



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-4300

**Type:** Staff Briefing - Without Ordinance

**In control:** Planning Commission

**On agenda:** 8/24/2016

**Title:** Public hearing and consideration of a Resolution to recommend the Three-Year Municipal Annexation Plan for full purpose annexation that includes the IH-10 West area and the US 281 North area in accordance with Local Government Code, Subchapter C, "Annexation Procedures for Areas Annexed under Municipal Annexation Plan." (Bridgett White, AICP, Interim Director, Department of Planning and Community Development, 207-0147, Bridgett.White@sanantonio.gov)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 3 Year Annexation Plan Resolution.pdf

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Planning and Community Development

**DEPARTMENT HEAD:** Bridgett White, Interim Director

**COUNCIL DISTRICTS IMPACTED:** City-wide

### SUBJECT:

Resolution concerning a Three-Year Municipal Annexation Plan

### SUMMARY:

Public hearing and consideration of a Resolution to recommend the Three-Year Municipal Annexation Plan for full purpose annexation that includes the IH-10 West area and the US 281 North area in accordance with Local Government Code, Subchapter C, "Annexation Procedures for Areas Annexed under Municipal Annexation Plan."

### BACKGROUND INFORMATION:

On February 14, 2013, City Council adopted the City of San Antonio Annexation Policy that provides guidance and rationale for the consideration of areas within the City of San Antonio's extraterritorial

jurisdiction (ETJ) for annexation. The policy recommends the development of an Annexation Program to be proactive in analyzing and identifying areas for potential annexation for a period of ten years.

In December 2014, the City Council approved a policy plan to initiate limited purpose annexation for five annexation priority areas. The five areas identified were separated into two phases. Phase 1 included three areas: IH-10 West, US Highway 281 North, and IH-10 East. Phase 2 included two areas: US Highway 90/Loop 1604 and US Highway 151. Annexation open house sessions for Phase I areas were held in August 2015 and the public hearing process was initiated. On October 20, 2015, the Annexation 360 Preliminary Fiscal Analysis was presented to the City Council.

In November 2015, the City Manager convened a panel consisting of seven professionals representing a diverse group of community and business stakeholders to review the City's growth assumptions. The Annexation Technical Work Group's analyzed the City's financial and growth assumptions within the City's 20 Year Financial Annexation Impact Study and reviewed two third-party reports that evaluated the City's financial assumptions and annexation policies.

The Work Group unanimously agreed that the financial model with certain adjustments is robust and the development growth assumptions are reasonable. Based on the recommendations made by the Work Group the financial results over a 20 year period are positive for IH-10 West and US 281 while the IH-10 East area continues to be financially negative. In the aggregate, the three areas are positive over the 20 year study period.

The Annexation Policy was a component of the SA Tomorrow Comprehensive Plan and was evaluated during the Comprehensive Plan development process. The SA Tomorrow Technical Working Group Members evaluated the City's existing Annexation Policy and provided recommended changes to ensure the policies were consistent with the Comprehensive Plan policies. The Work Group's revised annexation policies provide a more focused basis for annexation and provide numerous reasons for annexation but make no specific recommendations on the five areas.

On June 15, 2016, in City Council "B" Session, staff presented an alternative annexation scenario that recommended the annexation of US 281 area in two phases, and the IH-10 West area. IH-10 East was not recommended for annexation.

This request to recommend a Three-Year Municipal Annexation Plan is consistent with the City of San Antonio Annexation Policy, adopted February 14, 2013, in which San Antonio recommends annexation of areas to promote economic growth, facility long-range planning, protect future development, and foster intergovernmental relations.

## **ISSUE:**

The adoption of a Municipal Annexation Plan begins a three year annexation process on the effective date of the adoption of the plan. Prior to the ninetieth day following the effective date of adoption, the City must notify each property owner in the affected area and each of the public or private entities that provide municipal services. In addition, the plan must be posted in the City's internet website.

Notification to area service providers must include a formal request for information regarding the types and levels of services currently being provided. A comprehensive inventory of services and facilities is then derived from the information provided from each of the public or private entities. If a service provider fails to submit the required information within 90 days of receiving notification, the City is not obligated to include

that information in its inventory. The following types of information would be required:

- For infrastructure facilities and maintenance,
  - An engineering report that describes the physical condition of all infrastructure elements in the area.
  - A summary of expenditures for that infrastructure.
- For critical services (fire, police and emergency medical services),
  - Average dispatch and delivery times.
  - Equipment schedules.
  - Staffing schedules including certification and/or training levels.
  - A summary of operating and capital expenditures.

The inventory then becomes a basis for determining levels of service to be provided under an annexation area service plan. The City may monitor the services provided in an area proposed for annexation and verify the inventory information provided by the service provider. Only those services provided in the year proceeding the date of plan adoption are to be included in the inventory. Once the inventory is complete, it must be made available for public inspection.

The City must conduct two annexation public hearings within 90 days of making the inventory available for public review. A preliminary service plan must be presented and explained at each of the hearings. After completing those hearings, the City of San Antonio must then negotiate for those services to be included in the final service plan with five appointed representatives. The final service plan must be completed prior to the first day of the tenth month following completion of the inventory of services.

The annexation must then be completed before the 31st day following the third anniversary of inclusion in the plan. If the process is not completed within that time frame, the City may not annex that area for five years.

### **Interstate Highway 10 West**

The Municipal Annexation Plan identifies the IH-10 West area that is approximately 15 square miles for annexation. The City would provide services to the commercial and residential areas on the 37<sup>th</sup> month from the date City Council approves a three-year Municipal Annexation Plan that would lead to full purpose annexation before October 8, 2019. During the three years prior to the final full purpose annexation vote by City Council, residents will remain in the extraterritorial jurisdiction, will not pay property taxes, will not be zoned, and residents will not vote in municipal elections. Once a municipal annexation plan has been adopted, written notification is provided to the property owners and public entities. Current public services provided to the area are inventoried, and a service plan is developed for a proposed annexation, followed by two public hearings. The area must be annexed by the 37<sup>th</sup> month. If the annexation is not completed, the City may not annex the area for five years.

### **US Highway 281 North**

The Municipal Annexation Plan identifies the US 281 area for annexation. This area does not include the US 281 commercial corridor which is proposed to be annexed under Chapter 43, Subchapter C-1, Annexation Procedure for Areas Exempted from Municipal Annexation Plan. The US 281 area is approximately 11 square miles that contains primarily residential and vacant properties. This action will need to occur in order to negotiate a non-annexation agreement to correspond with the expiration of the Lumbermen's Investment Corporation non-annexation. The proposed effective date to consent to voluntary annexation is 2034. Lumbermen's Investment Corporation consented to voluntary annexation upon the expiration of the of the non-

annexation agreement in January 28, 2034. The Lumbermen's non-annexation area wraps from Bulverde Road around Fossil Ridge MDP, around the TPC golf course, and to the north of Indian Springs MDP. Once a municipal annexation plan has been adopted, written notification is provided to the property owners and public entities. Current public services provided to the area are inventoried, and a service plan is developed for a proposed annexation, followed by two public hearings. A request will be submitted to the Bexar County Commissioners Court to appoint five representatives to negotiate the terms of the non-annexation agreement, called a "Services in Lieu of Annexation" Agreement. The agreement would be considered by the Planning Commission for recommendation and City Council for approval. The anticipated City Council consideration date for a "Services in Lieu of Annexation" Agreement is February 2017.

#### **ALTERNATIVES:**

The Planning Commission may elect to recommend one or more areas in a Municipal Annexation Plan.

#### **FISCAL IMPACT:**

No fiscal impact at this time. Unspent funds that were budgeted in the adopted in the FY 2015 and FY 2016 General Budgets to support the annexation program can be carried forward to FY 2017 General Budget.

#### **RECOMMENDATION:**

Approve a Resolution to recommend the Three-Year Municipal Annexation Plan for full purpose annexation that includes the IH-10 West area and the US 281 North area in accordance with Local Government Code, Subchapter C, "Annexation Procedures for Areas Annexed under Municipal Annexation Plan."