



# City of San Antonio

## Agenda Memorandum

**File Number:**18-4591

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**Agenda Item Number:** 1

**Agenda Date:** 8/7/2018

**In Control:** Community Health and Equity Committee

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon, PE, CBO

**COUNCIL DISTRICTS IMPACTED:** Citywide

### **SUBJECT:**

Briefing, discussion, and possible action regarding the Habitat Compliance Form and possible modifications to the form.

### **SUMMARY:**

In 2009, the City Council passed an ordinance that requires Habitat Compliance Forms (HCF) be submitted for any Master Development Plan, Planned Unit Development, Subdivision Plat, and Tree Permits for properties greater than two acres in size. The HCF is intended to be a communication tool which provides notification of development activity within the jurisdiction of the City of San Antonio to the U.S Fish and Wildlife Service (USFW). The City is pre-empted by state law from enforcing the Endangered Species Act, as such, the HCF is not meant to imply the City's concurrence with biological studies or surveys, or that a project is in compliance with the Endangered Species Act; rather, the form is intended to provide information to USFW so that they can enforce the Endangered Species Act according to their policies and procedures. It is important to note that since the HCF was created in 2009, the form has not been updated.

### **BACKGROUND INFORMATION:**

The City Council considered the training missions carried out at Camp Bullis. The City of San Antonio and the ETJ is in an area where the habitat of both the Golden-cheeked Warbler and Karst Invertebrate Species are known to exist. Additionally, Camp Bullis is known to contain habitat for these species. When the initial 16,000 acre Camp Bullis training site was established in 1916 it was in a remote part of Bexar County, a considerable distance from any urbanized development. In fact, San Antonio urbanization was largely contained within Loop 410 through the 1950s. The remote location of Camp Bullis was conducive to the military's training activities which included explosives, helicopter activity and, later, night vision operations. Additional land acquisitions through the 1940s eventually enlarged the installation to approximately 28,000 acres.

Hastened by interstate highways, utility service extensions and population growth, urban development has moved northward, surrounding Camp Bullis.

As a result of urban encroachment concerns, the Military has commented to the City of San Antonio in various public forums that a continuation of unchecked land development will impede their operations. Light pollution, loss of endangered species habitat and noise complaints from new property owners in the area are three factors that stifle the continued military operations at the installation.

The City of San Antonio responded to this situation with a host of measures to promote compatible development near the installation and improve community relations. Since 2008, the City has developed several initiatives to protect the military mission:

- December 2008 - Military Notification Areas for all Joint Base Installations
  - Updated in December 2017
- December 2008 - Military Lighting Overlay District in Camp Bullis
- August 2009 - Habitat Compliance Form Ordinance
- October 2009 - Environmentally Sensitive Area (ESA) Ordinance
- May 2010 - Updated and Strengthened the Tree Ordinance
- June 2010 - Military Sound Attenuation Overlay District
- February 2017 - Creation of the Southern Edward Plateau Habitat Conservation Plan in partnership with Bexar County
- June 2018 - Expanded MLOD to include Lackland Air Force Base and Medina Annex

When the HCF was developed in 2009, Development Services staff coordinated efforts between various city departments, Bexar County, the Military, Texas Parks and Wildlife (TPWD), USFW, and a development stakeholder task force. Staff also met separately with the development stakeholders, Bexar County, the Military, USFWS and TPWD on technical issues related to endangered species habitat.

Ordinance 2009-08-20-0652 creating the HCF communication tool passed in 2009, and the HCF has been required since for all Master Development Plans, Planned Unit Developments, Subdivision Plats, and Tree Permits on properties greater than two acres in size in the city limits and the extraterritorial jurisdiction (ETJ).

## **ISSUE:**

The HCF is submitted by developers for applicable development applications and the form is forwarded by City Staff to USFW for consideration. The HCF is intended to be a communication tool which provides notification of development activity within the jurisdiction of the City of San Antonio to the U.S Fish and Wildlife Service (USFW). The City is pre-empted by state law from enforcing the Endangered Species Act, as such, the HCF is not meant to imply the City's concurrence with biological studies or surveys, or that a project is in compliance with the Endangered Species Act; rather, the form is intended to provide information to USFW so that they can enforce the Endangered Species Act according to their policies and procedures. It is important to note that since the HCF was created in 2009, the form has not been updated.

It has been nearly nine years since the HCF was created. Recently, city staff has identified and been made aware by USFW, registered biologists, neighborhoods, and the development community that the form lacks clarity, is difficult to understand, and can result in confusion. Because of these issues, and the length of time since the adoption of the HCF, City Staff is proposing to convene a task force in order to solicit feedback from the development community, registered biologists, neighborhoods, USFW, TPWD, the Military, and other applicable stakeholders, in order to propose improvements to the form and process so that the intended

communication efforts are effective.

**ALTERNATIVES:**

As an alternative, the committee could choose to not endorse the taskforce and leave the HCF as it is today.

**FISCAL IMPACT:**

There is no anticipated fiscal impact to the City at this time.

**RECOMMENDATION:**

Staff recommends creating a task force to consider updates to the HCF.