

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	10852	Agenda Number	20.
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Meeting Date:	12/15/2011	Department:	Planning and Development Review
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## Subject

Approve a resolution consenting to the annexation by Lazy Nine Municipal Utility District 1-A of approximately 393 acres within the City of Austin's extraterritorial jurisdiction.

## Amount and Source of Funding

There are no expenditures incurred by the City of Austin for this action. The landowner or Lazy Nine Municipal Utility District 1-A will incur all expenses for service to the tracts.

## Fiscal Note

No fiscal impact.

Purchasing Language:	
Prior Council Action:	
For More Information:	Virginia Collier, Planning and Development Review, 974-2022; Bart Jennings, Austin Water Utility, 972-0118
Boards and Commission Action:	Recommended by the Planning Commission and the Environmental Board. To be reviewed by the Water and Wastewater Commission on December 14, 2011.
MBE / WBE:	
Related Items:	

## Additional Backup Information

Lazy Nine Municipal Utility District 1-A ("MUD") was created by legislative act outside, but adjacent to the City of Austin's extraterritorial jurisdiction ("ETJ"). The landowner submitted an application requesting the City's consent to the annexation of approximately 393 acres located in the City's ETJ into the MUD's boundaries. The proposed annexation area is located south of State Highway 71 West, approximately 6.2 miles west of the City of Bee Cave. The 393 acre tract is within both the water and wastewater Certificate of Convenience and Necessity (CCN) areas of the MUD issued by the Texas Commission on Environmental Quality (TCEQ). This tract is located in the Hurst Creek and Little Barton Creek watersheds.

The landowner's proposed future development on this tract includes the MUD's wastewater treatment facility and disposal site including two storage ponds for treated effluent and a surface irrigation field; and commercial land uses. Retail water and wastewater service would be provided by the MUD.

Requests for annexation into a district are typically evaluated in terms of:

- Impact on the City's annexation program,
- Land Use impacts,
- The City's ability to provide water and/or wastewater service,
- The terms of the City's consent agreement/contract(s) with the district,
- Environmental impacts, and
- Whether the proposed annexation would induce development within the Drinking Water Protection Zone beyond what would occur otherwise

The City does not have a consent agreement with Lazy Nine MUD 1-A because the MUD was created by the State Legislature outside of the City's jurisdiction. This request does not meet the basic requirements outlined in the City Council adopted MUD Policy for consideration of a MUD in Austin's jurisdiction due to its location. However, staff determined that annexation of the tract into the district will not affect the City of Austin's annexation plans and will not have a significant impact on adjacent property. Austin Water cannot provide service because the tract is located in the CCN of the MUD. Further, staff does not anticipate any negative environmental impacts if the MUD annexes the tract. Annexation by the district is not expected to increase the amount of development on the tract beyond what would occur otherwise and future development will be subject to the City's development regulations as this tract will remain in Austin's ETJ.

In conclusion, staff recommends consent to the proposed annexation into Lazy Nine MUD 1-A.