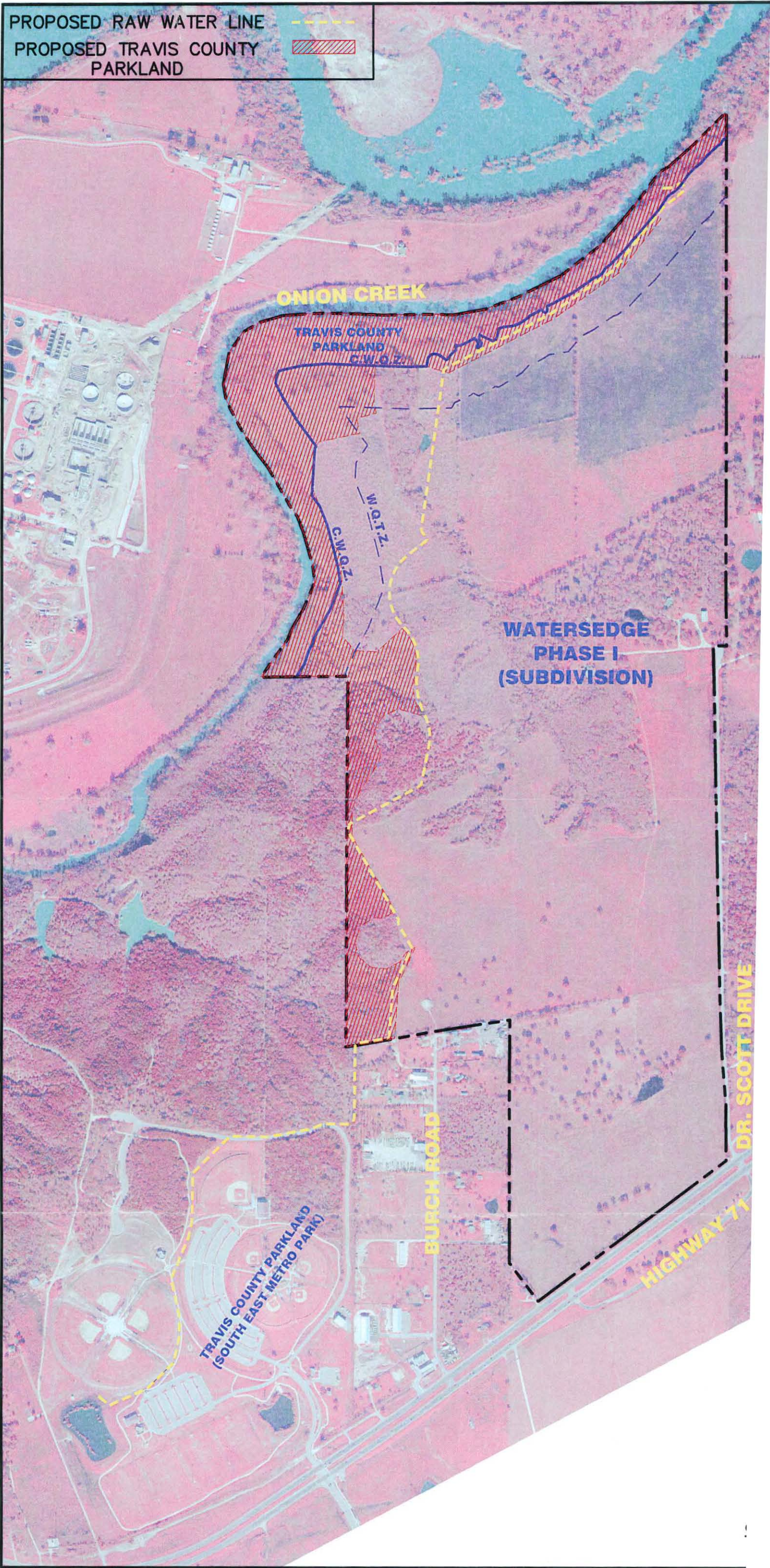


PROPOSED RAW WATER LINE
PROPOSED TRAVIS COUNTY
PARKLAND





MEMORANDUM

TO: Environmental Board Members

FROM: Robyn Smith, Project Coordinator
Watershed Protection and Development Review Department

DATE: March 27, 2008

SUBJECT: Development Over Closed Landfills Ordinance

Attached is the Austin Area Landfills map requested during the Development Over Closed Landfills Ordinance presentation held at the March 19, 2008 Environmental Board meeting.

The Austin Area Landfill map is also available to the public and can be found at http://www.ci.austin.tx.us/watershed/dev_over_clf.htm. Additional information such as the 2005 Landfill Assessment Report, August 2006 Notice to Developers, and the Engineers Certification Form is also available on the website to help developers comply with City and State requirements.

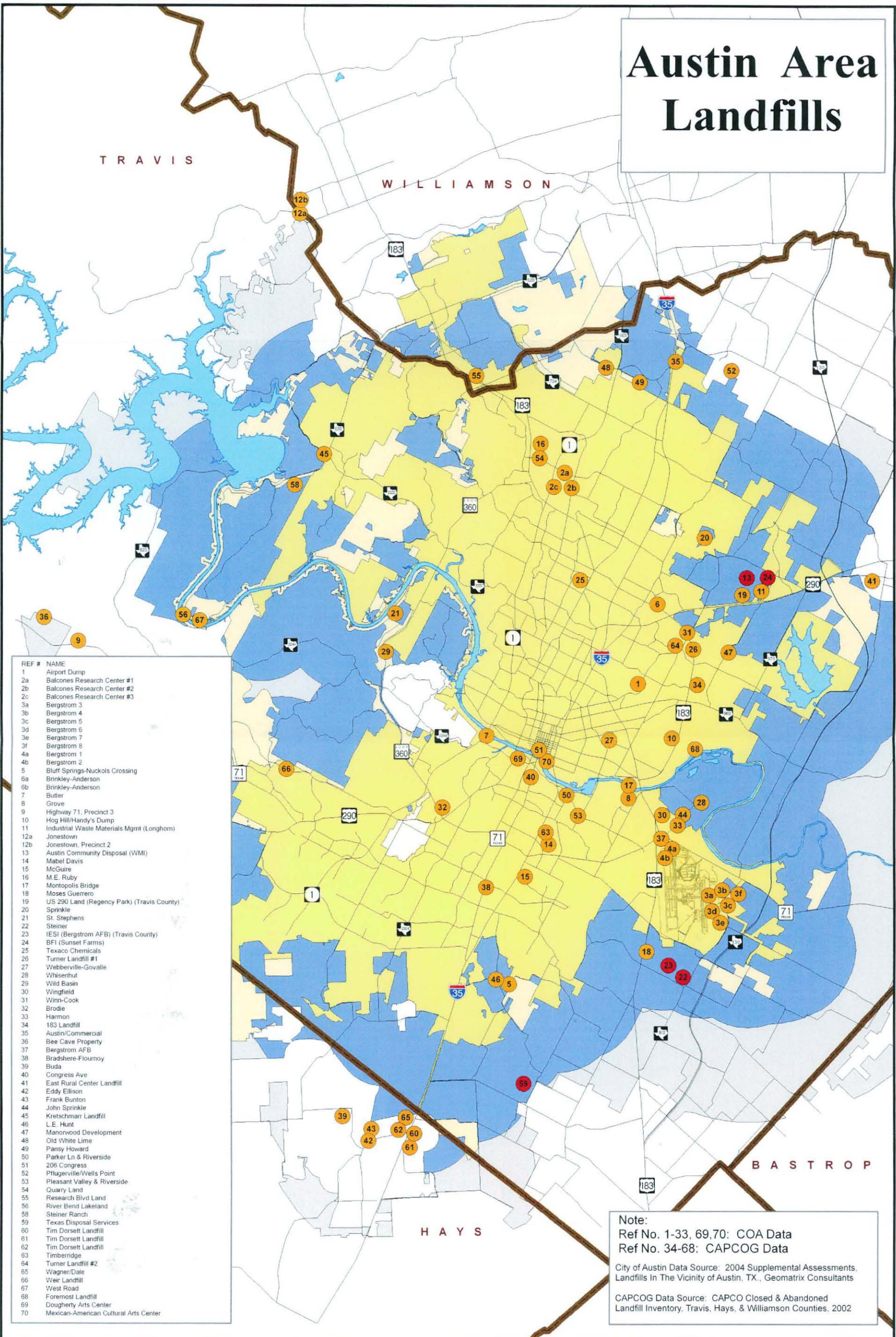
If you have any additional questions regarding this ordinance please contact Chuck Lesniak at 974-2699 or Robyn Smith at 974-2624

Sincerely,

A handwritten signature in cursive script that reads "Robyn Smith".

Robyn Smith
Project Coordinator
Watershed Protection and Development Review Department

Austin Area Landfills



- | REF # | NAME |
|-------|--|
| 1 | Airport Dump |
| 2a | Balcones Research Center #1 |
| 2b | Balcones Research Center #2 |
| 2c | Balcones Research Center #3 |
| 3a | Bergstrom 3 |
| 3b | Bergstrom 4 |
| 3c | Bergstrom 5 |
| 3d | Bergstrom 6 |
| 3e | Bergstrom 7 |
| 3f | Bergstrom 8 |
| 4a | Bergstrom 1 |
| 4b | Bergstrom 2 |
| 5 | Bluff Springs-Nuckols Crossing |
| 6a | Brinkley-Anderson |
| 6b | Brinkley-Anderson |
| 7 | Butler |
| 8 | Grove |
| 9 | Highway 71, Precinct 3 |
| 10 | Hog Hill/Handy's Dump |
| 11 | Industrial Waste Materials Mgmt (Longhorn) |
| 12a | Jonestown |
| 12b | Jonestown, Precinct 2 |
| 13 | Austin Community Disposal (WMI) |
| 14 | Mabel Davis |
| 15 | McGuire |
| 16 | M.E. Ruby |
| 17 | Montopolis Bridge |
| 18 | Moses Guerrero |
| 19 | US 290 Land (Regency Park) (Travis County) |
| 20 | Sprinkle |
| 21 | St. Stephens |
| 22 | Steiner |
| 23 | IESI (Bergstrom AFB) (Travis County) |
| 24 | BFI (Sunset Farms) |
| 25 | Texaco Chemicals |
| 26 | Turner Landfill #1 |
| 27 | Webberville-Govallie |
| 28 | Whisenhut |
| 29 | Wild Basin |
| 30 | Wingfield |
| 31 | Winn-Cook |
| 32 | Brodie |
| 33 | Harmon |
| 34 | 183 Landfill |
| 35 | Austin/Commercial |
| 36 | Bee Cave Property |
| 37 | Bergstrom AFB |
| 38 | Bradshere-Flournoy |
| 39 | Buda |
| 40 | Congress Ave |
| 41 | East Rural Center Landfill |
| 42 | Eddy Ellison |
| 43 | Frank Burton |
| 44 | John Sprinkle |
| 45 | Kretschmar Landfill |
| 46 | L.E. Hunt |
| 47 | Manorwood Development |
| 48 | Old White Lime |
| 49 | Pansy Howard |
| 50 | Parker Ln & Riverside |
| 51 | 206 Congress |
| 52 | Pflugerville/Wells Point |
| 53 | Pleasant Valley & Riverside |
| 54 | Quarry Land |
| 55 | Research Blvd Land |
| 56 | River Bend Lakeland |
| 58 | Steiner Ranch |
| 59 | Texas Disposal Services |
| 60 | Tim Dorsett Landfill |
| 61 | Tim Dorsett Landfill |
| 62 | Tim Dorsett Landfill |
| 63 | Timberidge |
| 64 | Turner Landfill #2 |
| 65 | Wagner/Dale |
| 66 | Weir Landfill |
| 67 | West Road |
| 68 | Foremost Landfill |
| 69 | Dougherty Arts Center |
| 70 | Mexican-American Cultural Arts Center |

Note:
Ref No. 1-33, 69,70: COA Data
Ref No. 34-68: CAPCOG Data

City of Austin Data Source: 2004 Supplemental Assessments, Landfills In The Vicinity of Austin, TX., Geomatrix Consultants

CAPCOG Data Source: CAPCO Closed & Abandoned Landfill Inventory, Travis, Hays, & Williamson Counties, 2002

- | Landfills | Jurisdiction |
|------------------|----------------------------------|
| ● Active | City of Austin - Full Purpose |
| ● Inactive | City of Austin - Limited Purpose |
| — Major Roads | City of Austin - 2 Mile ETJ |
| — Water Features | City of Austin - 5 Mile ETJ |
| | County Line |



Watershed Protection Development Review

Watershed Protection & Development Review Department, The City of Austin produced this map for the sole purpose of use as a work resource and as an estimated boundary of landfills in & around Austin. The City of Austin does not warrant the map &/or information regarding its accuracy or completeness. Reproduction is not permitted without permission from the City of Austin Watershed Protection & Development Review Department.

Date: 03.24.2008

**BYLAWS OF THE
Environmental Board**

ARTICLE 1. NAME.

The name of the board is the Environmental Board.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the Environmental Board is to:

- (A) review and analyze the policies relating to the environmental quality of the city, to act as an advisory board to the city council, the city manager, and the department in their efforts to oversee the protection and integrity of the natural environment, promote growth management and land use planning, minimize degradation of water resources, protect down stream areas, and promote recreation opportunities and environmental awareness.
- (B) assist the city council, the city manager, and the department in studying, promoting and enforcing environmental protection policies to assure the health, safety, welfare and quality of life of all citizens within the City's incorporated boundaries as well as those within its extraterritorial jurisdiction where the boundaries apply.
- (C) advise the city council, the city manager, and the department concerning policies, projects, and programs that affect the quality of life or have the potential to affect the environment, including those that relate to or affect:
 - (1) water quality:
 - (a) watershed protection;
 - (b) urban runoff;
 - (c) innovative wastewater treatment;
 - (d) regional wastewater treatment;
 - (e) improvement and protection of the Colorado River and the Edwards Aquifer; and
 - (f) wastewater irrigation;
 - (2) growth management and land use planning:
 - (a) municipal utility district review;
 - (b) capital improvement project review; and
 - (c) the comprehensive plan;
 - (3) construction controls for erosion and sedimentation;
 - (4) City environmental policies regarding monitoring and enforcement;

- (5) solid waste disposal plan alternatives;
 - (6) watershed protection:
 - (a) flood control;
 - (b) erosion control;
 - (c) water quality; and
 - (d) utility management;
 - (7) roadway planning;
 - (8) beautification;
 - (9) recreation resources;
 - (10) public education on environmental matters;
 - (11) hazardous waste materials management;
 - (12) revegetation and landscaping;
 - (13) air quality; and
 - (14) noise abatement;
- (D) The board shall:
- (1) review all variances to requirements for water quality related to environmentally sensitive areas;
 - (2) review the monitoring of storm water runoff in developed and undeveloped areas;
 - (3) review the efficiency of existing and proposed structural and nonstructural controls;
 - (4) periodically review the effectiveness of Chapter 25-4 (Subdivision);
 - (5) review waste treatment permits within the city's extraterritorial jurisdiction;
 - (6) review programs and policies for flood control, erosion control, and water quality;
 - (7) review capital improvement projects;
 - (8) review municipal utility district proposals and amendments;
 - (9) review roadway plan amendments; and

- (10) recommend urban runoff standards;
- (E) Recommend and initiate, with the advice and consent of the city council, specific project studies concerning any of the matters described in Subsections (H) and (I) Ordinance No. 20071129-001, or any other related environmental issue.
- (F) Make reports and recommendations for standards and criteria concerning any of the matters described in Subsections (H) and (I) Ordinance No. 20071129-001, or any other related environmental issue.
- (G) Promote close cooperation between the City and all private citizens, institutions, and agencies interested in or conducting natural resource and environmental activities, so that all similar activities within the city may be coordinated to secure the greatest public welfare.

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of seven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of three years beginning August 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a twelve month time period automatically vacates the member's position. This does not apply to an absence due to illness or injury if the member notifies the staff liaison of the reason for the absence no later than the next meeting of the board;
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, and upon receipt to the staff liaison, and the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair, a vice-chair, and a secretary.
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after August 1st.
- (C) The term of office shall be one year, beginning September 1 and ending August 31. An officer may continue to serve until a successor is elected. An officer may be reelected for not more than one additional one-year term.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, and represent the board at ceremonial functions.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
- (C) The absence of the chair and vice chair, the secretary shall perform all duties. The secretary shall be responsible for ensuring meetings are held in accordance with Roberts Rules of Order.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by written request to the staff liaison at least five (5) days before the meeting.
- (B) The staff liaison shall prepare and distribute the agenda to the board members not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.

- (D) The regular meeting of the board shall be held on the first and third Wednesdays of each month at 6:00 p.m., City Hall Council Chambers. If the regular meeting day is a holiday, the meeting will be rescheduled.
- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A notice of a special meeting must be in writing and sent to all members at least three days before the meeting.
- (F) Four members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by affirmative vote of not less than the four members.
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The Watershed Protection and Development Review Department shall retain all official board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting;

ARTICLE 8. COMMITTEES.

- (A) Each committee shall consist of at least three board members appointed by the chair and a staff member appointed by the director of the Watershed Protection and Development Review Department. The staff member is an ex-officio, non-voting member of the committee.
- (B) The board chair shall appoint a committee member as the committee chair, with the member's consent. The board chair shall be an ex-officio, non-voting member of all standing committees.
- (C) Each standing committee shall meet on a regularly scheduled basis at least quarterly.

- (D) Each standing committee shall make an annual report to the board at the January board meeting.
- (E) The chair may, with the board's approval, appoint special committees. The chair shall provide board members with prior notice of intent to appoint a special committee.
- (F) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of order which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

DRAFT



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: April 2, 2008

NAME & NUMBER OF PROJECT: Travis County Southeast Metro Park 8" Raw Water Line
SP-2007-0642D

NAME OF APPLICANT OR ORGANIZATION: Travis County
(Roger Schuck - Phone: 854-7587)

LOCATION: Confluence of Onion Creek and Colorado River (located off of Hwy 183 East & Doctor Scott Drive)

PROJECT FILING DATE: November 15, 2006

WPDR/ENVIRONMENTAL STAFF: Javier V. Delgado, 974-7648
Javier.delgado@ci.austin.tx.us

WPDR/ CASE MANAGER: Javier V. Delgado, 974-7648
Javier.delgado@ci.austin.tx.us

WATERSHED: Onion Creek (Suburban)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance requests are as follows:

1. To construct a raw water intake station, retaining wall, and access road in the Critical Water Quality Zone (LDC Section 25-8-261).
2. To construct a driveway on slopes greater than 15%. (LDC Section 25-8-301).

STAFF RECOMMENDATION: Recommended with conditions

REASONS FOR RECOMMENDATION: Findings of fact have been met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Planning Commission

FROM: Javier V. Delgado,
Watershed Protection and Development Review Dept.

DATE: March 19, 2008

SUBJECT: Travis County SEMP 8" Raw Water Line: SP-2007-0642D

Description of Property

The Travis County proposed raw water line is located on the north side of the 4500 block of Highway 71 East, directly east of the Travis County Southeast Metropolitan Park- (See Exhibit A). The proposed site plan application is for the construction of a 12,000 linear foot raw water line (8-inch) that will run from near the banks of Onion Creek, then goes southwest through the Watersedge Subdivision, and then crosses and terminates into a storage pond located within the Travis County Southeast Metropolitan Park (See exhibit A). The applicant has received permission from the Lower Colorado River Authority to pump water from the Colorado River. The project lies in the Onion Creek Watershed, classified as a Suburban watershed, and is not located over the Edwards Aquifer Recharge Zone.

Although the raw water line was permitted by Travis County as a CIP project prior to annexation, it is still subject to the City of Austin's COA regulations. Under Texas Local Government Sec. 43.002, however, the County's pre-annexation approval entitles it to the waterline use subject to appropriate regulatory conditions. The focus of the Commission's review, therefore, should be to develop conditions for approval of the waterline that will achieve greater consistency with the COA regulations.

Existing Topography and Soil Characteristics

The portion of the project within the CWQZ consists of slopes between 0 to 35%. The geology in the CWQZ consists of most alluvial soils.

Vegetation

Currently, the area with the CWQZ is wooded with cedar elm and some oaks. There is a variety of shrubs and under-story brush as well. The plans call for removal of seven trees greater than 8-inches (all non-protected) for all the construction within the CWQZ.

Variance Requests

1. From LDC Section 25-8-261: To allow construction in the Critical Water Quality Zone

Associated with the raw water line will be the construction of 180-square foot slab which will house the pump that will serve the water line. Also, a 195- foot long retaining wall and a paved access road to the pump-house are proposed with this application (total impervious cover is 6,090 square feet). The pump-house, retaining wall, and a portion of the access road are proposed to be built in the Critical Water Quality Zone thus a variance is required (See exhibit B).

2. From LDC Section 25-8-301: To construct a driveway on slopes greater than 15%

The above code reference does allow for a driveway to built on slopes greater than 15% if one of the following conditions are met: the driveway would provide primary access to at least two acres of contiguous acres with a gradient of 15% or less; or building sites for at least 5 residential units. The proposed driveway would serve as the sole access route to the pump house. The driveway will only be used for maintenance purposes. The total area of slopes greater than 15% with proposed impervious cover would 2,230 square feet.

Staff recommends these variances with conditions.

Conditions:

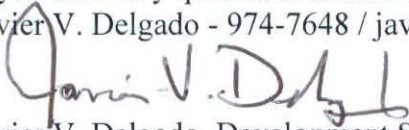
1. All disturbed areas in the CWQZ to be re-vegetated with 609S.
2. Tree replacement will be at 100% or equivalent contribution to Urban Forest Tree Fund.
3. Access road to be gated and restricted to traffic for pump house maintenance only.
4. Prohibit the use of coal tar sealants.

Similar cases with granted variances to Section 25-8-261/301 (Construction in the CWQZ/ Construct driveway on slopes greater than 15%)

1. Case: Sand Hill Energy Intake/Discharge Structure (SP-03-0181D)
recommended by EV Board on 7/16/2003
Vote : consent (7-0)
Conditions: re-vegetate disturbed areas with native grasses
2. Case: Albert H. Ullrich Water Treatment Plant (SPC-03-0005C)
Recommended by EV Board on 7/16/2003
Vote : consent (7-0)
Conditions: re-vegetate disturbed areas with native grasses; on-site tree migration to the extent possible, with remaining tree mitigation in form of payment to the Urban Forest Replenishment fund; CEF setbacks established in accordance with ERM recommendations.

If you have any questions or need additional information, please contact;

Javier V. Delgado - 974-7648 / javier.delgado@ci.austin.tx.us

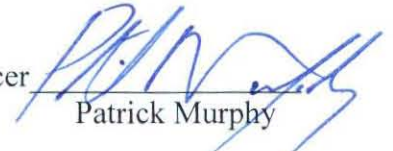


Javier V. Delgado, Development Services Process Coordinator
Watershed Protection and Development Review Department

Environmental Lead


Ingrid McDonald

Environmental Officer


Patrick Murphy



TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 W. 13th St.
Eleventh Floor
P.O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4626
October 17, 2007

City of Austin
ATTN: Javad Oskouipour
Watershed Protection and Development Review
P.O. Box 1088
Austin, TX 78767

Subject: Travis County Raw Water Supply Line CIP Project for SE Metro Park

Dear Mr. Oskouipour

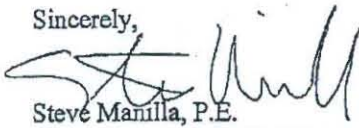
Further to our meeting at your offices on October 16, 2007 with Austin Watershed Protection and Austin Public Works staff, the recent annexation of the subject County CIP project area requires the County to obtain City approval to construct a Raw Water supply line needed to irrigate sport fields at the South East Metro Park adjacent to State Highway 71. The County's project has been under design for the past year. The proposed supply line will pass through the County Park and a portion of the Watersedge Smart Housing Development. It will consist of approximately 12,000 lineal feet of 8" PVC C900 purple pipe with an intake pipe at the confluence of Onion Creek and the Lower Colorado River and a discharge point at an existing storage pond within the park. Travis County presently has an LCRA water rights permit to pump from the Colorado River (copy attached). The engineer's estimate for the project is \$900,000 which Travis County will fund with 2005 voter-approved bonds. Additionally, construction management and inspection will be the responsibility of a Travis County. When completed the supply line will be a public asset for the exclusive use of Travis County.

Based upon the circumstances of this project it is the County's understanding that the City will agree not to require fiscal or inspection fees but will require an application for a Development Permit and the associated permit review fees. Our engineer, Cunningham-Allen, will be submitting to you the construction plans and easement documents for this purpose.

It is imperative that we begin advertising the project for bids in November so that construction can be completed by April when the water is most needed. We are ready to commence advertising as soon as we receive the City permit.

Thank you very much for helping to expedite this project.

Sincerely,


Steve Manilla, P.E.
Travis County TNR Public Works Director

Attachment: LCRA water rights permit

Quality Zone. Due to the difference in elevation of the current pump house location and the top of bank, moving the structure out of the CWQZ would require a massive excavation and tree removal to be able to install the required suction line for the pump station.

JUSTIFICATION:

(A)(3) Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Response:

The development within the Critical Water Quality Zone will result in water quality equal to that which would occur outside the CWQZ once revegetation is accomplished after construction is completed.

TRAVIS COUNTY SOUTHEAST METRO PARK 8" RAW WATER LINE
VARIANCE REQUEST
SP-2007-0642D
FINDINGS OF FACT
Based on Section 25-8-261

JUSTIFICATION:

(A)(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.

Response:

When withdrawing water from rivers or lakes, municipalities and other governmental agencies locate the intake structure and immediate associated improvements within the Critical Water Quality Zone to be cost effective and less intrusive to the surrounding environment.

JUSTIFICATION:

(A)(2)(a) 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:

In order to minimize disturbance to environmental features, especially trees, the applicant is purposing to construct an access road and intake structure such that it would be located as close to the bank of Onion Creek while not compromising the design or environment. The water quality measures proposed by the development meet code requirements.

JUSTIFICATION:

(A)(2)(b) 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:

Yes, the construction of the intake structure and access road has been designed to minimize the impact within the Critical Water Quality Zone while still accomplishing the charge of providing water to the Southeast Metro Park for their irrigation purposes.

JUSTIFICATION:

(A)(2)(c) The variance does not create a significant probability of harmful environmental consequences.

Response:

Yes, the final location of this pump house was determined to best minimize the removal of the surrounding trees as well as limit the impact of construction of the intake structure and associated access road. Scott Hiers, a Senior Environmental Scientist with the City of Austin (COA) has confirmed that no Critical Environmental Features, as defined by Section 25-8-121 of the COA Land Development Code exist in the area of the pump house and access road inside the Critical Water

Mr. Javier Delgado

January 22, 2008

Page 2 of 2

This request for a variance to allow construction within the Critical Water Quality Zone is specific to the pump house, intake structure, approximately 370 feet of the 8" raw water line, and the access road which all lie within the CWQZ of Onion Creek.

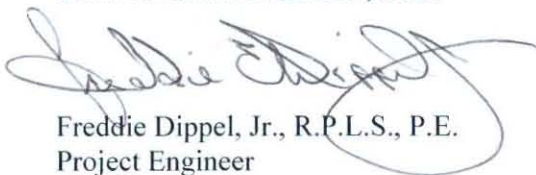
In developing this site plan, all efforts have been made to maintain the natural characteristics of the surrounding lands, in particular the area inside of the Critical Water Quality Zone. The small building structure, containing 180 s.f., and associated access road are necessary for the protection and maintenance of the pump designed to deliver the Onion Creek water to the Travis County Southeast Metro Park. The final location of this pump house was determined to best minimize the removal of the surrounding trees as well as limit the impact of construction of the intake structure and associated access road. Scott Hiers, a Senior Environmental Scientist with the City of Austin (COA) has confirmed that no Critical Environmental Features, as defined by Section 25-8-121 of the COA Land Development Code exist in the area of the pump house and access road inside the Critical Water Quality Zone. Due to the difference in elevation of the current pump house location and the top of bank, moving the structure out of the CWQZ would require a massive excavation and tree removal to be able to install the required suction line for the pump station.

The improvements located within the Critical Water Quality Zone will be property dedicated to Travis County as Parkland upon the recording of the Watersedge Phase 1A Final Plat (C8J-06-0259.1A.SH).

Attached to this letter are the Findings of Fact. Together with the summary described above, we hope our request has both merit and your favorable consideration. If you should have any questions, please do not hesitate to call.

Sincerely,

CUNNINGHAM-ALLEN, INC.


Freddie Dippel, Jr., R.P.L.S., P.E.
Project Engineer



GH



Cunningham | Allen

January 22, 2008

Mr. Javier Delgado
Environmental Protection and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Variance for Travis County Southeast Metro Park 8" Raw Water Line
(Capital Improvement Project)
Development in Critical Water Quality Zone (CWQZ)
SP-2007-0642D
CAI Project No. 386.0101

Dear Mr. Delgado:

As agent for Travis County, as it relates to the Southeast Metro Park Raw Water Line project, Cunningham-Allen, Inc. is requesting the following variance to Chapter 25 of the Land Development Code:

Variance to allow for Development in the Critical Water Quality Zone (Section 25-8-261)

The Travis County SEMP Raw Water Line traverses property referenced as the MAK Marshall Tract, described as 417.93 acres of land, more or less, a portion of the Jose Antonio Navarro Seven League Grant, Abstract No. 18, in Travis County, Texas as recorded in Warranty Deed Doc# 2005006637. Additionally, this line traverses a 91.49 acre Travis County Park Land Tract, located in the Jose Antonio Navarro Survey, Abstract No. 18 in Travis County, Texas, as described in the deed to The Hills of Onion Creek Joint Venture, recorded in Volume 9653, page 576 of the Real Property Records of Travis County, Texas with said 91.49 acre tract, as shown on SAM, Inc. drawing No. H011-97211-01.

The project site is located within the Onion Creek Watershed, which is classified as a Suburban Watershed by the City of Austin's Comprehensive Watersheds Ordinance (CWO). The site is not located within the Edwards Aquifer Recharge Zone. A Stormwater Pollution Prevention Plan (SWP3) application has been submitted to TCEQ to obtain approval prior to construction.

The raw water line runs approximately 12,000 linear feet and is located within both the City of Austin's (COA) Limited Purpose Jurisdiction and the 2-mile ETJ, as well as being part of the COA Desired Development Zone.

The project is defined as the construction of an 8" raw water line which will deliver water from an intake structure located at the confluence of Onion Creek and the Colorado River to a storage pond inside of the Travis County Southeast Metro Park, located off U.S. Hwy. 71. This 8" raw water line is designed and intended to deliver water necessary for irrigation of the entire park (i.e. ball fields, open space and landscaping). The site will be developed and constructed in accordance with the terms and conditions of the City of Austin Land Development Code, Title 25 with all maintenance to be provided by Travis County.

developed and constructed in accordance with the terms and conditions of the City of Austin Land Development Code, Title 25 with all maintenance to be provided by Travis County.

This request for a variance to allow construction on the existing area which contains slopes greater than 15 % is specific to approximately 92 feet of the 8" raw water line and access road, as well as the pump house structure, all of which lie within the CWQZ of Onion Creek.

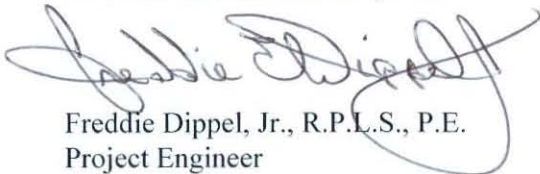
In proposing the development for this site plan, all efforts have been made to maintain the natural characteristics of the surrounding area inside of the Critical Water Quality Zone (CWQZ). The small building structure, approximately 180 s.f., and associated access road are designed for access and maintenance for the pump designed to deliver the Onion Creek water to the Travis County Southeast Metro Park. The final location of this pump house was determined to best minimize the removal of the surrounding trees as well as limit the impact of construction of the intake structure and associated access road. In doing so, the access road leading to the pump station traverses a section of land that currently has slopes greater than 15 %. Due to this small portion of construction being completed inside the CWQZ, topography connecting the nearby land with the Onion Creek waterline exists naturally with slopes greater than 15 %. Scott Hiers, a Senior Environmental Scientist with the City of Austin (COA) has confirmed that no Critical Environmental Features, as defined by Section 25-8-121 of the COA Land Development Code exist in the area of the pump house and access road inside the Critical Water Quality Zone.

The improvements located within the Critical Water Quality Zone will be property dedicated to Travis County as Parkland upon the recording of the Watersedge Phase 1A Final Plat (C8J-06-0259.1A.SH).

Attached to this letter are the findings of fact. Together with the summary described above, we hope our request has both merit and your favorable consideration. If you should have any questions, please do not hesitate to call.

Sincerely,

CUNNINGHAM-ALLEN, INC.


Freddie Dippel, Jr., R.P.L.S., P.E.
Project Engineer



GH



Cunningham | Allen

February 27, 2008

Mr. Javier Delgado
Environmental Protection and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Variance for Travis County Southeast Metro Park 8" Raw Water Line
(Capital Improvement Project)
Construction of a roadway on slopes greater than 15 %
SP-2007-0642D
CAI Project No. 386.0101

Dear Mr. Delgado:

As agent for Travis County, as it relates to the Southeast Metro Park Raw Water Line project, Cunningham-Allen, Inc. is requesting the following variance to Chapter 25 of the Land Development Code:

Variance to allow for construction of a roadway on slopes greater than 15 % (Section 25-8-301)

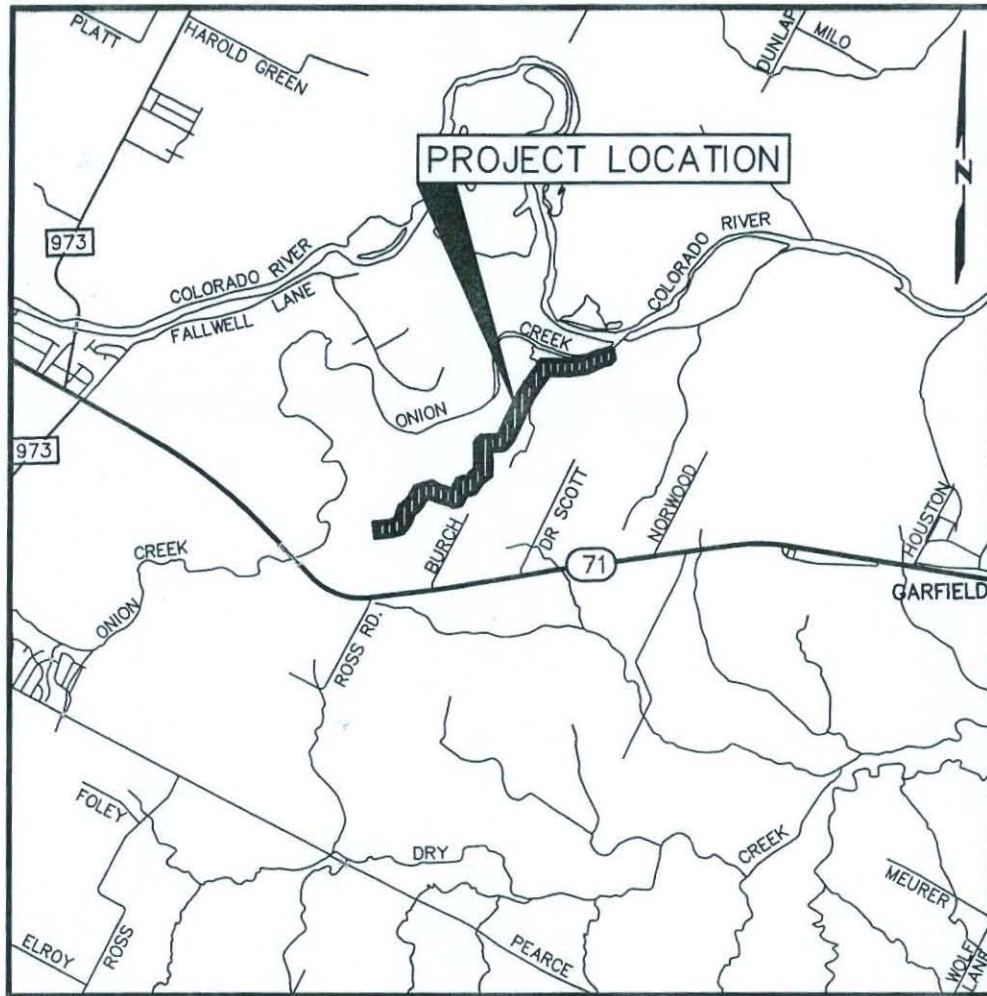
The Travis County SEMP Raw Water Line traverses property referenced as the MAK Marshall Tract, described as 417.93 acres of land, more or less, a portion of the Jose Antonio Navarro Seven League Grant, Abstract No. 18, in Travis County, Texas as recorded in Warranty Deed Doc# 2005006637. Additionally, this line traverses a 91.49 acre Travis County Park Land Tract, located in the Jose Antonio Navarro Survey, Abstract No. 18 in Travis County, Texas, as described in the deed to The Hills of Onion Creek Joint Venture, recorded in Volume 9653, page 576 of the Real Property Records of Travis County, Texas with said 91.49 acre tract, as shown on SAM, Inc. drawing No. H011-97211-01.

The project site is located within the Onion Creek Watershed, which is classified as a Suburban Watershed by the City of Austin's Comprehensive Watersheds Ordinance (CWO). The site is not located within the Edwards Aquifer Recharge Zone. A Stormwater Pollution Prevention Plan (SWP3) application has been submitted to TCEQ to obtain approval prior to construction.

The raw water line runs approximately 12,000 linear feet and is located within the City of Austin's (COA) Limited Purpose Jurisdiction and the 2-mile ETJ, as well as being part of the COA Desired Development Zone.

The project is defined as the construction of an 8" raw water line which will deliver water from an intake structure located at the confluence of Onion Creek and the Colorado River to a storage pond inside of Travis County's Southeast Metro Park, located off U.S. Hwy. 71. Currently Travis County has obtained a Water Rights Permit with the Lower Colorado River Authority (LCRA) allowing Travis County to pump water out of the Colorado River. This 8" raw water line is designed and intended to deliver water necessary for irrigation of the entire park (i.e. ball fields, open space and landscaping). The site will be

Travis County Southeast Metro Park
8" Raw Water Line
(Capital Improvement Project)



LOCATION MAP
N.T.S.

Driving Directions

Head east on W. Riverside Drive. Turn right on W. Riverside Dr. all the way to Hwy 71. Turn left onto Hwy 71. Travel 6.5 to 7 miles east on Hwy 71 (you will see the Travis County Metro Park on the left, Doctor Scott is just past the park.). Turn onto Doctor Scott Dr. and travel one mile, the road will terminate at a turnaround. There is a secured gate on the left hand side of the terminus of Doctor Scott. The site lies another two miles within the property. There is no paved access at this point. Please call Gabriel Hovdey at 327-2946 to coordinate transportation.

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

Yes – The proposed ancillary improvements to water lines result in an increase of less than 1% of the total area to be dedicated to the Travis County Park System.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions): *Not applicable.*

1. The above criteria for granting a variance are met;
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Reviewer Name: Javier V. Delgado

Reviewer Signature: _____

Date: March 10, 2008

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



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: Travis County SEMP 8" Raw Water Line
Application Case No: SP-2007-0642D
Code Reference: LDC Section 25-8-301 CWQZ Development
Variance Request: Construct a driveway on slopes greater than 15%

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

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.

Yes – The proposed pump-house location is located near the banks of Onion Creek. This area consists of some steep slopes. There are several public utilities/entities that have existing raw water intake facilities located in an area of WQTZ & CWQZ, 100-year floodplain and slopes 0-35%.

2. The variance:

- a) 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;

Yes – Raw water intake structures are built as close to the source body of water as possible to maximize the efficiency of the pump needed to convey the water usually uphill to the uplands area for usage.

- b) 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;

Yes – This raw water intake facility is like others, located in an area of WQTZ & CWQZ, 100-year floodplain and slopes 0-35%.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes – The applicant chose a site that minimized tree removal and kept construction on slopes greater than 15% to minimum.

Yes – The project will not create a significant probability of harmful environmental consequences. The site contains no critical environmental features. There are no protected size Class 1 trees being removed by this project. Any required re-vegetation will be with native grasses and vegetation.

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

Yes – The pump house and retaining wall will not generate any storm water runoff that would require treatment. The proposed access road would be gated and only used for maintenance of the pump. Therefore vehicular use will be minimal.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions): *Not applicable.*

1. The above criteria for granting a variance are met;
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Reviewer Name: **Javier V. Delgado**

Reviewer Signature: _____

Date: **March 10, 2008**

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



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: Travis County SEMP 8" Raw Water Line
Application Case No: SP-2007-0642D
Code Reference: LDC Section 25-8-261 CWQZ Development
Variance Request: Construct a raw water pump station in CWQZ

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

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.

Yes – The variance will not provide the applicant with a privilege not given to owners of similarly situated property with approximately contemporaneous development. The LCRA has issued numerous permits to pump raw water from the Colorado River. Several recent development projects (including at least one utility infrastructure project) have received approval for critical water quality zone development variances.

2. The variance:

- a) 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;

Yes – The scope of the project (providing a raw water intake pump station Travis County) necessitates that the proposed structure be located adjacent to the body of water from which the raw water is to be pumped, making its location within the CWQZ of the Onion Creek/Colorado River unavoidable.

- b) 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;

Yes – The project has been designed to minimize disturbance within the CWQZ. The proposed pump house will be located in a specific location that is not near any critical environmental features and minimizes tree removal.

- c) Does not create a significant probability of harmful environmental consequences; and



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: April 2, 2008

NAME AND NUMBER OF PROJECT: Enciave Gracywoods
Block A Lot 5

NAME OF APPLICANT OR ORGANIZATION: Holford Group and David Weekly Homes
(Brian Birdwell and Matt Wood)

LOCATION: 1412 Gorham Street, Austin, Texas 78758

PROJECT FILING DATE: February 8, 2008

WPDR/ENVIRONMENTAL STAFF: Michael Embesi, City Arborist 974-1876
michael.embesi@ci.austin.tx.us

WPDR/ CASE MANAGER Michael Embesi, City Arborist 974-1876
michael.embesi@ci.austin.tx.us

WATERSHEDS: Walnut (Suburban)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (Current code)

REQUEST: Land Development Code Sections 9-10-409 (a) and (b)
Appeal of the denial of a protected tree removal request

STAFF RECOMMENDATION: Not Recommended

REASON FOR RECOMMENDATION: Tree preservation does not prohibit development on a residential lot



MEMORANDUM

TO: Dave Anderson, Chairperson and
Members of the Environmental Board

FROM: Michael Embesi, City Arborist
Watershed Protection and Development Review Dept.

DATE: April 2, 2008

SUBJECT: Appeal of the denial of a tree removal request at 1412 Gorham (Enclave at Gracywoods, Block A, Lot 5)

Description of Property

This lot is located in north central Austin, near the intersection of W Braker and Parkfield Drive. Enclave at Gracywoods is a residential subdivision consisting of 29 lots. Block A, Lot 5 (1412 Gorham Street) is approximately 65 feet in width and 112 feet in length. It is in the Walnut Watershed, classified as a Desired Development Zone, Suburban watershed. The proposed development on this site includes a single family home (approximately 1800 sq. ft.) and associated sidewalks and driveway).

Appealing Denial of Tree Removal Requests

1. From LDC Section 25-8-624: Approval Criteria for a Protected Size Tree

The applicant has appealed the City Arborist decision not to allow the trees to be removed. This decision is due to the two large Live Oaks on the property which limits development to the areas outside of the trees' protected root zone. The applicant and City Arborist have discussed numerous options in attempts to resolve the issue of the trees and proposed development. The City Arborist has statutorily denied the removal request, insisting upon alternative development to incorporate the trees. The following outline describes the options discussed in attempt to resolve this matter:

1. Grant a permit to allow the trees to be removed.
2. Keep the property undeveloped and preserve the trees.

3. Modify the typical home building process to design a house which takes into consideration the trees canopy and protected root zone. This alternative would likely only preserve one of the trees.
4. Amend the Plat by moving a lot line to position the trees in a location in which they can be more adequately preserved.
5. Re-subdivide by changing lot lines, adding a lot, and preserving the trees.

Existing Topography and Tree Characteristics

The site is relatively flat and is typical for a suburban single family home construction. Two large Live Oaks (*Quercus fusiformis*) exist near the center portion of the lot. Tree #1067 has a diameter at breast height of 31-caliper inches and tree #1068 has a diameter at breast height of 28-inches. Both trees are nearly 30-feet in height and their canopies reach in opposite direction of one another. These trees are graded as Class 1 trees within Appendix F of the Environmental Criteria Manual. Class 1 trees possess the highest value to the community. These trees are long-lived and are the frequently identified as an icon of the Texas Hill Country.

Land Development Code

Approval Criteria for a Protected Size Tree (25-8-624)

(A) The Watershed Protection and Development Review Department shall approve an application to remove a protected tree after determining that the tree:

- (1) prevents reasonable access to the property;
- (2) prevents a reasonable use of the property;
- (3) is a hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree;
- (4) is dying or dead;
- (5) is diseased, and:
 - (a) restoration to sound condition is not practicable; or
 - (b) the disease may be transmitted to other trees and endanger their health; or
- (6) for a tree located on public property or a public street or easement:
 - (a) prevents the opening of necessary vehicular traffic lanes in a street or alley; or
 - (b) prevents the construction of utility or drainage facilities that may not feasibly be rerouted.

(B) If an application filed by a political subdivision of the state is approved under Subsection (A)(2), the Land Use Commission may, in its discretion, review the approval.

(C) For an application to remove a protected tree located on private property, an applicant must request a variance from the Board of Adjustment if the variance would eliminate the reason for removal of the tree.

(1) The application to remove the protected tree may not be approved unless the variance is denied.

(2) An application fee is not required for a variance request required by this subsection.

(3) This subsection does not apply to an application that may be approved under Subsection (A)(3), (4), or (5).

(D) The Watershed Protection and Development Review Department may require mitigation, including the planting of replacement trees, as a condition of application approval. A removal permit may not be issued until the applicant satisfies the condition or posts fiscal security to ensure performance of the condition within one year.

Source: Section 13-7-41(b), (c), (d), and (f); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

Similar cases

Case: Crossing at Onion Creek Subdivision

Action: D.R. Horton Inc. re-subdivided, shifting building plans, and created a pocket park (preserving a large Live Oak tree).

If you have any questions or need additional information, please contact Michael Embesi at 974-1876 michael.embesi@ci.austin.tx.us, thank you,

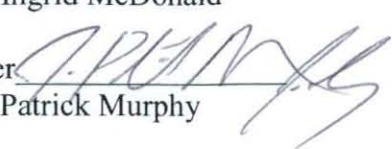
Michael Embesi, City Arborist

Watershed Protection and Development Review Department

EV Lead


Ingrid McDonald

EV Officer


Patrick Murphy

JAVAD (PAPER 1ST)									
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86	12	10	15	15

	CHANGES IN	CHANGES IN	ADJUSTED
	CHANGES IN	CHANGES IN	INVESTMENT
ALL FIRMS	2008	1708	713
SAVED FIRMS	180	1877	313
REMOVED FIRMS	128	129	0

1. All the trees and shrubs were blown over or split by the storm and the ground was covered with a layer of broken branches and leaves.
2. A massive storm struck the eastern coastline of the U.S. last January. By the afternoon, almost every house in the town of New York was surrounded by the uprooted trees.
3. The storm was so strong that it blew away the roofs of many houses and it caused many trees and shrubs to fall from the ground and to lie on the streets.
4. The storm was so strong that it blew away the roofs of many houses and it caused many trees and shrubs to fall from the ground and to lie on the streets.
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10. The storm was so strong that it blew away the roofs of many houses and it caused many trees and shrubs to fall from the ground and to lie on the streets.

7. The authors of the present manuscript stated: "In order to avoid any possible bias, the results of our analysis in addition to the relevant findings provided by the literature were subjected to a sensitivity analysis, which was conducted by varying the inclusion or exclusion of the following studies." (p. 1000)
8. The authors stated: "The results of the sensitivity analysis are presented in Table 2." (p. 1000)
9. The authors stated: "The results of the sensitivity analysis are presented in Table 2." (p. 1000)
10. The authors stated: "The results of the sensitivity analysis are presented in Table 2." (p. 1000)
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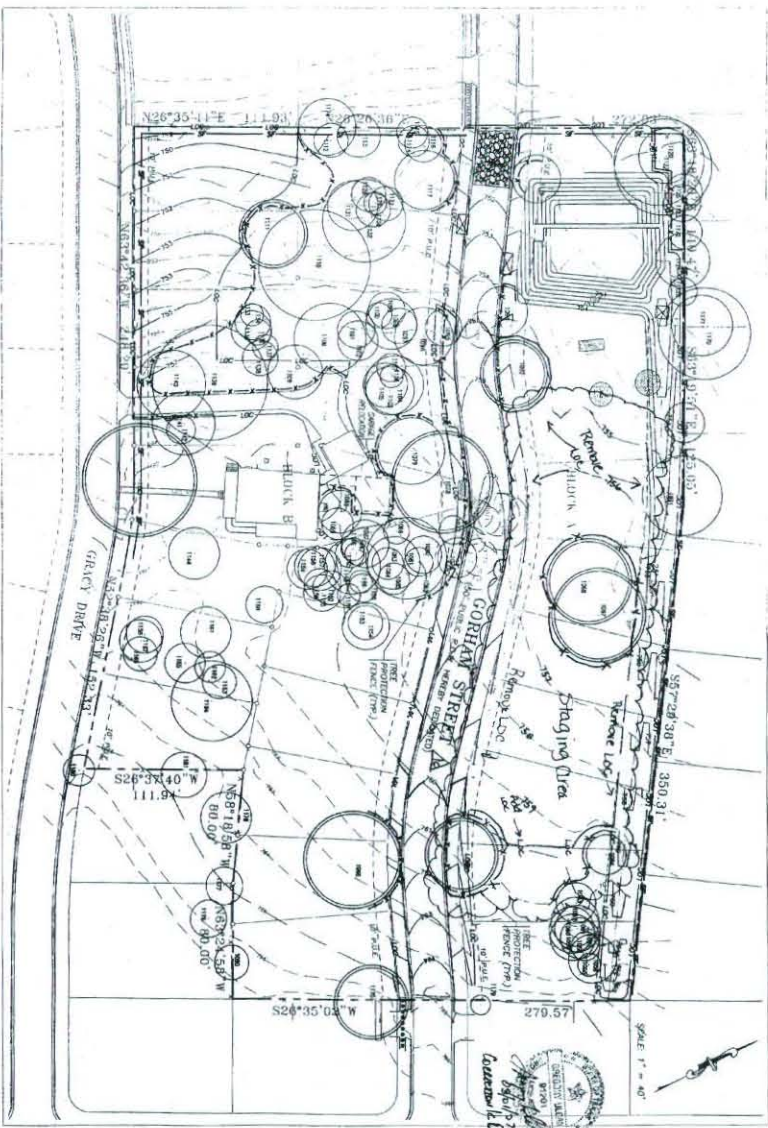
TREE PROTECTION NOTE:
SEE SPILT 19 FOR TREE PROTECTION DETAILS

TOTAL LENGTH OF TREE FENCING = 1500 L.F.

APPROVED 

CONVULSANT ANTICRIP

Case Number: 08-05-0269.1B
Filing Date: November, 2008



LEGEND

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- TREE TO BE REMOVED
- TREE TO REMAIN
- PROTECTED TREE TO REMAIN
- THREE FORKS
- LIMITS OF CONSTRUCTION

Approved for General Disposition
MAR 22 2007

TREE PROTECTION PLAN

*ENCLAVE
AT GRACYWOODS
AUSTIN, TEXAS*

HOWARD ENGINEERS, INC.
4303 Russell Drive
Austin, Texas 78704
Phone: (512) 448-0881
Fax: (512) 448-0989
Email: hei@howardengineers.com



<u>REVISION</u>		
<u>NO.</u>	<u>DESCRIPTION</u>	<u>DATE</u>
1c	ADJUST LCC AND TREE PROTECTION	09/06/01

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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: April 2, 2008

NAME & NUMBER
OF PROJECT: THE ENCLAVE AT WESTGATE
C8-07-0048.1B

NAME OF APPLICANT
OR ORGANIZATION: TCB INC.
Contact Dan Edwards – Phone (512) 457-7731

LOCATION: Westgate Blvd & Cameron Loop

PROJECT FILING DATE: October 12, 2007

WPDR/ENVIRONMENTAL
STAFF: Craig Carson, 974-7690
craig.carson@ci.austin.tx.us

WPDR/
CASE MANAGER: Janna Renfro, 974-3422
janna.renfro@ci.austin.tx.us

WATERSHED: South Boggy Creek (Suburban Watershed)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request is as follows:
1. To allow fill less than 8 feet on slopes greater than 15%,
outside the ROW (LDC 25-8-342).

STAFF RECOMMENDATION: Recommended

REASONS FOR
RECOMMENDATION: Findings of fact have been met.



MEMORANDUM

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

FROM: Craig Carson, Senior Environmental Reviewer
Watershed Protection and Development Review Department

DATE: April 2, 2008

SUBJECT: The Enclave at Westgate (C8-07-0048.1B)
Cameron Loop and Westgate Blvd.

Variance Request: Variance from LDC 25-8-342 To allow fill less than 8 feet on slopes greater than 15% outside a ROW.

The applicant is proposing a subdivision with 24 duplex lots (48 total lots), 2 open space lots associated with pipeline easements, and 1 open space lot that is a drainage easement on approximately 12.845 acres.

Description of Project Area

This 12.845 acre site (gross site area) is situated in Travis County, in the COA full-purpose jurisdiction. The site is in the Desired Development Zone and located within the South Boggy Creek Watershed, which is classified as a Suburban Watershed. There is an unclassified creek running along the northwest side of the site, which has been channelized and is currently shown to contain the FEMA 100 year flood plain (and the City's fully developed 100 year flood plain). The site is bounded by Cameron Loop on the south side, Westgate Blvd on the west side, Cherry Creek Phase 8, Section 4 Subdivision on the east side, and Cherry Creek Phase 8, Section 5 on the north side. There is no existing development on this site. Topographically, the site slopes from a high point on the south side of the property, in a northerly direction.

Vegetation

Site vegetation composition indicates severe historical disturbance. The western 2/3 of the tract is dominantly herbaceous species, including sporadic patches of Bermudagrass, Prickly Lettuce, Sow Thistle, Dandelion, Hop Clover, Bedstraw, and Johnson Grass. The eastern 1/3 of the tract is covered with trees. Canopy cover is comprised of Texas Live Oak, Hackberry, American Elm, Cedar Elm, Chinaberry, and Chinese Privet. Shrub and vine

dominance includes various species of Ragweed, Greenbriar, juvenile Hackberry, and Grapevine.

Critical Environmental Features/Endangered Species

Staff has verified that there are no critical environmental features within or immediately adjacent to the site.

Water/Wastewater

The City of Austin will provide water service by connecting to 2 8-inch water lines located on Cameron Loop and Westgate Blvd. Wastewater will also be provided by the City of Austin by connections to an existing 10 inch wastewater line located along Westgate Blvd.

Variance Requests

The variances being requested by this project are as follows:

1. Variance from City Code Section 25-8-342- Allowing fill less than 8 feet on slopes greater than 15% outside a ROW.

On January 11, 2008, the applicant submitted a request for an administrative variance to allow cut/fill more than 4 feet, but less than 8 feet to meet their grading requirements for their subdivision construction plans. On January 18, 2008, the administrative variance was granted. At that time, all proposed cut/fill appeared to be on slopes less than 15%. However, when the subdivision construction plans were re-submitted for review, a revision to the grading plan was done to comply with the City of Austin street design standards. To meet City of Austin standard street design requirements, the applicant had to re-grade where Nicola Trail and Cameron Loop intersect. The street design standards require a 50 foot landing at maximum 2% grade at the intersection. To meet this requirement, the applicant had to re-grade the area north of Cameron Loop and west of Nicola Trail. The proposed re-grading of this area now requires that fill be placed on small areas of slopes greater than 15%. Even with the grading revisions, the applicant's maximum cut/fill will still be less than 8 feet, but since it is now on small portions of slopes greater than 15%, an Environmental Variance is needed. Additionally, the proposed grades not only are necessary to meet the street design standards, but also to create access to two lots from Nicola Trail.

Similar Cases

There were no similar cases to be found. In most other cases involving cut/fill, the variance is to exceed the 8 foot limit. In this particular case, the applicant is requesting the variance to place fill (not exceeding 8 feet in depth) on a slope where small portions of it exceed 15%. Had this slope not had areas with slopes greater than 15%, this would have been handled entirely through the administrative variance which was issued on January 18, 2008.

Recommendations

Staff recommends approval of the variance request because the findings of fact have been met.

Conditions

Staff recommends granting the variance with the following conditions:

- (1) The applicant will stabilize and restore all disturbed areas on the proposed slopes. All final grading in this area will be graded to less than a 3 to 1 slope.
- (2) The applicant will provide enhanced erosion and sedimentation controls below the fill area to ensure all eroded sediments remain on site.

If you have any questions or need additional information, please feel free to contact me at 974-7690.

Craig Carson, Senior Environmental Reviewer
Watershed Protection and Development Review

Environmental Program Coordinator:



Ingrid McDonald

Environmental Officer:



Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: The Enclave at Westgate
Application Case No: C8-07-0048.1B
Code Reference: Land Development Code Section 25-8-342 Fill Requirements
Variance Request: To allow fill under 8 feet to be placed on slopes over 15%, outside of a ROW.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

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.

Yes. Granting this variance will allow the applicant to meet the street design standards required by the City of Austin, which is required for safety at the intersection of Cameron Loop and Nicola Trail. Additionally, the proposed fill will also allow for a more safe design for the access points to 2 lots located in the area of the proposed fill.

2. The variance:

- a) 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;

Yes. This variance request is required so that the applicant can meet the City of Austin street design standards. Without the proposed fill, the proposed intersection could be more dangerous.

- b) 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;

Yes. The applicant's proposed fill is the minimum necessary to make the intersection of Cameron Loop and Nicola Trail compliant with City of Austin street design standards, while ensuring safe access to the 2 lots immediately west of Nicola Trail.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes. Placement of the proposed fill and immediate stabilization and revegetation of the area will not create any significant probability of harmful environmental consequences.

Additionally, the applicant will provide enhanced erosion and sedimentary controls below this area until it is fully revegetated and stabilized to ensure no sediment leaves the site.

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

Yes. Once the fill is stabilized and revegetated, the variance will result in water quality that is at least equal to the water quality achievable without the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes.

Reviewer Name: **Craig Carson**

Reviewer Signature: _____

Date: **March 6, 2008**

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

ATTACHMENTS:

1. Fill Exhibit
2. Slope Map Exhibit
3. Administrative Variance
4. Applicant's Variance Request Letter and Finding of Facts
5. Directions to the site.
6. COA Aerial of Site with Subdivision Overlay
7. COA Aerial of Site with Flood Plain Overlay



ADMINISTRATIVE VARIANCE ACTION FORM
LAND DEVELOPMENT CODE SECTION 25-8-341/342

Application Date: January 11, 2008

Project Case Number: C8-07-0048.1B

Project Name: Enclave at Westgate

Project Address: Westgate Blvd.

Watershed & Classification: South Boggy Creek Watershed / Suburban

Ordinance Standard: LDC Sections 25-8

Variance Request: 25-8-341 / 342. Cut/Fill in Excess of 4 feet

Action: Grant

Findings of Fact (LDC 25-8-42(C)):

- 1) Development in accordance with the variance meets the objective of the requirements for which the variance is requested. **Yes.**
- 2) For property in the Barton Springs Zone, the variance will result in water quality that is at least equal to the water quality achievable without the variance. **Not applicable.**
- 3) For a variance described in LDC Section 25-8-42(B)(6), the cut or fill is not located on a slope with a gradient of more than 15% or within 100 feet of a classified waterway. **Yes. Project slopes remain in 0% - 15% range, and greater than 100' from classified waterway.**

To support granting a variance, all applicable criteria must be checked "yes."

Action Date: January 18, 2008
Reviewer's Name: Craig Carson



February 8, 2008

Ms. Betty Baker
Zoning and Platting Commission
City of Austin
505 Barton Springs Road
Austin, TX 78704

**RE: Request for Variance LDC 25-8-342
Enclave at Westgate**

Dear Ms. Baker:

On behalf of Westgate Enclave LLC, I am requesting a variance from LDC 25-8-342 standard for the referenced project. I have attached the "Findings of Fact" form for your consideration. If you should require any additional information, please have the City staff contact me at the earliest opportunity.

Sincerely,

A handwritten signature in cursive script that reads "B. Birdwell".

Brian Birdwell
Manager
Westgate Enclave LLC

BB:de

attachments

FINDINGS OF FACT

Watershed Variances – Findings of Fact

As required in LDC Section 25-8-41, 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: Enclave at Westgate

Ordinance Standard: 25-8-342 – Request variance for fills exceeding four feet.

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 proposed development is consistent with the nature of other developments in the area. The approved Final Plat includes 24 duplex lots (48 total lots). The street layout of the proposed development has been prepared after careful negotiations with the City of Austin to comply with standard street design requirements which require a 50 foot landing at maximum 2% grade at intersections. In order to comply with this requirement and to avoid building driveways/streets on slopes greater than 15% additional fill up to eight feet in height is necessary. Strict compliance with the ordinance would deprive the owner of the safety and privileges of the property afforded to adjacent land owners.

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 owner's intent is to minimize the fills to the maximum extent possible to minimize the amount of restoration needed and subsequently the cost of construction. None of these proposed fills are adjacent to any critical environmental features or environmentally sensitive areas. Runoff from these areas will be collected in a storm sewer system and water quality/detention provided for any increased runoff.

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 property has not been subdivided by the owner or purchased from the former owner to create special or unique conditions.

4. 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? YES/NO

Not applicable

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? YES/NO

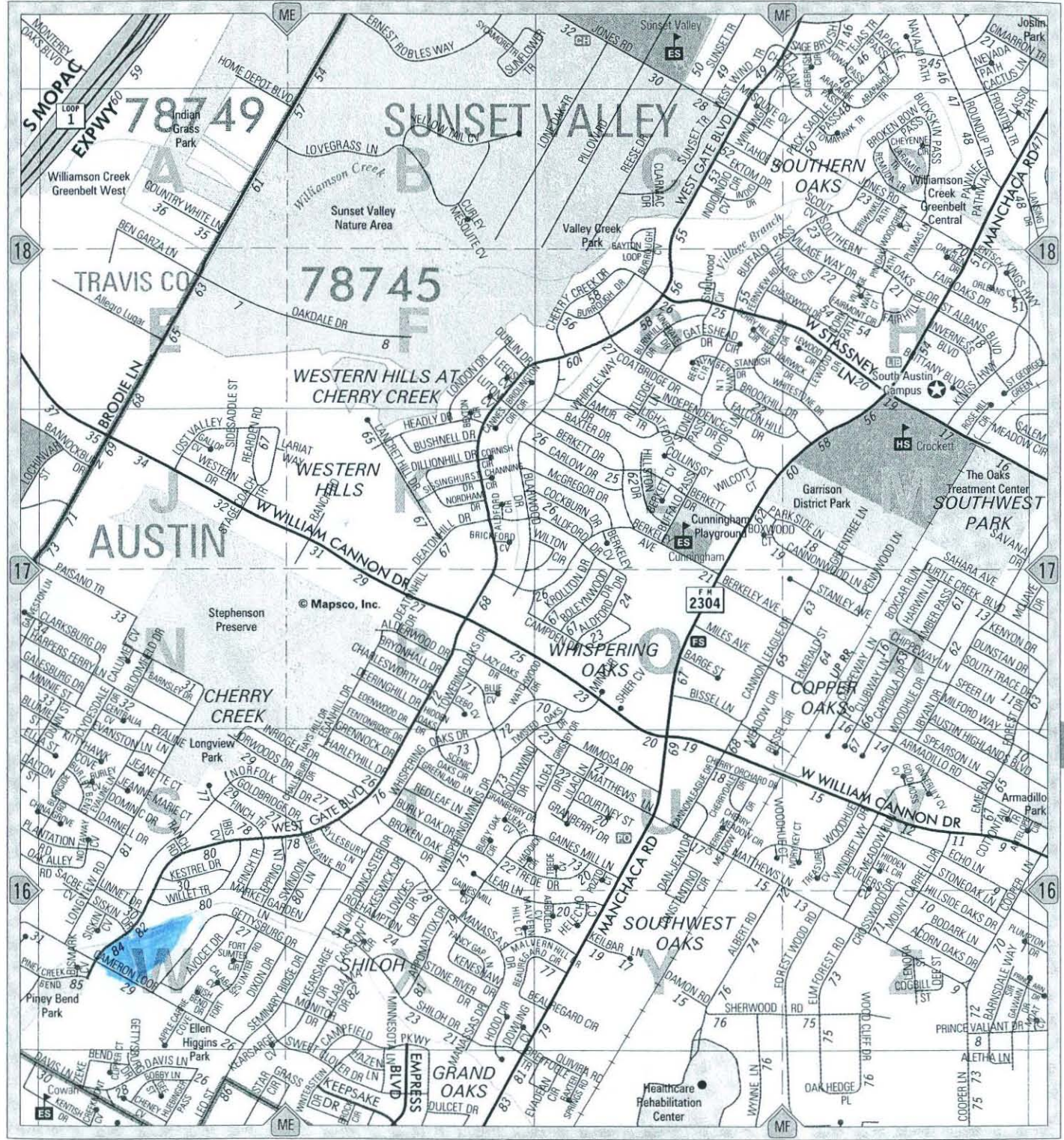
Not applicable

**DIRECTIONS TO
THE ENCLAVE AT WESTGATE BLVD.**

Proceed south on West Gate Blvd. Continue past William Cannon Dr. until you reach Cameron Loop. The site is located on the northeast corner of the intersection of West Gate Blvd. and Cameron Loop.



CONTINUED ON MAP 613



CONTINUED ON MAP 642

CONTINUED ON MAP 673

CONTINUED ON MAP 644



Aerial GIS Photo of the Site with Subdivision Overlay



Aerial Photo with Flood Plain Overlay

Green = 500 Year Flood Plain

Blue = 100 Year Flood Plain



Pen Table AC-TCB-BW
DRAWING: L:\VOLUME GROUP\ENCLAVE\60025852\CAAD\ENCLAVE\ENCLAVE-CUT-FILL-EX.dwg PLOTTED: Mar 05, 2008 - 2:17pm



ENCLAVE AT WESTGATE

FILL EXHIBIT

TCB AECOM

TCB
400 WEST 15th STREET, SUITE 500
AUSTIN, TEXAS 78701
WWW.TCB.AECOM.COM

Unit AUSTIN/LDS

Scale: 1" = 100'

Date JANUARY 2008

