

AGENDA



Thursday, September 25, 2008

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 138**

Subject: Conduct a public hearing and consider an ordinance amending City Code Sections 25-1-83 and 30-1-114 regarding applications relating to development over a closed municipal solid waste landfill.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

For More Information: Nancy McClintock, 974-2652; Chuck Lesniak, 974-2699; Robyn Smith, 974-2624

Boards and Commission Action: Recommended by the Environmental Board on March 19, 2008 and the Code and Ordinance Subcommittee of the Planning Commission on June 17, 2008. Recommended by the Planning Commission on August 12, 2008.

The proposed ordinance will amend City Code Sections 25-1-83 and 30-1-114 (Applications Relating to Development Over Closed Municipal Solid Waste Landfill) to improve consistency with recent State law changes and to clarify applicability and certification requirements. The intent of the City ordinance is to protect human health and safety by requiring developers to show that they have complied with the requirements of the State of Texas for developments over closed landfills. Closed landfill areas have a potential for land subsidence and to generate methane gas that can enter buildings and create safety hazards.

The original ordinance was enacted in 1994 and was intended to be consistent with Texas Administrative Code Ch. 330, Subchapter T, which requires most development on sites greater than 1 acre to do soil testing to determine whether a landfill exists on the site. All developments regardless of size are required to obtain a TCEQ development permit if the site is over a landfill.

To improve consistency with State law, the proposed amendments will:

1) add a definition for Closed Municipal Solid Waste Landfill; 2) revise certification requirements so that all soil tests accepted by the State can be accepted; and 3) define applicability similarly to the State's definition.

The proposed amendments will also add a definition for "Landfill Area" and remove the requirement for zoning applications to comply with the ordinance.