

Briefing on Proposed Annexation into Lazy Nine Municipal Utility District 1A (MUD)

Environmental Commission

December 5, 2018

Overview

- Review a petition requesting City consent to annex territory into a Municipal Utility District (MUD)
 - Statutory Requirements
 - City Process
 - Lazy Nine MUD 1A Background
 - Applicant's Proposal
 - Staff Recommendation
- **The Environmental Commission is asked to make a recommendation to support or deny the request for City consent to the proposed annexation**

Statutory Requirements

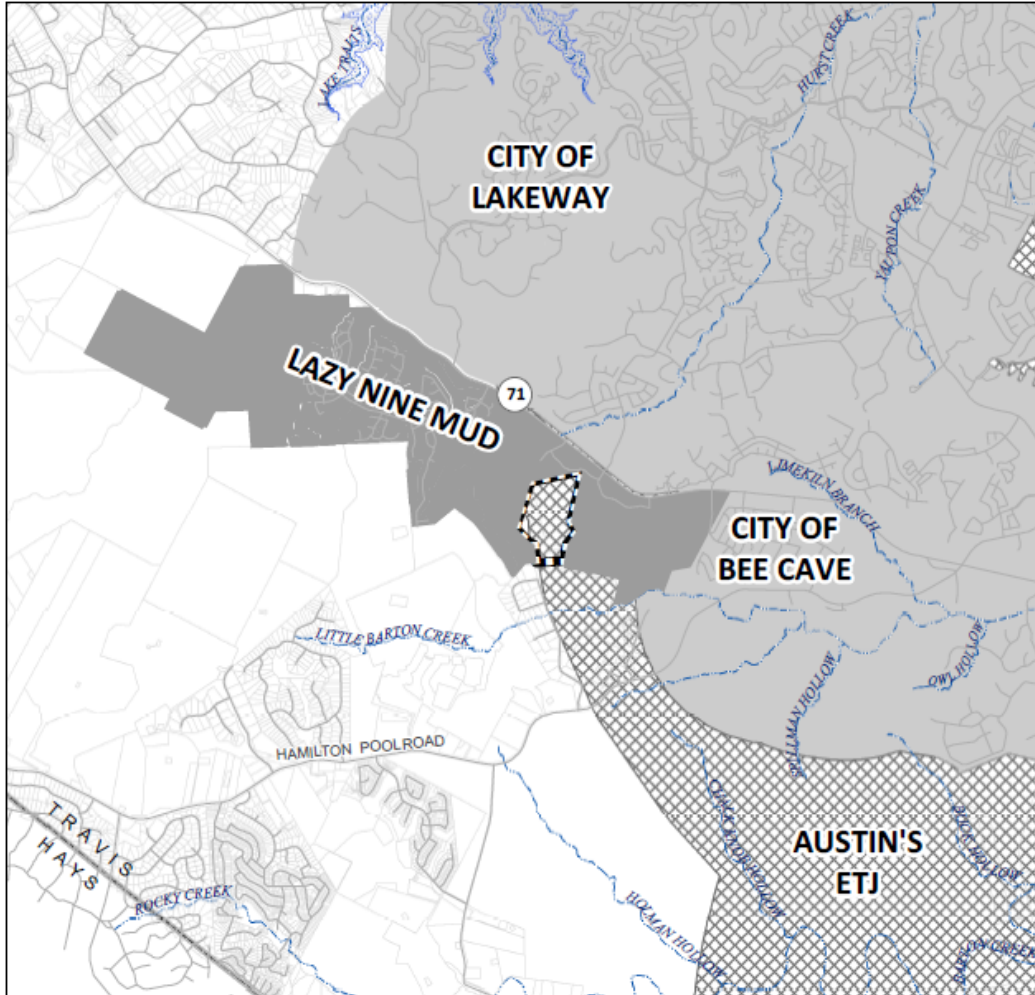
- State law requires the owner of property located in a City's ETJ to obtain City consent prior to that property becoming part of a MUD
- The City is not authorized to place restrictions or conditions on this consent
- If the City fails or refuses to consent within 90 days of receipt of a written request, the owner may petition the City to make available those services to be provided by the MUD
- Failure to execute a mutually agreeable contract for services within 120 days constitutes authorization for inclusion of land within the MUD

City Review Process

- City Code requires review by staff and commissions prior to action by Council
- Evaluation in terms of:
 - Impact on the City's annexation program
 - Land Use impacts
 - The City's ability to provide direct water and/or wastewater service
 - The terms of the City's consent agreement/contract with the MUD
 - Whether the annexation would induce development within the Drinking Water Protection Zone (DWPZ) beyond what would occur otherwise

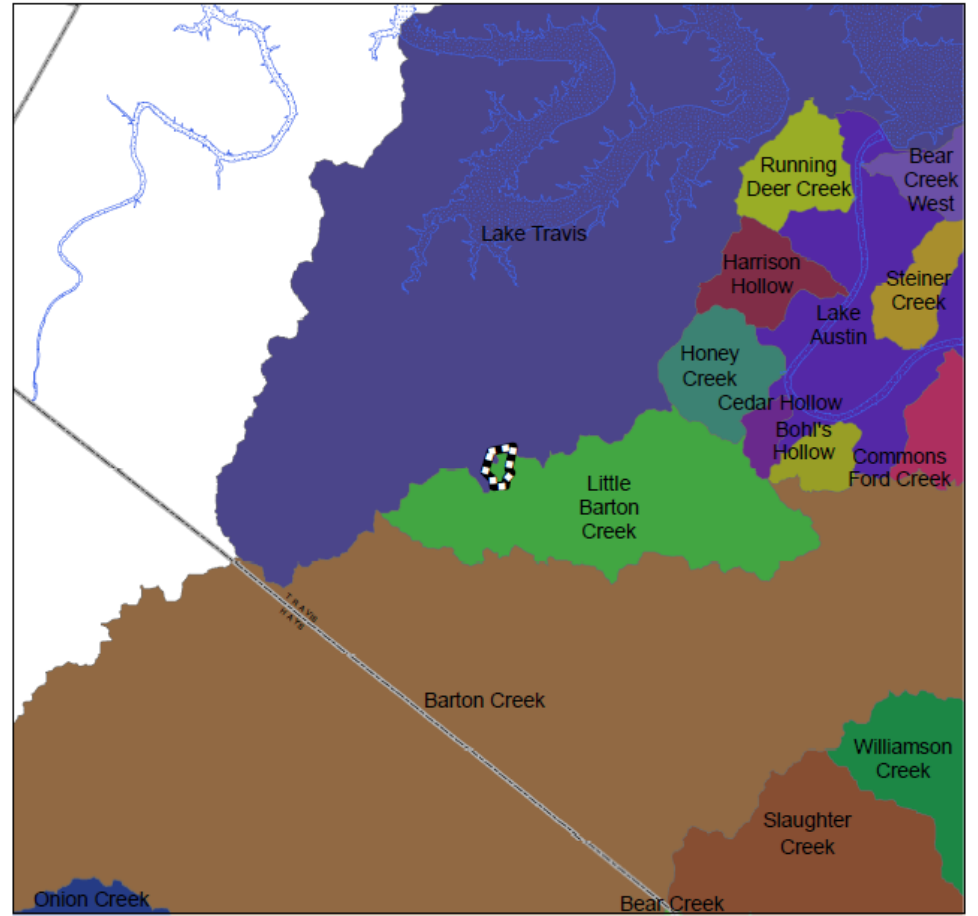
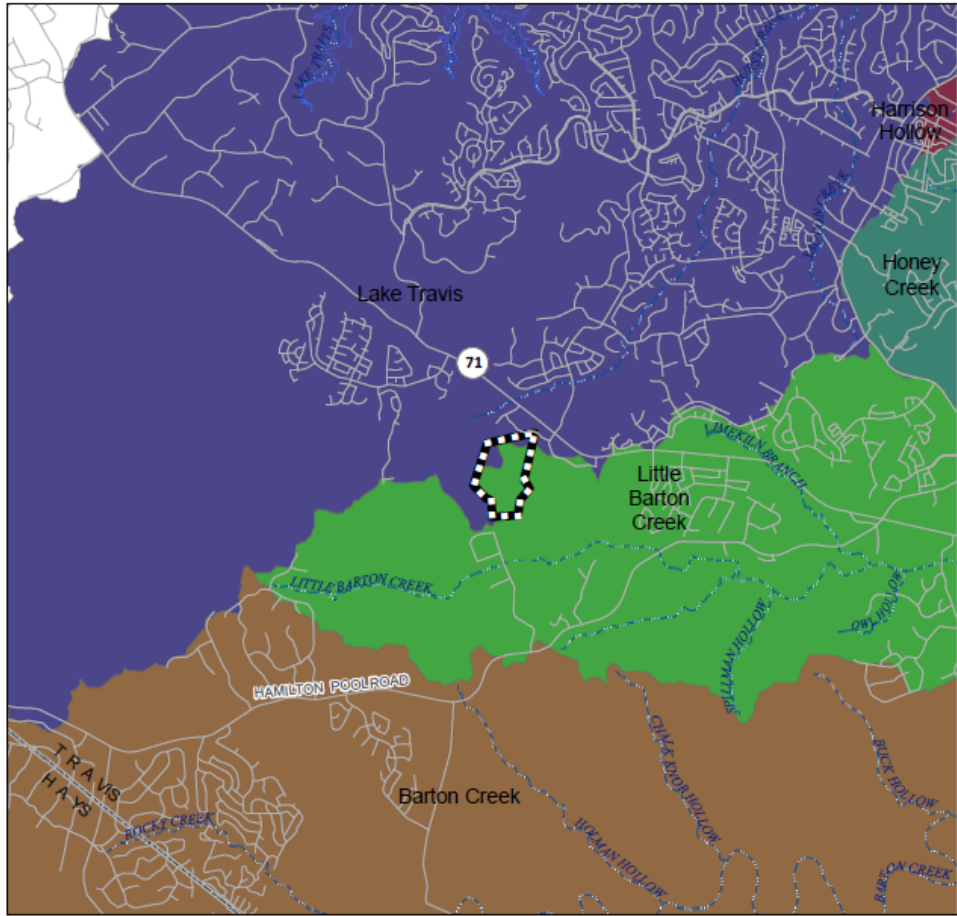
Lazy Nine MUD 1A Background

- Lazy Nine MUD 1A was created by legislative act in the unincorporated area of Travis County in 2003
- Austin does not have a consent agreement with this MUD
- The MUD is currently located in the Bee Cave ETJ
- This tract is located in the Austin ETJ
- State statutes require the owner of property located in a City's ETJ to obtain City consent prior to that property becoming part of a MUD
- City Council approved a similar request in 2011



Tract Proposed for Annexation

- Approximately 124 acres in western Travis County south of State Hwy 71 West and west of the City of Bee Cave
- Currently undeveloped
- Located in Austin's ETJ, surrounded by Bee Cave's ETJ and the Lazy Nine MUD on three sides
- Little Barton Creek Watershed (Save Our Springs Ordinance)
- Lake Travis Watershed (Water Supply Rural water quality requirements)



Applicant's Proposal

- Requesting City consent to allow the MUD to annex and provide utility services for a future large-lot single family development
- Upon annexation into the MUD, development would be subject to the Lower Colorado River Authority's Highland Lakes Watershed Ordinance and the City of Bee Cave's water quality ordinances

Basis for Staff Recommendation

- Austin Water cannot provide service to this tract
- Annexation of this tract into the MUD will not affect Austin's annexation plans
- Staff does not anticipate any negative land use impacts on adjacent property or significant adverse environmental impacts if the MUD annexes the tract
- A more protective amended TLAP wastewater disposal permit will apply to the subject property through an existing settlement agreement with the MUD

Staff and Commission Recommendation

- Staff recommends consent to the proposed annexation into the Lazy Nine MUD 1A
- **The Environmental Commission is asked to make a recommendation to support or deny the request for City consent to the proposed annexation**