



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-3146

**Type:** Staff Briefing - With Ordinance

**In control:** City Council A Session

**On agenda:** 1/15/2015

**Title:** An Ordinance providing for the extension of the City of San Antonio limits by the full purpose annexation of approximately 1,906.12 acres, located within the Government Canyon State Natural Area, contiguous to the existing City limits and within San Antonio’s Extraterritorial Jurisdiction, as requested by the Texas Parks and Wildlife Department; and approving a Municipal Service Plan for such area. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A Government Canyon Field Notes, 2. Exhibit B Government Canyon Map 2015 01 07, 3. Exhibit C Government Canyon Service Plan, 4. Draft Ordinance, 5. Ordinance 2015-01-15-0020

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**DEPARTMENT:** Planning and Community Development

**DEPARTMENT HEAD:** John Dugan, AICP

**COUNCIL DISTRICTS IMPACTED:** 6

**SUBJECT:**

Voluntary Annexation of approximately 1,906.12 acres, known as the Government Canyon Properties

**SUMMARY:**

An ordinance providing for the extension of the City of San Antonio limits by the full purpose annexation of approximately 1,906.12 acres, located within the Government Canyon State Natural Area, contiguous to the existing City limits and within San Antonio’s Extraterritorial Jurisdiction, as requested by the Texas Parks and Wildlife Department (TPWD); and approving a Municipal Service Plan for such area.

**BACKGROUND INFORMATION:**

On April 1, 2013, Texas Parks and Wildlife Department (TPWD) requested annexation by the City of San

Antonio of approximately 1,906.12 acres located within the Government Canyon State Natural Area (SNA), known as the Government Canyon Properties, as described and depicted in the attached field notes (Exhibit A) and map (Exhibit B). The purpose of TPWD's petition is to ensure an equivalent level of public safety services and site management practices for the recently acquired properties.

The Government Canyon Properties are adjacent to the City limits and within the San Antonio's Extraterritorial Jurisdiction (ETJ). The 1,906.12 acres consist of the following six tracts and approximate acreages: 1) 421.00 acre Canyon Ranch tract, 2) 710.29 acre Gallagher tract, 3) 50.00 acre Hampton tract, 4) 172.89 acre Laredo-Culebra (Dreiss/Laredo-Culebra) tract, 5) 461.23 acre Lowder MaBe Canyon Ranch tract, and 6) 90.70 acre Schuchart tract.

Eighty-four percent (84%) of the Government Canyon SNA has been in the City of San Antonio limits since 2003. The Government Canyon SNA contains approximately 12,082 acres of protected natural area that includes rugged hills and canyons, native wildlife and vegetation, and scenic vistas all overlying the Edwards Aquifer Recharge or Contributing Zones. Most of the Government Canyon land is located outside of the flood plain and once was considered suitable for residential development, until purchased with Proposition Three Edwards Aquifer Protection Program funds. Under the Aquifer Protection Program, the City agreed to contribute funds toward the acquisition of the properties along with the reservation of a conservation easement over the sensitive zones of the Edwards Aquifer. Annually, the City will monitor conservation easements to ensure compliance with the Edwards Aquifer Protection Program.

In September 2009, per ordinance 2009-09-10-0696, San Antonio approved to convey approximately 3,000 acres of land purchased with aquifer protection program funds to TPWD's ownership for the Government Canyon SNA. (*Approximately 1,555 acres of the 3,000 acres were already located within the city limits.*) In January 2013, the City acquired and conveyed the 461.23 acre Lowder MaBe Canyon Ranch tract to TPWD. At that time, SAWS held real estate interests including conservation easements on three of the tracts. Per ordinance 2014-09-04-0616, the City approved a property substitution agreement with SAWS where SAWS agreed to release its interest on the properties. As a result, a new comprehensive conservation easement was executed for all of the 3,000 acres. In September 2014, the City finalized transferring land ownership to TPWD.

Municipalities must follow the annexation procedures outlined by State law, including the governing body's direction to the Planning Department to prepare a municipal service plan, publication of the public hearing notification, two public hearings held by the governing body and the adoption of an annexation ordinance and a municipal service plan. In addition, the City Charter requires consideration by the Planning Commission, and the publication of the annexation ordinance 30 days prior to the final adoption.

On December 5, 2013, the City Council of the City of San Antonio by resolution (2013-12-05-0043R) directed the Department of Planning and Community Development (DPCP) to prepare a service plan regarding Government Canyon Properties, prior to the publication of notice of the required public hearings, in accordance to Chapter 43 of the Texas Local Government Code. Generally, a municipal service plan includes the method of providing city services, the service level, and when such services will be provided to the proposed annexation area. "Full municipal services" means city-level services including public safety services, such as, fire fighting, hazmat, and emergency medical services provided within the city limits. The Municipal Service Plan for the Government Canyon Properties is attached as Exhibit C.

As required by State law, the notices regarding the public hearings were posted on the City of San Antonio DPCP's internet web site, on November 20, 2014. This notice was published in the Daily Commercial Recorder newspaper on November 24, 2014. The Municipal Service Plan for the Government Canyon

Properties is available for public viewing at the DPCP Office, located at 1400 South Flores Street and is posted on the DPCP's internet web page.

On December 10 and 11, 2014, the City Council held public hearings on the proposed annexation of the subject property for full purposes. At the public hearings, the City presented the Service Plan as a requirement of Section 43.056(j) of the Texas Local Government Code. On December 16, 2014, the City published the ordinance in the Daily Commercial Recorder newspaper, thirty days prior to passage of the ordinance, as required by the City of San Antonio charter.

## **ISSUE:**

This ordinance provides for the extension of the City of San Antonio limits by the full purpose annexation of approximately 1,906.12 acres, located within the Government Canyon State Natural Area, contiguous to the existing City limits and within San Antonio's Extraterritorial Jurisdiction, as requested by the Texas Parks and Wildlife Department (TPWD); and approval of a Municipal Service Plan for such area.

The annexation of the subject property is needed to provide an equivalent level of services to all Government Canyon properties in order to protect the health, safety and well-being of the community. Once it is annexed into San Antonio, the subject property would benefit from full City services, including public safety services, especially fire fighting, hazardous material response (hazmat), and emergency medical services. Annexation will avoid the difficulties often associated with multi-jurisdictional boundaries of public safety entities within the area. In addition, the annexation will expand San Antonio's municipal boundaries.

City staff does not anticipate a high demand for City services within the annexed areas. Since 2003, there have been a limited number of calls for public safety service to the Government Canyon Park. The San Antonio Police Department responded to an average of five police calls and the San Antonio Fire Department responded to two calls for service annually.

Staff proposes that the City annex and zone the subject property. The subject property will be zoned "HE RP ERZD CD" Historic Exceptional Resource Protection Edwards Recharge Zone District with a Conditional Use for a Park-Public and "RP ERZD CD" Resource Protection Edwards Recharge Zone District with a Conditional Use for a Park-Public. The associated zoning case will be considered after action on the annexation on January 15, 2015. The effective date of annexation is February 14, 2015, when the properties will be officially incorporated into city limits.

## **ALTERNATIVES:**

An alternative is that Council denies extending the City limits by full purpose annexation and zoning of the subject property in which it would remain as an unincorporated area of the ETJ.

## **FISCAL IMPACT:**

The expansion of the City Limits through full purpose annexation of the subject property will have a negligible fiscal impact. The Government Canyon Properties are exempt by law from state and local taxes, and hence will not generate local property tax revenue in the future. No significant fiscal impact related to services is

anticipated because the subject property is undeveloped and protected under a conservation easement to ensure no future development. The subject property will be served by existing services and facilities and no capital improvements are identified.

**RECOMMENDATION:**

Staff recommends the Full Purpose Annexation of approximately 1,906.12 acres located within Government Canyon State Natural Area, as requested by TPWD; and adopting a Municipal Service Plan.

On November 12, 2014, the Planning Commission held a public hearing regarding the annexation and recommended approval.

On November 19, 2014, the Infrastructure and Growth Committee recommended approval.

On December 16, 2014, the Zoning Commission held a public hearing regarding the zoning and recommended approval.