



## Recommendation for Action

**File #:** 20-2085, **Agenda Item #:** 44.

5/21/2020

### Posting Language

Set public hearings to consider an ordinance adopting a Strategic Partnership Agreement (“SPA”) between the City of Austin and the Austin Green Improvement District No. 1 (District), which includes immediate limited purpose annexation and future full purpose annexation of the District. Contiguous to Council District 2. (Suggested dates: June 4, 2020 and July 30, 2020, Austin City Hall, 301 W. 2<sup>nd</sup> Street, Austin, Texas).

### Lead Department

Planning and Zoning

### Fiscal Note

This item has no fiscal impact.

### For More Information:

Andrei Lubomudrov, Planning and Zoning Department, (512) 974-7659

### Council Committee, Boards and Commission Action:

#### **MUD Consent Agreement**

April 9, 2019 - a motion to recommend the creation of the District failed on a 4-1-2 vote by the Urban Transportation Commission

April 10, 2019 - approved on a 9-0 vote by the Water and Wastewater Commission

May 15, 2019 - approved on a 7-0 vote by the Environmental Commission

June 25, 2019 - a motion to take no action passed on a 7-0 vote by the Parks and Recreation Board

July 23, 2019 - recommended on a 9-0 vote by the Planning Commission

October 2, 2019 - recommended with conditions on a 7-0 vote by the Environmental Commission

January 23, 2020 - approved on 9-0 vote by City Council

#### **PUD**

February 25, 2020 - approved with amendments by Planning Commission on an 11-0 vote

March 12, 2020 - approved on first reading on a 6-1 vote by City Council.

### Additional Backup Information:

Special legislation approved during the 2017 Legislative Session created the Austin Green Improvement District No. 1 (formerly Rio de Vida Municipal Utility District) and provides that if the City does not consent to the District before February 14, 2020, the District will dissolve on that date. GroundWork, representing Martin Marietta Materials, Inc., submitted a petition requesting the City’s consent to the creation of the District and a concurrent review of a PUD zoning application (C814-2018-0154) was approved by City Council on March 12, 2020.

### **District Proposal**

Austin Green includes 2,132 acres primarily located at the intersection of State Highway 130 and Harold Green Road alongside a three mile stretch of the Colorado River in the Austin extraterritorial

jurisdiction (ETJ) in eastern Travis County, Texas. The entire property is currently an active sand and gravel mining site. The District would finance infrastructure for water and wastewater service, drainage, water quality/floodplain mitigation, erosion control, site reclaiming, roads, electrical sub-station, and parks. This will prepare the site as it transitions from a mining operation into a major Town Center comprised of a mixture of proposed future land uses including a variety of compact housing types and commercial developments, connected street and trail improvements, accessible park and open space and other key community benefits consistent with the values of *Imagine Austin*.

Specific to water and wastewater services, the District is nearly evenly split between two Certificates of Convenience and Necessity (CCNs) along SH 130, the City of Austin and Southwest Water Utilities, d/b/a Hornsby Bend Utility Company, Inc. Each utility will provide retail water and wastewater within its respective CCN; however, Austin Water will serve the entire District with reclaimed water as an environmental superiority benefit. Further, any oversizing costs are paid by the developer without City reimbursement, inclusive of waiver of City cost reimbursement policies requiring City reimbursement under certain conditions.

As part of the agreement consenting to the creation of the District, the City will annex the District for limited purposes under the provisions of a strategic partnership agreement (SPA) and defer full purpose annexation. Council must conduct two additional public hearings regarding a strategic partnership agreement (SPA) and adopt a SPA after the district's board has adopted the SPA. After the area has been annexed for limited purposes, the Council could consider PUD zoning for the District. Upon full purpose annexation, the District would convert to a Limited District.

### **Recommendation**

Staff recommends setting public hearings on June 4 and July 30 in light of approval of the MUD Consent Agreement on January 23 and Council's first reading approval of the PUD on March 12.