

AGENDA



Thursday, December 13, 2007

**Neighborhood Planning & Zoning
RECOMMENDATION FOR COUNCIL ACTION****Item No. 30**

Subject: Approve a resolution authorizing execution of a First Amendment to the 1985 Interlocal Agreement between the City and the City of Bastrop Regarding Planning Issues and the Regulation of Subdivisions in the Extra Territorial Jurisdiction.

For More Information: Virginia Collier 974-2022; Jackie Chuter, 974-2613; Sylvia Arzola 974-6448

Prior Council Action: 10/24/85 - Approved Interlocal Agreement.

The City of Bastrop has requested this First Amendment to the Interlocal Agreement to acknowledge that the County of Bastrop will be regulating subdivisions in the Bastrop extraterritorial jurisdiction (ETJ) identified in the Interlocal Agreement between the two cities.

The Interlocal Agreement, approved in 1985, provides for cooperation on planning issues in the adjacent ETJs of the City of Austin and the City of Bastrop. It allocates the disputed ETJ among the two cities and calls for each city to regulate subdivisions in its own ETJ, notifying the other city of applications and providing technical assistance when needed. This agreement effectuated the settlement of a lawsuit between the two cities, which had competing claims for ETJ following two Austin annexations in 1985.

In 2006, the City of Bastrop and the County of Bastrop entered into a city-county subdivision regulation agreement, pursuant to Texas Local Government Code Chapter 242 (aka HB 1445), under which the County of Bastrop would regulate subdivisions in certain areas of the Bastrop ETJ. Included in the ETJ assigned to the County is the area of the Bastrop ETJ that the City of Bastrop agreed to regulate in the 1985 Interlocal Agreement with the City of Austin. Consequently, the City of Bastrop has requested this amendment to be consistent with the terms of its subdivision regulation agreement with Bastrop County.

Austin planning staff has reviewed Bastrop City and Bastrop County subdivision regulations and finds no significant difference between the two. Under the proposed amendment, the County will regulate all subdivisions in the area, but the City of Bastrop will retain authority over the creation and modification of special districts.

The proposed amendment also deletes provisions of the agreement that require each city to notify the other of applications for subdivisions, variances, consent to creation of a water or roadway district, and consent to incorporation and proposed ordinances affecting property in the ETJ. Notification of these actions is no longer necessary.

City staff recommends approval of this amendment.