

Development in the ETJ - Growth Management and Texas Laws

What is “extraterritorial jurisdiction”?

The State of Texas established the concept of extraterritorial jurisdiction (ETJ) to “designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities (Texas Local Government Code Sec. 42.001).

Why does the Imagine Austin Comprehensive Plan Include the City’s ETJ areas?

The Planning Area for a municipal comprehensive plan by state law may include its ETJ. Austin is a home rule city and the Austin City Charter defines the planning area of the Comprehensive Plan as the incorporated area and it’s ETJ.

How is the area of the ETJ determined?

According to the Texas Local Government code the extraterritorial jurisdiction of a municipality is the unincorporated area contiguous to the City’s corporate boundaries. The ETJ’s distance from the city limits is determined by the city’s population.

ETJ radius From city limits	Municipal population
0.5 miles	under 5,000
1 mile	5,000 – 24,999
2 miles	25,000 – 49,999
3.5 miles	50,000 – 99,999
5 miles	over 100,000

This distance moves out with annexation and may be less than five miles due to an established ETJ area of a neighboring municipality.

What authority does Austin have in its ETJ?

The City of Austin has geographical limits to its authority. These limits and procedures for changing them are established by the State of Texas and are managed by the City’s Planning and Development Review Department (PDR). There are three types of jurisdictions in Austin and regulations vary depending on the location of a development project with respect to Austin’s jurisdiction.

1) Full Purpose Jurisdiction

The primary jurisdiction of Austin is its full purpose city limits. Within this area all city services and development regulations apply. Citizens who live in this area vote in city elections and are assessed city property taxes.

2) Limited purpose Jurisdiction

In the city's limited purpose jurisdiction, all land development regulations apply, however, the citizens of this area do not receive full city services, nor are assessed city property taxes, yet they are eligible to vote in city elections. Limited purpose is a temporary concept. The City must provide a plan to transition to full service within three years of limited purpose annexation or the area reverts to ETJ.

3) Extraterritorial Jurisdiction

Austin also has limited powers in its ETJ. Because counties in Texas have no "land use" authority (zoning) and do not have "home rule" capabilities, cities were given limited powers to shape how land can be developed immediately adjacent to their city limits. Cities and counties have joint authority over land subdivision and the option to also regulate water quality and quantity in this area under its subdivision powers. Citizens who live in this area do not receive other city services and are not assessed city property taxes. They may vote in city elections on ballot propositions that affect the ETJ.

The process to change city limits is prescribed by the State of Texas and is managed by the Planning and Development Review Department (PDR). Determining the amount and shape of land proposed to be annexed requires a detailed analysis of the current or proposed development and the City's ability to provide municipal services in accordance with state law. The process also involves an analysis of additional revenues to be collected. Public hearings are held with the City Council making the final determination. To annex an area with more than 100 homes, the City must follow a three-year planning process. Other areas, such as undeveloped land and commercial property, may be annexed within approximately four months.

A relatively recent change to state law affecting properties appraised for agricultural purposes requires cities to offer to enter into a development agreement in lieu of annexation prior to initiating annexation proceedings. The intent of this agreement is to guarantee a property's immunity from annexation for a period of up to fifteen years while the land is being used for agricultural purposes. Upon filing of a subdivision application or related development application for any portion of the land, a restriction on City annexation in such an agreement becomes void and unenforceable.