

ORDINANCE 2023-08-31-0607

**ADOPTING THE ANNEXATION AND GROWTH MANAGEMENT  
POLICY AS A COMPONENT OF THE CITY'S COMPREHENSIVE  
MASTER PLAN.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio's SA Tomorrow Comprehensive Plan, adopted August 11, 2016 by Ordinance 2016-08-11-0590, included an updated *Annexation Policy, Program, and Plan*; and

**WHEREAS**, changes to state law in 2017 (Senate Bill 6) and 2019 (House Bill 47) prevents Texas cities from unilaterally managing growth in the extraterritorial jurisdiction through strategic annexation, thus rendering the *2016 Annexation Policy, Program, and Plan* ineffective; and

**WHEREAS**, the City began updating its policy in 2019 to conform to the changes in state law and through extensive public process developed the Annexation and Growth Management Policy; and

**WHEREAS**, the Planning Commission and City Council have been briefed on the draft Annexation and Growth Management Policy document and have considered public comments and proposed changes to the draft document; and

**WHEREAS**, Chapter 213 of the Texas Local Government Code provides that the Comprehensive Master Plan may consist of a coordinated set of plans organized by subject and geographic area, and may be adopted and amended by ordinance following a public hearing and review by the Planning Commission; and

**WHEREAS**, the San Antonio Planning Commission has reviewed the Annexation and Growth Management Policy and found the plan to be consistent with City policies, plans, and regulations, therefore meeting all requirements; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on July 26, 2023 at which time the public was given the opportunity to give testimony and present written evidence; and

**WHEREAS**, the San Antonio Planning Commission recommended adoption of the Annexation and Growth Management Policy with revisions; and

**WHEREAS**, staff recommends adoption of the Annexation and Growth Management Policy with the Planning Commission recommendations; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Annexation and Growth Management Policy is hereby adopted as a component to the City's SA Tomorrow Comprehensive Plan.


**SECTION 2.** The Annexation and Growth Management Policy is adopted as presented.

**SECTION 3.** The 2016 *Annexation Policy, Program, and Plan*, adopted August 11, 2016 by Ordinance 2016-08-11-0590, is hereby superseded by the Annexation and Growth Management Policy.

**SECTION 4.** The Annexation and Growth Management Policy is attached as **ATTACHMENT I** and incorporated herein for all purposes.

**SECTION 5.** This ordinance shall take effect on September 10, 2023.

**PASSED AND APPROVED** on this 31<sup>st</sup> day of August 2023.

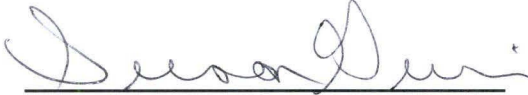


**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

  
\_\_\_\_\_  
Debbie Racca-Sittre, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Andrew Segovia, City Attorney



**City of San Antonio  
City Council Meeting  
August 31, 2023**

34.

**2023-08-31-0607**

Ordinance adopting the Growth Management Policy as a component of the City's Comprehensive Master Plan. [Roderick Sanchez, Assistant City Manager; Rudy Niño, Jr., Interim Director, Planning Department]

Councilmember Viagran moved to Approve on the Consent Agenda. Councilmember Rocha Garcia seconded the motion. The motion carried by the following vote:

**Aye:** Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

**ATTACHMENT I**  
Annexation and Growth Management Policy

# ANNEXATION & GROWTH MANAGEMENT POLICY

ADOPTED: 31 August 2023

# Overview

## Purpose and Intent

This Policy update is intended to: 1) serve as an update to the SA Tomorrow Comprehensive Plan and its previously adopted annexation policies, and 2) provide growth-related strategies and evaluation criteria to manage growth and development issues within the City of San Antonio's Extraterritorial Jurisdiction (ETJ). This Policy will conform to state law while also outlining how the City of San Antonio ("City") can manage growth. In addition, this policy provides the City and partner agencies with guidance and tools for making decisions about growth-related issues in the ETJ.

The following goals related to growth were developed using input from the stakeholder and community working groups:

1. Preserve and protect sensitive natural resources.
2. Encourage sustainable, quality development and support the economic health of the City and region.
3. Support and protect military missions and installations.
4. Enhance the coordination process for efficient emergency, utility, and service delivery.
5. Continue to foster collaboration with regional partners.
6. Recommend the strategic use of regional growth management tools, with consideration of their fiscal impact.
7. Provide guidance for evaluation of various requests and proposals to the City of San Antonio and use the most appropriate growth-related tool.

## How to use this document:

Regional Planning and Growth Management in the ETJ is a complex issue and merits detailed explanation and discussion. For this reason, this document has been arranged in a way that aims to provide the reader with context of the topic at-hand, and why the City has crafted policy criteria in response to said topic.

This document is organized into two major sections: "Annexation" and "Growth Management & Regional Coordination". Within these two sections are an introduction to the section and subsections followed by relevant policy criteria.

The policy should be consulted to evaluate proposals and to weigh the feasibility, practicality, necessity, and impacts of future projects within the City's extraterritorial jurisdiction.

## Stakeholder Engagement

In developing this document, the City of San Antonio engaged in a collaborative planning process which includes: a working group of technical professionals from several City Departments and public entities, a community advocacy group of stakeholders from neighborhood groups, JBSA, as well as economic and real estate development groups. Additionally, specific focus groups were engaged to address key policy areas including preservation of natural, environmental, cultural, and historic assets, as well as real estate and development issues.

The City of San Antonio Planning Department thanks the following organizations for their participation:

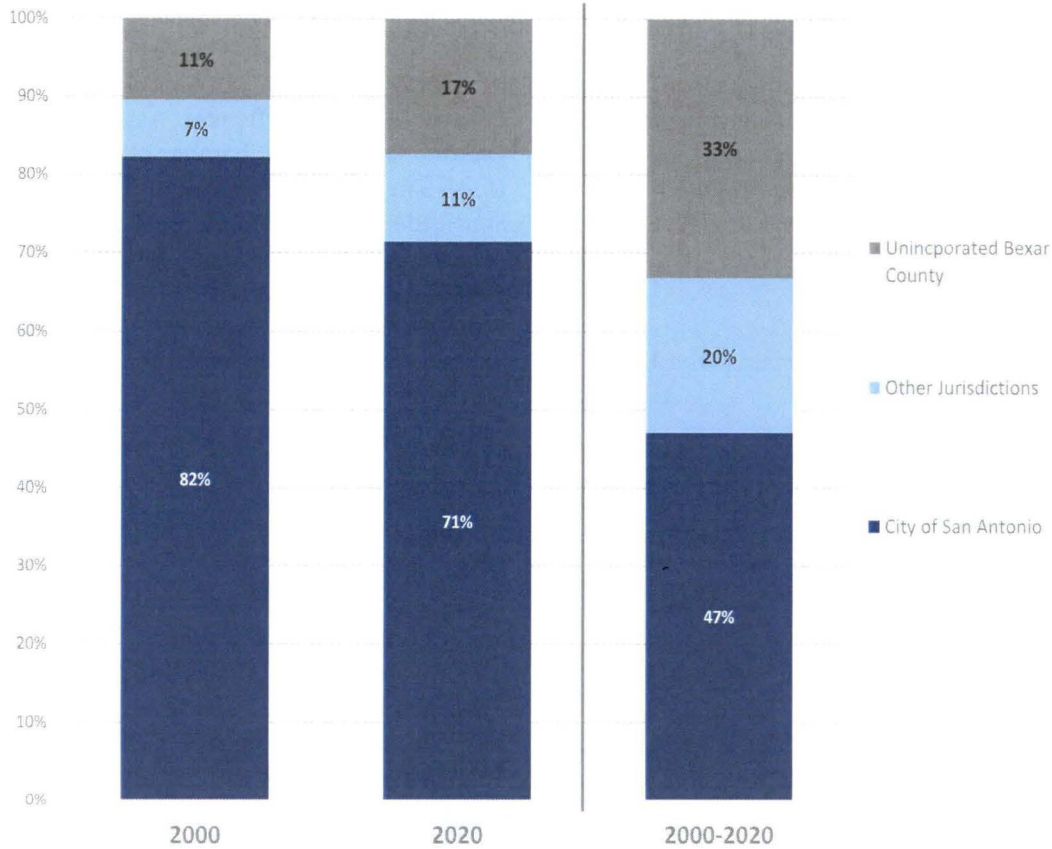
|   |  |
|---|--|
| Alamo Area Council of Governments (AACOG)             | Real Estate Council of San Antonio           |
| Alamo Area Metropolitan Planning Organization (AAMPO) | Greater San Antonio Builders Association     |
| Bexar County Public Works Department                  | Greater San Antonio Chamber of Commerce      |
| Bexar County Office of the Fire Marshal               | North San Antonio Chamber                    |
| San Antonio Water System (SAWS)                       | Southside First Economic Development Council |
| CPS Energy (CPS)                                      | greater:SATX Regional Economic Partnership   |
| Joint Base San Antonio (JBSA)                         | Pape-Dawson Engineers                        |
| Texas Department of Transportation (TxDOT)            | Brown & McDonald, PLLC                       |
|   | Killen, Griffin & Farimond, PLLC             |
|   | Ortiz McKnight, PLLC                         |
|   | McCombs Properties                           |
| Greater Edwards Aquifer Alliance                      |  |
| Friends of Government Canyon                          | City of San Antonio:                         |
| San Antonio River Authority (SARA)                    | Office of the Mayor                          |
| Aquifer Guardians in Urban Areas (AGUA)               | Office of the City Attorney                  |
| Alamo Group – Sierra Club                             | Development Services Department              |
| Trinity Glen Rose Groundwater Conservation District   | San Antonio Fire Department                  |
| Green Spaces Alliance of South Texas                  | Military and Veteran Affairs Department      |
| Bexar Audubon Society                                 | Parks and Recreation Department              |
| Great Springs Project                                 | Public Works Department                      |
| Friends of San Antonio Natural Areas                  | Solid Waste Management Department            |
|   | Office of Sustainability                     |
|   | Transportation Department                    |
|   | Office of Historic Preservation              |

Through discussion with these groups, the City of San Antonio developed the following Vision to guide the updated Policy:

***The City of San Antonio should provide an innovative and collaborative approach to regional growth management which enhances the health, safety, and economic vitality of the region.***

## Regional Growth

Bexar County is projected to grow by approximately 1.1 million new residents between 2010 and 2040, including 500,000 new jobs, and 500,000 new dwelling units. The amount of new development surrounding San Antonio affects current service demands and increases the strain on infrastructure, transportation, natural and environmental resources, and the economy. The anticipated growth will further exacerbate this strain on resources for the region.



With fewer annexations by the City, the population living in unincorporated Bexar County increased significantly as the region continued to grow. San Antonio is comprised of approximately 1.5 million people and has grown by over 20,000 people per year on average since 2000, as shown in the table below. The unincorporated portion of the county increased from 11 percent to 17 percent from 2000 to 2020. The unincorporated Bexar County area captured a third of the population growth in the county between 2000 and 2020, as depicted in the graph above.

| Population                  | 2000             |             | 2020             |             | 2000-2020      |               |             |
|-----------------------------|------------------|-------------|------------------|-------------|----------------|---------------|-------------|
|                             | #                | %           | #                | %           | Total          | Ann. #        | Ann. %      |
| City of San Antonio         | 1,144,646        | 82%         | 1,434,625        | 71%         | 289,979        | 14,499        | 1.1%        |
| Other Jurisdictions         | 101,895          | 7%          | 223,800          | 11%         | 121,905        | 6,095         | 4.0%        |
| Unincorporated Bexar County | 146,390          | 11%         | 350,899          | 17%         | 204,509        | 10,225        | 4.5%        |
| <b>Total Bexar County</b>   | <b>1,392,931</b> | <b>100%</b> | <b>2,009,324</b> | <b>100%</b> | <b>616,393</b> | <b>30,820</b> | <b>1.8%</b> |

Source: US Census Bureau

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## Senate Bill 6 (2017), House Bill 47 (2019) and ETJs in Texas

State law prevents Texas cities from proactively managing growth in the ETJ through strategic annexation. Through the application of subdivision platting regulations, the Major Thoroughfare Plan, the Edwards Aquifer Recharge Zone, and Fees in Lieu of – (FILO) programs, the City makes best efforts to work with developers to reach mutually beneficial outcomes for development in the ETJ. Without the authority to unilaterally annex and enforce zoning and building standards outside of their incorporated limits, cities and surrounding counties have few options to ensure orderly and compatible development patterns in their ETJ.

### Senate Bill 6 (2017)

- Curtailed the annexation powers of cities in counties with a population over 500,000, such as San Antonio.
- Requires landowner or voter approval of annexations.
- Includes a provision for annexation elections within five miles of an active military installation. Through an election, a city can propose to property owners a choice between annexation (full- or limited-purpose) or land use regulations that are delineated in the most recent military Joint Land Use Study (JLUS) or Regional Compatible Use Plan (RCUP).

### House Bill 47 (2019)

- Ended most unilateral annexations by any city, regardless of population size or location.
- Requires all Texas cities to obtain landowner or voter approval.
- Certain areas such as enclaves, industrial districts, certain districts with Strategic Partnership Agreements, municipally owned reservoirs or airports, roads, or right-of-way can be annexed in certain situations.

It is therefore in the City's best interest to not only guide growth within the city limits but to also help manage growth and development in its ETJ to mitigate impacts of rapid development in the County. The following section highlights available growth-related tools the City can use to manage growth to the extent allowed under state law.

For rules relating to the application of municipal authority in the ETJ see Section 212 of the Texas Local Government Code.

## Growth Management Tools

**Annexation**, in the past, was the most common mechanism municipalities used to ensure orderly and compatible development on the City's edge. However, changes in state law have limited municipalities' authority to annex without an election, or the consent of landowner(s).

- **Consent Annexation:** Initiated following the termination of a development agreement between the City and landowner.
- **Full Purpose Annexation:** The City extends full municipal services, voting privileges, and collects city taxes. Full purpose annexations are beneficial where the most land use control is necessary to ensure the health, safety, and welfare of residents, and where growth is anticipated to continue at a steady or increased rate.
- **Limited Purpose Annexation:** The City extends planning and zoning ordinances and the City's public health and safety codes but does not extend other City services or collect City taxes. This tool allows a municipality to manage growth without assessing taxes while extending some City services. These areas are best suited for full purpose annexation in the future.
- **Military Protection Areas:** State law allows municipalities to call an annexation election within five miles of a military installation for the purpose of protecting the mission of military installations. In accordance with SB 6 (2017), voters are presented with the option of either full or limited purpose annexation by the City or allow the City to extend land use regulations such as the City of San Antonio's Military Lighting Overlay Districts (MLOD) in a manner recommended by the most recently adopted Joint Land Use Study (JLUS) or Regional Compatible Use Plan (RCUP). The results of the election will determine whether the City may proceed with annexation or use its ability to impose limited land use regulations.
- **Voluntary Annexation:** Initiated by a petition from the landowner who may benefit from services provided by the City through annexation. The landowner can request full or limited purpose annexation.

**Regional Planning and Coordination** is critical to achieving desirable growth management outcomes in the City's ETJ. Continuing to work with utilities and regional partners such as the San Antonio Water System (SAWS), CPS Energy, Bexar County, Joint Base San Antonio (JBSA), neighboring municipalities and other major stakeholders will be required. Below are tools that can aid the City of San Antonio in collaborating with other jurisdictions to ensure regional coordination and appropriate long-range planning.

- **ETJ Land Use Plans/Regional Compatible Use Plans (RCUPs)/Joint Land Use Studies (JLUS):** Can serve as long-range guides for future land use, growth, conservation and resource protection, and development in the ETJ.
- **Municipal Boundary Adjustments (MBAs):** An adjustment to municipal boundaries agreed to jointly by written consent of two municipalities.
- **Interlocal Agreements (ILAs):** ILAs are a contractual agreement between two or more municipalities to establish the terms, performance, or services for municipal boundary adjustments or ETJ releases.

- **Extraterritorial Jurisdiction (ETJ) Release:** An agreement to release ETJ property to another municipality.

**Special Districts (Districts)** are political subdivisions of the State which have taxing authority to pay for public services, infrastructure, and improvements within District boundaries. Districts often are created to provide a financing mechanism to reimburse the developer for infrastructure costs.

State law requires a landowner (the developer may be the landowner) to seek the City's written consent to the creation of a District within the City's ETJ. This provides the City with an opportunity to negotiate with the landowner regarding the conditions of its consent to the District's creation.

- **Public Improvement Districts (PIDs):** PIDs generally are formed under either Chapter 372 or Chapter 382 of the Texas Local Government Code. Chapter 372 PIDs are created by either the City or County, where the creating entity is responsible for the improvements and liabilities in the District. Chapter 382 PIDs are created by the County with the City's written consent. Chapter 382 PIDs, not the county or city, are responsible for the improvements and associated liabilities. Examples include Westside 211 PID, Crosswind at Southlake PID, and Talley Road PID. Chapter 382 PIDs created by the County are the most common type the City receives a request for consent to. Public Improvement Districts give developers an increased ability to provide major infrastructure both on- and off-site which can contribute to regional improvements where County infrastructure cannot keep pace with development. Improvements are financed through the sale of bonds by the District which are supported by issuance of assessments on future residents of the District. For these reasons, the real estate community places great value in the creation of PIDs. Creating excessive regulation in exchange for the City's consent to a PID could diminish the efficacy of PIDs for developers to create infrastructure and housing in the County.
- **Water Districts:** include Water Control Improvement Districts (WCIDs), Fresh Water Supply Districts (FWSDs), and Municipal Utility Districts (MUDs) – these types of districts are commonly used to finance water and sewer infrastructure, including connecting to an existing provider such as SAWS. They also have powers to build and pay for a variety of other public infrastructure. They also have the power to provide utility services.
- **Emergency Services Districts (ESDs):** are commonly used throughout the county to provide emergency services to areas outside of incorporated city limits but can overlap with municipalities corporate limits. Governance ESDs are governed by an independent board appointed by the county. The County Commissioners have influence on the board composition as they appoint board members who must reside in the district. City consent is needed for formation within its city limits or ETJ. However, if the City does not consent or does not act within 60 days, the City may be required to provide services. ESDs can assess property tax and can issue bonds with the approval of voters within the ESD.
- **Development Agreements:** are contractual agreements between the City and an owner of property to be developed. Development Agreements outline terms and conditions for a development, such as infrastructure provision, development standards, and more, and can be used to provide consent to the creation of a District or the issuance of a certificate of convenience and necessity. The framework for a future Strategic Partnership Agreement may also be included in the Development Agreement as an exhibit if the development will be included within a District. Rules relating to Development Agreements can be found in Section 212.172 of the Texas Local Government Code.

- **Strategic Partnership Agreements (SPAs):** are contractual agreements between the City and a District. This allows the City to annex commercial property for limited purpose in the District's boundaries for the purpose of collecting sales taxes and sharing tax revenue. The SPA allows for full purpose annexation of the property at the expiration date defined in the SPA.

For the City to process growth management tools, the applicants should pay an application fee and assessment. The fees and assessment will be used to cover the City's expenses of processing growth management tools, including annexation, publication of public hearing notices and filing with county land records. The fees and assessments will be in accordance with the provisions in the Development Agreement or will be established in an ordinance approved by City Council.

# Section 1:

## Annexation

This section outlines how the growth management tools outlined in the preceding section can be implemented to accomplish a logical expansion of the city and services. Further, this section contains policies which highlight the considerations and context for each tool, most importantly how it fits into the larger context of growth for the City of San Antonio. This section includes policy criteria which are either completely within the authority of the City to implement or require less intergovernmental interaction than the following section “Growth Management & Regional Coordination” which entails a more involved approach to regional growth as jurisdictions and planning authority overlaps.

Subject to voter approval and/or landowner petitions and Chapter 43 of the Texas Local Government Code, the City of San Antonio has the authority to annex areas within its ETJ that are contiguous to its city limits. Annexation provides the opportunity for the City to extend an urban level of services in the unincorporated portions of the county. This allows for more efficient provision of public services and infrastructure necessary to develop land.

With annexation, the City can apply zoning to a property to help address incompatible development patterns, thus protecting existing and future land uses. Annexation and subsequent zoning can be used as a growth management tool by promoting orderly development patterns. The City of San Antonio must also be mindful of existing uses in areas best suited for annexation to ensure potential annexations further the goals of the SA Tomorrow Comprehensive Plan.

Through annexation, the City invests in providing infrastructure and services to the annexed area. Pursuant to State law, if a city disannexed an area from its corporate limits, the city is obligated to pay back taxes to the landowners in the disannexed area; hence, there is a fiscal impact to the City via paying back taxes. For these reasons, the City of San Antonio does not and should not support disannexation requests.

# City of San Antonio Annexation Policies

- 1. Annexation should be considered when needed to address the protection of key natural resources, economic assets, and military assets.**

**The City of San Antonio should consider annexing areas:**

- Where the lack of City regulations and/or services are having an adverse impact on natural resources.
- Where lack of City regulations and/or services have an adverse impact on military missions or installations.
- Where there will be an increase in economic opportunities or to prevent adverse impacts to existing businesses and economic assets.
- Where annexation mitigates the impact of development near, or within, sensitive aquifer areas through zoning and development regulations.
- Where annexation will keep economic activity, and associated tax revenues, within the city limits.

- 2. Annexation should be considered to support the implementation of the desired city form specified in the adopted Comprehensive Plan through the application of city codes.**

**The City of San Antonio should consider annexing areas:**

- Where the extension of zoning, including zoning overlay districts and land use regulations, may help address issues related to incompatible land uses for residents and businesses.
- Where the application of building codes, street design standards, and utility requirements will lead to a higher quality of life.
- Where the built environment can be enhanced to achieve the City's goals for livable and healthy communities.
- Where adequate transportation and transit services can be feasibly provided.
- Where development can occur at adequate densities to support the efficient and economically feasible extension of city services and infrastructure.
- Where a property with a Development Agreement with consent annexation terms has expired or terminated. Annexation of these areas should be considered on a case-by-case basis.

- 3. Annexation should be considered for areas to further support intergovernmental relations and to support the efficient and logical expansion of City services.**

**The City of San Antonio should consider annexing areas:**

- Where annexation can protect the ability to strategically expand City limits.
- Where City-owned properties (including those belonging to City-owned utilities) can be annexed as soon as practical after acquisition to provide municipal authority over the property.

- c. Where annexation can enforce Memorandums of Understanding (MOUs) between the City and Joint Base San Antonio through Regional Compatible Use Plans (RCUPs) or other military studies.
- d. Where unincorporated ETJ area surrounded on most sides by the City, and/or other municipalities boundaries (“jurisdictional islands” or “enclaves”), can be prevented to provide logical planning and/or service delivery boundaries. Actions that may create a jurisdictional island are highly discouraged.
- e. Where annexations do not create an undue fiscal burden on the City or utility providers such as SAWS and CPS Energy.

## Annexation, Joint Base San Antonio (JBSA) Military Installations, and Military Protection Areas

Protecting the missions of Joint Base San Antonio (JBSA) military installations and maximizing the economic impacts of the military in the San Antonio region is one major objective of this policy. The military is an important source of employment and economic activity for the City and the broader region and plays a key role in supporting a wide variety of non-military industries across San Antonio. The Department of Defense (DoD) is a critical partner in the local and regional economy of San Antonio and the surrounding area and is also a strong steward of conservation efforts for the area through the Camp Bullis Sentinel Landscape Program.

*Estimated Total Contribution of JBSA to the Texas Economy  
(JBSA Regional Compatible Use Plan & Texas Comptroller's Office)*

| Report Year                            | 2015    | 2017    | 2019    | 2021    |
|--|---------|---------|---------|---------|
| Total direct employment                | 57,136  | 64,967  | 73,707  | 82,639  |
| Total employment (direct and indirect) | 282,995 | N/A     | 210,998 | 211,213 |
| Output (billions)                      | \$48.70 | \$30.37 | \$41.30 | \$39.16 |
| Gross domestic product (billions)      | \$28.80 | \$18.70 | \$25.20 | \$23.31 |
| Disposable personal income (billions)  | \$17.00 | \$12.20 | \$13.00 | \$14.40 |

*Source: (Graf, K., Taylor, A., & Nguyen, S.); (Graf, K., Taylor, A., & Temkin, J.); (Graf, K., Taylor, A., Socol, D., & Fujimoto, Lt. Col. [Ret.], USAF, D.).*

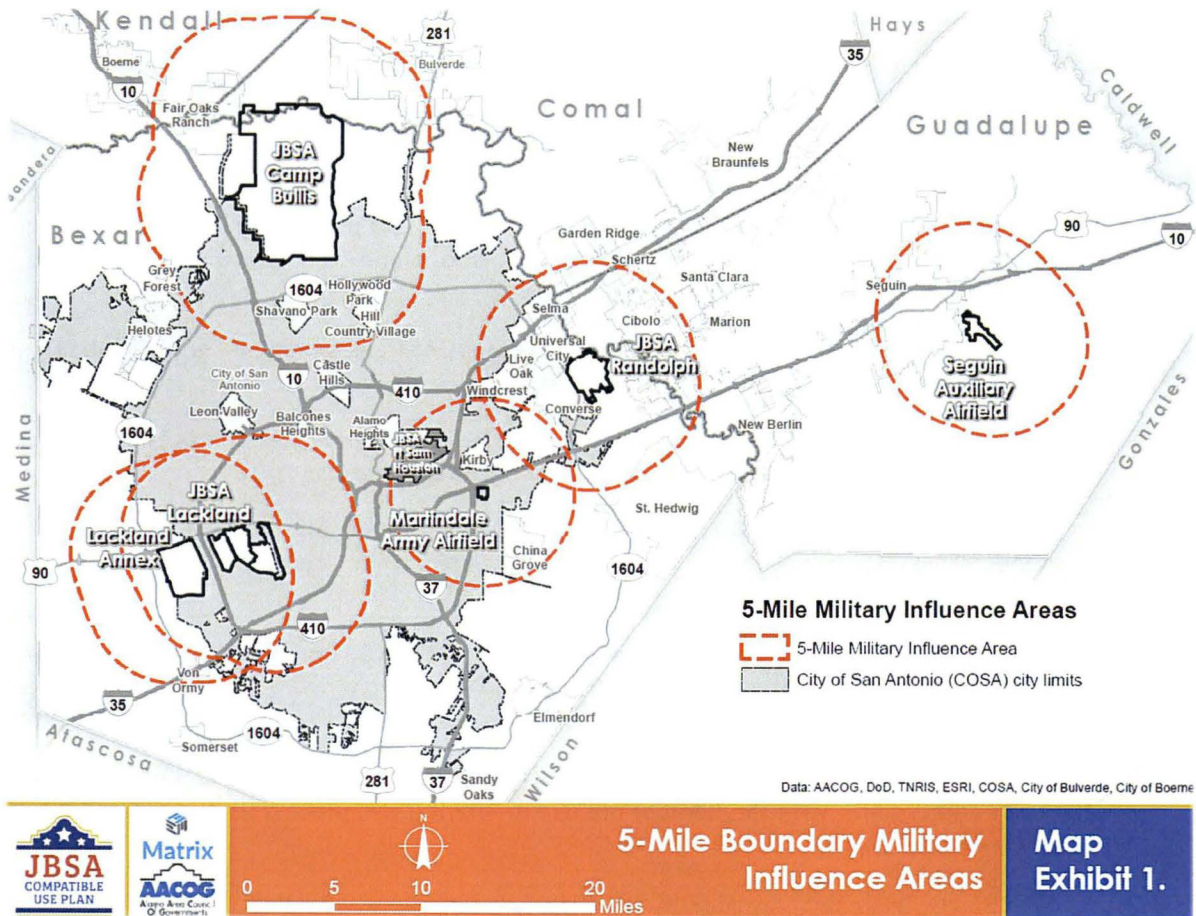
In 2018 the City of San Antonio called elections for two areas within the five-mile area of the boundaries of Camp Bullis-Camp Stanley and Lackland Air Force Base-Medina Training Annex consistent with SB 6 (2017). The property owners in the proposed annexation areas overwhelmingly chose not to annex, and instead opted for additional land use controls in conformance with the Joint Land Use Study for those areas. These additional land use controls were adopted in 2019.

The City of San Antonio has the authority to order additional annexation elections of areas within the five miles of a military installation, which were not part of the 2018 elections, in the future.

Since the passage of SB 6 in 2017, the DoD's Office of Economic Adjustment was re-named the Office of Local Defense Community Cooperation (OLDCC). It transitioned the Compatible Use/JLUS program to the Military Installation Sustainability program, revising the name of Joint Land Use Study (JLUS). Current program nomenclature includes Compatible Use Studies, Compatible Use Plans (CUPs) and Regional Compatible Use Plans (RCUPs). In 2022, the JBSA Regional Compatible Use Plan (RCUP) was completed. The primary goal of the JBSA RCUP is to ensure that community development throughout the region is compatible with the continued military mission of JBSA installations including JBSA-Camp Bullis; JBSA-Lackland, Chapman Training Annex, Kelly Field; JBSA-Randolph, Seguin Auxiliary Airfield, and the



Martindale Army Helicopter (MAHP) installation. State law allows enforcement of land use regulations in accordance with the most recent JLUS/RCUP through voter approval. This places more importance on establishing a basis in the JLUS and RCUP for regulating land use.



## Joint Base San Antonio (JBSA) Military Protection Annexation Policies

- 1. The City of San Antonio should monitor development activity surrounding JBSA installations to identify areas where annexation or enhanced land use regulations are needed to protect military operations.**
  - a. Areas that are likely to develop in three to five years should be considered for a special annexation election. The City should monitor development activity around military installations to get ahead of development pressure that could affect installations' mission and operations.
  - b. The City should coordinate with JBSA to identify existing and pending land use, development, and transportation issues around military installations and collaborate on mitigation and solutions.
  - c. Develop strategies that apply land use and development tools to mitigate encroachment and compatibility issues that pre-date the JLUS and RCUP.
  - d. Request the dedication of aviation easements when development is proposed on property within the safety zones as per JLUS and RCUP's recommendations.
  - e. Continue to enforce the City's Dark Skies Ordinance around JBSA installations to address unnecessary light pollution, uplight, and glare from new construction or the revision/replacement of existing lighting.
  - f. Continue to enforce the Military Airport Overlay Zone (MAOZ) overlay zoning district limiting the density of development and intensity of uses in identified runway Clear Zones and Military Airport Overlay Zone.
- 2. The City of San Antonio will participate in cooperative regional planning to benefit military installations in accordance with the Compatible Use Program (CUP) process, to the extent allowed by Federal and State Law.**
  - a. Where practical, the City should also work to incorporate related policies into the SA Tomorrow Comprehensive Plan's Sub-Area Plans and/or ETJ Plans.

# Section 2:

## Growth Management & Regional Coordination

### Introduction

Regional planning and coordination are needed to address many of the issues facing the City of San Antonio, Bexar County, and surrounding counties. Enhanced partnerships are important to develop an effective approach to regional growth management.

- Land use application and enforcement is needed to help protect military installations. The ability of the City to influence land use within five miles of military installations through annexation or extension of land use regulations is an opportunity and tool that was offered within Senate Bill 6 (2017). The City should update and develop future land use plans for those areas adjacent to military installations, in accordance with a Joint Land Use Study (JLUS) or Regional Compatible Use Plan (RCUP/CUP). Proactive land use planning is needed to understand which areas the City should consider for annexation or the need to promote compatible land uses.
- The continued protection of the natural resources and economic assets of the San Antonio region is necessary to ensure its future prosperity and health. Without unilateral annexation powers, the ability for the City to control land use in the ETJ is very limited. At a minimum, the acknowledgement in ETJ Plans or other regional plans of the need to protect the City's assets is essential.
- The City, Bexar County and surrounding counties are experiencing an increase in requests for the creation of Districts within the City's ETJ. These requests present an opportunity for the City to influence land use and create partnerships for regional infrastructure improvements. Conformance with the City's preferred land use direction should be a major consideration for approval of these Districts. Necessary regional improvements should be identified to allow for partnerships to address issues beyond the boundary of individual development projects.
- Lastly, the City of San Antonio still possesses the ability to annex and grow its boundaries with landowners' consent or voter approval. Hence, the City still needs to understand the opportunities, benefits, and adverse impacts of potential annexation requests within the ETJ.

## Special Districts and Related Tools

Special Districts (Districts) are becoming a more commonly used tool by developers in the San Antonio area to finance infrastructure and pay for services to support development in the ETJ. As political subdivisions of the State, Districts have the power to levy property, sales, or hotel occupancy taxes, assess fees and issue bonds, sue, and be sued. In addition, water districts may adopt and enforce rules addressing water distribution, water conservation, and the safety and sanitation of sewer systems.

Generally, a municipality's written consent is required to create a District in a city's ETJ and for the District to exercise its full powers. If the City does not consent to the District's creation, the landowner may seek an alternative creation process through a State agency or State legislation. By participating in the creation of a District, the City of San Antonio has the ability to negotiate the terms of its consent.

The type of District is determined by several factors including: the purpose, the power, and/or duties of the District, the set of laws or rules governing the District and the specific location of the District. Below are descriptions of the different types of Districts, including the different avenues in which Districts can be created:

**General Law Districts:** The State Constitution and applicable set of State codes and rules govern the Districts' powers and duties.

- **Public Improvement Districts (PIDs):** Requests for the City's consent to county created PIDs are the most common type of District requests in San Antonio's ETJ. PIDs are generally formed under either Chapter 372 or Chapter 382 of the Local Government Code. Chapter 372 PIDs are created by either the City or County and the creating entity is responsible for the improvements and liabilities in the District. Chapter 382 PIDs, also referred to as Special Improvement Districts, are created by the County. Chapter 382 PIDs (not the creating entity) are responsible for the improvements and liabilities.
- **Water Districts and Utilities:** Districts can be created by the Texas Commission on Environmental Quality (TCEQ) pursuant to the Texas Water Code. The powers and duties of such Districts are set out in statute. Creation of a District requires consent of the landowner and, generally, the consent of a municipality if the District is located in the ETJ. If municipal consent cannot be obtained, the landowner may seek creation of such a District through a State agency which involves a longer process.

**Special Law Districts:** The Texas Legislature may create a special law or local bill to create a District pertaining to a specific individual or organization or location. The special law specifies which State laws and statutes will govern the District. Unless specifically provided otherwise by statute, the consent of a municipality is required if the District is located in the ETJ. Again, if municipal consent cannot be obtained, the landowner may seek a creation of the District through a State agency which involves a longer process.

## Special Districts

The City of San Antonio should consider granting its consent to the creation or expansion of Special Districts in support of responsible growth within its ETJ. To create many of the common types of Districts in the City's ETJ, the City's consent is required.

### Special District Policies

- 1. The City of San Antonio should consider a petition for its consent to a District if the petition is mutually beneficial; supports the City's annexation of nearby properties; and implements City policies, plans and/or regulations.**
  - a. The City shall follow a comprehensive and transparent process and evaluation criteria and standards by which special district petitions should be considered for consent.
  - b. Voluntary, full-purpose annexation of all District areas should be facilitated via terms defined in a Development Agreement.
  - c. Improvements associated with development in the ETJ should contribute to the increased infrastructure needs of the City and its utility providers.
  - d. Districts should project the life of the district and establish a sunset for dissolution.
- 2. Applicants seeking approval for consent should make best efforts support the goals and policies of the Comprehensive Plan and other City plans or policies where feasible and applicable. Applicants are encouraged to highlight any goals or policies supported in their petition.**
  - a. The project should make best efforts to implement adopted land use classification(s) for the area, and recommended in any adopted JLUS, RCUP or ETJ/Sector Plans.
  - b. The project should conform with the City's Major Thoroughfare Plan and Multimodal Transportation Plan, including construction of the development's proportional share of required regional improvements.
- 3. The City of San Antonio will only consent to the creation of Districts when they have demonstrated that they will be financially stable and not unduly burden City residents or utility ratepayers.**
  - a. The petitioner must provide a stable financial plan for the development and prove the district is financially self-sustaining with ad-valorem, sales and other taxes and assessments.
- 4. Improvements and/or infrastructure funded through the District should make best efforts to provide regional benefits or contributions including, but not limited to:**
  - a. Completion of needed regional infrastructure and improvements.
  - b. Creation of needed public facilities to support development in the area.
  - c. Provision of desired community infrastructure and/or amenities identified within a Sector Plan/ETJ Plan or JLUS/RCUP for the area.
  - d. Provision of improvements that improve the protection of natural, military, and/or economic assets.
- 5. The District shall not result in adverse impacts to the City's financial status or limit the City's powers.**

- a. The project should not create any financial risk to the City at the time of request for the City's consent or in the future.
- b. An application fee for all new District petitions, including expansion of existing Districts, will be required.
- c. A Special District Operations Assessment is required.

## Development Agreements

Development agreements between the City and a landowner are contractual documents that establish the conditions and terms of the city's consent to the creation of the District or the granting of consent to a new certificate of convenience and necessity (CCN) when a non-SAWS utility provider seeks to serve within the ETJ. Implementing the most up to date development and infrastructure standards; protection of environmentally sensitive areas and the enhancement of economic development assets are some desired outcomes of the City's consent to the creation of Districts or the consenting to the granting of a new CCN. Rules for Development Agreements can be found in Sec. 212.171 of the Texas Local Government Code.

### **Development Agreements Policies:**

- 1. The City of San Antonio should require development agreements for its consent to the creation of Districts to achieve objectives of the Comprehensive Plan and other applicable City policies.**

#### **Development Agreements:**

- Shall be required for all types of Special Districts, including Public Improvement Districts (PIDs), and Industrial Districts.
  - Shall include the conditions required to obtain the City's consent to the creation of a District, including conditions regarding the District's specific powers and authorities and taxing and assessment tools. Eminent domain, annexation authority or expansion powers are highly discouraged unless expressly needed to achieve a mutually agreeable outcome.
  - May include provisions to improve the protection of natural resources, military, and economic assets where applicable.
  - May include provisions to defer annexation until the termination of the agreement and include a written agreement for services after annexation by the City. The City reserves the option to not annex the property.
  - Shall require an operation assessment for all expenses related to the processing of any development agreement or other related expenses, and reimbursement of the City's expenses including the recording of the agreement with the county land records.
- 2. In the event SAWS does not serve an area, a developer requests a change to a CCN to include new service area(s), or a Special District or Investor-Owned Utility intends to create a new CCN in the ETJ, the City of San Antonio should require that the development comply with SAWS infrastructure standards.**

## Strategic Partnership Agreements

State Law allows some Districts and municipalities to enter into Strategic Partnership Agreements (SPAs). Through SPAs, municipalities and Districts may agree to limited purpose annexation of commercial property and levy a sales tax by the municipality within the District. SPAs allow the City to share tax revenue with a District. The SPA statute allows for full annexation of the District at a date defined in the SPA and requires no further action by City Council.

- 1. The City of San Antonio should consider entering into a Strategic Partnership Agreement (SPA) in connection with the City's consent to a District and development agreement if it furthers the goals of the Comprehensive Plan and is needed to achieve the goals of the growth and annexation policy.**

### **Strategic Partnership Agreements should:**

- a. Result in net positive revenue to the City.
- b. Provide for revenue-sharing of taxes generated in the commercial property annexed for limited purpose between the City and the District.
- c. Require reimbursement by the District for the City's expenses related to the processing of the SPA, including but not limited to the publication of public hearing notifications, recording of the SPA in the county's land records, and other limited purpose annexation costs.
- d. Provide for full purpose annexation at the City's option after a specified period of time.



## Municipal Boundary Adjustment Policies

The City of San Antonio and other local jurisdictions work together to address regional growth issues using several tools. The adjustment of municipal boundaries may present an opportunity to further the goals of the Comprehensive Plan or address health and safety issues near the edges of the City's boundaries. As a result, the City may receive requests for adjustments from neighboring municipalities.

- 1. The City of San Antonio should consider requests for municipal boundary adjustments (MBA) under the following conditions, and other considerations on a case-by-case basis.**
  - a. Boundary adjustments should be considered to enhance service and infrastructure delivery and to promote the general health, safety, and welfare for the area.
  - b. Boundary adjustments should be considered where an exchange of territories of equivalent value, or an exchange for other considerations of equivalent value, could occur between the municipalities.
  - c. The requesting municipality should have adequate land use controls to maintain development standards equivalent to those of the City of San Antonio.
  - d. Boundary adjustments should not be considered if the area to be released would result in a significant reduction to the City of San Antonio's revenue or if the area contains natural, military, or economic resources vital to San Antonio's interests.
  - e. Boundary adjustments should be considered when the requesting municipality complies with an existing interlocal agreement (ILA) with the City of San Antonio and/or other contractual arrangements. If an ILA does not exist, a new ILA establishing the terms and agreements of the MBA should be considered.
  - f. The requesting municipality will be responsible for all expenses related to an MBA request.

## Extraterritorial Jurisdiction (ETJ) Release Policies

Extraterritorial Jurisdiction (ETJ) releases are an agreement to release and accept ETJ territory by written consent between two municipalities. The City of San Antonio should consider requests for ETJ releases from other municipalities to alleviate the potential for jurisdictional conflicts with abutting municipal and county governments, and for coordinating service delivery arrangements with emergency response providers.

- 1. The City of San Antonio should consider requests from other municipalities for release of its ETJ under the following conditions, and other considerations, on a case-by-case basis.**
  - a. ETJ releases should be considered to enhance service and infrastructure delivery and to protect health, safety, and welfare.
  - b. ETJ releases should be considered where future development does not impact the Certificate of Convenience and Necessity (CCN) of the City's municipal utility providers.
  - c. ETJ releases should be considered where the City of San Antonio cannot feasibly annex and desired land uses in conformance with the Comprehensive Plan cannot be extended.
  - d. ETJ releases should be considered where the area can be better served through future annexation by another municipality, or an exchange of territories, or other considerations of equivalent value.
  - e. The requesting municipality should have adequate land use controls to maintain development standards equivalent to those the City of San Antonio and its public utilities can impose in the area.
  - f. ETJ releases should be considered when the requesting municipality complies with an existing interlocal agreement (ILA) with the City. If an ILA does not exist, a new ILA may be considered related to the ETJ release request.
  - g. Once released, the area shall remain in the requesting municipality's ETJ, even if the municipality is unable to annex it.
  - h. The requesting municipality will be responsible for all expenses related to an ETJ release request.
  - i. ETJ releases should not be considered if the area to be released would result in a reduction to the City of San Antonio's current or future revenue.
  - j. ETJ releases should not be considered if the area contains natural, military, or economic resources vital to the City of San Antonio's interests.

## Bexar County & Extraterritorial Jurisdiction (ETJ) Planning

As the San Antonio region continues to grow, a significant amount of development has occurred in the unincorporated portion of Bexar County. Texas counties have limited authority to guide and control growth in the unincorporated areas since they lack the authority to zone property and perform inspections on new residential construction. Counties also lack revenue tools to provide and/or fund services needed to support urban scale development.

Bexar County and the City through a collaborative process ensure that development in the ETJ complies with subdivision platting and development regulations, including other components of the City’s Unified Development Code, the Major Thoroughfare Plan (MTP), and protection of area military installations. The County has established emergency services districts to provide firefighting services and special districts to provide some regional transportation infrastructure in areas lacking services and infrastructure. The partnership between the City of San Antonio and Bexar County is essential to address the needs of the community.

For the City of San Antonio, there are major benefits that can be derived from developing land use plans in its ETJ, even if annexation is not a future reality for these areas. ETJ plans are a new component in the City’s growth-related toolbox. This new planning effort builds on previous work such as the SA Tomorrow Comprehensive Plan Building Blocks, including Urban Centers, Corridors, and Complete Neighborhoods and the Updated Comprehensive Planning Program (CPP). The planning framework is intended to guide the planning process for specific areas in the City’s ETJ. There may be areas within the ETJ that currently (or in the future) lack services or infrastructure and may present health and safety issues and/or negatively impact assets of the City. The identification of potential areas of concern and strategies for addressing issues should be a component of future regional land use plans.

The purpose of the ETJ Framework Map (the “Framework”) is to create a manageable number of ETJ planning areas for future analysis. The seven ETJ planning areas are identified in Figure 1 below.

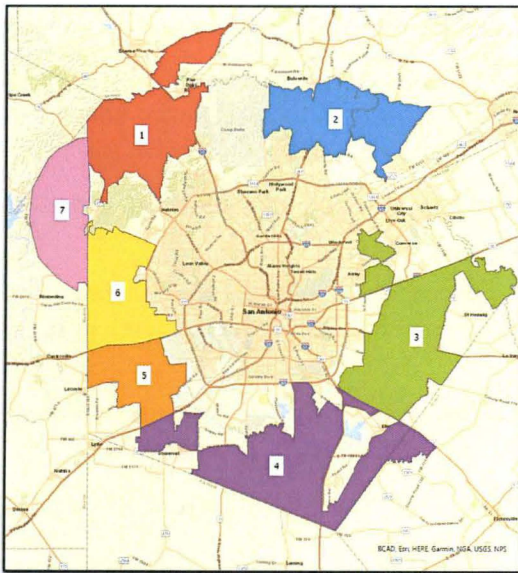


Figure 1: Preliminary ETJ Framework Map

# Extraterritorial Jurisdiction Planning Policies

## The City of San Antonio:

- 1. Should collaborate with regional partners to develop regional land use plans. These land use plans should include the following components:**
  - a. A future land use map with land use categories consistent with the SA Tomorrow Comprehensive Plan.
  - b. Data and analysis for the major utility providers (SAWS and CPS Energy) and elected officials for future growth plans, policy decisions and changes to service areas.
  - c. Identification of natural, military, and economic assets; and identification of strategies to protect these assets from encroachment of incompatible land uses.
  - d. Evaluation of health and safety concerns which can be addressed through the extension of land use regulations or municipal/utility services.
  - e. Identification of regional infrastructure improvements that are needed to support the desired land uses in the area, implement the Major Thoroughfare Plan (MTP) or utility master plans, or support improvements identified by the Alamo Area Metropolitan Planning Organization (AAMPO) and TxDOT.
  - f. An assessment of broadband infrastructure in the ETJ in collaboration with Bexar County.
- 2. Should collaborate with regional partners to identify focus growth areas in the ETJ to identify areas best suited to accommodate growth, identify possible annexation areas and support efforts to provide efficient infrastructure and service provision by SAWS, CPS Energy, and emergency service providers.**
  - a. Identify areas within the ETJ that are or can be efficiently served with infrastructure and services equivalent to City of San Antonio standards.
  - b. Identify areas within the ETJ where development patterns, future land use, and major employment opportunities can support and align with the goals of the Comprehensive Plan.
- 3. Use identified growth management tools to support and protect military missions and JBSA installations.**
  - a. Ensure the planning of City's investments and partnerships retain JBSA installations and attract expanded military missions due to realignments and installation closures in other areas.
  - b. Communicate and coordinate with adjacent jurisdictions and JBSA to minimize potential future impacts of any installation closure or realignment initiatives.
  - c. Support the recommendations provided in RCUPs/JLUS and in current and future JBSA related studies or plans to ensure JBSA viability and growth.
  - d. Consider development agreements and other growth management tools to provide long-term protections for JBSA installations, operations, and missions.

4. **Should continue to partner with Bexar County, Joint Base San Antonio (JBSA), Alamo Area Council of Governments (AACOG), and Alamo Area Metropolitan Planning Organization (AAMPO) in development of ETJ plans, Joint Land Use Studies (JLUS) and Regional Compatible Use Plans (RCUP/CUPs).**

## CPS Energy Coordination Policies

**SA Tomorrow Growth and City Form Policy #19:** “Ensure that the City’s growth and annexation plan provides guidance for growth plan and policy decisions made by the major utility providers, SAWS, and CPS.”

- 1. The City should partner with CPS Energy to identify applicable growth management tools to ensure the orderly provision of services, utility investments and improvements and to protect and improve the City’s energy security.**
  - a. The City of San Antonio will collaborate with CPS staff during the development process regarding large developments in the City’s ETJ.
  - b. Ensure that growth related decisions do not create an undue fiscal burden on CPS Energy
  - c. The City shall actively collaborate with CPS Energy to determine the impact of expansions and contractions of service areas by aligning CPS Energy’s long-term goals with the City’s various applicable policies.
  
- 2. The City and CPS Energy should collaborate and share data relating to key growth indicators in the ETJ.**
  - a. The City will actively work with regional partners and CPS to develop and maintain updated growth projections; ensuring future utility investments are aligned with burgeoning and future growth areas.
  - b. The City of San Antonio and CPS Energy should work to identify future areas where growth should be prioritized as well as exploring new incentives and programs.
  
- 3. The City should continue to support CPS Energy’s efforts to modernize and diversify the CPS Energy generation portfolio in support of the Climate Action and Adaptation Plan (CAAP) and SA Tomorrow Comprehensive Plan.**
  - a. The City should consider the effects of increasingly extreme weather events, regulatory uncertainty, cyber and physical infrastructure threats, and market volatility on CPS Energy’s ability to provide affordable, reliable, and consistent service.
  - b. The City should continue to support CPS Energy in pursuit of federal grant funding through the Department of Energy and others.
  - c. The City should encourage master planning with both reliability and resiliency in land use and developments to consider electric and gas infrastructure needed to support the CAAP, SA Tomorrow Comprehensive Plan, and CPS Energy.
  
- 4. The City should collaborate with developers, home builders, and property owners to build more energy efficient and sustainable developments.**
  - a. The City should consider the Residential and Commercial programs offered through CPS Energy’s *Sustainable Tomorrow Energy Plan* (STEP) during the development review process for properties in the ETJ.
  - b. The City should consider additional means to incentivize LEED Certified Projects; Energy Star Certified roofing products, Smart Thermostats, and dark sky compliant LED light fixtures.

## Water & the SA Tomorrow Comprehensive Plan

As an updated component to the SA Tomorrow Comprehensive Plan this document is intended to provide guidance to our City-owned utilities; the policies included in this update are reflective and inclusive of the goals and policies of the SA Tomorrow Comprehensive Plan.

The City of San Antonio relies primarily on the Edwards Aquifer as the City's water source. The Edwards Aquifer encompasses an area of 8 counties across south-central Texas, including San Antonio and surrounding communities. The aquifer also provides water flows for endangered species and habitat.

Currently, the City is faced with rapid development in the County and ETJ which puts additional strain on the aquifer as a principal water source and increases risk for contamination. Although San Antonio Water Systems ("SAWS") has further diversified the City's water source portfolio since the passage of the SA Tomorrow Comprehensive Plan, the Edwards Aquifer remains the main water supply source for the region.

As such, the City needs to ensure the availability and quality of the community's drinking water. To do this the City of San Antonio and SAWS take multifaceted approaches to water resource management, including the operation of one of the largest direct water recycling programs in the nation.

The following policies from the SA Tomorrow Comprehensive Plan should be consulted when faced with growth related decisions where natural resource protection is a concern. The following policies may not apply to all development in the ETJ and this reference to the Comprehensive Plan is provided for informational purposes:

- **NRES P7:** Continue to reduce per capita water consumption through conservation and other efforts.
- **NRES P8:** Support continued water conservation investment to include education, incentives, and implementation of reasonable regulation, with particular emphasis on high volume users.
- **NRES P9:** Support and incentivize rainwater harvesting and reuse (in accordance with Texas HB 3391 (2011)).
- **NRES P10:** Support and incentivize xeriscape and other non-lawn alternatives through programs such as SAWS WaterSaver Landscape Coupon program.
- **NRES P11:** Encourage land intensive development patterns to locate outside of the Edwards Aquifer recharge and contributing zones and along preservation reaches of rivers and creeks. (See also GCF P26 and CHW P36)
- **NRES P12:** Protect the Edwards Aquifer recharge and contributing zones and the preservation reaches of rivers and creeks.
- **NRES P13:** Jointly work with SAWS and CPS to determine the impact of utility service area expansion by coordinating the providers' service areas with the City's Comprehensive Plan and growth policies. (See also CHW P39)
- **NRES P14:** Support and coordinate with the SARA Watershed Plan effort.
- **NRES P15:** Continue to support SAWS plans and programs to diversify San Antonio's water sources.

- **NRES P16:** Develop new and utilize existing partnership programs between public agencies and a diversity of residents, community groups and organizations to monitor the city's water quality. (See also CHW P40)
- **NRES P17:** Support the efforts of and collaborate with appropriate governmental entities to monitor, protect, and ensure water quality within the Edwards Aquifer. (See also CHW P41 and GCF P32)



## SA Tomorrow and SAWS

In order for SAWS to support implementation of the City's SA Tomorrow Comprehensive Plan, consideration should be given to the policy areas listed below. Growth and City Form Policy #19 of the comprehensive plan states: **"Ensure that the City's growth and annexation plan provides guidance for growth plans and policy decisions made by the major utility providers, SAWS and CPS."** Thus, effort should be made to negotiate and implement the goals and policies in the comprehensive plan so that an appropriate level of development is attained in sensitive areas and SAWS maintains alignment with the City's overall comprehensive plan.

1. **The City should partner with SAWS to identify applicable growth management tools to ensure the orderly provision of water and wastewater services, utility investments and improvements, and to protect the region's water sources.**
  - a. SAWS shall actively collaborate with the City when considering expansions and contractions of its CCNs by aligning SAWS' long-term goals with the City's Comprehensive Plan and growth policies.
  - b. The City and SAWS should continue to periodically evaluate development proposals over the Edwards Aquifer Recharge and Contributing Zones.
  - c. The City and SAWS should continue to encourage low impact development designs and practices that promote and support water conservation practices.
  - d. SAWS should compare treatment options to determine the best overall method for conveyance or disposal to protect the Edwards Aquifer and sensitive features.
  - e. The City and SAWS should continue working with, and implementing programs of, the Texas Commission on Environmental Quality (TCEQ) to prevent non-point (i.e., water runoff, precipitation, drainage) source pollution.

## SAWS and Certificate of Convenience and Necessity (CCN) Requests

The availability of water and wastewater utility services allows new development to occur around San Antonio's edges. Currently, San Antonio Water System (SAWS) Water and Sewer Certificates of Convenience and Necessity (CCN), also referred to as service areas, extend beyond the municipal limits (and the City's extraterritorial jurisdiction (ETJ) in certain limited areas). San Antonio's growth is not currently fully aligned with the service boundaries of the City's major water and sewer service provider, which can be a challenge.

Historically, it has been SAWS' policy to provide water and wastewater services in the City's ETJ where not being served by another utility. SAWS took this approach to help ensure potential annexation areas in the future would receive a level of service consistent with services provided in the rest of the city and to avoid the creation of undercapitalized, developer-created utilities near the City's boundaries. SAWS preferred to serve newly developing areas to ensure that robust, urban-level service would be provided to new developments.

To accomplish its policy, SAWS obtained a significant expansion of its CCN within the City's ETJ. However, pursuant to State law, SAWS is required to fulfill any requests for service within its CCN areas that satisfy SAWS' service regulations. Hence, this legal obligation limits SAWS' ability to refuse or limit utility services within its CCN if the developer is capable of meeting SAWS' service standards.

Changes in State annexation law have significantly reduced the chances that developments in the ETJ will ultimately be annexed into the city. Other changes, such as provisions requiring Districts (including investor-owned utilities (IOUs)) to seek the City's consent, give the City new powers to influence the standards of services of other utility providers in the ETJ. Additionally, State-level regulators are now managing their programs to better assure the viability of alternative utility providers.

Expansion by utility service providers, including SAWS, may in some cases diverge from the goals of the Comprehensive Plan. To address these potential conflicts, the City and SAWS regularly meet to address impacts of planned development.

State law prohibits non-District utility providers or IOUs from providing retail water or sewer service without a CCN granted by the Public Utility Commission (PUC). In the boundaries or ETJ of a city with a population of 500,000 or more, the PUC may not grant a CCN without the consent of the city, which may not be unreasonably withheld.

There may be situations when a landowner wants to use an IOU to provide service within the ETJ, particularly in areas outside of SAWS CCN. These developments could also be associated with a District used to finance the infrastructure. The obligation for the IOU to seek the City's consent provides an opportunity to negotiate conditions as part of the consent process.

## San Antonio Water System (SAWS) and Certificate of Convenience and Necessity (CCN) Requests Policies

1. **Regarding a third party's request for consent to establish a CCN within the City's corporate limits or ETJ, the City of San Antonio should consider:**
  - a. If SAWS is willing and capable of providing retail water or sewer services.
  - b. If it furthers the goals of the Comprehensive Plan and is needed to achieve the goals of the annexation and growth policy.
  - c. Terms negotiated as part of a development agreement, including those related to the City's and SAWS' standards for water and sewer facilities.
  - d. If the petitioner can provide a stable financial plan for the construction and operation of the utility system.
  
2. **Requesting utility must demonstrate adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested service area using the standards of the Public Utility Commission of Texas, including 16 T.A.C. 24.11(e). Development Agreements relating to the City's consent to a third party's CCN request should implement policies defined in the Annexation and Growth Policy and should make efforts to the extent allowed to:**
  - a. Encourage the appropriate intensity of use and buffering between new development/redevelopment and military installations. Intensity of use should implement the adopted land use plan, JLUS, or RCUP to the extent possible.
  - b. Encourage the protection of the Edwards Aquifer from the impacts of dense, urban-scaled development and encourage xeriscape lawns in public places.
  - c. Encourage and incentivize the use of low-impact development (LID) features to the extent possible to filter or detain water before draining into nearby creeks, streams, and other recharge features.
  - d. Encourage the preservation of riparian buffers of streams or riverbanks and 100-year floodplains as natural drainage ways, without alteration, permanent construction, unnecessary straightening, bank clearing or channeling.
  - e. Development agreements should include an agreement that all water and sewer infrastructure, improvement, or facilities, be constructed in accordance with the City's and SAWS' standards for water and sewer facilities, and that no transfer of the CCN or facilities will be made unless the new utility consents to all conditions established in the City's original consent.
  - f. The petitioner must provide a copy of its utility service regulations and agree to provide the City with any changes to those regulations.
  - g. The requesting utility will be responsible for all expense related to a CCN request.

- 3. The City of San Antonio and SAWS should explore a policy that encourages petitioners requesting service from SAWS outside of SAWS' CCN to enter into a development agreement with the City as a condition for the Utility Service Agreement.**
  - a. The SAWS Board retains full authority over CCNs and USAs; consultation with the City is recommended.
- 4. The City of San Antonio and SAWS should explore developing policies or incentives for negotiating agreements for service outside of SAWS CCN that promotes the SA Tomorrow Comprehensive Plan and supports SAWS.**

## Natural Resource Protection & Conservation Coordination Policies

The City of San Antonio and surrounding region is home to a diverse and active natural resource protection community. Also boasting a nationally recognized water utility, SAWS, the City has demonstrated its commitment to Sustainability and the protection of our region's natural resources.

Through other Planning and policy documents, the City has taken steps to move towards a more sustainable future. Elected officials, policy makers and staff have a range of planning and policy documents available for consultation on specific topics which include:

- SA Tomorrow Comprehensive Plan (2016)
- SA Climate Ready: A Pathway for Climate Action and Adaptation (2019)
- San Antonio River Basin Low Impact Development Technical Design Guidance Manual (SARA)
- Regional Compatible Use Plan (RCUP) – Joint Base San Antonio
- Management Guidelines for the Golden-Cheeked Warbler in Rural Landscapes - Texas Parks & Wildlife Department

**1. The City of San Antonio and regional partners should proactively protect natural resources and promote sustainable land use and development in the ETJ:**

- a. Identify and map environmentally significant features, including water resources, creeks, trees, and wildlife habitat, to mitigate impacts of growth and development surrounding these natural features.
- b. Collaborate with regional partners to develop ETJ area-specific plans and practices that reinforce goals and policies related to sustainability and natural resource protection identified in the Comprehensive Plan.
- c. Encourage the preservation of riparian buffers of streams or rivers banks and 100-year floodplains as natural drainage ways, without alteration, permanent construction, unnecessary straightening, bank clearing or channeling.
- d. Establish control criteria on development that would cause greater erosion or potential flood damage.
- e. Plan and implement policies that protect and conserve native flora and fauna and iconic regional landscapes.
- f. Plan and implement policies that protect wildlife habitat and allow for the natural movement of wildlife to prevent habitat destruction and/or fragmentation.

**2. The City of San Antonio should continue to leverage military and regional partnerships to further conservation goals:**

- a. Continue to collaborate with regional partners to support and implement the goals of the Camp Bullis Sentinel Landscape.
- b. Continue to support the Southern Edwards Plateau Habitat Conservation Plan.
- c. Align CPS Energy's outdoor energy saving programs with light conservation goals and dark skies policy and guidelines per the JBSA RCUP.

3. **The City of San Antonio should continue to support the Edwards Aquifer Protection Program**
  - a. Continue to support the Edwards Aquifer Protection Program related to land acquisitions and conservation easements which protect the recharge zone and sensitive areas in the contributing zone.
4. **The City of San Antonio should coordinate with SAWS and other water and wastewater service providers on water conservation strategies and practices to protect the water quality of the Edwards Aquifer. The City of San Antonio should:**
  - a. Coordinate with SAWS, as well as other water and wastewater service providers, to encourage land intensive development patterns to locate outside of the Edwards Aquifer recharge and contributing zones, and environmentally sensitive areas to protect water quality.
  - b. Enhance and promote incentives and other tools to facilitate development types and designs that promote and support water conservation practices.
  - c. Support and incentivize native xeriscape and other non-lawn alternatives.
  - d. Support regional planning efforts by SAWS, SARA, and other agencies.
5. **The City of San Antonio should develop and implement community design guidelines for future development in the ETJ to articulate appropriate and sustainable development patterns. The City of San Antonio should:**
  - a. Promote and maintain appropriate intensity and compatibility of uses in areas abutting or with identified natural, and/or military assets as identified by the most recent JLUS/RCUP, the Edwards Aquifer Authority, the San Antonio River Authority, or Sector/ETJ Land Use Plan.
  - b. Promote awareness of the benefits of locating new housing near existing community facilities and physical infrastructure.
  - c. Encourage development types and designs that promote and support energy and water conservation practices.
  - d. Encourage new development to preserve large tracts of land and/or cluster development or utilize conservation easements.
6. **The City of San Antonio should incentivize developments in or near the Edwards Aquifer recharge and contributing zones, and in areas identified by the watershed master plans of the Bexar Regional Watershed Management Consortium, to use localized low impact development (LID) techniques to meet, and exceed where possible, minimum standards related to impervious cover, stormwater management and water quality protection. The City of San Antonio should:**
  - a. Conduct further study and implement stormwater infrastructure management and aquifer protection related best practices that balance well-developed and well-maintained regional and site-specific water and stormwater infrastructure (i.e., gray, and green infrastructure).
  - b. Incentivize new development to manage stormwater using best practices and green techniques such as clustered development and low impact development (LID) identified in the San Antonio River Authority (SARA) LID Design Manual.