

AGENDA



Thursday, September 24, 2009

**Austin Water Utility
RECOMMENDATION FOR COUNCIL ACTION**
Item No. 8

Subject: Approve a resolution authorizing extension of the fee schedule for participation under the Balcones Canyonlands Conservation Plan – Shared Vision through September 30, 2010.

Amount and Source of Funding: This action does not require budget allocation or funding.

Fiscal Note: A fiscal note is not required.

For More Information: William Conrad 972-1661; Denise Avery 972-0104

Boards and Commission Action: Recommended by the Water and Wastewater Commission.

Prior Council Action: The revised fee was extended by actions of the City Council and Travis County Commission from July 15, 1999 to July 14, 2000, July 15, 2000 to July 14, 2001, July 15, 2001 to July 14, 2002, July 15, 2002 to July 14, 2003, and July 15, 2003 to July 14, 2004, July 15, 2004 to July 14, 2005, July 15, 2005 to July 14, 2006, July 15, 2006 to July 14, 2007, July 15, 2007 to July 14, 2009, July 15, 2009 to September 30, 2009.

The Balcones Canyonlands Conservation Plan (BCCP) Shared Vision was based on a financing plan that used both participation fee revenues and tax increment financing (TIF) by Travis County to generate funds for acquisition of the remaining acreage needed for the Balcones Canyonlands Preserve. During the first two years of plan implementation, landowner participation under the BCCP was minimal; landowners frequently opted for the alternative, to obtain an individual 10(a) permit from the U.S. Fish and Wildlife Service. As a result, revenues from both primary financing mechanisms fell short of expectations, despite a historically high surge in land development within Travis County.

The BCCP Coordinating Committee is comprised of two voting members - one appointed by Travis County, Commissioner Huber and one appointed by the City of Austin, Mayor Leffingwell and one ex-officio member appointed by the U.S. Fish & Wildlife Service as well as a secretary. After extensive discussions with the public and the BCCP Citizens Advisory Committee, the BCCP Coordinating Committee recommended lowering participation fees to stimulate landowner interest in using the BCCP permit. On May 4, 1998, the Coordinating Committee passed a revised fee schedule that effectively lowered most fees for BCCP participation for a period of one year. The City Council (May 21, 1998) and the Travis County Commissioners Court (June 23, 1998) also passed the revised fee resolution as an amendment to the original BCCP-Shared Vision. The fee schedule has since been extended or raised annually, as documented under "Prior Council Actions" above. Current fees represent the level of fees originally proposed for BCCP, except for Karst habitat, which has increased.

On April 17, 2007 the BCCP Citizens Advisory Committee, a body appointed by the BCCP Coordinating Committee, recommended that BCCP participation fees should increase to reflect land costs for mitigation. The committee believes that the additional fee increases would not adversely affect participating landowners and that in fact the value to landowners has increased. The committee expressed that land prices are increasing significantly and fees should more appropriately reflect these rising costs. The Citizens Advisory Committee recommended two years of successive fee increases to provide some measure of certainty for private land owners considering how and when to mitigate

endangered species habitat. The committee voted on July 27, 2009 to extend these fees through the end of September 2010.

The BCCP Coordinating Committee accepted the Citizens Advisory Committee recommendations and voted to extend the fees through September 30, 2010. For this to occur now requires that the City Council and Travis County Commissioners Court adopt the fee extension as provided in the Interlocal Agreement between the City of Austin and Travis County.

The key provisions for the extended fee structure are included in the attached resolution.