



MEMORANDUM

To: Chair and Members of the Environmental Commission

From: Andrei Lubomudrov
Housing and Planning Department

Date: September 30, 2021

Subject: Proposed release of approximately 31 acres of Austin's extraterritorial jurisdiction ("ETJ") to the Village of Webberville

The Village of Webberville, at the behest of a property owner, has requested the release of approximately 31 acres of Austin's extraterritorial jurisdiction (ETJ) to be included in Webberville's ETJ. The 111-acre property in question is divided between Austin and Webberville's ETJ, with the latter covering most of the tract at 80 acres. The tract is located in eastern Travis County near Webberville adjacent to the Colorado River. Releasing the proposed area would create a unified set of regulations for the property and streamline the development review process.

In accordance with the City Council adopted policy regarding ETJ adjustments, requests for ETJ release are typically reviewed by staff from several city departments and evaluated in terms of:

- Annexation potential
- Environmental impacts
- Impact on infrastructure investments
- Long-term effects of cumulative ETJ releases
- Hardship or extenuating circumstances

Annexation of this tract by the City of Austin is not feasible in the long-term given its location of about 4.5 miles from the full purpose jurisdiction.

Generally, Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. Staff from Watershed Protection has reviewed the submitted documents and identified no cause for concern with this request. The Village of

Webberville has similar ETJ regulations to the City of Austin in this case that will protect the environment and floodplain.

The area in question for release is fully covered in the Colorado River floodplain and will not be developed. Any development on the site would be subject to Village of Webberville's ETJ regulations, which includes their Flood Damage Prevention Ordinance (to restrict or prohibit uses within the floodplain) and Water Quality Protection Ordinance (Modeled after the SOS ordinance).

Finally, releasing this area would not negatively impact any existing or planned City investments in utility or roadway infrastructure. The area is not served by City maintained roads. Further, Austin Water has no concerns with this release. The tract is primarily in the Aqua WSC CCN with a smaller portion in the Manville WSC CCN for water and no wastewater CCNs. Austin's water and wastewater CCN boundaries are over a mile away and on the other side of the river.

City Council consideration of this request is scheduled for November 4, 2021.

Staff Evaluation
 Webberville ETJ Release Request
 CETJ-2021-0001
 9/30/2021

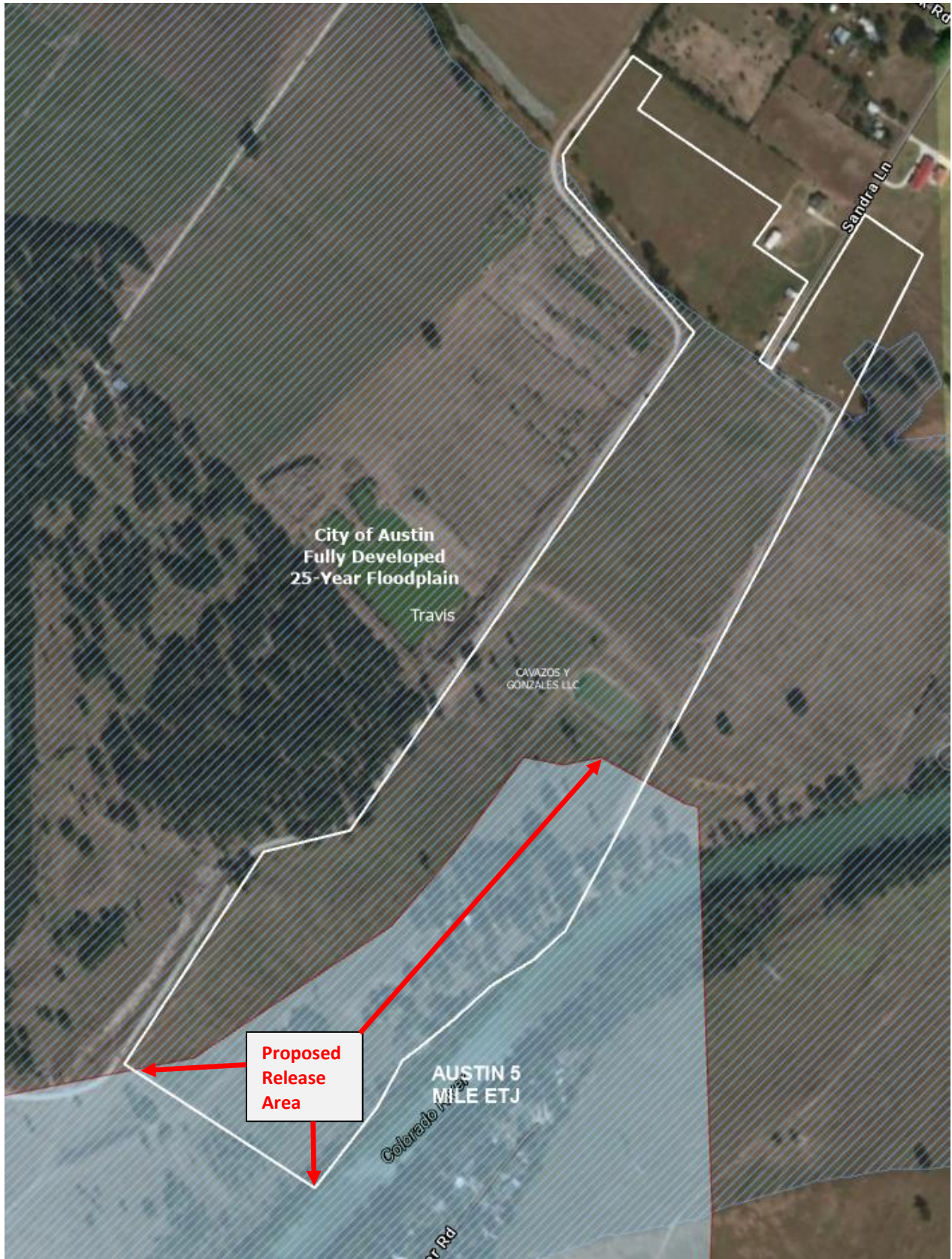
Description of Request: The Village of Webberville, at the behest of a property owner, has requested the release of approximately 31 acres of Austin’s extraterritorial jurisdiction (ETJ) to be included in Webberville’s ETJ. The property in question is divided between Austin and Webberville’s ETJ, with the latter covering the lion’s share of the tract at 80 acres. Access to the site is available only through Webberville.

Staff Recommendation: Staff recommends releasing the 31 acres of Austin ETJ following an evaluation affirming that Webberville ETJ would provide environmental protection for new development that is comparable to that of the City of Austin. Releasing the proposed area would create a unified set of regulations for the property and streamline the development review process.

Checklist for ETJ release review:

Property Description: The subject tract includes approximately 111 acres in eastern Travis County abutting the Colorado River. Of the 111 acres, 80 acres are in the Village of Webberville’s ETJ and 31 acres are in Austin’s ETJ within the floodplain of the Colorado River. Current development on the property is agricultural and single family residence. A map of the proposed release area is attached.		
Annexation Potential:		
<input type="checkbox"/> Does the area have the potential to be annexed by the City of Austin in the long-term?	Yes	No
<input type="checkbox"/> Does this request demonstrate that the requesting jurisdiction is in a superior position to serve the property with similar levels of service <i>and</i> will annex the area upon release or include the area in an annexation plan?	Yes	No
<input type="checkbox"/> Would the proposed release negatively impact the city’s long term annexation plans?	Yes	No
Staff comments: Austin has no potential to annex and provide municipal services to the property. This portion of Austin’s ETJ is currently approximately four- and-a-half miles from the City’s full purpose jurisdiction; therefore, potential annexation by the City of Austin is not feasible in the foreseeable future. The tract abuts Webberville’s city limits and access is only possible through Webberville.		
Environmental Impact:		
<input type="checkbox"/> Does this request clearly demonstrate that the requesting jurisdiction will provide similar or superior regulatory and/or watershed protections afforded through the development process?	Yes	No
<input type="checkbox"/> Does this request clearly demonstrate similar or superior regulatory and/or watershed protections applied to the area through conservation easements, transfer of development rights, or other private mechanisms prior to release, provided that the use of such controls is agreeable to each party?	Yes	No

<p>Staff comments: Generally, Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. Watershed Protection has reviewed the submitted documents and identified no cause for concern with the request. The Village of Webberville has similar if not more restrictive regulations than the City of Austin that will protect the environment and floodplain. The area in question for release is fully covered in the Colorado River floodplain and will not be developed.</p>		
<p>Infrastructure investment:</p>		
<input type="checkbox"/> Would release of this ETJ negatively impact the city's investment in any existing or planned water and wastewater utility infrastructure?	Yes	No
<input type="checkbox"/> Would release of this ETJ negatively impact the city's investment in any existing or planned roadway infrastructure?	Yes	No
<p>Staff comments: From a utility perspective, Austin Water has no concerns with this release. The tract is primarily in the Aqua WSC CCN with a smaller portion in the Manville WSC CCN for water and no wastewater CCNs. Austin's water and wastewater CCN boundaries are over a mile away and on the other side of the river. Releasing this area would not negatively impact any existing or planned City investments in utility or roadway infrastructure.</p>		
<p>Growth and Planning Impacts of cumulative ETJ releases:</p>		
<input type="checkbox"/> Is the requesting jurisdiction in compliance with all agreements and contracts with the City of Austin?	Yes	No
<input type="checkbox"/> Have previous releases to this jurisdiction ensured that the release of ETJ has not created a competitive disadvantage for similar development within Austin's nearby jurisdiction?	Yes	No
<input type="checkbox"/> In a high growth area or the desired development zone, have previous releases ensured Austin's ability to maintain and expand its ETJ?	Yes	No
<input type="checkbox"/> In areas previously released to this jurisdiction and in keeping with Austin's goal of protecting water quality, has development occurred in accordance with terms and conditions that minimize the risk of pollution of the region's water resources?	Yes	No
<input type="checkbox"/> Do opportunities exist for exchange of ETJ in conjunction with the requested release?	Yes	No
<input type="checkbox"/> If exchange is proposed, does the result achieve more logical boundaries?	Yes	No
<p>Staff comments: Staff is not aware of past ETJ releases to the Village of Webberville.</p>		
<p>Hardship or extenuating circumstances:</p>		
<input type="checkbox"/> Is there a claimed hardship?	Yes	No
<input type="checkbox"/> If a hardship is claimed, does this request relieve a hardship condition?	Yes	No
<input type="checkbox"/> Are there special or unique circumstances for this request?	Yes	No
<input type="checkbox"/> Does the request clearly demonstrate justification for the release?	Yes	No
<p>Staff comments: The property owners' representative maintains that a hardship exists for this property due to the jurisdictional split between Austin and Webberville's ETJ. It is apparent that releasing ETJ in this case would streamline regulations for the property while observing comparable environmental standards for site development.</p>		



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October 22, 2020

Honorable Mayor Steve Adler
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**RE: Request for Release of Property from Austin ETJ
2415 Sandra Lane Manor, TX 78653
Request for ETJ Release**

Dear Honorable Mayor Adler and City Manager Spencer Cronk:

As the representative for the owner of the above described property, we respectfully request the City of Austin's consideration for the release of the portion of the subject property currently in Austin's ETJ.

The subject property consists of 111 acres of land area of which the vast majority (approximately 80 acres) is in the Webberville ETJ, leaving approximately 31 acres in Austin's ETJ. All the 31 acres in Austin's ETJ fronts the Colorado River and has no vehicular access without traversing the larger portion in Webberville's ETJ. All access and utilities come from Sandra Lane which is in Webberville's ETJ. The subject property adjoins the current Webberville City Limits line and the further expansion of Austin's ETJ in this area is not possible.

A cohesive and rational development plan cannot be employed when the property lies in the jurisdiction of 2 independent municipalities along an arbitrary division line. Zoning regulations, subdivision regulations, environmental rules, street construction standards, etc. should all be under a single jurisdiction and one set of development standards.

This request meets the Review Criteria published by the City of Austin as discussed below:

1. **Annexation Potential** – There is no potential for the area to be annexed by the City of Austin while it could easily be annexed and serviced by the Village of Webberville. The front portion of the subject property, the only means of access to the property, adjoins the current city limits line of Webberville, preventing any further expansion of Austin’s ETJ in this area.
2. **Environmental Impact** - The Village of Webberville will enforce all environmental regulations should the property be released, which are equal to those of the City of Austin. All the area within Austin’s ETJ, and a vast majority of the remainder parcel, is within the 100-year floodplain of the Colorado River and it is unlikely that any portion in Austin’s ETJ can or will be developed. The Village of Webberville has similar environmental regulations as Austin, including tree preservation, development within the 100-year floodplain, creek setbacks, cut and fill restrictions, impervious cover limits, water quality controls, and erosion/sedimentation regulations. Release of the property from Austin’s ETJ will not provide the proposed development with a competitive market advantage.
3. **Infrastructure Investment** - There are no financial impacts to the City of Austin given that there are no existing or planned investments in water and wastewater or roadway infrastructure to serve this area. In fact, there is no way to extend roadways or utility services without crossing the Colorado River. All existing development in Austin’s ETJ is located on the south side of the Colorado while virtually all the land area on the north side, including the subject property, is within Webberville’s ETJ. The logical dividing line for the ETJ’s should be the Colorado River.
4. **Long-term Effects of Release to Other Jurisdictions** - Given the fact that the small portion of land in Austin’s ETJ is entirely within the 100-year flood plain and not developable, annexation of this property will not generate any tax revenue for the city of Austin, nor will it result in the loss of any potential tax revenue to the City of Austin.
5. **Hardship or Extenuating Circumstances** - This request is being made to relieve an undue hardship on the property owner given the unique and unusual circumstances described herein that dictate the need for a release.

Your favorable consideration of this request is greatly appreciated. Please feel free to contact my office if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Mathias". The signature is written in a cursive, flowing style.

Richard Mathias