



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

**AGENDA ITEM NO.: 79
AGENDA DATE: Thu 09/29/2005
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SUBJECT: Conduct a public hearing and approve an ordinance amending City Code Sections 30-1-93, 30-1-131, 30-2-40 and 30-2-56, relating to the City / Travis County single office for subdivision regulation; the amendments conform to the Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County and are in accordance with the requirements of Chapter 242 of the Texas Local Government Code.

AMOUNT & SOURCE OF FUNDING: N/A

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

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Trann Lackey, 974-3341; Tammie Williamson, 974-3056; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: October 21, 2004 - Council approved the Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County.

BOARD AND COMMISSION ACTION: Recommended by Planning Commission.

PURCHASING: N/A

MBE / WBE: N/A

State law was amended in 2001 (HB 1445) to require cities and counties to enter into agreements regarding regulation of subdivisions in ETJ areas. The law, as amended in 2003, (HB 1204) gave four options for such agreements. The City and Travis County selected the joint regulation option and agreed to regulate subdivisions through a Single Office for the processing and review of subdivisions within their shared jurisdiction. The Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County ("Agreement") has been amended three times. State law and the agreement require the adoption of a single set of regulations, which appear in the City Code as Title 30.

In the Third Amendment to the Agreement the City and County agreed to amend their subdivision regulations to incorporate provisions of the Third Amendment by October 1, 2005. Travis County staff is processing corresponding amendments through the County's Code amendment process. The recommended amendments to City Code Title 30 would:

(1) provide that the City and County jointly name a manager of the single office. This proposed code amendment would amend Section 30-1-93 of the City Code by adding new Subsection (E) to provide for this position.



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(2) amend Section 30-1-93 by adding new Subsection (F) to divide subdivision review responsibilities. This is in accordance with the division of responsibilities between the City and the County adopted in the Third Amendment as shown in the chart below. This division was based on (A) whether the project was located in the Near Term Annexation Area ("NTAA"), (B) whether the project was participating in the Regional Stormwater Management Program ("RSMP"), and (C) whether the project was located in Desired Development Zone ("DDZ") or the Drinking Water Protection Zone ("DWPZ").

Case Manager	County	City	City
Transportation	County	County	City
Drainage [Non-RSMP participant]	County	County	City
Drainage [RSMP participant]	City	City	City
Environmental and Utilities	City	City	City
Inspection of Infrastructure Installation	City	City	City

(3) amend Section 30-1-131 by requiring fees to reflect the division of responsibilities in the chart above. Required changes have already been made by Council to the fee schedule on November 4, 2004. The proposed code amendment also requires the City and the County to calculate fees due on an application and to collect both fees from the applicant.

(4) amend the Code to allow the single office to review and approve, disapprove, or deny a plat vacation, replat, or amending plat in accordance with the standards and procedures in Local Government Code Section 212.013 (Vacating Plat), Section 212.014 (Replatting Without Vacating Plat), Section 212.015 (Additional Requirements For Certain Replats), and Section 212.016 (Amending Plat). The proposed code amendment would add a Subsection 30-2-40(A) to accomplish that. This is not a change from current City requirements.

(5) amend the Code by adding a Subsection 30-2-40(B) to allow the City and the County to provide a single joint notice stating the dates of the city and county hearings for a notice required by Local Government Code Section 212.015 (Additional Requirements For Certain Replats) or Section 212.016 (Amending Plat). This is not a change from current City requirements.

(6) amend City Code Subsection 30-2-56(C) to change the preliminary plan review deadline to 28 days from a range of days based on acreage. The deadlines formerly ranged from 21 to 35 days depending on the acreage of the preliminary plan.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 30 OF THE CITY CODE RELATING TO THE SINGLE OFFICE MANAGER AND STAFF REVIEW RESPONSIBILITIES; SUBDIVISION REVIEW FEES; VACATING, REPLATTING, AND AMENDING PLATS; AND STAFF REVIEW TIME PERIODS.

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

PART 1. Section 30-1-93 of the City Code is amended to add new Subsections (E) and (F) to read:

- (E) The managing officials shall jointly designate from among their employees a manager of the single office who shall have authority and responsibility to oversee the coordinated review of applications.
- (F) This subsection divides responsibility for subdivision review between the city and the county according to subject matter and geographic area. If a subdivision is located in more than one of the geographic areas described below, then the subdivision is categorized according to the geographic area in which the largest part of the subdivision is located.
 - (1) A case manager is provided by:
 - (a) the county in the portion of the desired development zone that is outside a near-term annexation area; or
 - (b) the city in the drinking water protection zone or a near-term annexation area.
 - (2) Transportation matters are reviewed by:
 - (a) the county outside a near-term annexation area; or
 - (b) the city in a near-term annexation area.
 - (3) Drainage matters for a subdivision that does not participate in regional stormwater management are reviewed by:
 - (a) the county outside a near-term annexation area; or

(b) the city in a near-term annexation area.

(4) Drainage matters for a subdivision that participates in regional stormwater management are reviewed by the city in all geographic areas.

(5) Environmental and utility matters are reviewed by the city in all geographic areas.

(6) Inspection of infrastructure installation is performed by the city in all geographic areas.

PART 2. Section 30-1-131 of the City Code is amended to read:

§ 30-1-131 FEES.

(A) The fees required under this title shall be established by separate city or county ordinance. In establishing a fee, the city and county shall each take into account the division of responsibility between city and county staff prescribed by Section 30-1-93 (*Single Office Structure And Function*) and the Agreement On Subdivision Platting In The Extraterritorial Jurisdiction Between The City Of Austin And Travis County dated April 1, 2002, as amended.

(B) Before the single office accepts an application, the city and county shall each calculate the fees due, and the single office shall collect both fees from the applicant.

PART 3. Title 30 of the City Code is amended to add a new Section 30-2-40 to read:

§ 30-2-40 VACATING PLAT; REPLATTING WITHOUT VACATING PLAT; AMENDING PLAT.

(A) The city and the county shall review and approve, disapprove, or deny a plat vacation, replat, or amending plat in accordance with the standards and procedures in Local Government Code Section 212.013 (*Vacating Plat*), Section 212.014 (*Replatting Without Vacating Plat*), Section 212.015 (*Additional Requirements For Certain Replats*), and Section 212.016 (*Amending Plat*).

(B) The single office shall provide a single joint notice stating the dates of the city and county hearings for a notice required by Local Government Code Section 212.015 (*Additional Requirements For Certain Replats*) or Section 212.016 (*Amending Plat*).

PART 4. Subsection 30-2-56(C) of the City Code is amended to read:

(C) Initial staff review period for an application for preliminary plan approval is 28 days. [as follows:

Size of preliminary plan	Staff review period
Less than 60 acres	21 days
60 acres to 250 acres	28 days
More than 250 acres	35 days]

PART 5. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
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 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk