

## Legislation Text

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File #: 18-677, Version: 1

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Presenter/Contact

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**SUBJECT:**

Public hearing and consideration of an exchange of extraterritorial jurisdiction (ETJ) between the City of New Braunfels, Texas and the City of Seguin, Texas.

**BACKGROUND / RATIONALE:**

**Case No.:** CS-18-013

**Council District:** Outside the City Limits

Established by Chapter 42 of the Texas Local Government Code, ETJ (Extraterritorial Jurisdiction) is that area just outside a municipality's city limits within which cities have some limited authority: subdivision platting, annexation, some sign standards, and other very limited regulations. There are no city taxes in the ETJ, and no zoning or building permitting (except in certain unique circumstances surrounding airports or military installations). State law provides for the ETJ to promote and protect the general health, safety and welfare of persons residing in and adjacent to municipalities.

In Texas, a city's ETJ distance/depth (extent) is based upon its population:

- Less than 5,000 = ½ mile
- 5,000 - 24,999 = 1 mile
- 25,000 - 49,999 = 2 miles
- 50,000 - 99,999 = 3.5 miles
- 100,000 or more = 5 miles

When cities annex territory into their city limits, their ETJ extends further automatically. ETJ cannot exceed the statutorily authorized extent unless a contiguous property owner requests to be within the City's ETJ. Once one city establishes ETJ, another city cannot annex into it, or claim it as their ETJ. This is why ETJ extent may vary in areas where municipalities lie in close proximity to one another. State law allows municipalities to exchange ETJ.

ETJ does not impact school district boundaries or school zones. ETJ lines also do not impact street or mailing addresses - mailing addresses/place names are decided by the United States Postal Service via their zip codes which are not affected by city limits or ETJ.

New Braunfels' ETJ extends 3.5 miles from its city limits (except where it meets another city's ETJ or city limits). As noted above, per state statute when New Braunfels grows to 100,000 in population, its ETJ will automatically extend to 5 miles.

### **Subject Item:**

New Braunfels and Seguin share an ETJ boundary line extending generally between Lake McQueeney, and the ETJ of San Marcos east of New Braunfels Airport. This ETJ boundary bisects properties and thoroughfares, crossing State Highway 46 South near its intersection with Cordova Road. The City of Seguin's current city limits abuts New Braunfels' ETJ in this area. Owners of several large agricultural tracts in this vicinity are seeking to be annexed by the City of Seguin, however the tracts lie within New Braunfels' ETJ. The property owners are seeking Seguin annexation because these tracts lie within the City of Seguin's sewer service area or CCN (Certificate of Convenience and Necessity). The property owners cannot obtain sewer connections unless they are within Seguin's city limits. Therefore, the City of Seguin has requested these tracts be released from New Braunfels' ETJ so that Seguin may place them in their ETJ, and consider annexation for service provision.

Both cities collaborated over the last year to identify potential equitable parcels for logical exchange. In examining the areas where both ETJs meet, it became apparent that many parcels are bisected by the ETJ of both cities, simply through the automatic extension of ETJ over the decades. While this is common with all Texas cities, the ETJ release request presented an opportunity to clarify jurisdictional oversight for property owners. Therefore, the subject proposal includes redrawing the ETJ lines more practically along parcel boundaries or roadways creating a beneficial situation for property owners in the event they plan future subdivision development, i.e. clarity of subdivision platting and other rules, rather than being bound by the rules and processes of two different jurisdictions.

It is anticipated that single-family residential neighborhoods will continue to develop on the large agricultural acreage in the vicinity, with commercial development at major roadway intersections. If any development applications are in process within the subject area, the receiving city will work with the releasing city to finalize reviews and approvals. While New Braunfels' and Seguin's subdivision platting standards are similar, staff between the two cities will collaborate on a seamless "hand-off" so that developers in process will see minimal impact.

### **Service Provision**

As is the case in most all Texas city ETJs, services are delivered by a variety of providers. Some of the providers within the subject areas include, but are not limited to:

- Water: Springs Hill Water Supply Corporation (WSC)  
Green Valley Special Utility District (SUD)  
Crystal Clear SUD
- Electricity: Guadalupe Valley Electric Cooperative (GVEC)
- Wastewater: City of Seguin  
Green Valley SUD  
Guadalupe-Blanco River Authority (GBRA)
- Fire protection: City of Seguin via a contract with Guadalupe County  
Geronimo Volunteer Fire Department (VFD)  
Lake Dunlap VFD  
City of New Braunfels and City of Seguin provide mutual aid
- EMS service: City of Seguin via a contract with Guadalupe County  
City of Schertz

- Police: Guadalupe County Sheriff
- Library: City of New Braunfels  
City of Seguin  
City of Schertz
- Animal Control: Guadalupe County

Regarding roadways, the proposal would clarify in whose jurisdiction key thoroughfares would fall. The new ETJ boundary would include all of Cordova Road in Seguin's ETJ, while FM 758 east of the airport would be included in New Braunfels' ETJ, as would more of FM 725 south towards McQueeney.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>• Within or near the Freiheit Sub-Area • The intersection of FM 758 and SH 123 is identified as a future Market Center, Civic Center and Outdoor Recreation Center. <u>Action 3.6:</u> Pro actively provide a regulatory environment that remains business and resident friendly.</b> The proposal would result in a more streamlined development process for planned or future developments on properties presently split between the ETJs of two cities. It would also facilitate proper utility provision for developments presently going through the plan review process. <b><u>Action 8.16:</u> Promote regional cooperation and sharing of resources.</b> The proposal was developed through regional collaboration to address the goals of citizens of both communities.
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**FISCAL IMPACT:**

As there are no city taxes collected in the ETJ, and no adjustment to service provision, there is no fiscal impact.

**COMMITTEE RECOMMENDATION:**

A recommendation from the Planning Commission is not required for ETJ exchange. However, to provide adequate input opportunities for the public and to give our commissioners an opportunity to provide their review and input on this long-range planning issue, City staff scheduled a Planning Commission public hearing on this item for the Commission's regular November meeting. At this public hearing on November 7, 2018, New Braunfels' Planning Commission recommended denial (7-0, Commissioners Nolte and Mathis absent).

**SEGUIN CITY COUNCIL**

On November 20, 2018, Seguin's City Council unanimously approved the agreement.

**STAFF RECOMMENDATION:**

Staff recommends approval. The exchange and new boundary will facilitate wastewater service provision and will provide developers and future developers clarity of regulatory jurisdiction by eliminating split parcels. If not approved, the two cities will continue to coordinate with each other and

with developers/property owners as tracts continue to develop.

*Notification:*

Notices to the public are also not required for ETJ exchange, like they are for rezoning requests. However, City staff wanted to ensure information was provided to the subject property owners, including a response form for them to share their opinions with the Commission and City Council. Therefore, public hearing notices were mailed to 227 owners of property within, or partially within, the proposed ETJ exchange area. Notices were mailed twice: once before the Planning Commission meeting, and again before the City Council meeting. As of November 16, 2018, the Planning and Community Development Department had received a variety of responses:

- 34 representing 23 properties **in opposition**
- 5 representing 5 properties **conditionally in favor** (dependent upon actions of the City of Seguin)
- 3 representing 1 property that sent two **in opposition** and one **conditionally in favor** (dependent upon actions of the City of Seguin)
- 1 representing 1 property **in favor**

Any additional notices received between packet publication and the City Council meeting date will be provided to City Council members ahead of the meeting. A map illustrating those in favor, opposition, etc. will also be provided.

**Attachments**

- Subject area maps
- Service provision maps\*
- Zip codes
- Ordinance comparison table
- Notification list
- Notice sent ahead of Planning Commission
- Responses
- Notice sent ahead of City Council
- Responses
- Seguin request letter
- Developer request letter
- Interlocal agreement

- \* Wastewater CCN map: Regarding the unidentified areas, GBRA is the sewer service provider to the southwest of the Guadalupe River; they have a request into the state for extension of service to the northeast side of the river.