



## CITY COUNCIL AGENDA SUMMARY/ REPORT

**MEETING DATE:** December 13, 2022

**PREPARED BY:** Otis T. Spriggs, AICP, Director of Development Services

**AGENDA CONTENT:** Discussion and possible action on a notarized petition requesting inclusion into the Extraterritorial Jurisdiction of the City of Angleton, Texas for property totaling 145.1 acres of land located east and north of the intersection of Anchor Rd./County Rd. 44 and FM 521.

**AGENDA ITEM SECTION:** Regular Agenda

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY.** This is a request for approval of an expansion of the City's ETJ, subject and part of the Ashland Development. The subject property is located within Brazoria County and adjacent to the northwestern boundary of the City of Angleton ETJ between SH 521 and SH 288 and north of SH 523. No development agreement is currently in place to establish standards for the Ashland Project; however, the City Council has conditionally approved preliminary subdivision plats, subject to a formal development agreement being adopted as well as the successful adoption of this ETJ expansion petition.

TEXAS LOCAL GOVERNMENT CODE Section 42.022(b), provides that owners of land contiguous to the existing extraterritorial jurisdiction ("ETJ") of a municipality, may petition to be included in the municipality's ETJ. This expansion will cause the Ashland Development to be fully within the bounds of the City of Angleton's ETJ area.

Pursuant to Section II County Regulatory Authority of the existing interlocal agreement between the City of Angleton and Brazoria County, the County shall have exclusive jurisdiction in the following matters: Subsection (b): Regulate the construction of any and all roads located within a subdivision of property that will be located within the City's ETJ, including but not limited to, planning, review, construction, bonding, inspection and acceptance of any newly constructed road or street. County authority shall also apply to the improvement, removal, relocation, or abandonment of any existing road or streets in City's ETJ. County's oversight of roads shall be performed using the most current and applicable construction standards adopted by County. For roads, the construction of which are governed by a development agreement between City and developer, County and City shall jointly coordinate and cross-reference construction standards to verify that the roads are constructed to meet or exceed County standards.

The City Council has approved the Preliminary Plats forwarded by the P&Z Commission, subject to the approval of the development agreement, pending final development and approval which will address the details of parkland dedication and improvements, or parkland improvements for privately developed and maintained parks, signage and design standards, etc.

As the Commission and City Council are aware, there is no zoning or land use control in the ETJ except for that allowed by the Texas Local Government Code. Those regulations that the LGC permits the City to extend into the ETJ are the subdivision regulations (Chapter 23 Land Development Code) and sign regulations. As such there is no City regulation of lot size, setbacks, maximum height, etc., except as detailed in a development agreement.

**Recommendation.** Council should review and consider approval of the petition requesting inclusion into the Extraterritorial Jurisdiction of the City of Angleton, Texas for property totaling 145.1 acres of land located east and north of the intersection of Anchor Rd./County Rd. 44 and FM 521.