



City of Pflugerville, Texas

Interoffice Memorandum

DATE: June 22, 2011

TO: Mayor Jeff Coleman
Mayor Pro Tem Victor Gonzales
Councilmember Wayne Cooper
Councilmember Brad Marshall
Councilmember Darelle White
Councilmember Starlet Sattler

FROM: Trey Fletcher, AICP, Managing Director of Operations / Interim Planning Director

RE: Annual Annexation Plan Recommendation

As stated on the coversheet for this item, the Planning and Zoning Commission is to annually recommend an annexation plan to the city council. This memorandum summarizes the recommendation of the commission generated on June 6.

In recent years the City of Pflugerville has been implementing a succession of 3-year annexation plan areas primarily in western and northern portions of Pflugerville as provided by Chapter 43 (Subchapter C). The most recent of these completed resulted in the incorporation of the Greenridge Subdivision located north of SH 45 and east of Heatherwilde Boulevard.

Since the inclusion of the Greenridge Subdivision Annexation Plan area in 2007, no additional populated areas have been proposed for annexation. The recommendation for FY 12 is consistent such that no large areas have been identified for annexation.

Staff recommends against including areas under the 3-year municipal annexation plan requirements.

Cities may, however, consider the annexation of areas that are exempt from the 3-year annexation plan requirements as provided in Chapter 43 (Subchapter C-1) of the Local Government Code. These areas are delineated on the attached series of maps, and include areas containing fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract. Such conditions are specifically exempted for the annexation plan requirements and follow a shorter procedure.

However, as indicated on the maps much of the acreage being evaluated for annexation sustains an agricultural exemption. This specifically affects Areas 2, 3, 4 and 5. New procedures in Chapter 43.035, passed by the Legislature in 2007 state that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural uses unless the city offers to make a development agreement with the landowner that would:

- A) Guarantee the continuation of ETJ status of the area; and
- B) Authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the area for agriculture; and
- C) The landowner declines to make the agreement.

No service plan is required with non-annexation development agreements, also resulting in no fiscal impact to the city.

To accomplish the annexation of these areas, A-C (above) must occur; otherwise the agreement assures that the property will maintain its agricultural use(s) or become void if the landowner files any type of subdivision plat or related development document for the area with a government entity that has jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes.

Only a portion of area 5 is impacted by the above referenced constraints, but it does not substantially impair the City's ability to annex the rest of the area for full purposes since an area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the municipality.

Area 1 identified on the map appears to be clear of an agricultural use exemptions. Staff recommends its annexation principally to impose land use regulation authority (zoning) due to its proximity to SH 130.

In conclusion, staff and the Commission recommend to the city council to first pursue the non-annexation development agreements where applicable to areas 2-5 and further evaluate the feasibility full-purpose annexation of areas 1-5 as authorized by Chapter 43 of the Local Government Code over the course of FY 2012.