



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 5
AGENDA DATE: Thu 06/23/2005
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SUBJECT: Approve a resolution to extend the revised fee schedule for participation under the Balcones Canyonlands Conservation Plan – Shared Vision for a period of one year.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Austin Water Utility **DIRECTOR'S**
DEPARTMENT: **AUTHORIZATION:** Chris Lippe

FOR MORE INFORMATION CONTACT: William Conrad, 263-6430; Laura Wiley, 972-0104

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; July 15, 2003 to July 14, 2004; and July 15, 2004 to July 14, 2005.

BOARD AND COMMISSION ACTION: Recommended by the Water and Wastewater Commission and the Balcones Canyonlands Conservation Plan Coordinating Committee

PURCHASING: N/A

MBE / WBE: N/A

The Balcones Canyonlands Conservation Plan – 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, landowners were slow to participate under the BCCP and often chose the alternative route of obtaining 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.

A lowering of participation fees to stimulate landowner interest in using the BCCP permit was one of the financing plan modifications recommended by the BCCP Coordinating Committee after extensive discussions with the public and the BCCP Citizens Advisory Committee. 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 key provisions for the revised fee structure are included in the attached resolution.

The past four-year period with a revised fee structure has yielded positive benefits for the Plan. The adoption of lower participation fees for the last five years has resulted in the desired response for BCCP financing: an increase in landowner participation under the Plan with increased fee revenue accruing to the permit holders. The fee revenue is split equally between the City and County for preserve land acquisition and other preserve expenses. In addition, the greater landowner participation has generated



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more properties within the TIF inventory, which will generate more funds annually for the completion of the Preserve. The current action will continue the reduced participation fees through July 14, 2006. A continuation of the reduced fees will help maintain public participation in the BCCP.

Only \$429,398 in fees were collected over a two year period for mitigation of land development in warbler, vireo, and karst habitat areas before participation fees were lowered (average \$213,127 per year). Since the fees were first lowered in July of 1998, public participation in the BCCP has generated \$5,878,016 from Participation Certificates and U. S. Fish and Wildlife Service (USFWS) alternate determinations (average \$904,310 per year).

Lowering of participation fees under the revised schedule does not impact the Austin Water Utility Operating Budget for Balcones Canyonlands Preserve operations and management. Increased participation fee revenues do have a long-term beneficial effect on the BCCP Capital Budget for future preserve land acquisitions, needed preserve improvements, and essential management of City-owned preserve lands.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council approves the revised fee schedule for participation in the Balcones Canyonlands Conservation Plan (BCCP) as follows:

- (1) For simple participation in the Plan based on the BCCP fee zone map the fee shall be \$3,000/acre in Zone 1, and \$1,500 in Zone 2.
- (2) For participation through the alternative method the fee shall be \$4,000/acre. The fee shall be calculated on United States Fish and Wildlife Services (USFWS) determination of take – both direct and indirect – multiplied by the appropriate habitat quality factor.
- (3) If the Balcones Canyonlands Coordinating Committee adopts a program to allow annual installments of operating and maintenance costs (“O&M”), an additional discount not to exceed \$600 is authorized.
- (4) When land within the Preserve, or land which has been determined by USFWS to be acceptable as part of the Preserve, is offered as mitigation in lieu of payment of the fee using the alternative approval method, USFWS shall determine the amount of mitigation credit that is received for land offered in mitigation.

- (5) This revised fee schedule will expire on July 14, 2006.
- (6) This revised fee shall apply prospectively to any new sales of Participation Certificates executed after the effective date of the new fee schedule.
- (7) The intent of this Resolution is to prevent the new fee structure from having the effect of depressing the value of mitigation land.

ADOPTED: _____, 2005

ATTEST: _____
Shirley A. Brown
City Clerk

No.050405-A
WATER AND WASTEWATER COMMISSION RESOLUTION
AUTHORIZE THE EXTENSION OF THE REVISED FEE SCHEDULE FOR PARTICIPATION UNDER
THE BALCONES CANYONLANDS CONSERVATION PLAN – SHARED VISION FOR A PERIOD
OF ONE YEAR (UNTIL JULY 14, 2006)
May 4, 2005
REGULAR MEETING
VOTE: 8-0-1-0

Motion made by: Coleman
Commissioners Consenting: Friese, Raun, Lee, Chan, Pool, Gonzalez, Warner
Commissioners Dissenting:
Commissioners Abstaining: Scott-Ryan
Commissioners Absent:

The Water and Wastewater Commission recommends the Council authorize the negotiation and execution of an extension of the revised fee schedule for participation under the Balcones Canyonlands Conservation Plan – Shared Vision for a period of one year (until July 14, 2006)

Commissioner Scott-Ryan is abstaining on this item because she was not able to review all the material. She was appointed to the Commission one week ago.


Michael Warner Chairperson
Water and Wastewater Commission

5/4/05
Date