



## Community Advisory Group Meeting #2 Summary

Wednesday, October 2, 2019, 11:30 AM – 1:00 PM

William R. Sinkin Eco Centro San Antonio, TX 78212

### ATTENDEES:

Bridgett White, Planning  
Clint Eliason, Planning  
Colleen Waguespack, NNOD  
Colin Sherman, San Antonio Economic Development  
Foundation (SAEDF)  
Jameene Williams, Office of the City Attorney  
Jana Wentzel, Planning  
Jeanette Reynolds, Friends of Government Canyon

Joseph Hernandez, KB Homes  
Karen Bishop, San Antonio River Authority  
Leticia Pena Martinez, North SA Chamber  
Meg Reyes, Joint Base San Antonio (JBSA)  
Michael Gallagher, Northeast Neighborhood Alliance  
Priscilla Rosales-Piña, Planning  
Rob Killen, Kaufman & Killen  
Susan Guinn, Office of the City Attorney  
Thomas Filopoulos, Office of the City Attorney

### CONSULTANTS:

Matt Prosser, Economic & Planning Systems  
Brian Duffany, Economic & Planning Systems

Gretchen Roufs, Auxiliary Marketing Service

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### MEETING PURPOSE

The purpose of this Community Advisory Group (CAG) meeting was to provide an overview of issues and challenges identified in previous meeting's discussion, discuss tools in the ETJ and provide a briefing on the White Paper.

### PRESENTATION AND DISCUSSION

Matt Prosser reviewed the key issues and challenges from previous meeting discussion. A key issue identified was that regional partners shared common goals and outcomes such as the desire for economic growth, protection of military assets and natural resources in the Extraterritorial Jurisdiction (ETJ). The policy's goals and its evaluation criteria can be framed in a context of partnerships. The internal Working Group and the this group in previous discussions have identified priority issues which include responsible growth, the ability to control land use; the ability to provide an efficient level of services, funding or financing of infrastructure and services in the outlying areas of the city. Common challenges in the ETJ include inconsistency with the development process; different areas have different challenges; limited tools in the ETJ; and legislative challenges that impact all stakeholders. There are opportunities through partnerships to address these issues and challenges and be proactive. A question was asked regarding the in the intent of the partnership framework. Matt explained that the intent is to work partnerships to support the policy's goals.

There was a question if Joint Base San Antonio (JBSA) representatives have been included in this planning process. Meg Reyes, who is a JBSA staff member, is part of the CAG and is present today. The internal Working Group includes staff from the City of San Antonio's (City) Office of Military Affairs. Another question was how the City of Fort Worth is able to enforce land use regulations. Brian Duffany responded that they have annexed special districts properties and applied zoning to enforce land use.

Brian Duffany discussed the existing guidelines and contexts in the City's Annexation Policy. They proposed adding three additional development contexts to address requests or issues in the ETJ: 1) ETJ with no special district; 2) ETJ with special districts; and 3) ETJ with military protection buffer. The use of special districts and the military

protection land uses may serve as tools for cities to manage growth. It was noted that cities are required to hold an annexation election in order to apply military protection land use regulations. It was also noted that they may have more concerns about Special Districts than pros.

Brian Duffany explained that special districts originally were rural political entities with certain powers created by the State of Texas. Now these rural entities have emerged into urban or suburban entities. Brian briefly covered the most commonly used districts, including emergency service districts and independent school districts. However, this group's focus is on utility type districts. These districts are used as tools by developers to finance infrastructure of their development projects. The changes in the annexation law will prompt more frequent requests for special districts. At this time the City of San Antonio lacks formal or standard procedures for processing special district requests. The City has a point of leverage through its consent for the special district creation and establishing conditions or terms through development agreements. Strategic Partnership Agreements (SPAs) allow cities to impose and collect sales taxes from the districts, after annexing them for limited purposes. However, there are other underlying issues with special districts such as the lack of transparency with the initial establishment with temporary residents and the district's board of directors, their unlimited taxing authority, their perpetual status; adding another layer of government or creating a fragmented type of government, and other growth related issues.

Brian presented a review of case studies on municipal special districts policies and practices from the cities of Fort Worth, Austin and Houston. They found that the other cities' policies and practices mirror San Antonio's current development policies. All of the three cities have interlocal agreements regarding platting and development with multiple counties in the ETJ. All three cities leverage their consent to the district creation for additional land use controls and development standards. Houston has a set of "best practices" for addressing special district requests instead of an adopted policy. Houston also tends to use strategic partnership agreements (SPAs which generates revenue for the city and then it shares the revenue with the developer. The Fort Worth and Austin policies tended to focus on increased land use controls and require an extraordinary public benefit within the district boundaries). Each city had developed specific policies or set of "best practices" according to the most frequently type of requests received. San Antonio's focus on land use and public benefit would be most similar to Austin and Fort Worth. However, there is opportunity to address the use of SPAs which generate revenue for the city, similar to Houston.

The San Antonio policy will include the steps and timeline for request while working with Bexar County. A suggestion was to look at consolidation of city and county governments, similar to Los Angeles. However, it was pointed out that past efforts toward merging San Antonio and Bexar County into one single governmental entity have not received much traction by the State legislation.

At this time, EPS has developed a series of policy recommendations as well as a set of strategy recommendations. The policy recommendations will address statutory changes and the development contexts in ETJ. Annexation can still be a tool when an area or project meets the evaluation criteria in the annexation policy. One of the goals is to create standard processes for: Annexation requests (the process largely exists), development agreements, special districts, strategic partnership agreements; and ETJ and municipal boundary adjustments.

Matt stated that one of their strategy recommendations is to develop a regional land use plan in the ETJ, which would guide developers and decision makers, support the development of military Joint Land Use Study (JLUS), and serve as the basis for annexation, development agreements and special districts. Meg Reyna announced that the Alamo Area Council of Governments (AACOG) is funding a regional JLUS, which will be specific to individual military installations' missions, but also holistic for consistency for all the military installations. The JLUS will cover the five-mile buffers around individual installations except for Fort Sam Houston which will have a smaller buffer

due to its urban context. The JLUS jurisdiction expands into different counties and cities. A question was if this JLUS serve guidance or as a policy for developer. The intent of the JLUS is to provide guidelines to developers. The State Legislature authorizes Cities to regulate land use around military installation through the election process but did not give instructions on how to implement Senate Bill 6. At some point in the future, cities will have to ask Legislature to clarify on military protection regulations enforcement, consent annexations and development agreements.

The second strategy recommendation was to encourage the use of partnerships to coordinate growth. The third proposed strategy is to use partnerships to guide or determine areas the City wants to annex or will not annex. The adopted land use categories and designations, such as Regional Centers, in the SA Tomorrow Comprehensive Plan would be extended to the ETJ. The land use information goes into a clearing house similar to the SA Tomorrow and Sector Plan process which balances it with infrastructure and economic development needs. A question was should the protection of natural resources be designated with higher priority or to added as its own separate criteria. The JLUS already has successful used the protection of natural resources as a guiding principle that benefits the military as well as the aquifer recharge zones.

The group agreed that land use and evaluation criteria may be particular to the needs and interests within a specific area. The goal is to develop consistent procedures while allowing some level of flexibility and the opportunity for creativity. A question asked was should the evaluation criteria give a higher priority to the geographic area's proximity to City boundaries. The JLUS has designated different buffers and land use restrictions based on the mission locations. For the policy consideration, there are options of responsible land use and economics, instead responsible land use and natural resources. It was pointed out that the further out development is located; there is more of a need to protect all natural resources and not just water through mitigated development.

The geographic areas or boundaries of the Sector Plans need to be re-considered. The revised Sector Plans would only be applied in the ETJ including to the eastern part of the ETJ which does not have land use plan. The revised Sector Plans will align the land use categories in the ETJ with SA Tomorrow's categories applied inside the City limits and help determine if past development has followed the old Sector Plans.

Matt recapped the main issues discussed in this meeting. Land use is a prominent issue. The evaluation criteria for special district application should be consistent, though it will also depend on what area they are located in. Should we look at their proximity to the City? Either way, we cannot be too strict and need to lay out the priorities and pros/cons. Mitigated development is important for the protection of natural and cultural resources located further out in the ETJ. Although it was not mentioned before, it was noted that it was crucial to build the PID election timeline into the application process timeline. The updated policy should acknowledge SA Tomorrow Comprehensive Plan's growth policy and goals.

#### **Next Steps**

Future steps include a Planning Commission briefing on the White Paper during the working session staff in late October.

Meeting summaries and presentations will be available on the following website:  
<https://www.sanantonio.gov/Planning/PlanningUrbanDesign/Annexation>