



MEMORANDUM

TO: Chair and Members of the Planning Commission

FROM: Andrei Lubomudrov, Housing and Planning Department

DATE: October 6, 2021

RE: Proposed release of approximately 31 acres of Austin's extraterritorial jurisdiction ("ETJ") to the Village of Webberville

The Village of Webberville, at the behest of a property owner, has requested the release of approximately 31 acres of Austin's extraterritorial jurisdiction (ETJ) to be included in Webberville's ETJ. The 111-acre property in question is divided between Austin and Webberville's ETJ, with the latter covering most of the tract at 80 acres. The tract is located in eastern Travis County near Webberville adjacent to the Colorado River. Releasing the proposed area would create a unified set of regulations for the property and streamline the development review process. Following the analysis of no substantial impact based on the adopted ETJ policy, staff is recommending the proposed ETJ release.

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 4.5 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 has reviewed the submitted documents and identified no cause for concern with this request. The Village of Webberville has similar ETJ regulations to the City of Austin in this case that will protect the environment and floodplain.

The area in question for release is fully covered in the Colorado River floodplain and will not be developed. Any development on the site would be subject to Village of Webberville's ETJ regulations, which includes their Flood Damage Prevention Ordinance (to restrict or prohibit uses within the floodplain) and Water Quality Protection Ordinance (Modeled after the SOS ordinance).

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. Further, Austin Water has no concerns with this release. The tract is primarily in the Aqua WSC CCN with a smaller portion in the Manville WSC CCN for water and no wastewater CCNs. Austin's water and wastewater CCN boundaries are over a mile away and on the other side of the river.

City Council consideration of this request is scheduled for November 4, 2021.

Staff Evaluation
 Webberville ETJ Release Request
 CETJ-2021-0001
 9/30/2021

Description of Request: The Village of Webberville, at the behest of a property owner, has requested the release of approximately 31 acres of Austin's extraterritorial jurisdiction (ETJ) to be included in Webberville's ETJ. The property in question is divided between Austin and Webberville's ETJ, with the latter covering the lion's share of the tract at 80 acres. Access to the site is available only through Webberville.

Staff Recommendation: Staff recommends releasing the 31 acres of Austin ETJ following an evaluation affirming that Webberville ETJ would provide environmental protection for new development that is comparable to that of the City of Austin. Releasing the proposed area would not adversely affect City of Austin interests and would create a unified set of regulations for the property and streamline the development review process.

Checklist for ETJ release review:

Property Description: The subject tract includes approximately 111 acres in eastern Travis County abutting the Colorado River. Of the 111 acres, 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 and single family residence. A map of the proposed release area is attached.		
Annexation Potential:		
<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 currently approximately four- and-a-half miles from the City's full purpose jurisdiction; therefore, potential annexation by the City of Austin is not feasible in the foreseeable future. The tract abuts Webberville's city limits and access is only possible through Webberville.		
Environmental Impact:		
<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	Yes	No

process?		
<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
<p>Staff comments: Generally, Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. Watershed Protection has reviewed the submitted documents and identified no cause for concern with the request. The Village of Webberville has similar if not more restrictive regulations than the City of Austin that will protect the environment and floodplain.</p> <p>The area in question for release is fully covered in the Colorado River floodplain and will not be developed.</p>		
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
<p>Staff comments: From a utility perspective, Austin Water has no concerns with this release. The tract is primarily in the Aqua WSC CCN with a smaller portion in the Manville WSC CCN for water and no wastewater CCNs. Austin's water and wastewater CCN boundaries are over a mile away and on the other side of the river. Releasing this area would not negatively impact any existing or planned City investments in utility or roadway infrastructure.</p>		
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 past ETJ releases to the Village of Webberville.

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

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



Location map of subject property with respect to Austin city limits

