



City of San Antonio

Agenda Memorandum

File Number: 13-1192

Agenda Item Number: 5A.

Agenda Date: 1/9/2014

In Control: City Council A Session

DEPARTMENT: Planning and Community Development

DEPARTMENT HEAD: John Dugan

COUNCIL DISTRICTS IMPACTED: City-wide

SUBJECT:

Development Agreements guaranteeing the continued extraterritorial status of the property which is appraised for ad valorem tax purposes as agricultural, wildlife management or timber use for a period of 10 years between the City of San Antonio and multiple property owners within the proposed South San Antonio Limited Purpose Annexation area.

SUMMARY:

This Ordinance authorizes the Planning Director to execute Development Agreements guaranteeing the continued extraterritorial status of the property which is appraised for ad valorem tax purposes as agricultural, wildlife management or timber use for a period of 10 years between the City of San Antonio and multiple property owners within the proposed Limited Purpose Annexation area.

BACKGROUND INFORMATION:

When an area is proposed for annexation the Texas Local Government Code, Section 43.035, requires a development agreement be offered in lieu of annexation to owners of property appraised for ad valorem tax purposes as land for agriculture or wildlife management use under Subchapter C or D, Chapter 23, Texas Tax Code, or as timber land under Subchapter E of that chapter. A city may not annex an area, unless the city offers to make an agreement with the land owner to continue the extraterritorial status of the area. Section 43.035 authorizes the development agreement to extend regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management or timber use. If the landowner declines to make the agreement or is non-responsive, a city may annex the property.

Notices and agreements were sent to property owners by certified mail on November 14 - December 6, 2013. Notarized agreements must have been returned to the Planning and Community Development Department, postmarked no later than December 30, 2013, or hand delivered to 1400 S. Flores no later than January 2, 2014.

The primary tenets of the development agreement are:

- owners agree to consensual annexation at the end of the 10 year term or have an option to extend the agreement, by mutual consent in writing, and with City Council approval;
- the agreement allows the continuation of agriculture as an industry which supports local markets;
- the City can extend its boundaries beyond the development agreement as an area adjacent to one of these agreements is considered to be contiguous to the city;
- the development agreement does not create vested rights;
- the agreement automatically terminates with the filing of a subdivision plat or related development document, or if the use is changed to a non-agricultural use, regardless of how the area is appraised for ad valorem tax purposes;
- should the agreement terminate, the City can proceed with annexation and zoning using the procedures for consensual annexation.

ISSUE:

The proposed South San Antonio Limited Purpose Annexation triggers the *Texas Local Government Code*, Section 43.035 requirements.

ALTERNATIVES:

One alternative is to not consent to the development agreement for these areas; however, this is required for annexation by the *Texas Local Government Code* 43.036 and 212.172. Another alternative is to make an alternate recommendation concerning the agreement terms.

FISCAL IMPACT:

There is no direct financial impact associated with the passage of this Ordinance.

RECOMMENDATION:

Planning Commission recommendation is pending. The Planning Commission will hold a public hearing and consider this item at its December 18, 2013 meeting.

Staff recommends approval of this ordinance authorizing the Planning Director to execute Development Agreements guaranteeing the continued extraterritorial status of the property which is appraised for ad valorem tax purposes as agricultural, wildlife management or timber use for a period of 10 years between the City of San Antonio and multiple property owners within the proposed Limited Purpose Annexation area.