



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: September 21, 2011

NAME & NUMBER OF PROJECT: Carriage Crossing Section 2 Lot 1 Resubdivision
C8J-2010-0117.0A

NAME OF APPLICANT OR ORGANIZATION: Megan Wanek (Bury Partners)
328-0011

LOCATION: 8510 Galeana Trace Cove

PROJECT FILING DATE: October 19, 2010

PDR/ENVIRONMENTAL STAFF: Mike McDougal, 974-6380
mike.mcdougal@austintexas.gov

PDR/ CASE MANAGER: David Wahlgren, 974-6455
david.wahlgren@austintexas.gov

WATERSHED: Cuernavaca Creek, Water Supply Rural
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (Current Code)

REQUEST: Variance requests as follows:
1) To allow 2 lots that each lie partially within the Critical Water Quality Zone to have less than 2 acres in the Water Quality Transition Zone [LDC 30-5-453(C)]
2) To allow construction of a driveway on slopes in excess of 15% [LDC 30-5-301(A)]

STAFF RECOMMENDATION: Variance One is recommended.
Variance Two is recommended.

REASONS FOR RECOMMENDATION: Findings of fact have been met for Variance One and for Variance Two.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning & Platting Commission

FROM: Mike McDougal, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: September 27, 2011

SUBJECT: Carriage Crossing Section 2 Lot 1 Resubdivision
C8J-2010-0117.0A

Variance Requests

The applicant has requested two variances (Exhibit 1 – Applicant Variance Request Letters). The first request is a variance from LDC 30-5-453(C) to allow 2 lots that each lie partially within the Critical Water Quality Zone to have less than 2 acres in the Water Quality Transition Zone; the second request is a variance from LDC 30-5-301(A) to allow construction of a driveway on slopes in excess of 15%.

Proposed Development

The applicant is seeking City of Austin approval to resubdivide Carriage Crossing Section 2, Lot 1. The current Lot 1 is an 11.4 acre single family subdivision located at 8510 Galeana Trace near River Hills Drive (Exhibit 2 – Driving Directions and Vicinity Map). The applicant proposes to resubdivide this current Lot 1 into 3 single family lots consisting of 2.8 acres, 4.8 acres, and 3.8 acres (Exhibit 3 – Current Final Plat and Exhibit 4 – Proposed Resubdivision). This will require two variances to the Section 30-5 of the Land Development Code.

Variance One

Lot 1 of the proposed Resubdivision would lie completely within the Uplands Zone. However, Lots 2 and 3 of the proposed resubdivision would each lie partially over the Critical Water Quality Zone (CWQZ), partially over the Water Quality Transition Zone (WQTZ), and partially within the Uplands Zone. In accordance with LDC 30-5-453(C),

a lot that lies within the Critical Water Quality Zone must also include at least 2 acres within the Water Quality Transition Zone. However, the proposed Lots 2 and 3 can not comply with this requirement.

The proposed resubdivision acreages for CWQZ / WQTZ / Uplands as summarized as follows:

	Proposed <u>Lot 1</u>	Proposed <u>Lot 2</u>	Proposed <u>Lot 3</u>
CWQZ Area:	0.0 acres	0.5 acres	0.5 acres
WQTZ Area:	0.0 acres	0.9 acres	1.0 acres
Uplands Area:	2.8 acres	3.4 acres	2.3 acres
Gross Site Area:	2.8 acres	4.8 acres	3.8 acres

Variance Two

Each of the 3 proposed lots includes a buildable area of 0.8 acres to 0.9 acres located in the Uplands Zone and on slopes ranging from 0 to 15%. However, accessing the proposed Lots 2 and 3 would require construction of a driveway on slopes ranging from 0% to approximately 38%. The applicant has proposed a lot configuration that would provide for a single driveway to be utilized by the owners of each of the 3 proposed lots (Exhibit 4 – Proposed Resubdivision). In contrast to multiple driveways, a single driveway would reduce the construction on slopes in excess of 15%. Additionally, the driveway alignment avoids ECM Appendix F trees with a diameter of 19 inches and greater (Exhibit 5 – Tree Survey).

Project Area Description

Watershed

The proposed resubdivision is located in the Cuernavaca Creek Watershed, a Water Supply Rural Watershed in the Drinking Water Protection Zone. It is located in the City of Austin's Extraterritorial Jurisdiction and is not over the Edwards Aquifer Recharge Zone.

Vegetation

The majority of the property is generally open with some scattered deciduous trees (Exhibit 6 – Site Photos). Dense canopy vegetation is limited to the western and north property line. Vegetation species within the subject area include, but are not limited to: live oak (*Quercus virginiana*), Texas oak (*Quercus texana*), Ashe juniper (*Juniperus ashei*), Texas ash (*Fraxinus texensis*), Lindheimer's silktassel (*Garrya lindheimeri*), Texas prickly pear cactus (*Opuntia engelmannii*), agarita (*Mahonia trifoliolata*), yaupon holly (*Ilex vomitoria*), heavenly bamboo (*Nandina domestica*), frostweed (*Verbesina virginica*), creeping rosemary (*Rosmarinus officinalis*), and various other native grasses.

Topography

According to the *Austin West* USGS 7.5-minute topographic quadrangles, the elevation of the subject area ranges from approximately 680 to 820 feet above mean sea level. Slopes vary from less than 15% to greater than 35%.

Water Quality

The northern property line of the current Lot 1 is defined by an unnamed minor waterway located approximately 2 river miles upstream of Lake Austin (Exhibit 7 – Aerial Photo). There is no 100 year floodplain located within the property. A 50 foot Critical Water Quality Zone and a 100 foot Water Quality Transition Zone is located on the property.

The Cuernavaca Creek Watershed has not been studied by the City of Austin. Water quality information for this watershed is not available. However, Cuernavaca Creek is a subwatershed of Lake Austin. Water quality information for Lake Austin has been provided (Exhibit 8 – Watershed Quality Data).

Critical Environmental Features

On September 15, 2010, ACI Consulting scientists conducted a field investigation within the property in accordance with the City of Austin Land Development Code to locate Critical Environmental Features. Critical Environmental Features are defined by the Land Development Code as features that are of critical importance to the protection of environmental resources, and include bluffs, canyon rimrocks, caves, sinkholes, springs, and wetlands. Two Critical Environmental Features were identified (Exhibit 6 – Site Photographs). One seep (Critical Environmental Feature - CEF 1) and one wetland (Critical Environmental Feature - CEF 2) were identified. Both are located within the Critical Water Quality Zone and Water Quality Transition Zone setbacks. In accordance with Land Development Code Section 30-5-281(C)(1)(a), a 150 foot buffer zone from the edge of each Critical Environmental Feature has been established (Exhibit 4 – Proposed Resubdivision).

Water and Wastewater

The site lies within the Lower Colorado River Authority water service area, and wastewater will be provided on site by private septic systems.

Variance Requests and Recommendations

Variance Request One

Land Development Code Section 30-5-453(C) states that a lot that lies within a Critical Water Quality Zone must also include at least two acres in a Water Quality Transition Zone. The applicant has requested a variance to allow Lots 2 and 3 of the proposed resubdivision to have approximately 0.9 acres and 1.0 acres, respectively, within the Water Quality Transition Zone. No proposed resubdivided lot configuration is possible that would provide at least 2 acres located in a Water Quality Transition Zone.

Variance Request Two

Land Development Code Section 30-5-301(A) states that a person may not construct a roadway or driveway on a slope with a gradient of more than 15% unless the construction

is necessary to provide primary access to: (1) at least 2 contiguous acres with a gradient of 15% or less; or (2) building sites for at least five residential units. The applicant has requested a variance to construct a driveway to access the 3 proposed lots on slopes with gradients of more than 15%.

Recommendations

The findings of fact for both variances have been met (Exhibit 9 – Findings of Fact). Staff recommends approval of Variance One and Variance Two with the following conditions:

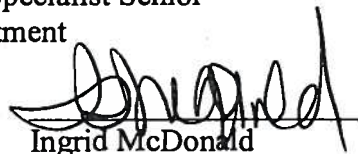
The proposed driveway alignment shown in Exhibit 4 will be added to the resubdivision plat and shown as the only driveway alignment allowed for the property.

Similar Cases

A review of previous variance requests yielded no similar cases.

If you need further details, please feel free to contact me at 974-6380.
Mike McDougal, Environmental Review Specialist Senior
Planning and Development Review Department

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Jean Drew for Patrick Murphy

List of Exhibits

- Exhibit 1:** Applicant Variance Request Letters
- Exhibit 2:** Driving Directions and Vicinity Map
- Exhibit 3:** Current Final Plat
- Exhibit 4:** Proposed Resubdivision (includes Critical Environmental Features, Critical Environmental Feature Setbacks, Proposed Driveway Alignment, Slopes, Critical Water Quality Zone, and Water Quality Transition Zone)
- Exhibit 5:** Tree Survey
- Exhibit 6:** Site Photographs
- Exhibit 7:** Aerial Photograph
- Exhibit 8:** Watershed Quality Data
- Exhibit 9:** Applicant and Staff Findings of Fact

August 23, 2011

Mr. Mike McDougal
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 4th Floor
Austin, Texas 78704

RE: Environmental Variance - LDC 30-5-453 (C)
Replat of Lot 1, Section 2, Carriage Crossing Subdivision
8510 Galeana Trace Cove
Austin, Travis County, Texas
C8J-2010-0117.0A

Dear Mr. McDougal:

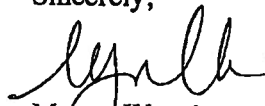
On behalf of our client, Bury+Partners, Inc. is submitting this letter and the attached exhibits as our formal request for an environmental variance to LDC Section 30-5-453 (C) to subdivide the proposed property into three (3) proposed single family lots located at 8510 Galeana Trace Cove.

The existing site is approximately 11.58 acres with 0.99 acres located in the critical water quality zone and 1.92 acres in the water quality transition zone. With the proposed subdivision of the property, two (2) of the three (3) lots will be located within the critical water quality zone and water quality transition zones. The two (2) lots will have between .93 acres in Lot 2 and .99 acres in Lot 3 within the water quality transition zone. We are requesting a variance to LDC Section 30-5-453 (C) to subdivide the property into lots with less than two (2) acres in the water quality transition zone.

Each of the three (3) proposed lots has a developable area of at least 0.8 acre, and can easily accommodate a single family home. Each of the lots has a large developable area upstream of onsite water quality transition zone and development of each lot for single family use will not disturb the critical water quality zone or water quality transition zone.

We appreciate your review and comment on the attached application. Should you require any additional information for approval of this variance, please feel free to contact us.

Sincerely,



Megan Wanek



Dwayne Shoppa, P.E.
Project Manager

TBPE Reg. No. F-1048
I:\109048\10001\Admin\Letters\2011\August\082311 McDougal.doc\sv

BURY+PARTNERS, INC.
221 West Sixth Street, Suite 600
Austin, Texas 78701

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FAX (512) 328-0325

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Fairfax • Williamsburg, Virginia

www.burypartners.com
TBPE No. F-1048

August 31, 2011

Mr. Mike McDougal
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 4th Floor
Austin, Texas 78704

RE: Environmental Variance - LDC 30-5-301(A)
Replat of Lot 1, Section 2, Carriage Crossing Subdivision
8510 Galeana Trace Cove
Austin, Travis County, Texas
C8J-2010-0117.0A

Dear Mr. McDougal:

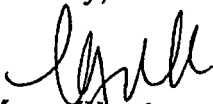
On behalf of our client, Bury+Partners, Inc. is submitting this letter and the attached exhibits as our formal request for an environmental variance to construct a private shared access drive to serve three (3) proposed single-family lots located at 8510 Galeana Trace Cove.

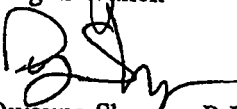
Because of the existing topography of the site, we are requesting a variance to LDC Section 30-5-301(A) to construct the proposed private access drive on slopes over 15% and up to a maximum of 38%. The 11.58 acre property has a large number of areas with slopes over 15%, therefore access to the rear lot will require some construction over these slopes.

Each of the three (3) proposed lots has a developable area of at least 0.8 acre with slopes under 15%, and can easily accommodate a single-family home per the minimum assumed developable area requirements of LDC Section 30-5-64. An exhibit showing the site slopes and 0.8 acre of developable area per lot has been attached with this application.

We appreciate your review and comment on the attached application. Should you require any additional for approval of this variance, please feel free to contact us.

Sincerely,


Megan Wanek


Dwayne Shoppa, P.E.
Project Manager

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BURY+PARTNERS, INC.
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Exhibit 2 - Driving Directions and Vicinity Map

Carriage Crossing Resubdivision

C8J-2010-0117.0A

Beginning on Mopac southbound at 15th St:

Drive south on Mopac for 1.5 miles
Exit FM 2244 / Bee Caves Rd
Turn right on FM 2244 / Bee Caves Rd and drive for 5.9 miles
Turn right on River Hills Rd and drive for 0.3 miles
Take the first left onto Galeana Trace Cove and drive 0.1 miles
The proposed resubdivision will be on your right

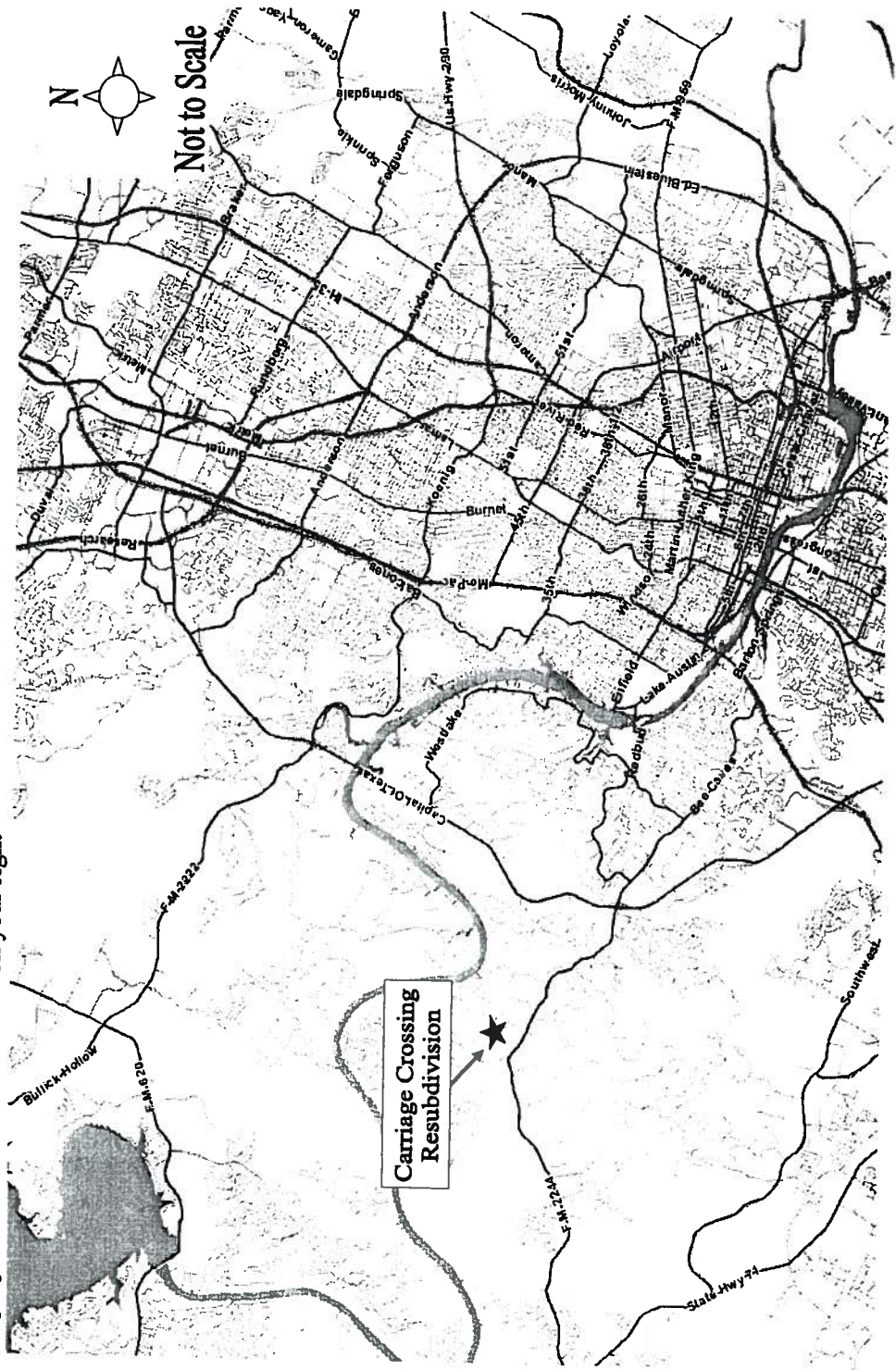
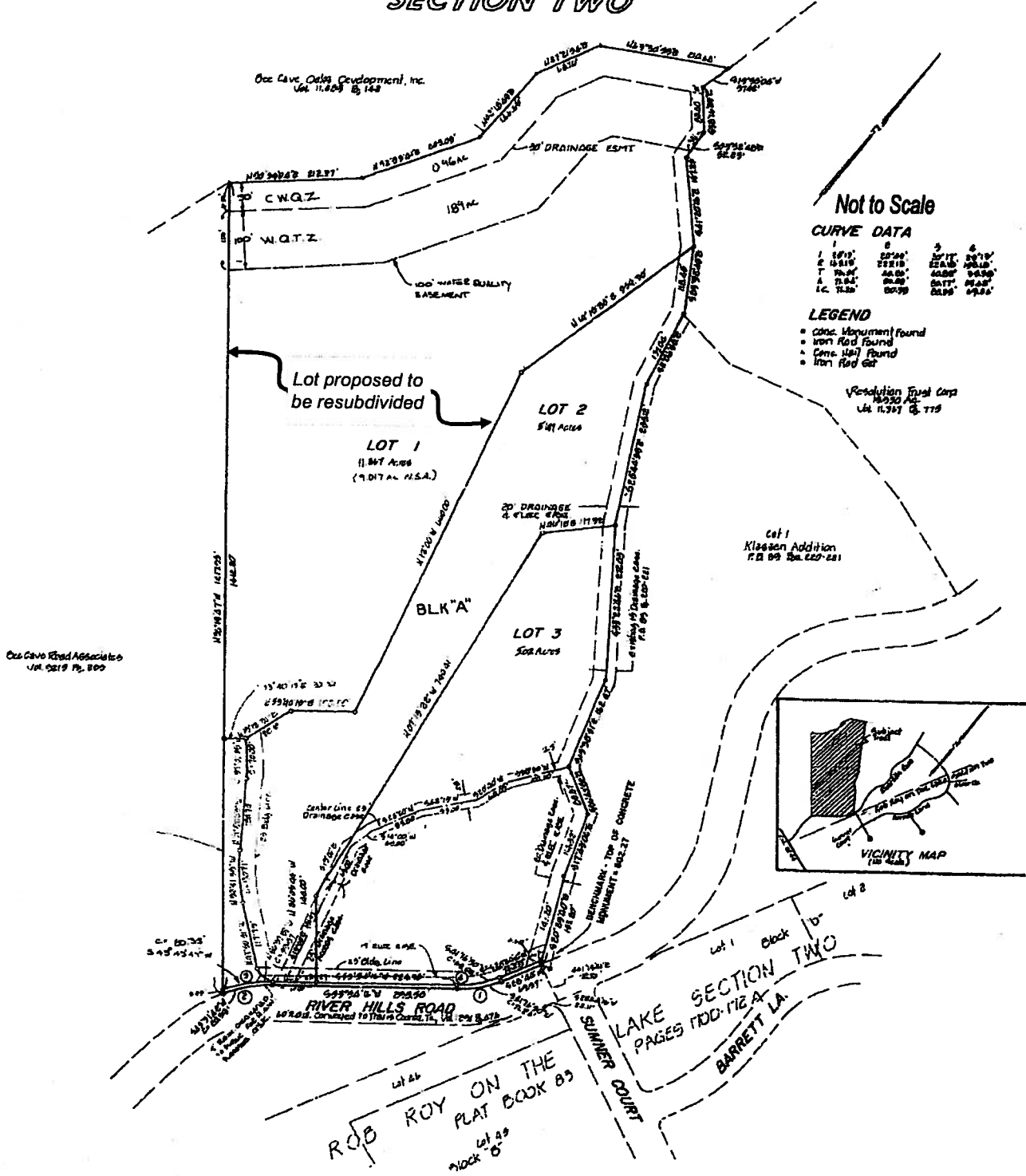


Exhibit 3 - Current Final Plat

Carriage Crossing Section 2

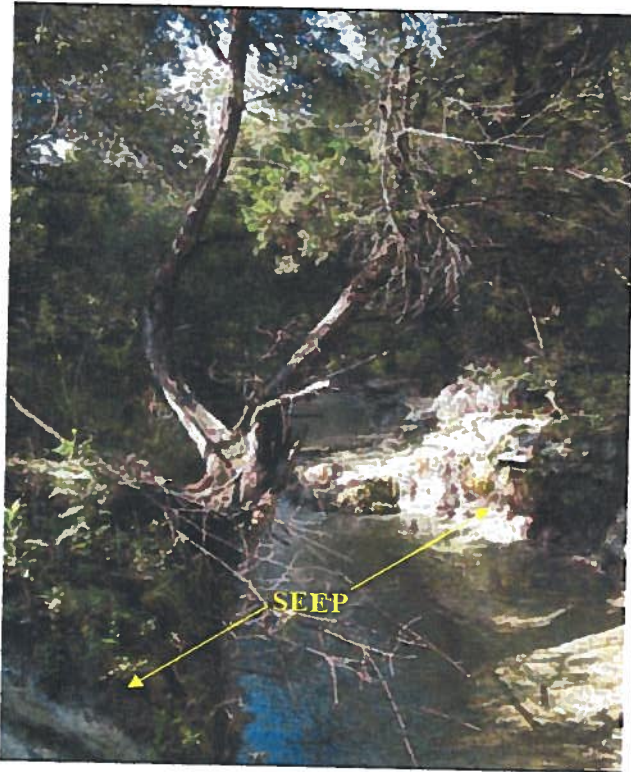
CAKRIAGE CROSSING SECTION TWO



Map of CEFs, CEF Setbacks, Proposed Driveway Alignment, Slopes, CWQZ, and WQTZ



Exhibit 6 - Site Photographs



CEF 1



CEF 2



Vegetation at the northeast portion of the property, looking east.



Vegetation approx. 100 feet east of the western boundary, looking south.



Vegetation approx. 100 feet east of the western boundary, looking west.

Exhibit 7 - Aerial Photograph

Carriage Crossing Proposed Resubdivision Proximity to Lake Austin



Exhibit 8



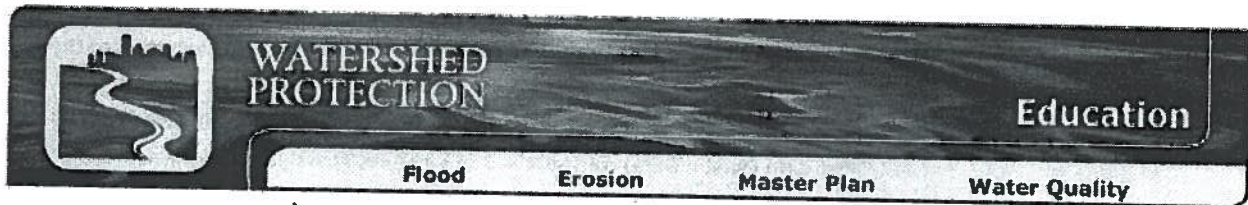
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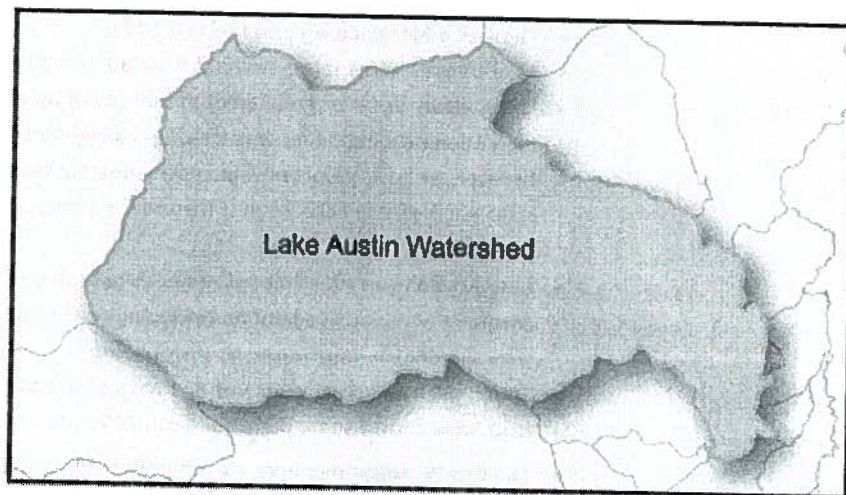
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Austin's Watersheds



[Fast Facts](#)

[Environmental Creek Assessments](#)

[Photo Gallery](#)

[Hydrilla | Lake Austin Update](#)

Fast Facts

Population	2000: 23,303
	2030 78,558
Creek Length	26 miles
Drainage Area	24 square miles
Drains To	The Gulf of Mexico
Well Known Sites	Steiner Ranch Elementary School, Bridge Point Elementary School, Commons Ford Ranch Park, Emma Long Park, Steiner Ranch
Land Use	Residential 14%
	Business 1%
	Civic 1%
	Parks 23%
	Roadways 5%
	Undeveloped 52%

-1.5-

Watershed Facts

- Lake Austin is a 1600 acre lake formed by Tom Miller Dam on the Colorado River. The lake stays at a constant level with an operating level of 492.8 feet above sea level.
- The primary inflow to Lake Austin comes from deep water releases from Lake Travis.
- Flow is controlled by the Lower Colorado River Authority (LCRA), which uses the water to produce electricity and provide irrigation for rice farmers downstream.
- Lake Austin is the sixth in a chain of seven lakes known as the Highland Lakes. First dam (Austin Dam) was built in 1893 and destroyed in a major flood in 1900. A second partially constructed dam was destroyed by flooding in 1935. The present dam, Tom Miller Dam, was completed in 1939, with a hydroelectric power plant coming on line in 1940.
- Lake Austin is used for public and private drinking water, flood and irrigation water conveyance, hydropower generation, as well as recreation
- The last major flood occurred in July 2002.
- Lake temperatures range from 52 °F to 80 °F with an average of 65°F
- Clear, clean water and proximity to the City of Austin makes this lake a popular recreation destination for water skiing, fishing and swimming.
- In response to citizen complaints, investigators find an average of 22 pollution spills each year in Lake Austin; the most common spill type is sediment, followed by petroleum, then sewage.
- Lake Austin is an excellent large-mouth bass fishery due to the substantial coverage of aquatic vegetation (including the invasive exotic plant Hydrilla; see www.cityofaustin.org/watershed/hydrilla.htm).
- Efforts such as lake drawdowns and recent introduction of sterile Asian grass carp have shown some promise in controlling the hydrilla infestation.
- The City of Austin monitors six tributaries within the immediate Lake Austin watershed (below Mansfield Dam) to keep track of local influences on this reservoir.

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Creek Assessments

Environmental

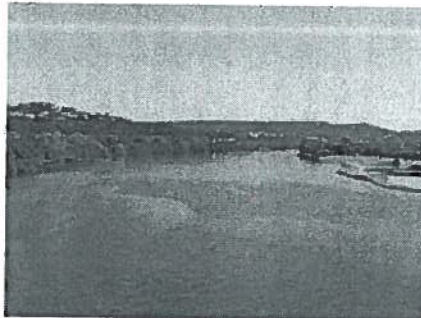
Index	Score	Category	Notes
Overall Score	82	Very Good	Lake Austin ranks 2 out of 46 watersheds in overall quality
Water Chemistry	67	Good	Water quality is above average, ammonia is high
Sediment Quality	89	Excellent	PAHs are very low, herbicides/pesticides are very low, metals are very low
Recreation	94	Excellent	During dry weather conditions, bacteria is not a threat
Aesthetics	91	Excellent	Litter is not a problem, no odor

Habitat	76	Very Good	Some sediment deposition
Aquatic Life	73	Good	Benthic macroinvertebrate community is good, diatom community is excellent

- The Lake Austin tributaries are characterized by high gradient Hill Country streams common on the Edwards Plateau with varying levels of development but generally healthy riparian corridors.

[Learn More](#)

Photo Gallery



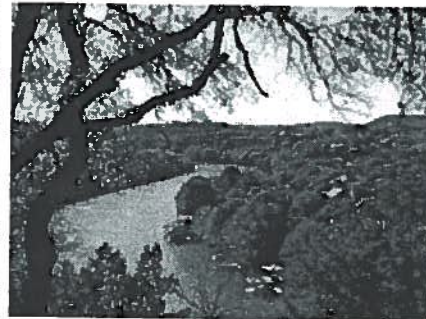
Lake Austin at 360 bridge



Lake Austin



Lake Austin at Mt Bonnell



Lake Austin at FM 2222

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P.O. Box 1088, Austin, TX 78767 (512) 974-2000

Watershed Variances - Findings of Fact

As required in LDC Section 30-5-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Replat of Lot 1, Section 2 Carriage Crossing

Ordinance Standard: LDC Section 30-5-453(c)

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?

Yes. The existing lot does not comply with the regulations of Section 30-5-453(c) of the LDC, so it is unreasonable that any subdivision of this lot would comply with the regulations. Other neighboring lots in the area have similar acreage within the CWQZ and WQTZ that are not in direct compliance with this code section.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

Yes. The existing lot does not comply with the regulations of Section 30-5-453(c) of the LDC. Other neighboring lots in the area have similar acreage within the CWQZ and WQTZ that are not in direct compliance with this code section.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.

Yes. The proposed subdivision is requesting to subdivide the property into lot sizes with similar developable areas to adjacent lots in the neighborhood, and it not requesting any special circumstances be applied that were not allowed on other properties.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Yes. The proposed subdivision will provide an equal amount of water quality as the existing lot does, and no development is proposed within any environmentally sensitive areas. The CWQZ and WQTZ setbacks will be maintained and all storm water discharge will flow across the setback areas prior to discharging into the creek.

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?

This variance does not propose any development within the Critical Water Quality Zone and/or Water Quality Transition Zone.

Exhibit 9 by
Applicant

Watershed Variances - Findings of Fact

As required in LDC Section 30-5-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Carriage Crossing Replat

Ordinance Standard: LDC Section 30-5-301(A)

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?

Yes. There are slopes greater than 15% which surround approximately 4 acres of developable area on an 11.5 acre lot. Access to these lots is only possible with approval of driveway construction on slopes over 15%.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

Yes. The proposed driveway imposes no harmful environmental consequences and allows property owners to access their property. No other more preferable driveway route is available which does not require construction over the slopes as requested.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.

Yes. The proposed driveway simply provides access to the proposed lots similar to driveways on other neighboring properties and does not request any special privileges.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Yes. The variance will allow water quality equal to development proceeded without it.

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?

no P. 10. 1/27
1. 10. 1/27
This variance does not apply to development within the Critical Water Quality Zone and/or Water Quality Transition Zone.

Exhibit 9 by Staff



Planning and Development Review Department Environmental Criteria Manual Appendix U

Project:	Carriage Crossing Section Two, Lot 1 C8J-2010-0117.0A
Ordinance Standard:	Land Development Code Section 30-5-453(C)
Variance Request:	To allow 2 lots that each lie partially within the CWQZ to have less than 2 acres in the WQTZ Development within the Critical Water Quality Zone

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?

Yes - Based on COA GIS data, property within adjacent subdivisions have lot line configurations designed to exclude the CWQZ from developable property; avoiding the need to demonstrate compliance with this requirement. This is not feasible with the proposed resubdivision of Lot 1. The current Lot 1 lies partially within the CWQZ but contains less than 2 acres of WQTZ. If the WQTZ area within the existing Lot 1 were at least 2 acres, it would be possible to create a Resubdivision with a lot that would include CWQZ and at least 2 acres of WQTZ.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

Yes - Currently, one lot is located partially within the CWQZ and has less than 2 acres within the WQTZ. The proposed resubdivision would have 2 lots located partially within the CWQZ and with each lot having less than 2 acres within the WQTZ. The proposed resubdivision complies with other single family development density requirements of the Land Development Code and would not create significant probabilities of harmful environmental consequences.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.

Yes – The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development. In addition, no other lot configuration is possible that could meet the WQTZ requirement of the Land Development Code.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Yes - The proposed subdivision will provide an equal amount of water quality as the existing lot does, and no development is proposed within any environmentally sensitive areas. The CWQZ and WQTZ setbacks will be maintained and all storm water discharge will flow across the setback areas prior to discharging into the creek.

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?
Not applicable.

Reviewer Name: Mike McDougal

Reviewer Signature: 

Date: August 31, 2010

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

Exhibit 9 by Staff



Planning and Development Review Department Environmental Criteria Manual Appendix U

Project:	Carriage Crossing Section Two, Lot 1
Ordinance Standard:	C8J-2010-0117.0A
Variance Request:	Land Development Code Section 30-5-301(A)
	To allow construction of a driveway on slopes in excess of 15%

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?
Yes – Each of the proposed lots has a developable area in accordance with the Land Development Code. Due to construction on slopes restrictions, a driveway can not be built in compliance with the Land Development Code to access the developable area of each of the proposed lots.
2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?
Yes – The three proposed lots would use a single joint driveway rather than using three separate driveways, reducing the amount of construction on slopes over 15%. Erosion / sedimentation control in accordance with the Land Development Code and the Environmental Criteria manual is required for driveway construction. The proposed driveway alignment does not create significant probabilities of harmful environmental consequences.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.

The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development. In addition, based on slope data provided by the applicant, there is no way to access the developable areas on the proposed lots from the ROW without crossing slopes over 15%.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

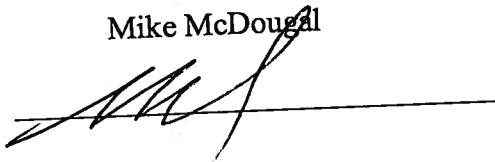
Yes – Water quality will be the same than would have resulted had development proceeded without the variance. No development is proposed within any environmentally sensitive areas. The CWQZ and WQTZ setbacks will be maintained and all storm water discharge will flow across the setback areas prior to discharging into the creek.

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?
Not applicable.

Reviewer Name:

Mike McDougall

Reviewer Signature:



Date: August 31, 2011

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).