



ENVIRONMENTAL BOARD MOTION AND RESOLUTION 080608 6f-001

Date: August 6, 2008

Subject: Urban Tree Canopy Protection Resolution

Motioned By: Mary Ann Neely

Seconded By: Mary Gay Maxwell

The Environmental Board, along with the City of Austin Tree Task Force and the Urban Forestry Board, offer the attached resolution to address recent damage to the urban tree canopy, and to recognize this resource as an important infrastructure component to the City of Austin.

Vote 4-0-0-0

For: Anderson, Maxwell, Moncada and Neely

Against: None

Abstain: None

Absent: Ahart and Beall

Vacant: One.

Approved By:

Dave Anderson P.E., CFM, Chair

RESOLUTION NO. EB 080608 6f-001

WHEREAS, a multifamily construction site plan (Bee Caves Apartments, SP-2007-0442C) was approved by the City of Austin on January 22, 2008, and development activities commenced after the Owner, Contractor, and City representatives discussed various environmental and tree issues at an on-site meeting held February 27, 2008; and

WHEREAS, during the weekend of March 8, 2008 a Subcontractor, operating with minimal supervision, cleared an unauthorized area and removed a significant number of trees and vegetation, evidently driving over a limit of construction barrier that delineated the development boundaries into a waterway and drainage easement where a tree survey was not required; and

WHEREAS, the City of Austin was contacted by the Owner on the following Monday morning and accompanied a Watershed Protection and Development Review Inspector to the site on March 13, 2008, where a Stop Work Order was issued for development not in accordance with a released site plan, failure to provide adequate erosion and sedimentation control, and failure to comply with protected tree requirements; and

WHEREAS, the Contractor hired a private surveying company to perform a tree survey of the removed trees, which remained piled on the site, accounting for 154 trees (8-inches in diameter and greater) totaling 1,440 diameter inches that were removed without a permit, including 23 mature, "protected" trees that were 19" diameter or greater; and

WHEREAS, the Stop Work Order was released on March 28, 2008 after the Owner agreed to provide 100% replacement of inch for inch for the tree violations; and

WHEREAS, the urban tree canopy is a vital component of the Austin Environment; and

WHEREAS, there is the potential to set an unacceptable precedent if trees are removed from a site in excess of those permitted for removal without a significant penalty for those activities, and those responsible for the illegal action held immediately accountable;

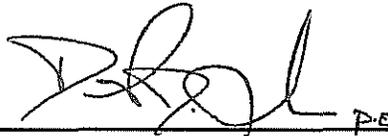
NOW, THEREFORE, BE IT RESOLVED, that the City of Austin Environmental Board, Forestry Board, and the neighborhood representatives of the neighborhood associating that served on the Tree Task Force requests that City Council direct City Staff to evaluate the following:

1. The implementation of the recommendations of the Tree Task Force immediately.
2. The implementation of more significant fines or other financial implications as a deterrent to these types of activities.

3. The responsible party, in cases where trees are removed from a site in excess of those permitted for removal, be required to provide a plan, which includes provisions for watering and loss replacement, to ensure 100% successful re-vegetation and that such plan is underway before any additional development activities take place on the impacted site.
4. Increasing the fiscal surety note associated with tree removal activities to \$250/inch.
5. Whether the level of code enforcement necessary to prohibit these types of activities is currently adequate.
6. Posting a bond at the time that development activities begin to cover the immediate mitigation of tree and other environmental harms that may be a result of non-compliance with City Code.

ADOPTED: August 6, 2008

ATTEST: _____

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David J. Anderson, PE, CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 080608-4g

Date: August 6, 2008

Subject: Leander Independent School District SP-2007-0503CX (Revision One)

Motioned By: Phil Moncada

Seconded by: Maxwell

Recommendation

The Environmental Board recommended conditional approval to a variance request for Leander Independent School District (LISD) to Land Development Code Section 25-8-342: To allow fill greater than four feet of dept, not to exceed 23 feet.

STAFF CONDITIONS

1. The fill used for this variance must be from on-site excavation from the Ribelin ranch development (Lot 7). The any off-site fill (if needed) must comply with criteria established per COA Section 25-8-125 (includes backfill load certification, material essentially insoluble, etc).
2. The site will comply with regular code landscaping requirements for parking areas.
3. Provide an IPM Plan.
4. Utilize Hill Country native species for landscaping and tree replacement.
5. Enhance erosion controls (includes mulch logs/socks).
6. Eliminate any additional parking above what is required by the inter-local agreement.

ENVIRONMENTAL BOARD CONDITIONS

Ask the LISD to install 8' perimeter fence around Balcones Conservation Preserve Land.

RATIONALE

Findings of fact have been met. This project serves a public need for continuing education and will reduce vehicle trips and improve air quality and reduce pollution

Vote 4-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

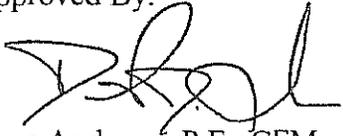
Abstain:

Absent: Ahart and Beall

Recused:

Vacant 1

Approved By:



P.E.

Dave Anderson P.E., CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 080608-4d

Date: August 6, 2008

Subject: Webb Estates

Motioned By: Phil Moncada

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board motioned to deny Land Development Code Sections 30-5-301(A) 1) - To allow construction of roads and driveways on slopes greater than 15%. 2) LDC Section 30-5-302(B) -To allow construction of buildings on slopes greater than 25% 3) [LDC Section 30-5-341/342] -To allow cut up to 18 feet and fill up to 20 feet.

RATIONALE; Water quality may be impacted by development, and water runoff could enter the conservation lands. Does not meet the spirit of Balcones Canyonlands Conservation Program. (BCCP), to maintain contiguous tracts.

Vote 4-0-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

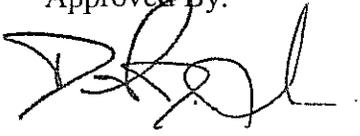
Abstain:

Absent: Ahart and Beall

Recused:

Vacant: 1

Approved By:

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Dave Anderson P.E., CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 080608-4c

Date: August 6, 2008

Subject: Walnut Creek Bike Trail Improvements SP C-2007-0364C

Motioned By: Phil Moncada

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommended conditional approval to a variance request for Walnut Creek Bike Trail Improvements SP C2007-0364C Land Development Code Sections 25-8-281(C) (2)(b) 1) to encroach on Critical Environmental Features setbacks; 2) LDC 25-8-392 2) to develop in the Critical Water Quality Zone 3) LDC 25-8-342 to fill up to 11 feet;

STAFF CONDITIONS

1. Revegetate all disturbed areas within the Critical Water Quality Zone with City of Austin specification 609S for seeding and planting
2. Revegetate all areas with significant slopes with City of Austin Specifications 604S
3. Provide only native/drought tolerant plants from the City of Austin's Grow Green Guide for all landscaping and mitigation trees
4. Provide an overall mitigation rate of 35% for all trees proposed to be removed.

RATIONALE; Findings of facts have been met. In light of fuel expenses today and use of area by the community, the Board recommends conditional approval.

Vote 4-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

Abstain:

Absent: Ahart and Beall

Recused:

Vacant 1

Approved By:

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Dave Anderson P.E., CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 080608-4e

Date: August 6, 2008

Subject: Consent Agenda Bird's Nest Airport Stage 1 Construction SP-2008-0117D

Motioned By: Mary Gay Maxwell.

Seconded by: Phil Moncada

Recommendation

The Environmental Board recommended the following case be approved by consent, with no staff conditions and no board conditions listed for the Bird's Nest Airport Stage I Construction SP-2008-0117D.

Vote 4-0-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

Abstain:

Absent: Ahart, and Beall

Recused:

Vacant 1

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair