



## MEMORANDUM

**To:** Chair and Members of the Environmental Commission

**From:** Andrei Lubomudrov  
Housing and Planning Department

**Date:** February 21, 2023

**Subject:** Proposed release of approximately 48 acres of Austin's extraterritorial jurisdiction ("ETJ") to the City of Manor

The City of Manor, at the behest of a property owner, has requested the release of approximately 48 acres of Austin's extraterritorial jurisdiction (ETJ) to be included in Manor ETJ. The 388-acre property in question is divided between Austin and Manor's ETJ, with the latter covering most of the property at about 340 acres. The ETJ portion proposed for release is located in northeastern Travis County near 15416 Littig Road, and is the only section of Austin's ETJ that extends north of Littig Road. 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 4.25 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 have reviewed the proposed release and find it aggregable with the following conditions:

1. Maintain City of Austin Suburban Watershed impervious cover restrictions
2. Provide green stormwater water quality controls to treat 100% of the water quality volume
3. Establish 300 ft creek setback for Cottonwood Creek
4. Protect existing Critical Environmental Features with 150 ft setback

The City of Manor, which is intending to annex this territory into its city limits through a development agreement and adopt PUD zoning for the whole project, will extend comparable regulations to the City of Austin in this case that will protect the environment and restrict development in the floodplain. The area is partially covered in floodplain and is planned for a mixed-use development that would include open space and parkland.

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. Austin Water does not have any existing or planned infrastructure investment for utility service that would be negatively impacted if the requested ETJ release to the City of Manor is approved. The area is currently located within the Manville WSC service area for water, thereby prohibiting the City of Austin from providing water. Regarding wastewater, the nearest City infrastructure is several miles away, making the establishment of a connection to the City's wastewater system unlikely.

City Council consideration of this request is tentatively scheduled for April 13, 2023.

Staff Evaluation  
Webberville ETJ Release Request  
CETJ-2022-0002  
02/21/2023

**Description of Request:** The City of Manor, at the behest of a property owner, has requested the release of approximately 48 acres of Austin's extraterritorial jurisdiction (ETJ) to be included in Manor's ETJ and subsequently annexed into city limits. The property area in question is split between Austin and Manor ETJ, with the latter covering the lion's share of the property at about 340 acres. Access to the site is through Littig Road, which is maintained by Travis County.

**Staff Recommendation:** Staff recommends releasing the 48 acres of Austin ETJ following an evaluation affirming that, with eventual annexation into Manor city limits, environmental protection standards comparable to those of Austin ETJ would be maintained. 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:

<b>Property Description:</b> The subject tract includes approximately 388 acres in northeastern Travis County near 15416 Littig Road. Of the total project area, 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/open space. A map of the proposed release area is attached.		
<b>Annexation Potential:</b>		
<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 over four miles from the City's full purpose jurisdiction; therefore, potential annexation by the City of Austin is not feasible in the foreseeable future. The larger tract abuts Manor city limits.		
<b>Environmental Impact:</b>		
<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

Staff comments: Generally, Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. Staff from Watershed Protection have reviewed the proposed release and find it aggregable with the following conditions:

1. Maintain City of Austin Suburban Watershed impervious cover restrictions
2. Provide green stormwater water quality controls to treat 100% of the water quality volume
3. Establish 300 ft creek setback for Cottonwood Creek
4. Protect existing Critical Environmental Features with 150 ft setback

The City of Manor, which is intending to annex this territory into its city limits through a development agreement and adopt PUD zoning for the whole project, will extend comparable regulations to the City of Austin in this case that will protect the environment and restrict development in the floodplain.

#### Infrastructure investment:

<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

Staff comments: The property is not served by City-maintained roads, and Austin Water does not have any existing or planned infrastructure investment for utility service that would be negatively impacted if the requested ETJ release to the City of Manor is approved. The area is currently located within the Manville WSC service area for water, thereby prohibiting the City of Austin from providing water. For wastewater, the nearest City infrastructure is several miles away, making the establishment of a connection to the City's wastewater system infeasible.

#### Growth and Planning Impacts of cumulative ETJ releases:

<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

Staff comments: Staff is not aware of issues or concerns with past ETJ releases to or swaps with the City of Manor.

#### Hardship or extenuating circumstances:

<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

Manor ETJ Release  
C7ETJ-2022-0002  
February 21, 2023

Staff comments: The property owners' representatives maintain a hardship exists for this property due to the jurisdictional split between Austin and City of Manor. It is apparent that releasing ETJ in this case would streamline regulations for the property while observing comparable environmental standards for site development.

