans are then used for new projects. The City of Hughes Springs has a successful, ongoing revolving loan fund for rehabilitation projects.
5. Adopt a zoning ordinance to disallow commercial uses that discourage frequent trips, such as long-term storage uses, within the CBD.

7.1.4 Increasing Residential Density Around The CBD.

The CBD in its current boundary contains a majority of government and commercial uses, which act as the main draw for Hemphill residents to travel to the CBD on a daily or weekly basis, based on responses to a survey made available in early 2023. While the CBD contains 6 single-family homes, the location of houses near the CBD provides little opportunity for natural foot traffic from surrounding neighborhoods into the CBD. 173 homes are located within a ½ mile walk to the intersection E Main St and N Oak St, which is considered a 10-minute walk, and 33 homes are within a 5-minute walk *(see Figure 7M, next page)*. Through development regulations and incentives, Hemphill could encourage more housing to be built within a 10-minute walk from the city center, which would increase daily foot traffic within the CBD.

All residential structures within the CBD study boundary immediately abut or are within 150 feet of a commercial business, which may be an opportunity for property owners to capitalize on redevelopment efforts and increase housing density on already residential lots. Currently, no properties are developed as multifamily, which would create more housing density than single-family detached homes.

Currently, 1.8 acres of land within the CBD are semi-developed, which has great potential for redevelopment into multi-story, mixed-use buildings with residential units on upper floors, and retail at ground level. The City and Chamber of Commerce can work with property owners to encourage them to develop, redevelop, or sell properties to those willing to develop where appropriate.

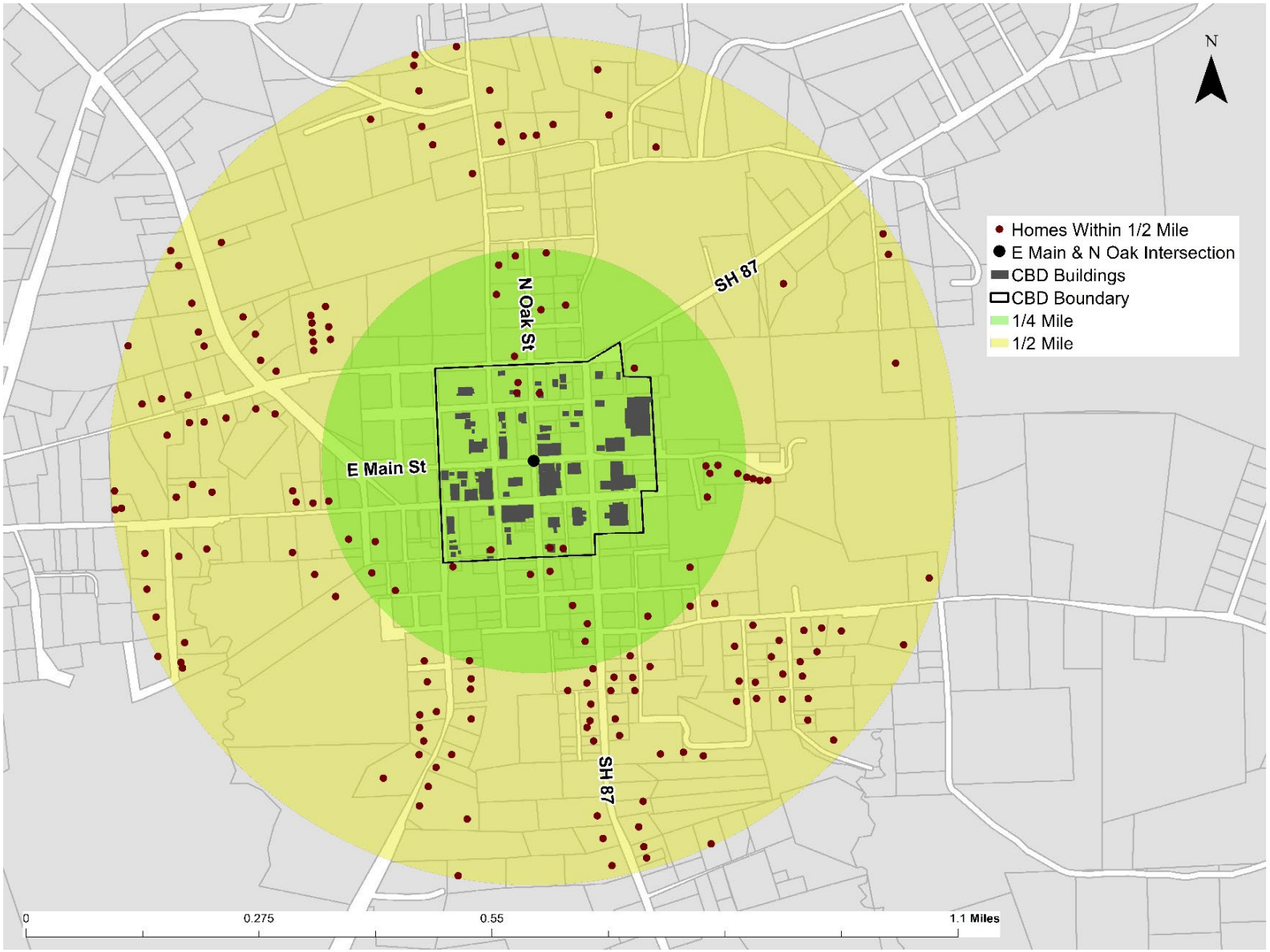


Figure 7M: Home Distances from CBD

7.1.5 Coordinate Funding and Community Efforts

Many times, the onus of action is on the shoulders of community members to organize, raise funding, and create motivation around downtown revitalization. However, while limited, programs and funding avenues do exist that Hemphill can use as a guide for continued organization of its downtown revitalization and maintenance efforts. As shown in *Table 7D (next page)*, a variety of grants and voluntary programs, while not all specifically set aside for CBD development, can provide funding for economic development, pedestrian amenities, street infrastructure, and beautification projects.

Sabine County could apply for Certified Local Government status and, on behalf of Hemphill, for State Certified Local Government Grants. Regulations for CLG acceptance are less stringent for counties than cities. Grants are available for: architectural planning and preparation of façade studies; development of historic context information to use in educational and reference materials; and writing or amending preservation ordinances. Matagorda County provides a good example in the state of how a Certified Local Government County has worked with cities to bring in more funds and organize activities to assist cities in maintaining historic properties within its borders.

Table 7D: Funding Sources for CBD Improvements

Source	Program
City of Hemphill	Sales/property tax rebate program for limited time.
Sabine County Historical Commission	The City can work with the County Historical Commission to fund more historic preservation projects and programs with increased funding from the County or joint funding from the cities and the County.
USDA Rural Business Programs	Guaranteed Business and Industry Loans to a corporation or an individual for business repair, enlargement or office/plant modernization; Rural Economic Development Loans (zero-interest) Under the REDLEG program, utilities can receive the funding to loan to businesses for projects to create or retain employment, the utility is responsible for re-paying the loan to the USDA RD; Rural Business Enterprise Grants, up to $500,000 available to small cities for land acquisition, building and plant renovations/modernizations; construction of access roads to businesses; parking areas, utilities; and start up business loans
Texas Department of Agriculture	Downtown Revitalization program: The minimum award is $50,000 and the maximum is $150,000, with at least a 20%t cash or in-kind match from the applicant for downtown enhancement projects. Main Street Program: Membership requires the City to hire a full-time Main Street director. Members can make less competitive bids for project grants and receive technical assistance from the Texas Historical Commission on downtown improvements.
Texas Downtown Association	Membership provides access to annual conferences and regional meetings; reduced fees for downtown assistance, strategic planning, and guidance; access to cooperative advertising for Texas downtowns; legislative monitoring, and an invitation to apply for an annual foundation small grant (under $5,000) to assist downtown revitalization efforts.
Texas Department of Transportation (TxDOT)	TxDOT's Public Transportation Division administers federal funding programs, including Federal Highway Administration funds relating to TxDOT's Bicycle and Pedestrian Program and Federal Transit Administration funds for transit in Texas. These funds are for specific purposes and have separate eligibility and funding requirements. The Public Transportation Division requests applications for specific funding sources through calls for projects. TxDOT also administers Transportation Alternatives set asides (TA) funds for locally sponsored bicycle and pedestrian infrastructure projects in communities across the state. In large, urbanized areas with populations over 200,000, TA funds are also distributed directly to Metropolitan Planning Organizations (MPO) to administer according to their needs. MPOs and TxDOT are responsible for selecting projects independent of one another.
Texas Main Street Program (TMSP)	The mission of the TMSP is to provide technical expertise, resources, and support for Texas Main Street communities in accordance with the Main Street Approach of organization, economic vitality, design, and promotion. Using a team-centered approach to provide highly effective, individualized services to our 90 designated programs to help them reach their revitalization and preservation goals. For more information visit https://www.mainstreet.org/ourwork/theapproach.

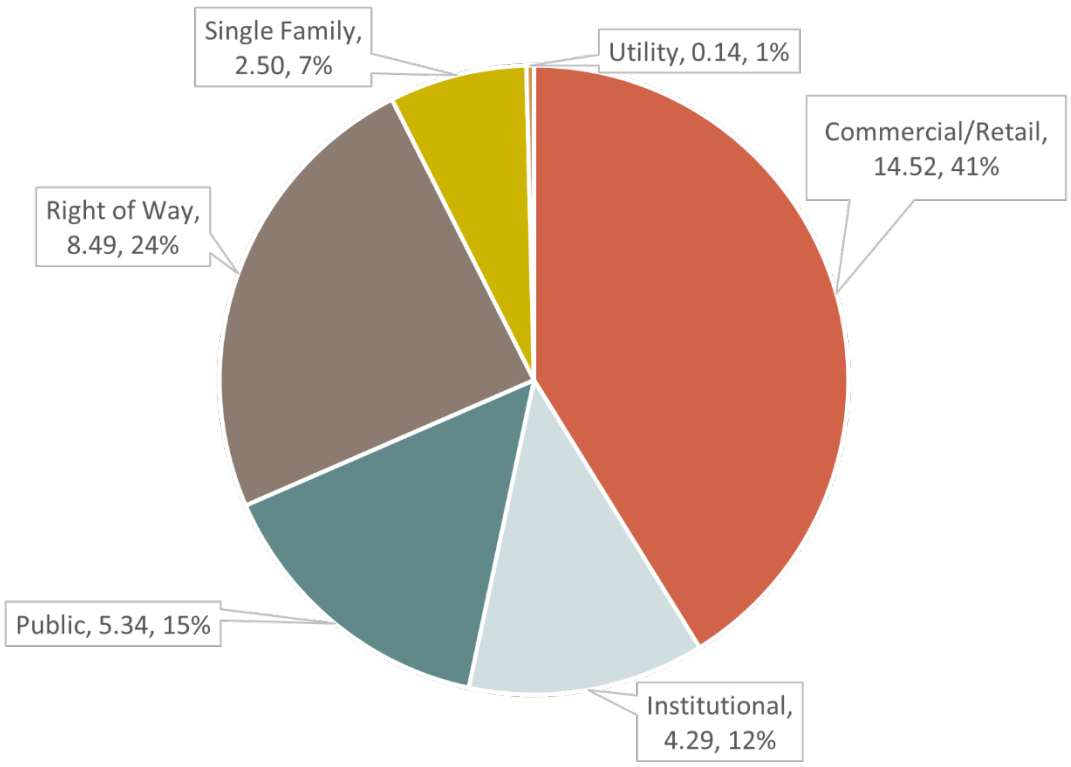
7.2 Future Land Use & District Growth

The future land use map illustrates community goals, and those illustrated changes often extend beyond the current planning period to visually establish preferred growth boundaries. When applied to the Hemphill Central Business District, a future land use map can act as a guide for improvements and redevelopment opportunities that strengthen the CBD within the planning period.

Commercial acreage is projected to grow from 12.68 to 14.52 acres, or a change of 5% over the planning period. Other projected changes in CBD land use are shown in *Chart 7C* below, as well as on the future land use map *(Figure 7N, next page)*.

Hemphill's Future Land Use Map illustrates a preference to further develop a vibrant, distinct commercial center for residents, as well as welcome new development that supports already well-established businesses that respect existing residential housing within the CBD.

Chart 7C: Future Land Use By Acreage, Percentage



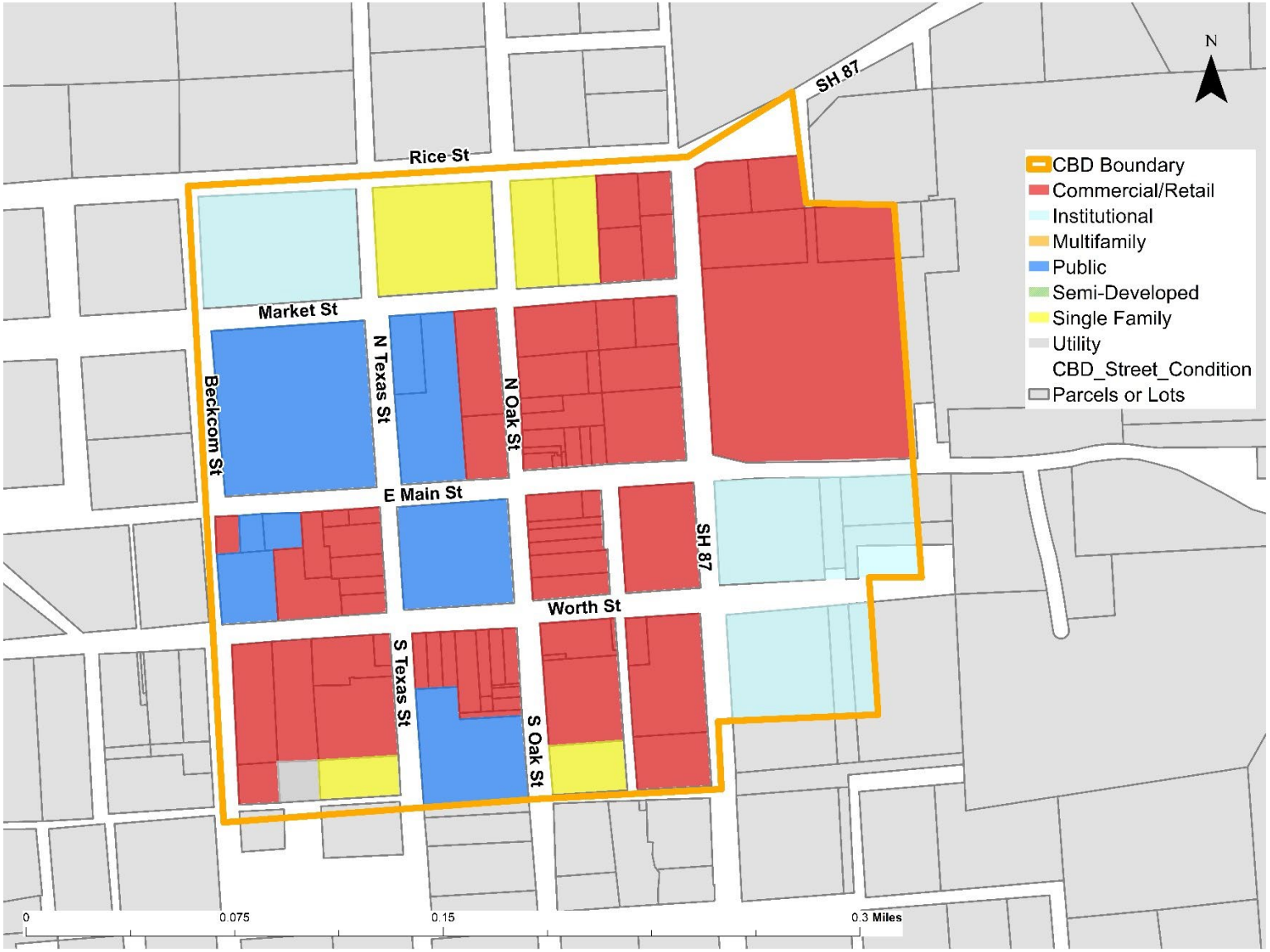


Figure 7N: Future Land Use Map

7.1 Implementation Plan

Challenges during the planning period for Hemphill will be to fill vacant buildings downtown and to build out pedestrian friendly infrastructure and/or maintain the existing buildings. The main strategy to accomplish this is to continue to generate excitement for downtown renovation through amenity upgrades, marketing, and an emphasis on Hemphill's history downtown's character. *Table 7F below* outlines goals and objectives to reach during the planning period for further CBD investment and development.

Table 7D: CBD Implementation Plan 2023-2033

Goals and Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2023-2026	2027-2029	2030-2033			
Goal 7.1 *Develop regulations to preserve Hemphill's historic downtown character*						
Designate the original Hemphill Town Plot as a Historic District	X			City, Volunteers	Variable	GEN, Local
Adopt a Zoning Ordinance that addresses building heights, maximum building setbacks, transparency requirements, parking placement requirements, and historic preservation	X			City staff	$500 (legal fees for review)	GEN
With the Sabine County Historical Commission, develop a countywide pattern book or design guideline book that owners can use when renovating buildings. Place on county and city websites for reference.	X	X		City, SCHC	Variable	GEN, EDC
Enforce City Building and Zoning Ordinances	X	X	X	City	Staff	Local
Goal 7.2 *Increase accessibility and amenities for pedestrians in the CBD*						
Construct approximately 2,201 LF of sidewalk along Worth St, SH 87, and E Main St	X	X		City	$165,075 or ~$75 per LF	GEN, TDA, TxDOT
Paint an additional 14 crosswalks on crossing Worth St, SH 87, and E Main St		X		City	$2,075 or ~$3.50 per LF	GEN, TDA, TxDOT
Install 23 ADA Access Ramps on E Main St, N Worth St, Texas St, Oak St, and SH 87		X		City	$28,000 or ~$2,000 each	GEN, TxDOT

Install 15 decorative lighting around Courthouse Square to increase pedestrian visibility and safety			X	City	$54,000 ~$3,600 per light	GEN, Local
Add wayfinding signage that directs visitors and residents around the CBD			X	City	~$50 per sign	GEN, Chamber
Establish shared parking agreements with local businesses	X			City	staff	GEN
Goal 7.3 *Increase retail occupancy and improve structural conditions in the CBD*						
Provide small grants to businesses to assist with exterior upgrades, lighting affixed to their buildings, and/or awnings.	X	X	X	City, EDC, Chamber	~$10,000 (Annually)	GEN, EDC, USDA
Market available downtown buildings on local, regional, or national/international websites.	X	X	X	City, EDC, Chamber	~$5,000 (website construction)	GEN, EDC, Chamber, USDA
Adopt tax abatement on the incremental increase in property value after building renovation in the CBD. Tax abatement could be limited to 5 years	X	X	X	City	~$1,000 (legal review)	GEN, EDC
Goal 7.4 *Increase residential density around the CBD to increase daily foot traffic*						
Adopt a Zoning Ordinance that allows for higher density residential development within a half-mile of the CBD	X			City	~$1,000, legal fees	GEN
Purchase vacant properties to advertise to developers of mixed-use buildings	X	X	X	City, EDC	Variable	GEN, EDC
Promote redevelopment of underutilized residential properties near the CBD	X	X	X	City, EDC	Variable	BEDC, EDC

Sources: GEN = Municipal funds; Staff = Staff time and labor; Local = donations of time/money/goods from private citizens, charitable organizations, and local businesses; Chamber = Hemphill Chamber of Commerce; SCHC-Sabine County Historical Commission; EDC= Sabine County Economic Development Corporation; TDA= Texas Department of Agriculture funds ; TXDOT-Texas Department of Transportation Statewide Transportation Enhancements Grants; USDA= US Department of Agriculture Rural Development Rural Development funds.

8 Capital Improvements Program

The condition of infrastructure is a major concern of all communities. Infrastructure deteriorates with time and use, and as cities expand, stress is placed upon the capacity of local governments to accommodate additional people. When properly developed and used, a capital improvements program (CIP) is a tool for local government to identify ongoing and long-term capital needs and assess financial capabilities to meet those needs.

8.1 Highlights

Although Hemphill is a small, lower-income community, the City has the financial capacity to carry out some of the necessary capital improvements over the next 10 years. Both sales tax and charges for services revenue increased over the last five years, and the City's debt service is currently at zero. Because the city holds no debts, all financial ratios (direct, debt service coverage, etc.) are within standard benchmarks, and indicate that Hemphill could issue $1,056,844 of debt annually while maintaining a conservative fiscal policy. Over the course of the 10-year planning period, Hemphill can manage an additional $10,568,442 in new debt.

Projects recommended in the Five-Year Capital Improvements Program Schedule at the end of this chapter (and on *Map 8A: Capital Improvements Program)* total approximately $1.6 million. The order of capital projects and the exact locations of some improvements within the Five-Year Capital Improvement Program Schedule would depend on funding availability, engineering studies, and the changing needs of the community.

8.2 City Financial Condition

In order to prepare the City for planned improvements outlined in this comprehensive plan, it is necessary to analyze Hemphill's public debt, income and expenditures, tax revenue trends, and residents' income levels. As described below, the City of Hemphill currently meets all financial benchmarks in order to take on debt to cover priority infrastructure projects.

8.2.1 Public Debt

The City of Hemphill was issued a revenue bond in 2005 for improvements to the wastewater and sewer system, which was pain in full in 2021. The 2022 Annual Financial Report for the City of Hemphill identifies no sources of debt.

8.2.2 Income & Expenditures

The City of Hemphill organizes revenues and expenses in compliance with standard governmental accounting practice. All funds are either Governmental Fund types or Proprietary Fund types. Major Governmental Fund types in the most recent financial audit include Sales Tax, Charges for Services, and Operating Grants. The General Fund is the general operating fund of the City. Income for the General Revenue Fund is generated primarily through taxes. General Fund expenditures include general governments costs and costs to provide public services such as public safety, sanitation, and parks and recreation *(see Table 8A, next page)*.

Governmental Fund revenues decreased by approximately 15% between the 2021 and 2022 fiscal years. This change resulted primarily from a decrease in Capital Grant Funds ($200,000) and Operating Grant Funds ($62,265).

Governmental Fund expenditures decreased by approximately 14% over the same period. This change resulted primarily from a decreased debt service and decreased General Government, Public Safety, and Street expenditures. At the same time, however, spending for Parks and Recreation increased by 94%.

Table 8A: General Fund Revenues & Expenditures (2021, 2022)

	2021	2022
Revenues		
Charges for Services	$388,992	$399,101
Operating Grants	$87,752	$25,487
Capital Grants	$200,000	$0
Sales Tax	$595,586	$624,035
Other Tax and Fees	$18,191	$19,769
Other	$10,305	$34,009
Total Revenues	**$1,300,826**	**$1,102,401**
Expenditures		
General Government	$446,522	$362,924
Public Safety	$427,824	$356,201
Streets	$164,458	$119,643
Sanitation	$248,852	$256,890
Parks and Recreation	$20,908	$40,629
Health and Welfare	$15,316	$3,801
Cemetery		
Debt Service	$289	$0
Total Expenses	**$1,324,169**	**$1,140,088**
Other Financing Sources		
Transfers In	$125,000	$26,040
Transfers Out	-	-
Total Other Financing Sources	**$125,000**	**$26,040**
Net Change in Fund	*$101,657*	*($11,647)*
Beginning Fund Balance	*$1,067,188*	*$1,168,845*
Ending Fund Balance	*$1,168,845*	*$1,157,198*

Source: Annual Financial Report, year ending 6/30/2022, pg. 14

The Proprietary Fund includes activities that the City operates similarly to a business. Revenues come primarily from Charges for Services and Capital Grants, and expenditures result primarily from Purchases of Utilities. *As shown in Table 8B below*, Proprietary Fund revenues increased approximately 14% between the 2021 and 2022 fiscal years, due primarily to an increase in Charges for Services. Proprietary Fund expenditures also increased (11%) during this period, with the largest increase in Electric Utility expenditures (18%).

Table 8B: Proprietary Fund Revenues & Expenditures (2021, 2022)

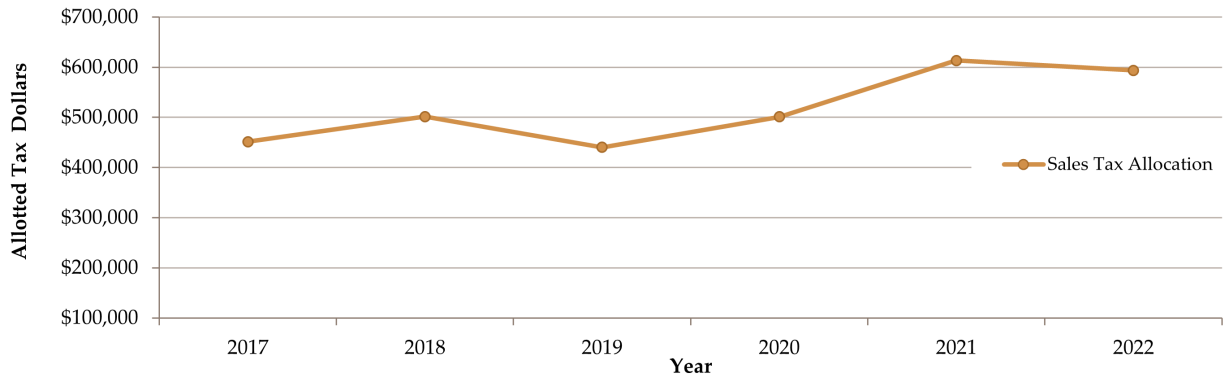
	2021	2022
Operating Revenues		
Charges for Services	$3,620,122	$3,976,422
Capital Grants	$23,178	$170,427
Other	$13,303	$34,971
Total Operating Revenues	**$3,656,603**	**$4,181,820**
Operating Expenditures		
Electric	$1,914,892	$2,266,405
Natural Gas	$253,206	$269,003
Water	$656,231	$637,169
Sewer	$435,639	$459,383
Total Operating Expenses	**$3,259,968**	**$3,631,960**
Operating Income	**$396,635**	**$549,860**
Nonoperating Revenues / Expenditures		
Transfers Out	($125,000)	($26,040)
Total Nonoperating Revenues	($125,000)	($26,040)
Net Change in Fund	*$271,635*	*$523,820*
Beginning Fund Balance	*$3,788,439*	*$4,060,074*
Ending Fund Balance	*$4,060,074*	*$4,583,894*

Source: Annual Financial Report, year ending 6/30/2022, pg. 14

8.2.3 Local Taxes

Local taxes are a key source of Governmental Fund revenues. The City of Hemphill does not collect Local Property Tax (Ad Valorem), and therefore relies on local sales tax as its sole tax-based revenue. *Chart 8A* depicts the historical sales tax rate data from the Texas Bond Review Board for the city of Hemphill. Overall, Hemphill's sales tax revenue has increased since 2017 (32%), although Hemphill's annual sales tax allocation dropped by 3% between 2021 and 2022.

Chart 8A: Sales Tax Allocation History[67] (2017-2022)



8.2.4 Community Income Levels

Resident income levels can affect which grant programs are available for capital improvements. The following statistics are those most often used by State agencies for grant qualification. As program requirements change frequently, individual agencies and organizations should be contacted for details prior to submitting an application.

- According to 2017-2021 American Community Survey (ACS) estimates,[68] Hemphill's estimated annual per capita income is $18,301. Some programs require per capita income to be 80% or less of the national or below the State-wide average.
- 2017-2021 ACS estimates[69] indicate that Hemphill's poverty rate is 30.9%, higher than the estimated poverty rate for Sabine County – 19.5% - as well as the estimated rate for the state of Texas – 14.0%. Some grant programs provide additional points for areas with higher poverty rates.

[67] Texas Comptroller Allocation Historical Summary at https://mycpa.cpa.state.tx.us/allocation/AllocHist
[68] U.S. Census Bureau 2021: ACS 5-Year Estimates Table B19301 at data.census.gov
[69] The numbers used for Community Development Block Grant and Texas Capital Fund grants come from the American Community Survey 5-year estimates, Table DP03, Poverty level of "All people", accessible from data.census.gov

- According to the Texas Workforce Commission,[70] the unemployment rate for Sabine County in 2022 was 7.0%, more than both the Texas unemployment rate (3.9%) and the national rate (3.6%). Some grant programs are more available to localities where unemployment rates exceed the national rate by at least one percentage point.

- The US Department of Housing and Urban Development (HUD) sets income limits to determine who can qualify for programs such as Housing Choice Vouchers (Section 8) and HOME. HUD reports Median Family Income in 2022 for Sabine County at $55,800. HUD has set the income limits for 2022 at those listed by family sized in *Table 8C.*[71]

- TxCDBG programs require that at least 51% of residents for community-wide projects be moderate-to-low income. In *Tables 8C* that would correspond to HUD definitions of "low" to "extremely low."

Table 8C: HUD Income Limits (2022)

Sabine County, Texas								
FY 2022 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Very Low (50%) Income Limits*	$23,850	$27,250	$30,650	**34,050**	36,800	39,500	42,250	44,950
Extremely Low Income	14,350	18,310	23,030	**27,750**	32,470	37,190	41,910	44,950*
Low (80%) Income Limits	38,150	43,600	49,050	**54,450**	58,850	63,200	67,550	71,900

**The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as established by the Department of Health and Human Services (HHS), provided that this amount is not greater than the Section 8 50 percent very low-income limit. Consequently, the extremely low-income limits may equal the very low (50 percent) income limits.*

[70] https://texaslmi.com/LMIbyCategory/LAUS
[71] HUD data available from www.huduser.org/portal/datasets/il.html

8.3 Key Capital Improvements Considerations

Based on the capital needs identified in other chapters of this comprehensive plan and the financial data described above, the City of Hemphill should focus on the following key issues related to capital improvements: public improvements debt financing options, City debt capacity, and impact of project on protected classes.

8.3.1 Public Improvements Debt Financing Options

The type of financing used to pay for infrastructure expenditures depends on several factors, most critically the annual tax revenues generated, the unmet demand for different infrastructure projects, and the jurisdiction's indebtedness. Because costs often run into the millions of dollars, multiple sources are often used to finance infrastructure expansion or replacement: general obligation bonds and certificates of general obligation, revenue bonds, operating revenues/general fund, impact fees, and State or federal funds. The following list does not include external funding options, which have been described in other chapters of this plan and include: grants and below-market loans, volunteer activities, inter-community partnerships, and public-private partnerships.

- General obligation (G.O.) bonds are paid out of annual general revenues. These bonds usually raise large sums of money with the debt retired over several decades. G.O. bonds are backed by the "full faith, credit and taxing powers" of the issuing jurisdiction. When G.O. bonds are sold, the jurisdiction guarantees that it will raise sufficient revenues to retire the debt on schedule, usually using property taxes. Because G.O. bonds are repaid by all taxpayers in a community, they are usually used to finance projects that benefit the community as a whole, such as public buildings, parks, recreation centers, and major street improvements. G.O. bonds require voter approval.

- Certificates of Obligation are similar to G.O. bonds. However, they are usually used to pay a contractual obligation incurred in: (1) a construction contract; (2) the purchase of materials, supplies, equipment, machinery, buildings, land, and rights-of-way for authorized needs and purposes; or (3) the payment of professional services, including services provided by appraisers, engineers, architects, attorneys, auditors, financial advisors, and fiscal agents. Debt service is paid from tax revenue and/or system revenues. C.O. bonds, unlike G.O. bonds do not require voter approval.

- Revenue bonds are sold to develop projects that produce revenues, such as municipal sewer and water systems. The guarantee of repayment comes from the revenues generated by the financed project, which usually includes taxes or fees collected from the project's beneficiaries. Most projects financed using revenue bonds benefit a wide class of users, such as water customers, airport users, or toll road users. Unlike G.O. bonds, revenue bonds do not require the backing of the jurisdiction's "full faith, credit and taxing powers." Consequently, the local government is not obligated to raise taxes to avoid default, but revenue bonds usually carry higher interest rates than general obligation bonds. Voter approval is not usually necessary to float revenue bonds.

- Private Activity Bonds are a special type of bond administered by the Texas Bond Review Board. From the Bond Review Board website:

  Private activity bonds are those bonds that meet any of the following tests: 1) Private Business Use Test - more than 10 percent of the proceeds are to be used for any private business use; 2) Private Security or Payment Test - payment on principal or interest of more than 10 percent of the proceeds is to be directly or indirectly secured by, or payments are to be derived from, a private business use; and 3) Private Loan Financing Test - proceeds are to be used to make or finance loans to persons other than governmental units.[72]

  The Tax Act of 1986 limited municipality Private Activity Bond use. The Texas Bond Review Board allocates these bonds on a "first-come, first-served" basis every year. They should be contacted at 1-512-463-1741 (or at www.brb.state.tx.us) if a municipality or jurisdiction wishes to be considered for an allocation.

- Sales Tax Bonds (Texas Leverage Fund program) are available to cities that have passed the local Sales and Use Tax for Economic Development. Loans leverage future local sales and use taxes that will be due the 4A or 4B Economic Development Corporation in future years. The program is designed to give cities quick capital for business development activities approved in the legislation voters approved in forming the 4A (manufacturing or industrial activities) or 4B (business development and infrastructure activities including those that improve quality of life for the City). Loans cannot exceed $5 million.

- General Fund Operating Revenues are funds that are derived from the income-generating functions of a local government. Financing infrastructure with operating revenues or the general fund saves the interest and fees associated with issuing bonds. However, because the operating revenue cannot usually provide the large cash flows of a bond issuance, General Fund Operating Revenues are usually used to finance smaller, lower-cost capital improvement projects that can be paid for in one year. Some cities with limited budgets have allocated a portion of their budgets

[72] TX Bond Review Board: www.brb.state.tx.us/pab/pab.aspx

annually into a fund for specific projects, such as street or drainage improvement, and allowed the fund to accumulate and gain interest until it was large enough to fund a project.

- Exactions. A city may require that a developer fund or construct public facilities in proportion to the impact the development will have on city services. Exactions can include dedication of land for specific purposes or construction of public facilities as authorized by constitutional, statutory or charter authority, such as that enabled by a subdivision ordinance. Projects often include drainage easements and facilities, street and alley right of way, water and wastewater easements and facilities, street lighting, fire hydrants, sidewalks, street signs, and traffic control devices. Less common are park dedication (or fees in lieu); school site dedications; major public works facility dedication (e.g. water treatment plant); and public service facility dedication (e.g. fire or police stations, library branches). Cities must show that the dedication, construction, or payment in lieu is "reasonably related" to the public needs created by the new development.

- Fees include user fees, impact fees, and special assessments and are usually collected from the beneficiaries of a project. User fees include public swimming pool or golf course user fees, trash collection fees, or water meter tap fees. Impact fees, a type of exaction, include charges to property developers to defray the costs of providing off-site water, sewer, and transportation infrastructure impacted by a new development. Developers typically pass the cost of infrastructure construction to the primary beneficiaries: the residents of the new development.

    - Special assessments are used to fund improvements such as water, wastewater, drainage, sidewalk, parking, library, recreation, and landscaping. While impact fees reflect the cost of the development, special assessments reflect the projected increase in a development's value created by the improvements. They are assessed against properties affected by the improvement and must be approved by property owners representing more than 50% of the area of property to be taxed.

Additional Considerations

Cost of Financing: Each option available to pay for infrastructure carries a certain financial obligation. One objective of local governments is to incur minimal interest and finance charges, which may depend on the bond rating of the jurisdiction. If enterprise funds, revenues from general taxes, or outside assistance from state or federal sources are sufficient to pay for infrastructure development, no financing costs will be incurred. Nevertheless, most cities find that they must issue debt to provide needed services. A 2023 Texas Municipal League survey of cities indicated that, for cities with populations between 0 and 1,500 residents, 27% had general obligation or revenue bonds or certificates of obligation. General obligation bond debt ranged from $60,746 to $11.3 million. Certificate of obligation debt ranged from $143,000 to $6.79 million. Revenue bond debt ranged from $132,106 to $1.45 million. Most of the debt paid for municipal buildings, water and sewer infrastructure, and parks.[73]

Equity: Local governments must determine the relationship between those who receive the benefits and those who pay the costs. In some cases, it is possible to identify groups of individuals who benefit more directly from a particular project; in others, the benefit may be more widely distributed. Some forms of financing may be more burdensome to one group of citizens than another, leaving local governments to decide how the costs and benefits of infrastructure projects will be distributed. Some financing mechanisms, such as impact fees and special assessments, require the government to prove a relationship between the residents served and the fee paid.

Political Acceptability: While most communities have a range of infrastructure financing options, local political realities often play a major role in determining which option is chosen. In some communities, it may not be politically feasible to increase property taxes, while it may be acceptable to issue bonded indebtedness for a specifically earmarked purpose. In other cases, it may be more acceptable to charge fees directly to those who benefit from a project or incur debt that will be repaid by fees charged for use of the project.

8.3.2 City Debt Capacity

Debt capacity analysis is used to determine how much additional debt the City could afford. The analysis below uses standard benchmarks to evaluate the current debt burden of a municipality *(see Table 8D, next page)*. Major debt issuance decisions would require more detailed study of market interest rates, available funding packages, loans and bonds issued by other area political entities, and other factors at the time of financing.

[73] https://www.tml.org/228/Taxation-Debt-Survey

Because Hemphill does not currently hold debt, the only applicable debt indicator at the time of plan production is annual debt service as a percentage of receipts, which is further described in *Table 8D below*. Based on the above summary of the City's finances and the annual debt service as a percentage of receipts analysis, **the City could consider issuing additional debt for capital improvements and remain within accepted debt affordability benchmarks. The City could conservatively issue approximately $10,568,442 (or $1,056,844 annually) in new debt.**

Table 8D: Debt Indicators

Direct Debt as a Percentage of Market Value
Direct debt measures total debt outstanding as a percentage of the assessed value of property in the City. Direct debt should not exceed 10%. More fiscally conservative communities use 6% as the upper limit for direct debt. Less fiscally conservative communities calculate direct debt using market value rather than assessed value.
Per Capita Bonded Indebtedness
The amount of direct debt outstanding for each citizen of a jurisdiction should generally be kept below $1,200 (principal only). More fiscally conservative communities set the upper limit at $600. Direct debt includes all long-term obligations supported by general revenues and taxes, including combination bonds that are backed by taxes and general revenues.
Overlapping Debt
The City's debt burden from debt held by all jurisdictions should be no more than 10%. Overlapping debt is calculated as the City's direct debt plus the percentage of debt held by overlapping jurisdictions that will be paid by taxes from the assessed value of land within the city limits.
Annual Debt Service as a Percentage of Receipts
The City's annual debt service (principal and interest) should not exceed 20% of the City's annual receipts.
Revenue Debt (debt service coverage ratio)
The debt service coverage ratio (DSCR) refers to the amount of cash available to meet annual payments on debt, and a DSCR greater than 1.0 is required to make annual debt payments. The DSCR is calculated using the following equation:

$$\frac{\text{(Net Operating Income + depreciation and amortization + non-operating revenues)}}{\text{Annual Debt Service (principal and interest)}}$$

8.3.3 Impact of Projects on Protected Classes

In prioritizing projects, the City considered the locations of past infrastructure projects and the locations of projects recommended in the various studies in the plan to determine if those projects had or would inadvertently result in disparate treatment of members of protected classes. Specifically, it noted whether infrastructure projects had the impact of:

- Positively promoting affordable housing in areas outside of geographic concentration and giving members of protected classes the opportunity to move out of areas of concentration;
- Positively promoting equal treatment and access for disabled persons, particularly in public facilities;
- Negatively promoting racial concentration or disparate treatment of members of protected classes; or
- Negatively placing undesirable infrastructure in areas where protected classes reside.

As discussed in *Chapter 3: Housing Study* and shown on *Map 3A: Existing Housing Conditions,* Hemphill has several areas of racial concentration at the block group level, the level of analysis used by the State to define concentrations of protected classes. The geographic distribution of other protected classes (color, national origin, religion, sex, familial status or handicap) is unknown as the Census does not report this data geographically for cities the size of Hemphill.

As shown in the infrastructure and housing studies accompanying this plan, the condition of existing infrastructure is similar throughout the City. There is no indication of historical neglect in any areas. Capital improvement projects are prioritized in the tables that follow and include all areas of the city.

Capital improvement projects are prioritized in the tables that follow and include all areas of the city.

The following specific projects would have a positive impact on all citizens of Hemphill including the protected classes:

- **Drainage Phase 1 (2023-2025):** Obtain funding to restore and maintain approximately 3,000 LF of roadside ditch along Birch St, Texas St and S. Oak St, and extend ditch from southward from S. Oak to Travis Branch. Project also includes easement acquisition, driveway and driveway culvert repair, administration, and survey and engineering services.
- **Drainage Phase 2 (2026-2029):** Work with TxDOT to obtain funding to replace and enlarge curb inlets adjacent to the courthouse square. In addition, install storm sewer inlets at Worth and Howard and approximately 300 LF of 24" Storm sewer. Project also includes street repair, traffic control administration, and survey and engineering services.

- **Drainage Phase 3 (2030-2033):** Work with TxDOT to obtain funding to install slot drain and replace and enlarge curb inlets on both sides of FM 83 and tributary to Beef Creek between Wright St. In addition, maintain ditches and construct 24" RCP cross drainage culvert at Mayfield St to existing drainage way. Project also includes street repair, traffic control administration, and survey and engineering services.

- **Streets Phase 1 (2024-2025):** Repair 8,843.19 LF of primarily asphalt or concrete streets in poor condition. The repair operations include a seal coat for paved streets in fair condition, an overlay process for the sections of paved streets that can be salvaged and reclamation and reconstruction for the rest. Cost estimates do not assume paving of unpaved roads.

- **Streets Phase 2 (2026-2028):** Repair 37,737 LF of primarily asphalt streets in fair condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.

- **Streets Phase 3 (2029-2031):** Repair 25,097 LF of gravel and asphalt streets in primarily fair to poor condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.

- **Streets Phase 4 (2032-2033):** Repair the remaining 14,707 LF of local streets that are primarily in fair to good condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.

- **Central Business District (2024-2027):** Construct approximately 2,201 LF of sidewalk along Worth St, SH 87, and E Main St.

- **Central Business District (2027-2029):** Paint an additional 14 crosswalks on crossing Worth St, SH 87, and E Main St.

- **Central Business District (2027-2029):** Install 23 ADA Access Ramps on E Main St, N Worth St, Texas St, Oak St, and SH 87.

- **Central Business District (2030-2033):** Install 15 decorative lighting fixtures around Courthouse Square to increase pedestrian visibility and safety.

- **Central Business District (2030-2033):** Add wayfinding signage that directs visitors and residents around the CBD.

8.4 10-Year Capital Needs Prioritization

This section prioritizes the capital needs identified throughout the Comprehensive Plan and provides a consolidated overview of recommended improvements for the next 10 years. Due to competition for limited funds, improvements that may be considered "mandatory" because they promote health and safety may be built after other improvements considered "desirable" or "acceptable" such as certain street construction or park improvements. A community must consider both the urgency and the feasibility of a particular capital project. If funds are likely to become available for a lower priority project before a higher priority project, the City should indicate that on its capital improvements schedule. Capital needs have been classified using the following system:

1. Mandatory (M): those which address an imminent threat to life or health;
2. Necessary (N): those which provide important public services by improving existing systems and/or replacing obsolete facilities;
3. Desirable (D): those which improve the aesthetic aspects of a community or address quality of life issues;
4. Acceptable (A): those which may fall under the "necessary" or "desirable" categories above, but are undertaken primarily to reduce operating costs to the City.

Table 8E: Capital Needs Prioritization

Drainage Projects	Year	Need
Obtain funding to restore and maintain approximately 3,000 LF of roadside ditch along Birch St, Texas St and S. Oak St, and extend ditch from southward from S. Oak to Travis Branch. Project also includes easement acquisition, driveway and driveway culvert repair, administration, and survey and engineering services.	2023-2025	Necessary
Work with TxDOT to obtain funding to replace and enlarge curb inlets adjacent to the courthouse square. In addition, install storm sewer inlets at Worth and Howard and approximately 300 LF of 24" Storm sewer. Project also includes street repair, traffic control administration, and survey and engineering services.	2026-2029	Necessary
Work with TxDOT to obtain funding to install slot drain and replace and enlarge curb inlets on both sides of FM 83 and tributary to Beef Creek between Wright St. In addition, maintain ditches and construct 24" RCP cross drainage culvert at Mayfield St to existing drainage way. Project also includes street repair, traffic control administration, and survey and engineering services.	2030-2033	Necessary
Streets Projects	**Year**	**Need**
Repair 8,843.19 LF of primarily asphalt or concrete streets in poor condition. The repair operations include a seal coat for paved streets in fair condition, an overlay process for the sections of paved streets that can be salvaged and reclamation and reconstruction for the rest. Cost estimates do not assume paving of unpaved roads.	2024-2025	Necessary
Repair 37,737 LF of primarily asphalt streets in fair condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.	2026-2028	Necessary
Repair 25,097 LF of gravel and asphalt streets in primarily fair to poor condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.	2029-2031	Necessary

Repair the remaining 14,707 LF of local streets that are primarily in fair to good condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.	2032-2033	Necessary

Central Business District	Year	Need
Construct approximately 2,201 LF of sidewalk along Worth St, SH 87, and E Main St	2024-2027	Desirable
Paint an additional 14 crosswalks on crossing Worth St, SH 87, and E Main St	2027-2029	Desirable
Install 23 ADA Access Ramps on E Main St, N Worth St, Texas St, Oak St, and SH 87	2027-2029	Desirable
Install 15 decorative lighting fixtures around Courthouse Square to increase pedestrian visibility and safety	2030-2033	Desirable
Add wayfinding signage that directs visitors and residents around the CBD	2030-2033	Desirable

8.5 Five-Year Capital Improvements Program Schedule

The following table delineates the proposed capital improvements for the 2023-2027 planning period, the estimated costs, sources of funds, and timing of the projects. The projects are listed in order of priority. Projects that fall after 2023 are listed in detail in the appropriate chapters.

Costs for projects are estimates based on recent representative bids for similar items. Unit costs may vary within a given time period for a variety of reasons including but not limited to:

1. Economies of scale – A project with large quantities of a particular item will have a lower unit cost than a project with small quantities;
2. Relative location of the project with respect to the bidding contractor's location – Contractors having to mobilize labor, equipment, & materials from a long distance will bid a higher unit cost than contractors in the local area;
3. The general state of the economy – Contractors & Suppliers bid lower when work is scarce than when work is plentiful;
4. Energy prices – PVC, steel, iron, and fuel costs rise and fall with the global price of oil.

Table 8F: Capital Improvements Program Schedule: Fiscal Year 2023-2027

Type	Scheduled Capital Improvement Projects	Year	2023	2024	2025	2026	2027	Priority	Cost	Source of Funds
D	Obtain funding to restore and maintain approximately 3,000 LF of roadside ditch along Birch St, Texas St and S. Oak St, and extend ditch from southward from S. Oak to Travis Branch. Project also includes easement acquisition, driveway and driveway culvert repair, administration, and survey and engineering services.	2023-2025						N	$160,000	ARP
S	Repair 8,843.19 LF of primarily asphalt or concrete streets in poor condition. The repair operations include a seal coat for paved streets in fair condition, an overlay process for the sections of paved streets that can be salvaged and reclamation and reconstruction for the rest. Cost estimates do not assume paving of unpaved roads.	2023-2025						N	$343,509	GEN, TxCDBG
C	Construct approximately 2,201 LF of sidewalk along Worth St, SH 87, and E Main St	2024-2027						D	$165,075	GEN, TDA, TxDOT
D	Work with TxDOT to obtain funding to replace and enlarge curb inlets adjacent to the courthouse square. In addition, install storm sewer inlets at Worth and Howard and approximately 300 LF of 24" Storm sewer. Project also includes street repair, traffic control administration, and survey and engineering services.	2026-2029						N	$274,853	ARP

S	Repair 37,737 LF of primarily asphalt streets in fair condition. The repair operations include a seal coat for paved streets in good to fair condition, an overlay process for the sections of paved streets that can be salvaged and re-grading gravel roads. Cost estimates do not assume paving of unpaved roads.	2026-2028					N	$585,768	GEN, TxCDBG
C	Paint an additional 14 crosswalks on crossing Worth St, SH 87, and E Main St	2027-2029					D	$2,075	GEN, TDA, TxDOT
C	Install 23 ADA Access Ramps on E Main St, N Worth St, Texas St, Oak St, and SH 87	2027-2029					D	$28,000	GEN, TDA, TxDOT

*Key: **D** = Drainage Projects; **S** = Streets Projects; **C** = Central Business District Projects*
Source: **GEN =** Municipal funds and General Obligation Bonds; **TxCDBG** = Texas Community Development Block Grant Program, administered through the Texas Department of Agriculture (TDA); **TxDOT** = Texas Department of Transportation Set Aside Grant Funds

9 ZONING ORDINANCE

9.1 Introduction

As with any zoning ordinance, all uses in existence at the time of adoption are "grandfathered in" and may be restricted after change of ownership, use, passage of time, or other condition imposed by the ordinance. Adoption of an original ordinance should be supervised by an attorney familiar with land use law and requires public hearings, public notices, and public meetings.

The City (City Council) should review the following before adopting the proposed ordinance:

- Dimensions required by the ordinance, including lot setbacks, build-to lines (minimum setbacks), screening features, building heights, number of stories etc. (Proposed dimensions were decided based on the scale of construction observed during fieldwork and established best practices).
- To simplify management, the ordinance provides for the City Council to act as the Planning and Zoning Commission and the Board of Adjustments; however, it also requires the designation of a Zoning Administrator to monitor new construction and enforce provisions of the code. Many smaller cities contract with third parties to serve those functions.
- City staff and the City Council should review the background information (below) regarding zoning ordinances in Texas which explains zoning code administration and gives basic legal information on different aspects of zoning.

The regulations for officially adopting a zoning ordinance and map are controlled by Texas Local Government Code Chapter 211, Section 211.006-.007. The adoption of a zoning ordinance is an eight-step process and requires the appointment of a zoning commission; public hearings before the zoning commission and the City Council; reports by the zoning commission to the City Council; and publication of a notice of the City Council public hearing at least 15 calendar days before the hearing. In general-law cities, the City Council may act as the Zoning Commission.

9.2 Review of Elements in the Proposed Ordinance

The following review summarizes major components found in the proposed ordinance.

a) Establishes nine zoning districts in Hemphill: (A) Agricultural District, (ROS) Recreation & Open Space District, (R) Residential District, (N) Neighborhood Residential District, (CC) Central Commercial District, (C) Commercial District, (M) Manufacturing District, (HOD) Historic Overlay District and (PD) Planned Development District.

b) Information on zoning map amendments, zoning newly annexed land, uncertainty of zoning district boundaries, and other general provisions.

c) Description of permitted uses by district, procedural information on determining the appropriate district for unlisted uses, and temporary use permits. The ordinance also addresses non-conforming uses and structures.

d) Provides design standards for each of the zoning districts including building design guidelines, setbacks, parking placement, and diagrams illustrating various building and site layout measurements.

e) Includes provisions for site development standards such as parking requirements, site access, and fencing and screening.

f) Administrative steps for Site Plan approval that is required for a zoning map amendment; a building permit application for new construction; or a temporary use application.

g) Procedural and administrative information for ordinance enforcement; role of the City Council which shall act as the Planning and Zoning Commission and Board of Adjustment until such time as one or both of these bodies are active; violations, notification, enforcement, and penalties; and severability and validity.

9.3 Legal Discussion of Zoning

Zoning is the most common means of regulating local land use in the United States. It gained popularity in the 1920s when many states, including Texas in 1927, passed planning and zoning enabling legislation allowing cities and some counties to enact land use plans and zoning regulations.

Zoning seeks a balance between the right of the property owner to use land and the right of the general public to a healthy, safe, and orderly living environment.

Conventional purposes of zoning have focused on:

1. Separating conflicting land uses;
2. Ensuring that new development is located according to a general community plan; and
3. Promoting quality development that will not harm the health, safety, or welfare of the public.

In Texas, a city's zoning power extends only over land within its corporate limits. A city has no zoning power within its extraterritorial jurisdiction (ETJ) or within other territory outside of the city limits. State law and legal history have further defined the purposes of zoning regulations:

Lessen street congestion by limiting the level and density of development in the various zoning districts to allow for appropriate match between types of development and the level of infrastructure that can be reasonably provided by the city.

Promote safety from fire and other dangers by imposing minimum yard setback and access-related requirements to hinder the spread of fire and to ensure access by emergency personnel and equipment.

Promote health and general welfare by separating land uses that involve potentially dangerous activities, excessive noise, pollution, odors, or heavy traffic to non-residential or non-commercial areas of the city.

Promote adequate light and air by requiring setbacks, open space, and building location, arrangement, size, or height requirements.

Prevent undue concentration of population or overcrowding through minimum or maximum square footage, lot sizes, or parking space requirements.

Facilitate adequate transportation, water, sewer, schools, parks, and other public service requirements through matching the infrastructure requirements of a particular land use with the city's ability to provide for these needs.

Zoning must have a consistent, close connection to real community goals and objectives, not vaguely perceived needs. The right of the public to restrict the use of private property must be based on a well-reasoned, desired, future community, as expressed in a locally-adopted community plan (specified in Section 211.004 of the Local Government Code). Such locally-adopted plans often take the form of a Future Land Use Plan, Comprehensive Plan, or Master Plan.

Local Government Code Section 211.003 provides that a city may enact zoning regulations to address any of the five following aspects of development:

- height and size of buildings
- percentage of a lot that is occupied
- size of yards, courts, or other open spaces
- population density of the site
- location and use of the buildings and land for residential, business, industrial, or other purposes

For historical, architecturally significant, or cultural sites or areas, cities may regulate the construction, alteration, or razing of structures. In addition, zoning ordinances usually contain standards that the city has established with regard to minimum lot sizes, setbacks, yards, impervious cover, parking, screening, and other criteria that must be met when developing property. A typical ordinance also sets out the permitted uses of land within designated zoning districts and indicates how to obtain special use permits, variances, and amendments of the zoning ordinance.

Zoning regulations must be uniform for each kind of building in a district, but may vary from district to district based upon the character of each district and its suitability for particular uses, with due consideration given to conserving the value of buildings and encouraging the most appropriate use of land in the city.

For the large part, zoning has not been greatly successful in reshaping land uses and growth that occurred in the past. Often, cities adopt zoning ordinances in reaction to some undesired development or series of events, such as mobile homes moving to vacant lots in a neighborhood of single-family homes or a new business generating noxious pollution or lots of traffic. These types of situations are usually regulated through nuisance ordinances such as those regulating noise, pollution, dangerous structures, junk cars, etc.

Though zoning is not generally aimed at controlling land uses that legally existed prior to the adoption of land regulations, it can be used in this way, depending on what the ordinance requires. Some zoning ordinances require nonconforming land uses to cease after a certain amount of time has passed, generally enough time to "amortize" the property owner's investment (enough time to recoup or at least minimize financial loss). The ordinance can also be used to prevent nonconforming uses or structures from being rebuilt if they are destroyed or from being converted to another nonconforming use. To illustrate this point: an auto body repair shop in a residential zone that was considered a nonconforming use burns down. If the owner proposed to rebuild it on the same site, the city government, under the zoning ordinance, could legally prevent the owner from rebuilding the shop at that location.

A zoning ordinance consists of two parts—the text and a map. The text explains the different land use zones and districts, including permitted and conditional uses, minimum lot requirements, general development standards, and how the zoning process is to be administered. The zoning map shows the location of the zones and districts for different types of land uses, reflecting also the future land use priorities according to the city's plan. Ordinances or resolutions adopting zoning refer to both the text and the map.

9.4 Zoning Ordinance Types

A city enacting zoning regulations or revisions has a few choices on types of zoning codes. The technical expertise needed to implement a code varies according to the type of zoning.

Use-based (conventional) Codes are the regulations for land use developed throughout most of the 20th century. Also known as Euclidean zoning, they define what use can be situated on each property, often emphasizing a separation of uses. The original intent of conventional codes was to separate non-compatible uses so that, for example, factories that generated pollution and large-truck traffic were not located next to housing or small commercial shops. The focus is on preventing development that could damage a neighbor's property or safety. These codes often separate retail, single-family, multifamily, office, and industrial uses from one another and apply strict standards to what types of uses and density can be placed on each property. Euclidean codes are based on a City Future Land Use Plan often found in a Comprehensive Plan that articulates a vision of how property should be used during a planning period. The future land use vision usually includes decisions about where city government would provide its services in the future.

Conventional zoning involves separating a city into land use zones and districts. Typical zones include R-Residential, M-Industrial/Manufacturing, and C-Commercial Districts which can be further specified such as R-1 Single-family Residential or R-2 Multifamily Residential. In each district, certain land uses are permitted outright or may be permitted as conditional uses; other uses are prohibited or not listed. For example, in a residential zone, a single-family house is permitted outright, a daycare in a single-family home may be permitted conditionally if it does not change the character of the area, but the construction of a fast-food restaurant (an intensive commercial use) is likely to be prohibited.

Finally, conventional zoning sets building intensity limits on lots through uniform application within a zone of setback, height, density, and other requirements.

Unified Development Codes are single documents containing zoning and subdivision regulations and any other development-related regulations in a city's Code of Ordinances. These codes seek to avoid conflicting or inconsistent language that can develop if separate ordinances are used. They are also intended to make decision-makers more aware of the entire land development process from "platting to certificate of occupancy."

Form-based Codes[74] focus on building form, de-emphasizing density and use regulation. In place of long lists of allowed uses in a district, the codes focus on what buildings should look like, their role in shaping the public space, their role in creating "a place" or city character, and their relationship to the street or other transportation infrastructure, like sidewalks, open space between buildings, and parking access. Form-based codes focus on the idea that uses of a building may change over time but its façade, relationship to other buildings, and its role in creating public spaces, will remain.

In form-based codes, "zones" can be defined by devising a system of districts, neighborhoods and corridors; or defined by street types in the city (local streets, state highways, county roads), or by the types of land uses in the city (agricultural, central business district, open spaces, residential neighborhoods, etc.). A building's relationship to its environment is defined in each designation, including allowable building types, dimensions, parking locations, façade features, and the appearance of the streetscape (width of sidewalks, landscaping, bike lane, street widths, lighting, and street furniture). In addition to building form, these codes usually emphasize mixed uses, defining allowable housing and commercial types so that they are compatible and can be placed near each other within one zone. Instead of a use-based zoning map, the code is based on a Regulating Plan that assigns broad zones accompanied by graphic-based tables that show required elements for building shapes, placement, street types and neighborhood character in each zone. The zones are often broader and more flexible than in a conventional ordinance.

The form-based code is designed to be short, full of graphics, and easy to administer. They incorporate a 1) regulating plan (a schematic representation of the master plan illustrating the location of streets, blocks and public spaces, 2) building form standards based on definitions of allowed building types appropriate to the region or neighborhood and that allow buildings to complement neighboring buildings and the street; 3) street standards (plan and section) that balance the needs of motorists, pedestrians, bicyclists, and transit riders, and 4) use regulations, as needed.

[74] *Source: Form-based Codes Institute, Sample Request for Qualifications (RFQ) For Consultants to Prepare a Form-Based Code, 2007; at formbasedcodes.org; and Form-Based Codes Fact Sheet, 2005; Local Government Commission access on the Web in March 2013 (http://www.lgc.org/resources/community-design)*

The creation of a form-based code requires public participation that allows residents, officials, and city staff to develop a vision for the city. The beginning aspects of the creation of a form-based code begin with a city's Comprehensive Plan. The plan goals and objectives are generated during public workshops, hearings, and interviews of officials, residents, and others with regional interests. This input helps define a vision for the city to work toward during the plan duration.

Urban design consultants are usually employed to draft form-based codes to include drawings rendered based on the city's character and vision that accurately and clearly represent the required building formats. Although that process requires up front expenses, the idea is that the form-based code will eventually save the city expenses of drawn-out development processes and lengthy code language interpretations. With the vision already created and outlined in the building designs drawn into the code, decisions on development applications can be handled by city staff through a process similar to that for building permits. Up-front training of staff is also required to reassure the public and developers that application approvals are meeting the code's requirements.

In cities where zoning codes already exist, the form-based code should be integrated into the existing regulatory framework to insure procedural consistency, adherence to state and local legal requirements, and maximize code effectiveness. Sometimes an integrated code is called a hybrid code.

Hybrid codes combine elements of form-based zoning and conventional zoning. They are most often used when conventional zoning is already in place. They can introduce desired building forms without undertaking a complete re-write of a code. For example, form-based zones can be applied to specific areas of a city, such as a developed historic downtown where residents want new buildings to complement existing structures. Other parts of the city would retain traditional zoning categories that are primarily concerned with safety and separation of uses. Hybrid codes can incorporate the form sections of the form-based code and keep the provisions, processes, and standards of the conventional code to allow for seamless administration of the code. A hybrid code attempts to resolve differences between current development standards and future urban form goals.

Transfer of Development Rights programs, often implemented in localities wanting to preserve land for a specific use like agriculture or open space (or for other community goods like affordable housing or recreation), allow property owners to sever their development rights (or maintain a base minimum of development rights) on land (*sending areas*) and sell them to developers to allow them to increase density or other features on other property (*receiving areas*) zoned for higher development-type uses. Local governments may also buy development rights in order to control price, design details, restrict growth, or create a TDR bank that developers can use to achieve their development goals on already-zoned property.

TDR programs can be more difficult to administer than zoning, because agreements require the seller to place deed restrictions or conservation easements on his or her property. Cities often require assistance from legal staff or not-for-profit land trust advisors to ensure proper preparation of easement documents. Land uses conserved through TDR programs can be more permanent than those uses preserved through zoning, because unlike zoning, deed restrictions cannot be changed by city councils. TDR programs serve some of the same functions as zoning variances; therefore, having a TDR program can reduce the need for administration of variance requests. Developers can purchase TDRs to meet density or other needs on their properties, rather than requesting zoning changes.

The downside to TDR programs is that they lock in property uses, limiting future options as societal values and community characteristics change over the years. In addition, some legal "takings" issues have arisen if a sending area is zoned for zero growth (*see Section 13.4 below*). Thorough comprehensive planning that gauges the need for development in a community is essential so that the community designates appropriate amounts of sending and receiving areas.

TDR programs are most effective in communities facing strong development pressure where officials believe it would be difficult to successfully implement traditional zoning restrictions to achieve preservation goals or where financial resources are not available for municipalities to buy land or development rights on their own. It allows officials to use the market to pay for the preservation of public goods like open space while preserving flexibility for developers.

Planned Unit Development (PUD). A PUD is a designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, within one development or subdivision. It is used as part of conventional zoning or form-based code to allow for flexibility in land use planning. It can be an overlay district or a zoning category designation. It is usually implemented to carry out master planning of a tract of land and is intended to carry out specific goals of the comprehensive plan; foster city or public/private partnered special projects; allow for the development of mixed use, transit-oriented, or traditional neighborhoods with a variety of uses and housing types; and/or preserve natural features, open space, and other topographical features of the land. Standards within a PUD usually are negotiated on a case-by-case basis, and require approval procedures similar to those found in subdivision ordinances, including plan review and public hearings.

9.5 Elements that Create Challenges to Zoning

There are four major areas of legal concern for communities with zoning. The first centers on the constitutional right to free speech found in the First Amendment. Provisions adopted to control aesthetics, especially sign regulations, are especially vulnerable.

The second area of concern is called the taking issue. The Fifth Amendment prevents governments from taking private property unless it is for a public purpose and just compensation is paid. Normally, when private land is taken for use as a road or park, the landowner will be fairly compensated. However, a taking may arise from land use regulations that deprive a property owner of virtually all economic value of the property.

The third area of concern arises from the Fourteenth Amendment and is called due process. Due process requires that governments treat all people fairly and reasonably. The restrictions imposed by zoning regulations must be reasonable, based on actual needs, and not on arbitrary or unrealistic standards. In administering the zoning regulations, local government must treat all people fairly, give proper notice of hearings, and follow all procedures set forth in the Texas enabling statutes to avoid violations of due process.

The final legal concern regards the *equal protection clause* of the Fourteenth Amendment. This clause requires governments to treat all people in the same manner unless there is a valid purpose for dissimilar treatment. The equal protection clause is especially stringent when it involves prohibition of discrimination based upon race, creed, color, disability, national origin, or gender.

Deed Restrictions

State law does not allow cities that have adopted zoning to also enforce private deed restrictions. Enforcement of deed restrictions remains a private matter between the involved property owners to be settled through private civil litigation.

Generally, courts have held that when both zoning regulations and deed restrictions exist, the strictest provision must be met. For example, if the owner of a property located in a commercial zoning district wishes to build a paint store, the city would not protest if the land has a deed restriction limiting use to residential. However, the private citizens affected by the proposed land use change could file, and would likely win, a civil suit aimed at enforcing the deed restriction.

Historic Overlay

Local government Code section 211.003(b) allows cities to regulate the construction, alteration, or razing of structures that are historically, culturally, or architecturally significant. This is often done by creating an overlay mechanism in the zoning ordinance that may be applied to certain individual buildings or to a larger district. This overlay is an additional zoning designation and must be shown on the official zoning map.

The historic overlay can regulate certain aesthetic or design issues for historic structures but not the use of the property. For example, the city would have approval authority over changes to the façade of a historic movie theater, but could not address whether the building be used for a theater or a bookstore.

Historic preservation should be addressed in a separate ordinance that establishes the procedures for the operation of a local historic preservation commission, the means by which a property owner may seek to make changes to a historic structure, criteria and design standards, the legal effect of commission review, and an appeals procedure.

Pre-existing Uses

Property uses in place before a zoning ordinance takes effect that do not adhere to the zoning ordinance are called *nonconforming uses*. A person who claims the right to continue a nonconforming use bears the burden of establishing that the use pre-existed the zoning regulation. Courts usually only protect "innocent" nonconforming uses. Nonconforming uses are not considered innocent if they are begun with the knowledge that the regulations will soon apply or that the regulations are in the process of being proposed.

Most zoning ordinances prohibit a nonconforming use from being re-started if it is temporarily discontinued for a specified period of time. Both the time period and the definition of "discontinued use" must be clearly stated in the zoning ordinance. Six or twelve months are typical time periods used, but courts have generally held that in order for there to be a finding of discontinuance of use, there must be an intent to abandon and some overt act of abandonment, such as failure to pay property taxes or utility charges or severe deterioration of the structure. The mere passage of time during which a nonconforming use is discontinued does not indicate abandonment by itself, even if the time period is lengthy.

Cities may prohibit the expansion of a nonconforming use beyond the level that was present at the time the city zoning regulations took effect. Many cities allow modest expansion, a practice upheld by the Texas courts. In these cases, the zoning ordinance requires Board of Adjustment approval of the increase.

Since 1972, Texas courts have allowed cities to include provisions in their zoning regulations that require the discontinuance of nonconforming uses if the owners are provided a reasonable amount of time to recover their investment from the particular use, a practice commonly known as *amortization*.

Amortization involves the determination of the owner's capital investment in the property and of his expected income stream from the property. The city can use this information to allow the nonconforming use sufficient time to remain in existence to reasonably reimburse the property owner for his investment in the property.

A city may be legally required to provide compensation to a property owner if the time period for phasing out the nonconforming use was not sufficient for the property owner to recoup reasonable monetary expectations from the property. There does not appear to be clear court precedent that establishes a uniform time period during which all investments in a property are realized. Accordingly, cities must consider resolution of such issues on a case-by-case basis after consultation with legal counsel.

Zoning in Annexed Areas

A city may require an annexed area comply with the city's existing zoning ordinance. If the city wants the regulations to apply immediately upon annexation, it must pass an ordinance specifying the zoning classifications and district boundaries that will apply to the new area when it is annexed. This ordinance must have a public hearing that is advertised in the local newspaper at least 15 days beforehand.

In no case will zoning become effective for a property until the area is actually annexed. However, a city may pursue an injunction to halt proposed development or construction in an area outside the city limits if the construction would violate the proposed zoning regulations. To secure an injunction, the city would have to show that an ordinance annexing and zoning the area had already passed its first reading.

There are special provisions relating to annexed areas that have been used for agricultural operations for the last fifteen years. Zoning laws and other municipal regulations generally may not be applied to agricultural operations that were located outside the city boundaries on August 31, 1981. There are exceptions to this protection; if the city confronts this issue, it should consult with its legal counsel regarding Agricultural Code Chapter 25.

Sexually Oriented Businesses

According to the U.S. Supreme Court, cities may not completely prohibit the operation of sexually oriented businesses within a city. However, the regulation of the location of these businesses is allowed. Sexually oriented businesses, as defined by State law, include "a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult video store, adult motel, or other commercial enterprise, the primary business of which is the offering of a service or selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer."

Many cities prohibit such businesses within 1,000 feet of a school, regular place of religious worship, or residential neighborhood. Attorneys recommend following the "five percent rule" in regulating the location of sexually oriented businesses. Under this standard, a city should ensure its ordinance allows at least 5% of the acres of the city territory available for the location of sexually oriented businesses. However, these areas must be located where such businesses could practically and legally locate.

Wireless Telecommunications Facilities

The 1996 Telecommunications Act sets forth certain limitations on a city's authority to regulate the location of wireless telecommunications facilities (47 U.S.C.A. 332 (c)(7)). In essence, the law requires that zoning or other regulations cannot have the effect of banning the construction, modification, or placement of wireless telecommunications facilities in the city and that zoning decisions cannot systematically give one telecommunications service provider an advantage over its competitors. Zoning regulations can be written to limit these facilities to non-residential areas, but can only recommend more restrictive placement such as on public lands or on sites where telecommunications facilities already exist.

Mobile Homes and HUD-code Manufactured Housing

The Texas Manufactured Housing Standards Act (Article 5221f) sets the limits on city regulation of mobile homes and HUD-code Manufactured Housing. "Mobile homes" are defined as certain structures constructed before June 15, 1976, and "HUD-code manufactured homes" are defined as certain structures constructed on or after June 15, 1976 and meet minimum standards set by the U.S. Department of Housing and Urban Development (HUD). A city's ability to regulate a structure through zoning and other regulations under this Act depends on whether the structure is a mobile home or a HUD-code manufactured home.

Section 4A of Article 5221f allows incorporated cities to completely prohibit installation of mobile homes as a residential dwelling inside the city limits unless the mobile home in question was occupied within the city limits before the prohibition.

A city has less power in regard to regulating HUD-code manufactured homes as residential dwellings. State law only allows cities to require that these structures locate in areas deemed appropriate by the city. The city may not completely "zone-out" HUD-code manufactured homes within the city limits.

The zoning ordinance should indicate those areas within the city that are available for HUD-code manufactured homes. The requirement that HUD-code manufactured homes be allowed in some part of the city does not affect the validity of deed restrictions that are otherwise applicable to various properties. Often, deed restrictions prohibit placement of manufactured homes on involved properties.

Group and Community Homes for the Disabled

The Community Homes for Disabled Persons Location Act (Texas Human Resources Code, Section 123.001) regarding community homes for groups of disabled people preempt municipal zoning regulations whenever there is any conflict with the Act. A "community home" must meet all of the following criteria:

- The home must provide food, shelter, personal guidance, care, habilitation services, and supervision to persons with disabilities who reside there. The phrase "person with a disability" is defined by statute to include any person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has one or thirteen conditions specifically listed in the statute (see Section 123.002 of the Texas Human Resources Code for the complete list).
- The home must not be located within one-half mile of another community home.
- The home must not have more than six persons with disabilities and no more than two supervisors residing in the home at the same time.
- The home must meet all applicable state or federal licensing requirements.
- The home must be operated by an authorized state agency or entity such as a nonprofit corporation or be a personal care facility listed under Chapter 247 of the Texas Health and Safety Code.

By statute, the exterior of the home must retain compatibility with surrounding residential structures. If the group home meets the above conditions, the city must allow the home to locate in any district that is zoned residential. Further, any deed restriction that would prohibit the use of the property as a group home is invalid if the restriction was imposed or amended after September 1, 1985. Municipal ordinances may require that residents of the community home not park more motor vehicles at the facility than there are bedrooms in the facility.

Even when a group home does not qualify under the state Act, it may qualify under federal law. The Fair Housing Amendments Act of 1988 forbids local laws that would constitute discrimination against the handicapped in housing. In essence, this federal law prevents cities from imposing blanket prohibitions on the location of group homes for the disabled in residential neighborhoods. Cities must provide some reasonable procedure for allowing group homes for the disabled to locate in an area zoned for residential use.

The protections provided to group homes for the disabled are not necessarily extended to group homes for other classes such as troubled youth who may or may not be disabled. If a city is faced with a request to allow a group home of this nature, it should determine whether the members of the group meet any of the State or federal requirements for disability. If not, and if the facility is run by a nongovernmental entity, the home is likely to be subject to the traditional zoning regulations.

Federal, State, County or School District Properties

City ordinances do not generally apply to federal or state entities or their property. In many cases, federal and state agencies make an effort to find appropriate locations for their facilities, but they are not obligated to comply with local zoning regulations.

Courts have determined that State statute allows independent school districts to choose any reasonable location of school buildings within the district and allows counties to locate a solid waste dump anywhere appropriate as long as the dump complies with State law. In these two instances, the state has given counties and school districts the power to choose locations without regard for city zoning regulations.

City building codes may be imposed on school district facilities and auxiliary county courthouses, but not on main county courthouses, state, or federal facilities.

Religious Structures and Facilities

Recent rulings, particularly the U.S. Supreme Court case of *City of Boerne v. Flores*, have held that that the Religious Freedoms Restoration Act was unconstitutional in the way it limited the ability of local governments to regulate properties owned by religious groups in the same way as those owned by other groups. Generally, religious entities are subject to the same laws as any other entity as long as those laws are neutral in their construction. Despite these recent rulings, cities should consult with legal counsel before applying zoning regulations to churches or to other structures used for religious practice.

Sign Regulations

Cities may regulate the size, location, height, and lighting of signs, but the regulation of the content of the sign's message are almost always beyond a city's power. Most cities prefer to address the regulation of signs by a separate city ordinance independent of the zoning ordinance due to concerns that a First Amendment challenge regarding the sign regulations would invalidate the entire zoning ordinance.

Pawnshops

Consumer Credit Commissioner licensed pawnshops, as defined in Section 2 of the Texas Pawnshop Act (Article 5069-51.02, Vernon's Texas Civil Statues), must be permitted in at least one general zoning classification (such as commercial). No additional special use permits other than those imposed by the State may be required by the city.

9.6 Administering the Zoning Ordinance

The city must designate both the staff and the entities needed to assist in the zoning process. Such entities usually include a zoning commission, a board of adjustment, and designated city staff to handle day-to-day zoning issues.

Zoning Commission

General law cities (Type A, B or C) can choose to appoint a zoning commission or have their city councils perform that function. The zoning commission is responsible for recommending zoning regulations and district boundaries.

The members are appointed by a majority vote of the city council. For general law cities, the requirements are included in the zoning ordinance. The term of office is limited to two (2) years by the Texas Constitution.

Though not specifically required, many cities require that zoning commission members be residents of the city and that terms of office be staggered. Removal, filling of vacancies, and successive terms are not addressed by State statute and are determined by each locality in its ordinance.

Planning Commission

Municipalities may create separate entities called "planning commissions" for approval of plats and producing and recommending a master or comprehensive plan for the city. Appointing a planning commission is at the discretion of the city council. Ordinances or charters of many cities combine the functions of the planning commission with those of the zoning commission in an entity called the "planning and zoning commission."

Although rarely done, general law city councils may themselves serve as a combined planning and zoning commission, though it is much more common for a separate council-appointed entity to serve in this capacity.

Combined Planning & Zoning Commission

A planning and zoning commission recommends zoning district boundaries and zoning regulations for each district. Public hearings are held to produce a draft zoning ordinance and zoning map for consideration and approval by the city council. Once the ordinance has been approved, the commission considers and makes recommendations to the city council on amendments to the zoning ordinance and in certain cases, special use permits. The commission is also responsible for reviewing and approving plats.

If allowed for by city ordinance, a planning and zoning commission can provide review and make recommendations to the city council on matters such as right-of-way abandonment, amendments to the platting ordinance, and the acceptance of donated rights-of-way and easements.

Board of Adjustments

The board of adjustments is created by ordinance for the purposes of: hearing appeals to decisions made by an administrative official or the planning and zoning commission; deciding special exceptions and variances from the zoning ordinance; and hearing and deciding other matters authorized by the zoning ordinance. Although the Standard Zoning Enabling Act does not require a board of adjustment (in which case the legislative body issues variances and hears appeals), having the board of adjustments review administrative decisions and hear appeals avoids the problem of a city council both issuing regulations and reviewing appeals as well as the potential legal difficulties caused by the council acting in both a legislative and an administrative capacity. Legislation in Texas (Local Government Code, Title 7, Subtitle 8, Sec. 211.008) specifically allows Type A general law municipalities to designate the governing body (or legislative body) to act as the board, but states that court review should apply the same standard of review that it would apply to a board not containing members of the governing body. Therefore, if a governing body acts as a board of adjustment, it must closely follow rules for granting variances as if it was an administrative, and not a legislative, body. The board consists of at least five members, each appointed for two years.

Amendments to the Zoning Ordinance:

All zoning regulations and amendments to those regulations must be adopted by ordinance rather than by resolution. For amendments to the zoning ordinance, State law generally requires review and recommendations by the planning and zoning commission and final passage by the city council with public notice and hearings at both steps.

There are two types of amendments to the zoning ordinance: a zoning change affecting a specific property (commonly referred to as "rezoning") and a comprehensive system-wide change to the text of the zoning ordinance that affects all similarly situated properties throughout the jurisdiction.

To change the zoning classification for specific tracts, the act requires notice by mail of the zoning commission's hearing to all property owners within the city limits and within 200 feet of the affected tract (or partial tract if only a portion is being rezoned). If the owners of 20% of the land within the area to be reclassified *or* the owners of 20% of the land within 200 feet of that area protest the proposed change by written petition, the change must be approved by three-fourths of the entire city council to pass. The mayor's vote is only counted if he is able to vote on such matters under local provisions.

The right of protest of a zoning change exists anytime there is a proposed change to the zoning ordinance and requires a three-quarters majority of the city council to approve the change. The duty to provide special notice to the landowners within 200 feet of the proposed change is only required if the change involves a zoning reclassification to a particular property. For example, if an amendment would uniformly change the uses allowed under a particular zoning classification but not actually change the classification of any specific areas in town, no special notice would be required to any particular landowners. If administrative changes to the ordinance are proposed, such as increasing the number of days during which any zoning decision can be appealed, no special notice would be required to specific landowners.

There are four requirements that must be met under Chapter 211 of the Local Government Code before zoning regulations are adopted or a change in zoning regulations or district boundaries is approved:

Planning and zoning commission issues a preliminary report that describes all proposals for zoning regulations or district boundaries. This report may be in written or verbal format. The information included in the report is not specified in state law. Many communities include land use maps that show how the proposed change would impact residential, commercial, and industrial areas of the city and a recommendation of the planning or zoning commission. The local zoning ordinance should indicate the format and type of information to be addressed in the preliminary report.

Planning and zoning commission gives notice and holds public hearings for proposed changes affecting a particular tract or group of properties. The notice must be sent to all property owners within 200 feet of the affected property(s) by U.S. mail at least eleven (11) days before the hearing date. The hearing notice must state the time and location of the public meeting and the address and proposed change to the zoning classification for the property(s) in question. The identity and addresses of affected property owners is determined by reference to the most recently approved city tax roll. If the city has recently annexed property that is not reflected in the most recent tax roll and that property is within 200 feet of the proposed change, an additional newspaper notice is required (Section 211.007(c) of the Local Government Code).

Planning and zoning commission issues final report with recommendations, as required by state law. The local zoning ordinance should indicate whether the report be presented in verbal or written format and what information should be included in the report, other than the required recommendation of the planning and zoning commission.

After providing proper notice, the city council holds a public hearing and considers the final report to give interested parties and citizens the chance to comment on recommendations. Notice of the time and place of the hearing must be published in an official newspaper of general circulation at least 16 days before the date of the hearing. The city council may receive the recommendations of the planning and zoning commission, hold the public hearing, and take action on the proposed ordinance at the same meeting.

If a proposed zoning change is considered by the city council of a general law city that also serves as the zoning commission, the council must provide the 16-day newspaper notice and must send written notice of the proposed change by U.S. mail to each property owner whose property is within 200 feet of the proposed change. There is an additional 30 day waiting period for adopting the proposed change beginning on the date that the required newspaper and individual notices are provided to the property owners.

Changing the area affected by a rezoning amendment. Areas subject to rezoning cannot be increased once the issue comes before the city unless additional notice is provided to affected property owners. In order for the change to be valid, all land subject to the proposed changes must have been described in the notice as required by state statute and city ordinance.

The area subject to a proposed zoning change can be reduced after the issue has been brought before the city without the provision of additional notice to affected property owners because not making the zoning change will not present an additional injury to the neighboring property owners. The city only needs to ensure that it has provided notice of the maximum area of land potentially subject to the change.

The planning and zoning commission has the power to recommend and the city the power to approve a reduction of the proposed area affected by a rezoning with or without the permission of the applicant. Most zoning experts agree that the planning and zoning commission should recommend the change before council consideration.

Changing the zoning use of an area affected by a rezoning amendment: An area subject to a proposed rezoning cannot be subjected to a change that is less restrictive (more intense) than what was originally requested unless additional notice is provided to the affected property owners. However, the same area may be subjected to a more restrictive (less intense) zoning designation than was in the original notices because neighboring land owners are usually not harmed by a change that incorporates a use that is less intense than was originally proposed.

The planning and zoning commission has the power to recommend and the city council the power to approve a reduction of the intensity of use proposed by a rezoning with or without the permission of the applicant. Most zoning experts agree that the planning and zoning commission should recommend the change before council consideration.

Conditional Zoning:

Zoning changes that include additional requirements such as a fence, hedge, or other physical feature are called "conditional zoning." Any conditions placed upon the rezoning must be reasonable and directly related to the zoning change in question. They should also protect the general public welfare and not just the interests of a few neighboring property owners. If such conditions are necessary and the circumstances are appropriate, the city may want to propose the use of a planned development district.

Spot Zoning:

Spot zoning is an instance in which a city council, often under political pressure or as a favor to an individual or business, rezones a single lot or small group of lots within a zoning district to a different zoning classification. As defined in *Texas Municipal Zoning Law*, spot zoning is:

"A zoning amendment that reclassifies a specific tract [...] regardless of whether the re-zoning is lawful or unlawful. [The term] is also used to characterize zoning amendments that unlawfully depart from comprehensive plans to favor or discriminate against a particular tract without justification. Unlawful spot zoning departs from the [Standard Zoning Enabling Act's] requirement that the zoning be in accord with a comprehensive plan. It can also be an arbitrary, hence unconstitutional, exercise of the [municipal government's] police power. Texas courts sometimes require evidence of "changed conditions," (changes in a neighborhood that justify rezoning a particular tract) to justify specific tract reclassification."[75]

[75] Texas Municipal Zoning Law 3rd Edition, Appendix B, Glossary of Terms and Concepts, Spot Zoning and Change of Conditions definitions, pages B-2 and B-4, 1999, Lexis Law Publishing.

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