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## MEDIA ADVISORY – DECEMBER 20, 2018

### **City Council seeks public input on proposed development in Boerne ETJ**

Boerne, TX - In 2016 the City of Boerne was approached by a developer, Boernebak II, LLC about providing water and wastewater services to a proposed development off of Scenic Loop Road. Various discussions were held between city staff and the developer, but no agreement was reached.

In 2017, State Senator Donna Campbell sponsored Senate Bill 914 which authorized the creation of the Kendall County Water Control and Improvement District No. 3 (WCID NO. 3) to provide services to the development. The legislation requires consent, by the City of Boerne, for the creation of the District by ordinance or resolution for the WCID NO. 3 to move forward. Following approval of the enabling legislation, Boernebak approached the City requesting consent to the creation of the WCID NO. 3 as required by the legislation. To date, consent has not been granted by the City.

A WCID is a local governmental entity that provides limited services to its customers and residents, depending on the type of district. Water control and improvement districts have broad authority to supply and store water for domestic, commercial, and industrial use; operate sanitary wastewater systems; and provide irrigation, drainage, and water-quality services.

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The WCID can also sell bonds to reimburse the developer for the cost of infrastructure and then tax the property owners within the WCID to repay the debt.

Prior to consideration of Boernebak's request for consent to form the WCID NO. 3, the City requested detailed information about the proposed development, specifically how the project would be served by water and wastewater, the source of the water supply, and how mobility impacts would be mitigated.

The 374 acre proposed development could include three to five single-family homes per acre, commercial and multi-family development. The proposed development is located on the west side of Scenic Loop Road between the current city limits and Balcones Creek and is partially located within the City's extra-territorial jurisdiction (ETJ).

As authorized by State Law, Boerne's ETJ extends one mile beyond the city limits. The City of Boerne has limited authority over development in the ETJ, and State Law prohibits the City from regulating density in the ETJ. The City also cannot regulate zoning, tree preservation, building design or building heights in the ETJ.

A development in the ETJ can have greater density if water and sewer are provided by a public or private utility system. WCID NO. 3 has an agreement with San Antonio Water System (SAWS) to provide water from outside Kendall County.

In the ETJ, the City can regulate signage, lighting, and require platting. The developer will be required to file plats with the City, the City's subdivision rules and City standards will apply, to the portion of the development located in the ETJ, for the construction of streets, drainage, and detention facilities, including low impact development.

The developer must follow Kendall County and Texas Commission on Environmental Quality (TCEQ) regulations on all other aspects of the proposed development.

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Boernebak is requesting that the City either consent to the formation of the WCID NO. 3 or deny consent to the formation of the WCID NO. 3. According to State Law, the City has ninety days to respond to the request. Denial of consent for the formation of the WCID NO. 3 by the City Council will not necessarily stop the proposed development. The WCID NO. 3 could still be created by requesting new legislation through the Texas Legislature or by application to TCEQ to form the WCID NO. 3.

Due to City Council concerns about the impact of the proposed development, the City Council will receive public comments on the proposed WCID NO. 3 at the January 22, 2019 regularly scheduled City Council meeting. The City Council may elect to take action on the WCID NO. 3 resolution at its regular meeting on February 12, 2019.

Before taking the next step, the City Council wants to reach out to the community. Those who are interested and/or concerned about the proposed development off of Scenic Loop Road are encouraged to attend the January 22, 2019 City Council meeting.

Additional information about the proposed development project is on the City website: [www.boerne-tx.gov](http://www.boerne-tx.gov), under the News Flash Section or may be obtained by contacting the City of Boerne, Planning and Community Development Department at 830-249-9511.

For anyone who is not able to attend the January 22, 2019 City Council meeting, comments can be emailed to Laura Talley, Planning Director, at [ltalley@boerne-tx.gov](mailto:ltalley@boerne-tx.gov) or Dan Blankenship, Assistant City Manager, at [dblankenship@boerne-tx.gov](mailto:dblankenship@boerne-tx.gov)

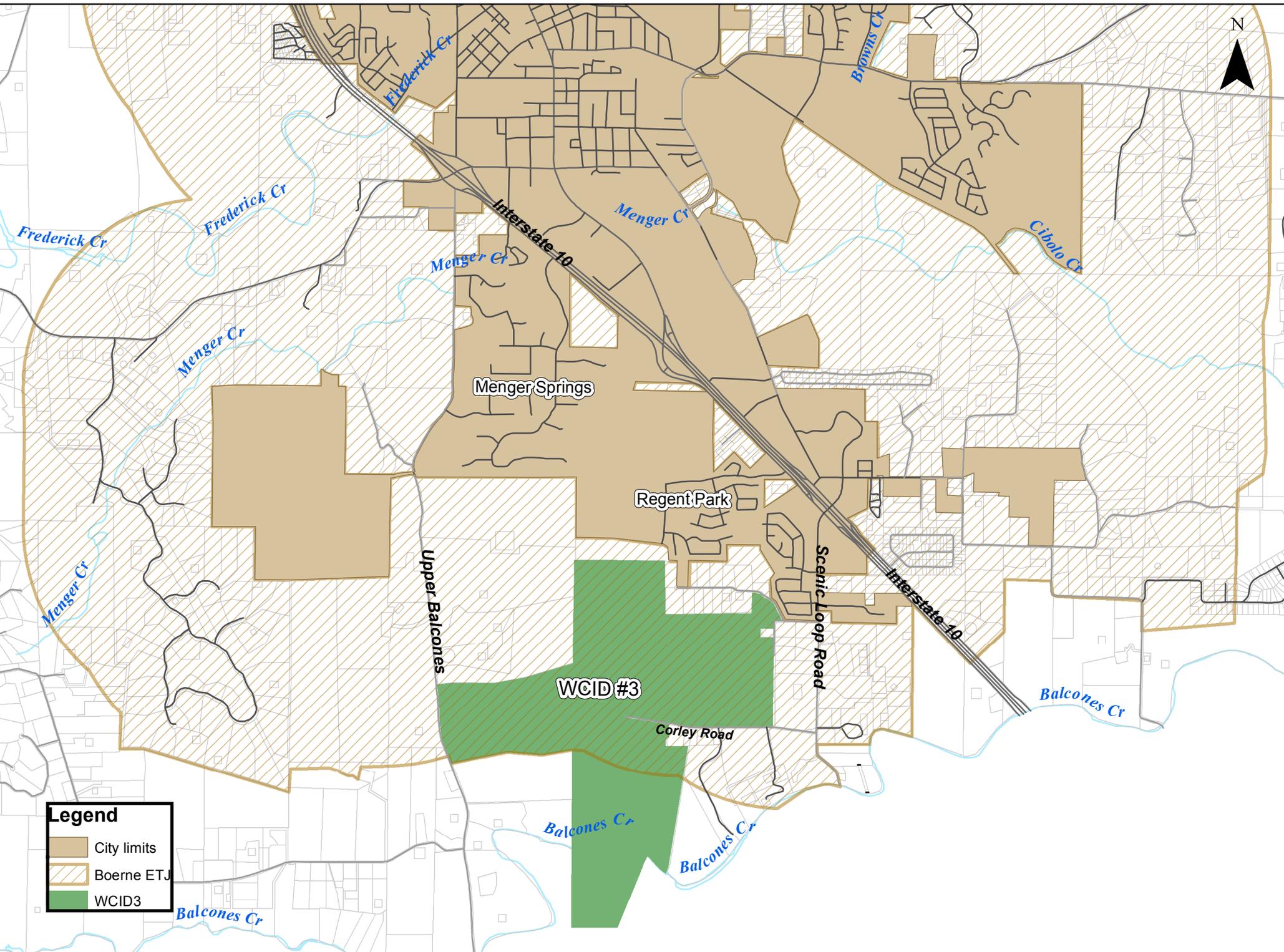
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**Legend**

-  City limits
-  Boerne ETJ
-  WCID3



## **Information regarding the WCID No. 3 and Proposed Development**

### **Q – What is a Water Control and Improvement District (WCID)?**

- A WCID is a local governmental entity that provides limited services to its customers and residents, depending on the type of district. Water control and improvement districts have broad authority to supply and store water for domestic, commercial, and industrial use; operate sanitary wastewater systems; and provide irrigation, drainage, and water-quality services. The WCID also allows the entity to sell debt for infrastructure and to then tax the property owners within the WCID to repay the debt.

### **Q – What is the size and scope of this development? Where is it located?**

- The 374 acre proposed development includes single-family homes, commercial and multi-family. The proposed development is located on the west side of Scenic Loop Road between the current city limits and Balcones Creek and is partially located within the City's extra-territorial jurisdiction (ETJ).

### **Q – Is the City entering into a development agreement with Boernebak II, LLC?**

- The City of Boerne is concerned about the anticipated impacts to the surrounding area. Since the City has limited authority over development in the ETJ, the most effective approach to mitigating impacts is through the negotiation of a development agreement. Various discussions were held between city staff and the developer and at this point, a development agreement has been discussed but the City and Boernebak have not reached an agreement. The parties are no longer in negotiations for a development agreement.

### **Q – How would the WCID No. 3 provide utilities to the development?**

- It is our understanding that the development is in the service area of Bandera Electric Cooperative. Water and wastewater (sewer) would be provided by the WCID. WCID NO. 3 has an agreement with San Antonio Water System (SAWS) to provide water from outside Kendall County.
- Natural gas could be provided by the City of Boerne.

### **Q – Is a traffic impact analysis required?**

- Yes, as part of the City's subdivision platting requirements in the portion of the proposed development located in the City's ETJ.

### **Q – Will the developer be required to follow low impact development (LID)?**

- Yes, as part of the City's subdivision platting requirements in the portion of the proposed development located in the City's ETJ.