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ENVIRONMENTAL VARIANCE REQUEST REVIEW SHEET

CASE: SP-2008-0235D(R1)

ZAP COMMISSION DATE: November 1, 2011

PROJECT NAME: Travis County Eastside Service Center

APPLICANT: Travis County

AGENT: LAN, Inc. (Julie Hastings 338-4212)

ADDRESS OF SITE: 10700 FM 969

COUNTY: Travis

AREA: 2.24 limits of construction

WATERSHED: Elm Creek Watershed (Suburban)

JURISDICTION: 2-mile ETJ

Desired Development Zone

Comprehensive Watershed Ordinance (current Code)

PROPOSED DEVELOPMENT:

The applicant proposed a revision to construct a driveway to an existing Service Center and other associated improvements.

DESCRIPTION OF VARIANCES:

Variance requests as follows:

1. To allow construction in the Critical Water Quality Zone (LDC 25-8-392)
2. To allow fill over 4 feet but not to exceed 8 feet (LDC 25-8-342)

STAFF RECOMMENDATION:

The findings of fact have been met. Staff recommends approval.

ENVIRONMENTAL BOARD ACTION:

October 19, 2011: The Environmental Board recommended approval of the variance requests from LDC Sections 25-8-392 to allow construction in the Critical Water Quality Zone and LDC 25-8-342 to allow fill over 4 feet but not to exceed 8 feet. Consent; Vote: 7-0.

ZONING AND PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Mike McDougal
Mike.Mcdougal@austintexas.gov



PHONE: 974-6380

CASE MANAGER: Sue Welch
Sue.Welch@austintexas.gov

PHONE: 974-3294

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-  Subject Tract
 Base Map

CASE#: SP-2008-0235D(R1)
LOCATION: 10700 FM 969 Rd



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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ENVIRONMENTAL BOARD MOTION 101911 5b

Date: October 19, 2011

Subject: Travis County Eastside Service Center SP-2008-0235D(R1)

Motioned By: Bob Anderson

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommended the referenced case be approved by consent, with no staff conditions and no board conditions:

Vote 7-0-0-0

For: Anderson, Gary, Maxwell, Neely, Perales, Schissler and Walker

Against:

Abstain:

Absent:

Approved By:

Mary Gay Maxwell,
Environmental Board Chair



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ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:** OCTOBER 19, 2011

**NAME & NUMBER
OF PROJECT:** TRAVIS COUNTY EASTSIDE SERVICE CENTER
SP-2008-0235D(R1)

**NAME OF APPLICANT
OR ORGANIZATION:** LAN Inc.
(Contact: Julie Hastings 338-4212)

LOCATION: 10700 FM 969

PROJECT FILING DATE: January 6, 2011

**WPDR/ENVIRONMENTAL
STAFF:** Mike McDougal, 974-6380
mike.mcdougal@ci.austin.tx.us

**WPDR/
CASE MANAGER:** Sue Welch, 974-3294
sue.welch@ci.austin.tx.us

WATERSHED: Elm Creek Watershed (Suburban)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance requests as follows:
1. To allow construction in the Critical Water Quality Zone
(LDC 25-8-392)
2. To allow fill over 4 feet but not to exceed 8 feet
(LDC 25-8-342)

STAFF RECOMMENDATION: Recommended for consent.

**REASONS FOR
RECOMMENDATION:** Findings of fact have been met.



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MEMORANDUM

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

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

DATE: October 25, 2011

SUBJECT: Travis County Eastside Service Center – SP-2008-0235D(R1)

Project History

Summary

This project was proposed to be constructed in 2 phases from 2008 to the present. Staff identified two environmental variances in Phase 1. Both Phase 1 variances were granted by the Zoning and Planning Commission on November 18, 2008 and a Phase 1 site plan permit was issued on December 19, 2008.

Phase 2 construction is currently under review by Staff. Environmental variances are required for Phase 2. A review of the Phase 2 environmental variances are the purpose this memorandum.

A more detailed history of the 2 phased project follows.

Phase 1 History - 2008

Travis County began constructing Phase 1 of the Travis County Eastside Service Center before submitting a site plan for approval to the City of Austin. Unpermitted construction of this project had included grading, clearing of vegetation, and construction of buildings. After communicating with the City of Austin, Travis County provided a site plan permit application to the City of Austin on May 15, 2008. City staff identified noncompliant cut / fill items in the site plan permit application and began the environmental variance process.

An environmental variance to LDC 25-8-341 and 25-8-342 was granted by the Zoning and Platting Commission on November 18, 2008 to allow cut up to 12 feet and fill up to 10 feet. Conditions were placed on the cut / fill variance granted in 2008 as follows:

Staff Conditions

1. An upland conservation easement of at least 4 contiguous acres will be established on site in an area to be agreed upon by staff and the applicant.
2. Areas of disturbance within the wetland CEFs require 609S reseeded.

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3. No coal tar based sealants will be used for Phase 2.
 4. The applicant will provide an integrated pest management plan.
 5. 609S reseeding will be applied in the wetland CEF setback containing Detention Pond 'A'.

Board Conditions

1. Travis County will submit revisions or corrections to City of Austin approved site plan for additional work or future phases.
2. Travis County will implement a pollution attenuation plan since this is a service center.

Phase 1 construction included a Fleet Services Building, an Administrative and Town Hall Building, a Warehouse and Sign Shop, a Crew Services Building, and parking facilities. The entire Phase 1 facility is accessible only by one driveway (the Blue Bluff Road driveway). This single driveway provides both employee and public access to the property.

During the Phase 1 permitting process, Travis County expressed interest in building a second driveway in the near future for added security. Ultimately, the Blue Bluff Road driveway permitted under Phase 1 would be for use only by Travis County employees. A second driveway would be permitted as Phase 2 that would be accessible from FM 969. This Phase 2 driveway would provide public access to a limited area of the service center and secondary access for Travis County employees. In addition, this second driveway would provide primary employee access via FM 969 in the event that Blue Bluff Road is inaccessible.

Phase 2 History - 2011

The Phase 2 driveway was submitted as a revision to the approved 2008 site plan permit. This Phase 2 driveway alignment crosses critical water quality zones and requires fill up to 8 feet.

The applicant has requested two variances (Exhibit 1 – Applicant Variance Request Letters). The first request is a variance from LDC 25-8-392 to allow construction in the critical water quality zone; the second request is a variance from LDC 28-8-342 to allow fill in excess of 4 feet but not to exceed 8 feet.

Based on a recent site visit, construction of this driveway has already begun and appears to be near completion. Phase 1 construction had begun before Travis County had applied for a City of Austin site plan permit. Phase 2 construction appears to also have begun before Travis County had applied for a City of Austin site plan permit.

Both Phase 1 and Phase 2 construction required environmental variances. As indicated above, Staff and Board conditions were applied to the Phase 1 site plan permit. The intent of Board condition number 1 above was that no future construction would occur *in anticipation* of an approved site plan permit, correction, or revision. The construction of Phase 2 driveway before the approval of the revision does not comply with Board condition number 1 placed on the environmental variances granted in 2008.

Development

The Travis County Eastside Service Center is a 126.6 acre site located at 10700 FM 969, near the intersection of FM 969 and Blue Bluff Road (Exhibit 2 – Driving Directions and Vicinity Map). The Travis County Eastside Service Center project was constructed in 2 phases. Phase 1 construction is complete and consists of buildings for the Travis County Transportation and

Natural Resources Department, access road from Blue Bluff Road, and utility infrastructure (Exhibit 3 – Approved 2008 Site Plan).

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Phase 2 is a revision to the approved 2008 site plan that consists of the construction of an approximately 1100 foot by 34 foot driveway to provide access to the service center from FM 969. Based on the need for two driveways to provide security, the need for controlled public access to the facility, and the use for site access from multiple roads, access from FM 969 is desirable and reasonable. The property fronts Blue Bluff Road and FM 969. There is no possible FM 969 driveway access to the facility that would not cross a critical water quality zone on the property. The topography within the driveway alignment requires fill up to 8 feet for driveway construction and a portion of this fill up to 8 feet is located within the critical water quality zone. The applicant is requesting a variance to allow construction in the critical water quality zone and a variance to allow fill up to 8 feet.

Variance One

The driveway alignment crosses two approximately parallel, intermediate waterways (Exhibit 4 – Critical Water Quality Zone and Floodplain Exhibit). Within the property these waterways are adjacent to one another (approximately 450 feet apart) and converge approximately 1000 feet downstream of the property. The result of this waterway spacing within the property is that the critical water quality zones of each waterway overlap to create a single, widened critical water quality zone. The driveway alignment crosses approximately 620 feet of combined critical water quality zone. In accordance with LDC 25-8-392, a driveway may not be constructed in the critical water quality zone.

Variance Two

The driveway alignment requires fill not to exceed 8 feet to accommodate the roadway surface as it passes over a culvert and for the construction of a drivable surface (Exhibit 5 – Fill Exhibit). In accordance with LDC 25-8-342, fill may not exceed 4 feet in a suburban watershed.

Project Area Description

Watershed / Aquifer

The Travis County Eastside Service Center is located in the Elm Creek Watershed, a Suburban Watershed in the Desired Development Zone. It is located in the City of Austin's Extraterritorial Jurisdiction and is not located over the Edwards Aquifer Recharge Zone.

Vegetation

The project area is primarily wooded and canopy coverage is dominated by ashe-juniper, live oak, post oak, hackberry, and cedar elm. Various understory species include mesquite, yaupon, poison ivy, common greenbriar, agarita, tasajillo, and prickly pear. Common herbaceous species within the project area include bermuda grass, silver leaf nightshade, velvet leaf mallow, frostweed, bluebonnets, and other wildflowers (Exhibit 6 – Site Photographs).

Topography

According to City of Austin GIS, the elevation of the Travis County Eastside Service Center property ranges from approximately 452 feet MSL to 544 feet MSL. Slopes vary from less than 15% to greater than 35%. The site topography slopes in a southerly direction.

Water Quality

Elm Creek and an unnamed tributary cross the property. Both of these are classified as intermediate waterways. Approximately 10.0 acres of critical water quality zone and

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approximately 9.3 acres of water quality transition zone are located on the property. There is a 100 year fully developed floodplain located within the property (Exhibit 4 – Critical Water Quality Zone and Floodplain Exhibit).

Elm Creek and the unnamed tributary drain into the Colorado River approximately 7 river miles downstream of the property (Exhibit 7 – Aerial Photographs). Water quality information for the Elm Creek Watershed has been provided (Exhibit 8 – Watershed Quality Data).

Critical Environmental Features

Six wetland critical environmental features (CEFs) were identified by Environmental Resource Management (ERM). These wetland CEFs are dominated by a presence of more than 50% facultative wetland and obligate wetland vegetation including submergent, emergent, and fringe wetland plants. The driveway alignment is located partially within a wetland CEF setback. The Applicant has addressed ERM's comments regarding wetland CEF mitigation by providing 609S revegetation of the disturbed area, including the bed and banks of the channel.

Water/Wastewater

Water service is provided by the City of Austin. Wastewater service is provided by an on site septic system.

Variance Requests and Recommendations

Variance Request One

Land Development Code Section 25-8-392 states that Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*). Construction of a driveway is not one of the provisions of Article 7, Division 1. The driveway alignment crosses the critical water quality zone of two intermediate waterways.

Variance Two

Land Development Code Section 25-8-342 states that fill on a tract of land may not exceed 4 feet of depth. This section of the Land Development Code does include exceptions to the fill limit of 4 feet. However, none of these exceptions are applicable to this project. Fill not to exceed 8 feet is necessary for driveway construction.

Recommendations

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

1. The applicant will expand the conservation easement area from 4 contiguous acres to 5 contiguous acres; and
2. The applicant will plant at least 15 ECM Appendix F trees to be generally evenly distributed throughout existing parking lot islands and medians to help reduce the heat island effect.

Similar Cases

A review of previous variance requests yielded no similar cases.


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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

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List of Exhibits

- Exhibit 1:** Applicant Variance Request Letters
- Exhibit 2:** Driving Directions and Vicinity Map
- Exhibit 3:** Approved 2008 Site Plan
- Exhibit 4:** Critical Water Quality Zone and Floodplain Exhibit
- Exhibit 5:** Fill Exhibit
- Exhibit 6:** Site Photographs
- Exhibit 7:** Aerial Photographs
- Exhibit 8:** Watershed Quality Data
- Exhibit 9:** Applicant and Staff Findings of Fact



**Lockwood, Andrews
& Newnam, Inc.**
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September 12, 2011

City of Austin
Watershed Protection Department
One Texas Center
505 Barton Springs Road
Austin, TX 78704

Exhibit I - Applicant
Variance Request Letter I

RE: VARIANCE REQUEST: LDC 25-8-392 – Critical Water Quality Zone
PROJECT NAME: Travis County Eastside Service Center – Phase 1 (Rev.)
LOCATION: 10700 FM 969 RD
CASE NUMBER: SP-2008-0235D(RI)

Dear Director (WPD):

Travis County owns a 126.26 acre tract near the intersection of FM 969 and Blue Bluff Road, in the City of Austin's Extra-Territorial Jurisdiction 2-mile zone. See Sheet 1, Cover Page for a Location Map. The property is located in the Suburban Elm Creek watershed and the street address for this property is 10700 FM 969. The project consists of a campus of buildings for the Travis County Transportation and Natural Resources Department, an access road from Blue Bluff Road, utility infrastructure, and protection of existing trees. Under this proposed revision, the County proposes to build a 34' access road from FM 969 to the existing campus of buildings for the Travis County Transportation and Natural Resources Department. This road will be restricted for the use of employees and visitors to the Eastside Service Center only.

We hereby request a variance to LDC 25-8-392 for construction in the Critical Water Quality Zone (CWQZ). The project's proposed public access road follows the route of the original homestead's driveway crossing the natural drainage paths of Elm Creek and its un-named tributary to the east. The project requires construction of a second access drive to provide an entrance/exit for the general public to the campus. The driveway off Blue Bluff Road is restricted to County employees to maintain security for vehicle and equipment storage areas within the campus. There is no other feasible access route to the site without crossing the CWQZ at some point. The County chose to utilize the same route as the original homestead's existing driveway.

Should you have any questions please contact the undersigned at 512/338-4212 or via email at jdastings@lan-inc.com.

Very truly yours,

Julie D. Hastings, P.E.
Associate, Team Leader
Firm No. 2614

Cc: Roger A. El Khoury, P.E., Travis Co. FMD
Project File: 1.04



**Lockwood, Andrews
& Newnam, Inc.**
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Exhibit 1 - Application
Variance Request Letter

September 12, 2011

City of Austin
Watershed Protection Department
505 Barton Springs Rd.
Austin, TX 78704

RE: VARIANCE REQUEST: LDC 25-8-342 - Fill in Excess of 4' but Not to Exceed 8' Depth
PROJECT NAME: Travis County Eastside Service Center – Phase 1 (Rev.)
LOCATION: 10700 FM 969 RD
CASE NUMBER: SP-2008-0235D (R)

Dear Director (WPD):

Travis County owns a 126.26 acre tract near the intersection of FM 969 and Blue Bluff Road, in the City of Austin's Extra-Territorial Jurisdiction 2-mile zone. See Sheet C-001 - Cover Page for a Location Map. The property is located in the Suburban Elm Creek watershed and the street address for this property is 10700 FM 969. The project consists of a campus of buildings for the Travis County Transportation and Natural Resources Department, an access road from Blue Bluff Road, utility infrastructure, and protection of existing trees. Under this proposed revision the County proposes to build a 34' access road from FM 969 to the existing campus of buildings for the Travis County Transportation and Natural Resources Department. This road will be restricted for the use of employees and visitors to the Eastside Service Center only.

We hereby request a variance to LDC 25-8-342 - Fill Requirements. The project requires fill depths in excess of 4' and not to exceed 8' located within the above referenced site. The locations of these areas are exhibited on Sheet 44 (Roadway P&P, Sta. 0+00 to 10+00) of the plans.

Sheet 44, Roadway P&P, Sta. 0+00 to 10+00, indicates the need for a maximum fill of 6' between approximately Sta. 2+20 to Sta. 3+20 in the vicinity of Culvert #1. This instance of fill is needed to accommodate the roadway surface as it passes over the culvert.

The proposed roadway elevations provides the County the best use of this site for its intended function to serve as the primary access drive for the general public to the site and a secondary access drive for this vehicle and heavy equipment maintenance facility in the southeastern area of Travis County. Should you have any questions please contact the undersigned at 512/338-4212 or via email at jdhastings@lan-inc.com.

Very truly yours,

Julie D. Hastings, P.E.
Associate, Team Leader
Firm No. 2614

Cc: Roger A. El Khoury, P.E., Travis Co. FMD
Project File: 1.04

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Exhibit 2 - Driving Directions and Vicinity Map

Beginning 15th St at Mopac

Drive east on Enfield Rd (15th St) for 2.1 miles
Turn left onto the I 35 frontage road
Drive north on the I 35 frontage road for 0.3 miles
Turn right onto MLK Blvd
Drive east on MLK Blvd for 3.8 miles
MLK Blvd becomes FM 969 at US Hwy 183
Continue onto FM 969 for 3.4 miles
10700 FM 969 will be on your left





TRAVIS COUNTY
FACILITIES MANAGEMENT
DEPARTMENT
1000 LAMAR, SUITE 400
P.O. BOX 1200, AUSTIN, TEXAS 78768
PHONE (512) 844-4000
FAC (512) 844-4000



Lockwood, Andrews
& Newman, Inc.
AUSTIN, TEXAS 78724

TRAVIS COUNTY EASTSIDE SERVICE CENTER PHASE 1 10700 FM 969 AUSTIN, TEXAS 78724



ISSUES AND REVISIONS

NO.	DATE	DESCRIPTION
1	10/13/08	ISSUED FOR PERMIT

SITE DIMENSIONING
SECTION 1

PROJECT NO. 100-0000-000
SCALE: 1" = 30' (PLAN)
DRAWN BY: C. TRINIA
CHECKED BY: [Signature]

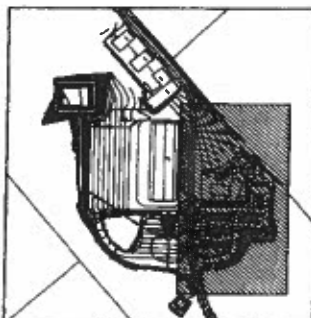
SHEET NUMBER
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DATE: 10/13/08

BY: 7 OF 4

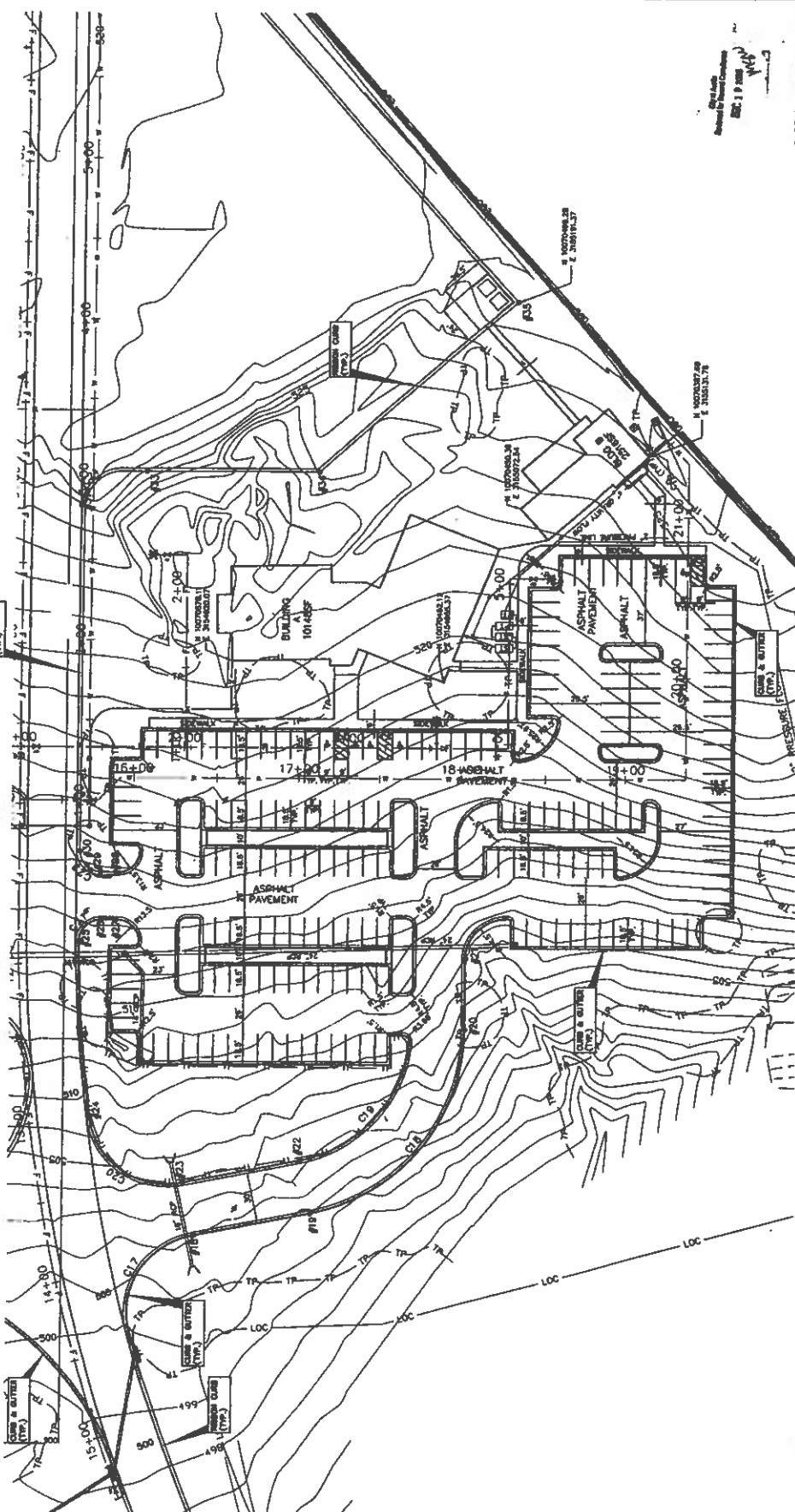
Exhibit 3 - Approved 2008 Site Plan
(Sheet 1 of 3)

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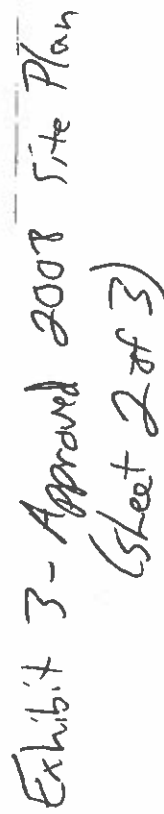
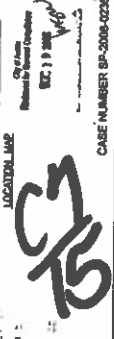
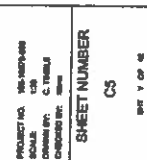


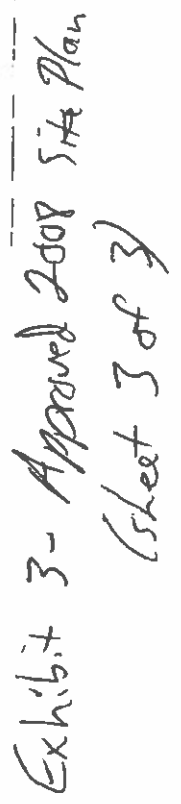
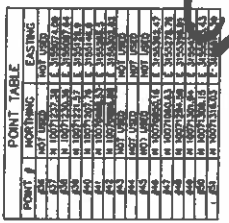
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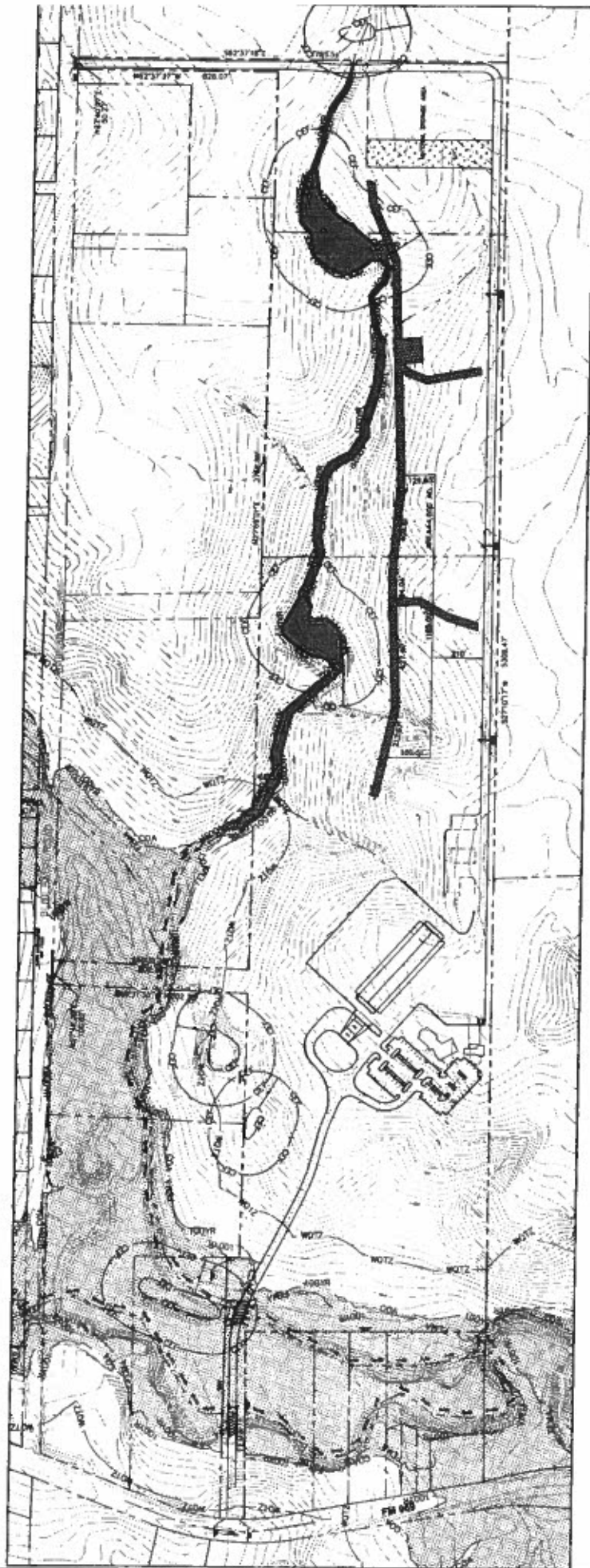
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C7	100.00	90.00	100.00	90.00
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C25	100.00	90.00	100.00	90.00
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C27	100.00	90.00	100.00	90.00
C28	100.00	90.00	100.00	90.00
C29	100.00	90.00	100.00	90.00
C30	100.00	90.00	100.00	90.00
C31	100.00	90.00	100.00	90.00
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C35	100.00	90.00	100.00	90.00
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C48	100.00	90.00	100.00	90.00
C49	100.00	90.00	100.00	90.00
C50	100.00	90.00	100.00	90.00



CASE NUMBER 08-200-02550







**TRAVIS COUNTY
FACILITIES MANAGEMENT
DEPARTMENT**

1801 LAMAR, SUITE 400
P.O. BOX 1746 AUSTIN,
TEXAS 78763

PHONE: (512) 304-6811
FAX: (512) 304-6205

lan
Lockwood, Andrews
& Newnam, Inc.
A LEO A. DAIT COMPANY
1000 WEST HARRISON AVENUE, SUITE 100, NEW YORK, NY 10020

**TRAVIS COUNTY
EASTSIDE SERVICE CENTER
PHASE 1 (REVISION)**
10700 FM 969
AUSTIN, TEXAS 78724

PROJECT NO. 100-10749-000
SCALE: 1" = 20'
DRAWN BY: R. LUCIANO
CHECKED BY: J. HARTMAN

SHEET NUMBER
EXHIBIT 4

CASE NUMBER SP-2008-02350

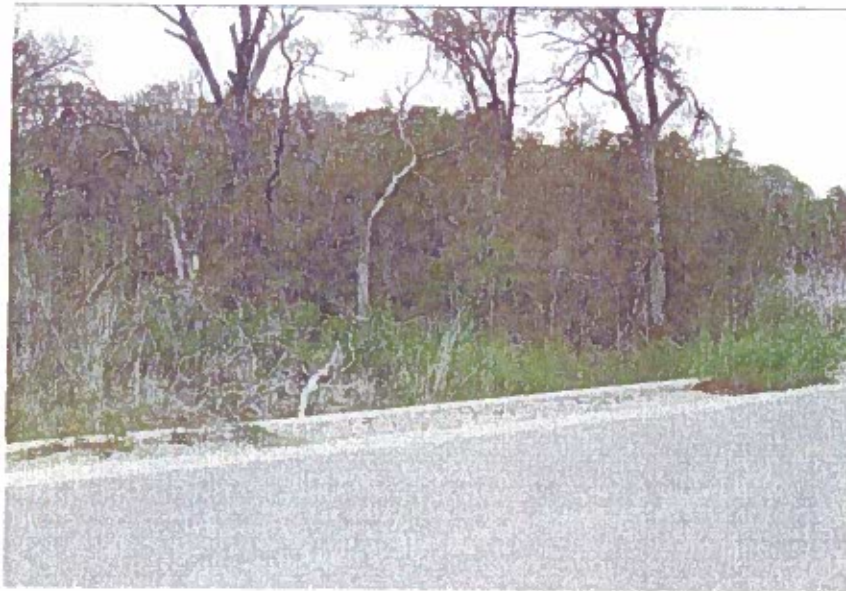
-14- Exhibit 4- WQZ and Floodplain Exhibit

Exhibit 6 - Site Photographs

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Driveway from FM 969 point of view



Driveway crossing Elm Creek looking upstream

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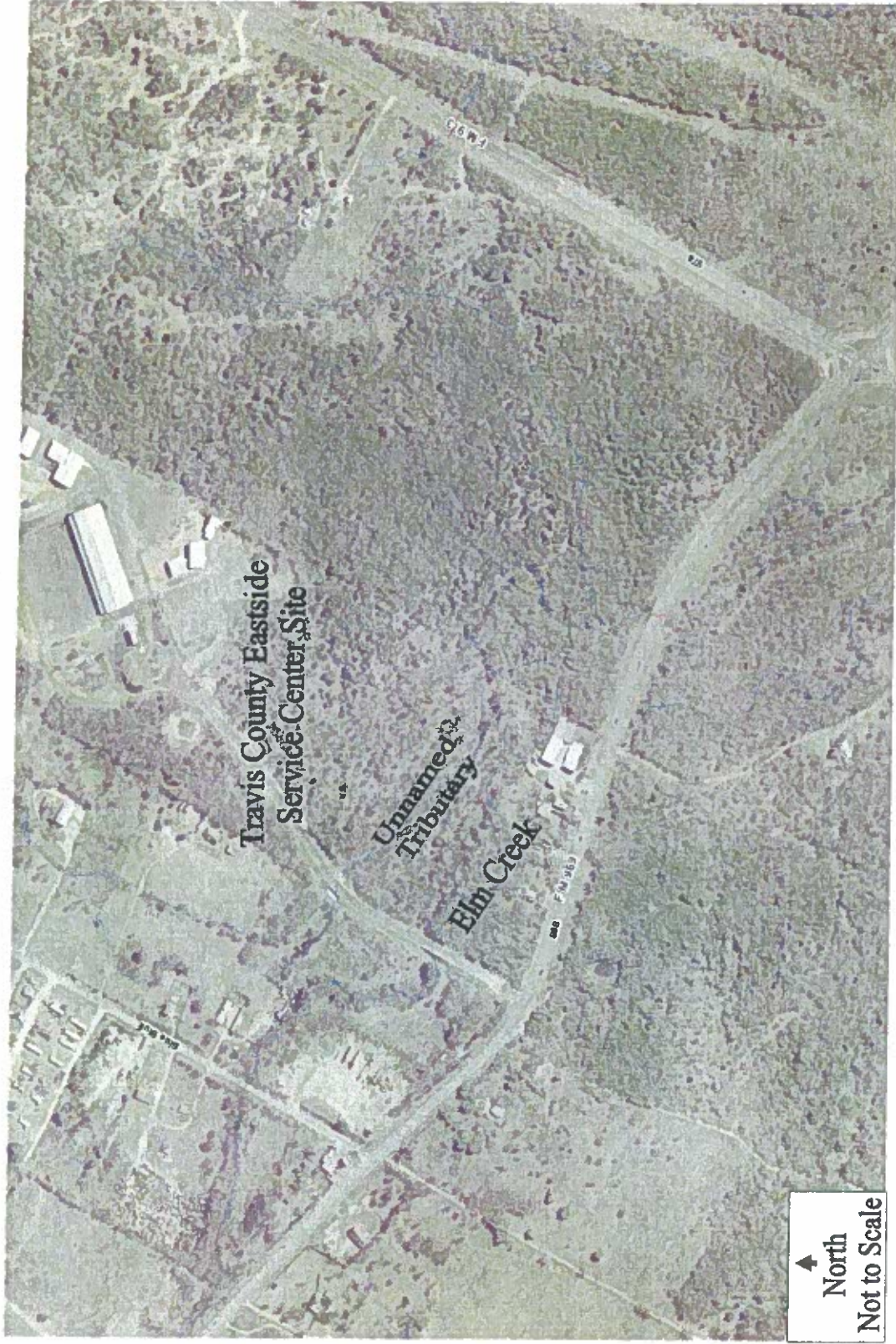


Driveway crossing unnamed tributary looking upstream



Typical vegetation on site

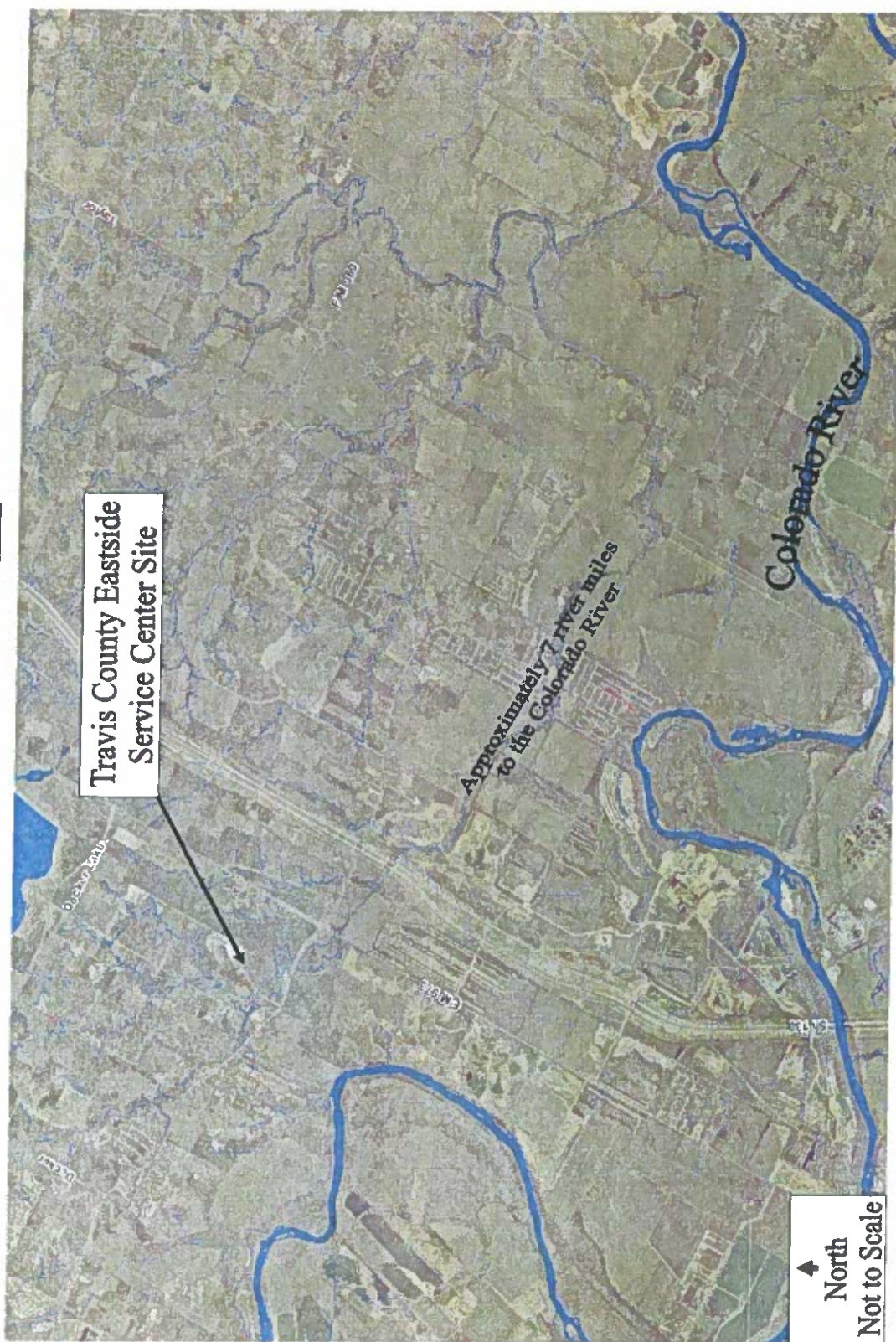
Exhibit 7 - Aerial Photograph 1



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Exhibit 7 - Aerial Photograph 2



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**WATERSHED
PROTECTION**

Education

Flood

Erosion

Master Plan

Water Quality

Austin's Watersheds

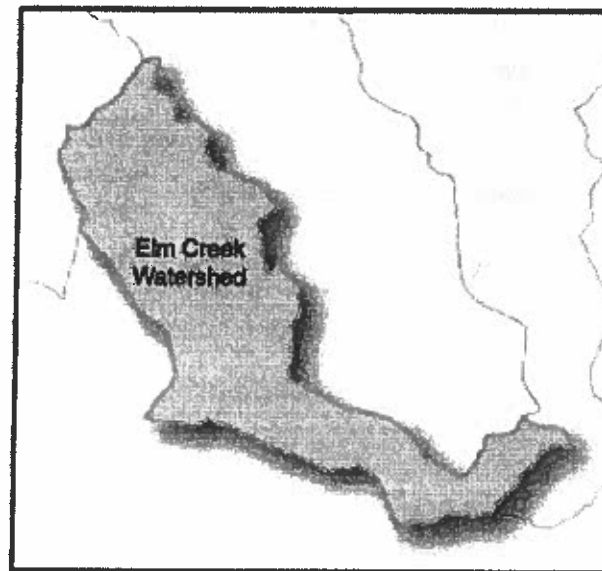


Exhibit 8-
Watershed Quality
Data

[Fast Facts](#)
[Environmental Creek
Assessments](#)
[Photo Gallery](#)

Fast Facts

Population	2000: 3,136	
	2030: 5,643	
Creek Length	10 miles	
Drainage Area	9 square miles	
Drains To	Colorado River east of Austin through Gilleiland Creek	
Well Known Sites	Walter E. Long Park (on northwest border)	
Land Use	Residential	23%
	Business	6%
	Civic	1%
	Parks	5%
	Roadways	4%
	Undeveloped	62%

Watershed Facts

- In response to citizen complaints, investigators find an average of five pollution spills each year in Elm Creek; the most common spill type is sewage, followed by petroleum.

- Elm Creek is dry most of the year.

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Creek Assessments

Environmental

Index	Score	Category	Notes
Overall Score	65	Good	Elm ranks 18 out of 46 watersheds in overall quality
Water Chemistry	60	Fair	Water quality is average, ammonia is high, conductivity is very high
Sediment Quality	91	Excellent	PAHs are very low, herbicides/pesticides are very low, metals are very low
Recreation	96	Excellent	During dry weather conditions, bacteria is not a threat
Aesthetics	65	Good	Some litter present, no odor, algae covers 10-20% of creek, surface appearance is poor, water is slightly cloudy, most of the creek bed is dry
Habitat	51	Fair	Increased sediment deposition, cover is insufficient, some channel alteration, bank vegetation is marginal, buffer zone is small
Aquatic Life	28	Poor	Benthic macroinvertebrate community is fair, diatom community is fair

- Aquatic life impacted by habitat limitations.
- Colony development preserved large riparian parkland.
- Habitat quality limited by mixed agricultural and residential land use on Blackland Prairie soils.
- Overall scores improved in Elm more than other watersheds in the City.

[Learn More](#)

[How to Help](#)

Environmental scores are based on a full range of chemical, biological, and physical assessments.



Water Quality

● Monitoring Sites	■ Marginal
■ Excellent	■ Poor
■ Very Good	■ Bad
■ Good	■ Very Bad
■ Fair	■ No Score

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Photo Gallery



Elm Creek at FM 973

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Lockwood, Andrews
& Newnam, Inc.
A LEO A DALY COMPANY

C7
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September 12, 2011

City of Austin
Watershed Protection Department
505 Barton Springs Rd.
Austin, TX 78704

Exhibit 9 - Applicant
Finding of Fact 1

RE: FINDING OF FACTS: LDC 25-8-392 – Critical Water Quality Zone
PROJECT NAME: Travis County Eastside Service Center – Phase 1 (Rev.)
LOCATION: 10700 FM 969 RD
CASE NUMBER: SP-2008-0235D (R1)

Dear Director (WPD):

Travis County owns a 126.26 acre tract near the intersection of FM 969 and Blue Bluff Road, in the City of Austin's Extra-Territorial Jurisdiction 2-mile zone. The property is located in the Suburban Elm Creek watershed and the street address for this property is 10700 FM 969. The proposed construction on this property will be completed in two phases. The project consists of a campus of buildings for the Travis County Transportation and Natural Resources Department (TNR), an access road from Blue Bluff Road, utility infrastructure, and protection of existing trees. Under the proposed revision the County proposes to build a 34-foot width access road from FM 969 to the existing campus of buildings for TNR. This road will serve as an access drive for County Staff and the general public to the offices and public meeting facility at this location. This drive also will serve as secondary access for the primary vehicle and heavy equipment maintenance facility in the southeastern area of Travis County.

We hereby submit this *finding of facts* in regard to the variance request for construction in the Critical Water Quality Zone (CWQZ) submitted for consideration for the above referenced site. In accordance with Land Development Code §25-8-41 we comment as follows:

- *The variance is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance.*
Response: The applicant has routed this access drive to follow the same path as the driveway for the original homestead. Because this is a facility serving the general public the access drive is designed to meet the same criteria as any roadway in right-of-way dedicated to the public. The impervious cover associated with the site improvements falls below the percentage requiring implementation of water quality facilities. However, vegetative filter strips have been incorporated into the site to enhance the quality of stormwater discharged from the site. Vegetative filter strips have been implemented where feasible due to grading adjacent to all access drives throughout the site to provide sedimentation and filtration for runoff from these access drives.
- *The variance is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property.*
Response: Without the requested variance, the County would not be able to implement the facility needed on this site and it does allow a reasonable use of the property. The size and scope of the drive needed to provide access to the general public, and the crossings of Elm Creek and its un-named tributary requires the cuts requested under this variance.

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- *The variance does not create a significant probability of harmful environmental consequences.*
Response: Implementation of the proposed variance does not create a significant probability of environmental consequences because the site improvements employ the following: side slopes fills are set at a maximum of 3:1 slope to ensure stability; runoff from the access drive employs sheet flow to re-vegetated slopes.
- *Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.*
Response: Water quality will be the same or higher than that achievable without the variance because the County is implementing a permanent 'best management practice' throughout the site to achieve this end. The access drive sheet flows to re-vegetated slopes achieving both sedimentation and filtration of runoff.

Each of the preceding findings of fact were implemented to provide the County the best use of this site for its intended function as an access drive for County Staff and the general public to the offices and public meeting facility at this location. This drive will also serve as secondary access for the primary vehicle and heavy equipment maintenance facility in the southeastern area of the County. Additionally, the proposed project has incorporated appropriate measures to minimize impacts to the environment. Should you have any questions please contact the undersigned at 512/338-4212 or via email at jdhastings@lan-inc.com.

Very truly yours,

Julie Hastings

Julie D. Hastings, P.E.
Associate, Team Leader
Firm No. 2614

Cc: Roger A. El Khoury, P.E., Travis Co. FMD
Project File: 1.04



**Lockwood, Andrews
& Newnam, Inc.**

A LEO A DALY COMPANY

C1/28

Exhibit 9- Applicant
Finding of Fact 2

September 12, 2011

City of Austin
Watershed Protection Department
505 Barton Springs Rd.
Austin, TX 78704

RE: FINDING OF FACTS: LDC 25-8-342 - Fill in Excess of 4' and not to Exceed 8' Depth
PROJECT NAME: Travis County Eastside Service Center – Phase 1 (Rev.)
LOCATION: 10700 FM 969 RD
CASE NUMBER: SP-2008-0235D(R1)

Dear Director (WPD):

Travis County owns a 126.26 acre tract near the intersection of FM 969 and Blue Bluff Road, in the City of Austin's Extra-Territorial Jurisdiction 2-mile zone. See Sheet 1 - Cover Page for a Location Map. The property is located in the Suburban Elm Creek watershed and the street address for this property is 10700 FM 969. The proposed construction on this property will be completed in two phases. The project consists of a campus of buildings for the Travis County Transportation and Natural Resources Department (TNR), an access road from Blue Bluff Road, utility infrastructure, and protection of existing trees. Under this proposed revision the County proposes to build a 34-foot width access road from FM 969 to the existing campus of buildings for TNR. This road will serve as an access drive for County Staff and the general public to the offices and public meeting facility at this location. This drive also will serve as secondary access for the primary vehicle and heavy equipment maintenance facility in the southeastern area of the County.

We hereby submit this ***finding of facts*** in regard to the variance request for fill depths in excess of 4' and not to exceed 8' submitted for consideration for the above referenced site. In accordance with Land Development Code §25-8-41 we comment as follows:

- *The variance is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance.*

Response: The applicant has routed this access drive to follow the same path as the driveway for the original homestead. Because this is a facility serving the general public the access drive is designed to meet the same criteria as any roadway in right-of-way dedicated to the public. The impervious cover associated with the site improvements falls below the percentage requiring implementation of water quality facilities. However, vegetative filter strips have been incorporated into the site to enhance the quality of stormwater discharged from the site. Vegetative filter strips have been implemented where feasible due to grading adjacent to all access drives throughout the site to provide sedimentation and filtration for runoff from these access drives.

- *The variance is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property.*

Response: Without the requested variance, the County would not be able to implement the facility needed on this site and it does allow a reasonable use of the property. The size and scope of the drive needed to provide access to the general public, and the crossings of Elm Creek and its un-named tributary requires the cuts requested under this variance.

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- *The variance does not create a significant probability of harmful environmental consequences.*
Response: Implementation of the proposed variance does not create a significant probability of environmental consequences because the site improvements employ the following: side slopes fills are set at a maximum of 3:1 slope to ensure stability; runoff from the access drive employs sheet flow to re-vegetated slopes.
- *Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.*
Response: Water quality will be the same or higher than that achievable without the variance because the County is implementing a permanent 'best management practice' throughout the site to achieve this end. The access drive sheet flows to re-vegetated slopes achieving both sedimentation and filtration of runoff.

Each of the preceding findings of fact were implemented to provide the County the best use of this site for its intended function as an access drive for County Staff and the general public to the offices and public meeting facility at this location. This drive will also serve as secondary access for the primary vehicle and heavy equipment maintenance facility in the southeastern area of the County. Additionally, the proposed project has incorporated appropriate measures to minimize impacts to the environment. Should you have any questions please contact the undersigned at 512/338-4212 or via email at jdastings@lan-inc.com.

Very truly yours,



Julie D. Hastings, P.E.
Associate, Team Leader
Firm No. 2614

Cc: Roger A. El Khoury, P.E., Travis Co. FMD
Project File: 1.04

Exhibit 9 – Staff Finding of Fact 1



C7
30

Planning and Development Review Department

Project:	Travis County Eastside Service Center SP-2008-0235D(R1)
Ordinance Standard:	Land Development Code Section 25-8-392
Variance Request:	To allow construction in the CWQZ

Justification:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Two entrances for a property over 100 acres in size is reasonable and necessary. Owners of other similarly situated property typically have multiple driveways. The second entrance is necessary to provide additional security. One driveway will provide employee access to the facility and the second driveway will provide secondary employee access and limited public access to the facility. Construction of the second driveway will provide access from a different road in the event Blue Bluff Road is inaccessible.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance.

The driveway alignment follows the route as the driveway for the original homestead.

3. The variance is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property.

Two entrances for a property over 100 acres in size is reasonable and necessary. The Travis County Eastside Service Center facility has public areas and areas accessible only by County staff. The proposed driveway alignment is designed to provide access to public areas of the facility. There is no possible FM 969 driveway access that would NOT cross the CWQZ. The topography of the CWQZ necessitates fill up to 8 feet for driveway construction.

4. The variance does not create a significant probability of harmful environmental consequences.

The proposed driveway alignment does not create a significant probability of harmful environmental consequences. Construction of the driveway includes slope stabilization, wetland CEF mitigation, and sheet flow runoff to re-vegetated slopes.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

The proposed driveway alignment will result in water quality that is at least equal to the water quality achievable without the variance. Construction of the driveway includes slope stabilization, wetland CEF mitigation, and sheet flow runoff to re-vegetated slopes.

Reviewer Name: Mike McDougal

Reviewer Signature: _____

Date: September 27, 2011

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

Exhibit 9 – Staff Finding of Fact 2

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Planning and Development Review Department

Project:	Travis County Eastside Service Center SP-2008-0235D(R1)
Ordinance Standard:	Land Development Code Section 25-8-342
Variance Request:	To allow fill over 4 feet but not to exceed 8 feet

Justification:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Two entrances for a property over 100 acres in size is reasonable and necessary. Owners of other similarly situated property typically have multiple driveways. The second entrance is necessary to provide additional security. One driveway will provide employee access to the facility and the second driveway will provide secondary employee access and limited public access to the facility. Construction of the second driveway will provide access from a different road in the event Blue Bluff Road is inaccessible.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance.
The driveway alignment follows the route as the driveway for the original homestead.

3. The variance is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property.

Two entrances for a property over 100 acres in size is reasonable and necessary. The Travis County Eastside Service Center facility has public areas and areas accessible only by County staff. The proposed driveway alignment is designed to provide access to public areas of the facility. There is no possible FM 969 driveway access that would NOT cross the CWQZ. The topography of the CWQZ necessitates fill up to 8 feet for driveway construction.

4. The variance does not create a significant probability of harmful environmental consequences.

The proposed driveway alignment does not create a significant probability of harmful environmental consequences. Construction of the driveway includes slope stabilization, wetland CEF mitigation, and sheet flow runoff to re-vegetated slopes.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

The proposed driveway alignment will result in water quality that is at least equal to the water quality achievable without the variance. Construction of the driveway includes slope stabilization, wetland CEF mitigation, and sheet flow runoff to re-vegetated slopes.

Reviewer Name: Mike McDougal

Reviewer Signature: _____

Date: September 27, 2011

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