



**ITEM FOR ENVIRONMENTAL BOARD AGENDA**

**BOARD MEETING**  
**DATE REQUESTED:** September 5, 2012

**NAME, NUMBER & LOCATIONS OF PROJECTS:** **TXI HORNSBY BEND WEST**  
**SP-2008-0513D**  
**801-1019 BLOCK OF DUNLAP ROAD**

**TXI HORNSBY BEND EAST**  
**SP-2008-0515D**  
**4501 N. DUNLAP ROAD**

**TXI SAND AND GRAVEL OPERATIONS WEBBERVILLE**  
**SP-99-0186D**  
**18601 FM 969, WEBBERVILLE, TX**

**NAME OF APPLICANT OR ORGANIZATION:** TXI Operations, LP (Jim Scaief, 327-9204)  
**LOCATION:**

**PROJECT FILING DATE:** N/A

**PDR/ENVIRONMENTAL STAFF:** Brad Jackson, 974-3410  
brad.jackson@austintexas.gov

**WPD/ ENV. OFFICER:** Chuck Lesniak, 974-2699  
chuck.lesniak@austintexas.gov

**WATERSHED:** Elm, Decker, Gilleland and Colorado River Watersheds  
(Suburban) Desired Development Zone

**ORDINANCE:** Comprehensive Watershed Ordinance (Current Code)

**REQUEST:**

Variance request is as follows:

1. To allow construction in a Critical Water Quality Zone (LDC Section 25-8-361) for a haul road and bridge structure.
2. To allow cut up to 10 feet (LDC 25-8-341) for construction of a haul road.
3. To allow fill up to 10 feet (LDC 25-8-342) for construction of a haul road.

**STAFF RECOMMENDATION:** Recommended with conditions.

**REASONS FOR**

**RECOMMENDATION:**

Significant mitigation measures have been offered in exchange for construction in the critical water quality zone.



## MEMORANDUM

**TO:** Dr. Mary Gay Maxwell, Environmental Board Chair and Members  
Betty Baker, Zoning and Platting Commission Chair and Members

**FROM:** Chuck Lesniak, Environmental Officer  
Watershed Protection Department

**DATE:** August 30, 2012

**SUBJECT:** Proposed Ordinance Granting Variances for TXI Internal Haul Road

Your respective Board or Commission is being asked to review a proposed ordinance granting several variances from the City's Land Development Code to provide for an internal haul road for TXI's sand and gravel mining operations in eastern Travis County. Since this is a somewhat different process than anticipated earlier this year and discussed publicly I would like to provide some information so you might better understand the proposed ordinance.

In December, 2011 Travis County proposed to the City Manager a three party agreement that would include the City, TXI, and the County. As a result, the City began discussions with TXI and the County to better understand the proposal and the City's role in the agreement. The agreement would allow the County to acquire land from TXI to use as open space and TXI would construct an internal haul road to remove heavy truck traffic from County roads.

It became clear that the City's only role in the agreement was to grant variances for creek crossings for an internal haul road necessary to get TXI trucks off of public roads. Since the City's part in the agreement was limited, staff recommended drafting an ordinance granting the variances with required mitigation and with the condition that key terms of the TXI/County agreement be fulfilled prior to the variances becoming effective. At some future date TXI will submit a revision to previously approved site plans for the haul road. The proposed ordinance is being placed on your respective agendas for your review and consideration prior to submittal to the City Council.

I would also like to point out that TXI has received all City and County permits necessary to conduct its mining operations. Approval of the ordinance or the TXI/County agreement will not change TXI's ability to mine its permitted properties. Please let me know if you have any questions.

Chuck Lesniak, Environmental Officer  
Watershed Protection Department





## TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT

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STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE – TNR/FMD

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

December 21, 2011

Mr. Marc Ott  
City Manager, City of Austin  
P.O. Box 1088  
Austin, Texas

RE: Possible Development Agreement For Land Along Gilleland Creek and the Colorado River.

Dear Mr. Ott:

In 2005, the City of Austin, Travis County, the Trust for Public Land, and the U.T. School of Architecture produced the *Travis County Greenprint for Growth* to identify land that is a high priority for public acquisition as open space. The County then developed a strategy to acquire *Greenprint* lands along Onion and Gilleland creeks to create a trail linking existing City, County, and State parks.

The County was negotiating the purchase of *Greenprint* land at the confluence of Gilleland Creek and the Colorado River in 2008 when TXI applied to the City and County for permits to mine land that it owned or was acquiring there. Citing concerns such as increased truck traffic on public roads and dust and noise from mining operations, neighbors opposed the mining. As required by law, the City and County issued the permits because TXI complied with City and County regulations.

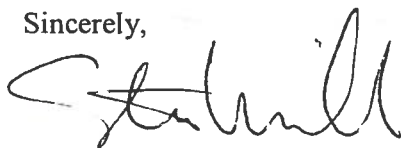
The permits covered land that TXI bought from some of the owners the County had been negotiating with, so the County started negotiations anew with TXI. From these discussions has evolved a proposal that would result not only in County acquisition of *Greenprint* land, but also removal of TXI's truck traffic from public roads and creation of buffers to protect neighborhoods from dust and noise.

The County has taken input from stakeholders, including holding a public meeting with them on December 1<sup>st</sup>. On December 13<sup>th</sup>, the Commissioners Court determined the proposal is worthy of further consideration and set a public hearing for the Court's January 31, 2012, meeting.

The Court believes that the best vehicle for implementing the proposal would be a development agreement among TXI, the County, and the City because certain City and County regulatory matters would need to be addressed in addition to the County real estate matters. Accordingly, the Court directed me to formally request City management to discuss the proposal

with us. Former County Executive Joe Gieselman was handling this matter before his recent retirement and the Court has retained him to continue that work, so he will be the lead County contact. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Manilla". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Steve Manilla  
County Executive  
Transportation, Natural Resources, and Facilities

cc: Travis County Commissioners Court  
Austin City Council  
Assistant City Manager Sue Edwards  
Greg Guernsey, Director, Planning and Development Review  
Jean Drew, Watershed Protection  
Barry Bone, TXI

**ORDINANCE NO.**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTIES LOCATED AT 801-1019 DUNLAP RD, 4501 NORTH DUNLAP RD, AND 18601 FM 969, FROM CERTAIN ENVIRONMENTAL REGULATIONS TO ALLOW CONSTRUCTION IN THE CRITICAL WATER QUALITY ZONE; ESTABLISHING CONDITIONS FOR THE VARIANCES; AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCES.**

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

**PART 1. Findings.**

The City Council finds that:

A. The properties located at 801-1019 Dunlap Road, 4501 N. Dunlap Road, and 18601 FM 969 and subject to Site Plan Nos. SP-2008-0513D, SP-2008-0515D, and SP-99-0186D, respectively, are currently legally permitted for the mining of sand and gravel by TXI Operations, LP ("TXI").

B. TXI and Travis County are in the process of negotiating a Development Agreement whereby TXI will forego the use of public roads, donate certain real property to Travis County for conservation as open space or parkland, and sell certain real property to Travis County to buffer residential neighborhoods from TXI operations.

C. An essential element of the Agreement between TXI and Travis County is the ability of TXI to construct an internal haul road and/or conveyor to transport mined materials to its processing plant without using public roads, except for a single crossing of Dunlap

D. Construction of the internal haul road and/or conveyor requires variances from City environmental regulations.

E. The City is willing to grant the needed variances, subject to specific conditions.

**PART 2.** This ordinance applies to the construction of internal haul roads and/or conveyor and associated creek crossings on the properties described in Site Plan numbers SP2008-0513D, SP2008-0515D, and SP99-0186D.

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**PART 3.** A variance is granted from:

- (A) City Code Section 25-8-341 (*Cut Requirements*), to allow cuts to exceed four feet but not to exceed ten feet for construction of the proposed internal haul road and/or conveyor and associated creek crossings;
- (B) City Code Section 25-8-342 (*Fill Requirements*), to allow fill to exceed four feet but not to exceed ten feet for construction of the proposed internal haul road and/or conveyor and associated creek crossings;
- (C) City Code Section 25-8-392 (*Critical Water Quality Zone*), 25-8-261 (*Critical Water Quality Zone Development*), and 25-8-262 (*Critical Water Quality Zone Street Crossings*), to allow the proposed internal haul road and/or conveyor to cross Gilleland and Elm Creeks at the 3 locations shown in the attached **EXHIBIT A**; and
- (D) City Code Section 25-8-281 (*Critical Environmental Features*) and 25-8-282 (*Wetland Protection*) to allow a reduced setback for wetlands and wetland mitigation as established in this Agreement.

**PART 4.** The variances granted in this ordinance are effective only if the applicant meets the conditions listed in Part 4 and Part 5 of this ordinance. Compliance with the following conditions shall be determined by the director of the Watershed Protection Department and the director of the Planning and Development Review Department based on site plans filed by TXI. The site plans filed by TXI shall include notes requiring ongoing compliance with the listed conditions.

**A. Haul Road and/or Conveyor**

Plans filed by TXI shall demonstrate:

- (1) Erosion and sedimentation controls ("ESC") shall be installed at each creek crossing to remove sediment from road runoff in accordance with the City of Austin Environmental Criteria Manual ("ECM").
- (2) The 2-year storm shall be used as the minimum storm for ESC design.
- (3) All berms and other ESC shall be placed to avoid trees, and may not be placed within the critical root zones of trees.

**B. Critical Water Quality Zone:**

Plans filed by TXI shall demonstrate:



- (1) Maximum use of ESC per the ECM section 1.4, with a focus on prevention of erosion of disturbed soils using site management and prevention techniques including but not limited to maximizing phasing, placing stockpiles outside of the floodway, providing temporary stabilization within 14 days, diverting flows around work areas, and placing controls in layers where appropriate.
- (2) The limits of construction shall exclude the critical water quality zone, to the maximum extent feasible.

**C. Bridge Crossing:**

Plans filed by TXI shall demonstrate:

- (1) Stream channel bed and bank stability, using HEC/RAS modeling with creek at range of flows up to 100 year storm and Colorado River at base flow conditions.
- (2) Approaches to bridge (paved and unpaved) shall be designed to withstand 100 year storm.
- (3) The bridge and its paved approaches have curbs directing all stormwater to sedimentation basins.
- (4) The road is graded to drain to sedimentation basins.
- (5) The ESC have sediment basins or traps per ECM section 1.4.5(K) or (L) to remove sediment prior to discharge to vegetated areas.
- (6) Basins and traps are able to be easily maintained and applicant shall clean the basins and traps when sediment reaches either 50% of design depth or 1 foot, whichever occurs sooner.
- (7) Discharges from basins or traps shall be dispersed to vegetated areas using a level spreader and shall be designed to eliminate the possibility of erosive flows.
- (8) An ESC maintenance plan and a schedule for periodic street cleaning for the following streets: \_\_\_\_\_.

**D. At-Grade Crossing:**

Plans filed by TXI shall demonstrate:

- (1) Appropriate armoring and anchoring of at-grade crossing for stability and to prevent scour of channel at base flow and up to 100-year storm.
- (2) Approaches to at-grade crossing (paved and unpaved) shall be designed to withstand 100-year storm.
- (3) Roadside channels on each side of the road down slope to the at-grade crossing shall constitute a series of gentle drops ("broken backs") and flow shall be designed to eliminate the possibility of erosive flows.
- (4) Berms shall be composed of compacted earth and vegetated with sod and shall be designed as sedimentation basin or traps per ECM section 1.4.4.B.1, section 1.4.4.B.2, and section 1.4.5(K) or (L).
- (5) Berms shall be designed to be stable and permanent in flows up to the 100-year storm.
- (6) All berms and other ESC shall be placed to minimize the effect on trees.

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- (7) Quantification of performance for TSS removal per ECM section 1.4.4.B.1, section 1.4.4.B.2, and section 1.4.5.K.
- (8) Mulch logs shall be used instead of silt fence outside of berms during construction and shall be removed after construction is complete.
- (9) A schedule for periodic street cleaning and regular ESC maintenance plan.

**E. Conveyor**

Plans filed by TXI shall demonstrate that any mechanical material transport at any stream crossing shall be placed above the elevation of the 100-year, 24-hour storm and shall have sufficient containment to prevent discharge of materials into or adjacent to streams. This condition shall be included as a plan note on the submitted site plan revision.

**F. Wetland Protection:**

Plans filed by TXI shall demonstrate:

- (1) The limits of construction shall exclude Critical Environmental Feature (CEF) setbacks to the maximum extent feasible.
- (2) All CEFs and approved CEF setbacks shall be shown on the plan sheet, including those within the ordinary high water mark of Gilleland Creek. A note may be made on the plan sheet that CEF details may be modified only upon approval by the director of the Watershed Protection Department or designee.
- (3) A Restrictive Covenant, approved by the City Attorney or designee, executed by TXI, and filed of record in the Real Property Records of Travis County, Texas, shall restrict from development and ensure that the mitigation area more particularly described in the attached **EXHIBIT B** remains undisturbed and in its natural state in perpetuity.

**G. Additional Conditions:**

- (1) TXI shall not use Fertilizers, pesticides, or herbicides within the flood plain.
- (2) TXI shall revegetate all disturbed areas within the Critical Water Quality Zone in accordance with City Standard Specification Series 600, item 609S (*Native Grassland Seeding and Planting for Erosion Control*) including rooted plantings, seeding, soil type and depth, and temporary irrigation. Species selection shall be based on site specific species, and must be approved in advance by the City.
- (3) TXI shall be required to post fiscal security and provide temporary irrigation as required under the Austin City Code.

**PART 5.** The variances granted in this ordinance are effective only if the applicant meets the conditions listed in Part 4 and Part 5 of this ordinance. Compliance with the following conditions shall be determined by the City Attorney based on documents provided by Travis County and TXI.

8/30/12 DRAFT

A. A Development Agreement between Travis County and TXI regarding the development of the properties located at 801-1019 Dunlap Road, 4501 N. Dunlap Road, and 18601 FM 969 and subject to City Site Plan Nos. SP-2008-0513D, SP-2008-0515D, and SP-99-0186D, respectively, (“Agreement”) has been executed and recorded in the Real Property Records of Travis County, Texas; and

B. TXI and Travis County have placed in escrow the items required to be escrowed under the Development Agreement.

**PART 6.** Approval of this variance does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and it does not constitute a commitment to any particular land use, intensity of land use, or utility services.

**PART 7.** The requirements imposed by City Code Section 25-8-41 (*Land Use Commission Variances*) regarding the processing and granting of variances is hereby waived for the variances granted in this Ordinance.

**PART 8.** This ordinance takes effect on \_\_\_\_\_, 2012.

**PASSED AND APPROVED**

\_\_\_\_\_, 2012

Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

8/30/12 DRAFT

**ORDINANCE GRANTING VARIANCES FOR PROPERTIES LOCATED AT  
801-1019 DUNLAP RD, 4501 NORTH DUNLAP RD, AND 18601 FM 969, FROM  
CERTAIN ENVIRONMENTAL REGULATIONS**

**EXHIBIT A**

**LOCATION OF CREEK CROSSINGS**

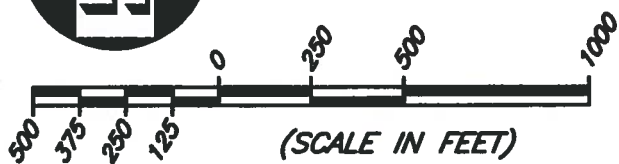
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**EXHIBIT B**

**DESCRIPTION OF WETLAND MITIGATION AREA**







Murfee Engineering Company

## TXI HORNSBY EAST & WEBBERVILLE MITIGATION AREA

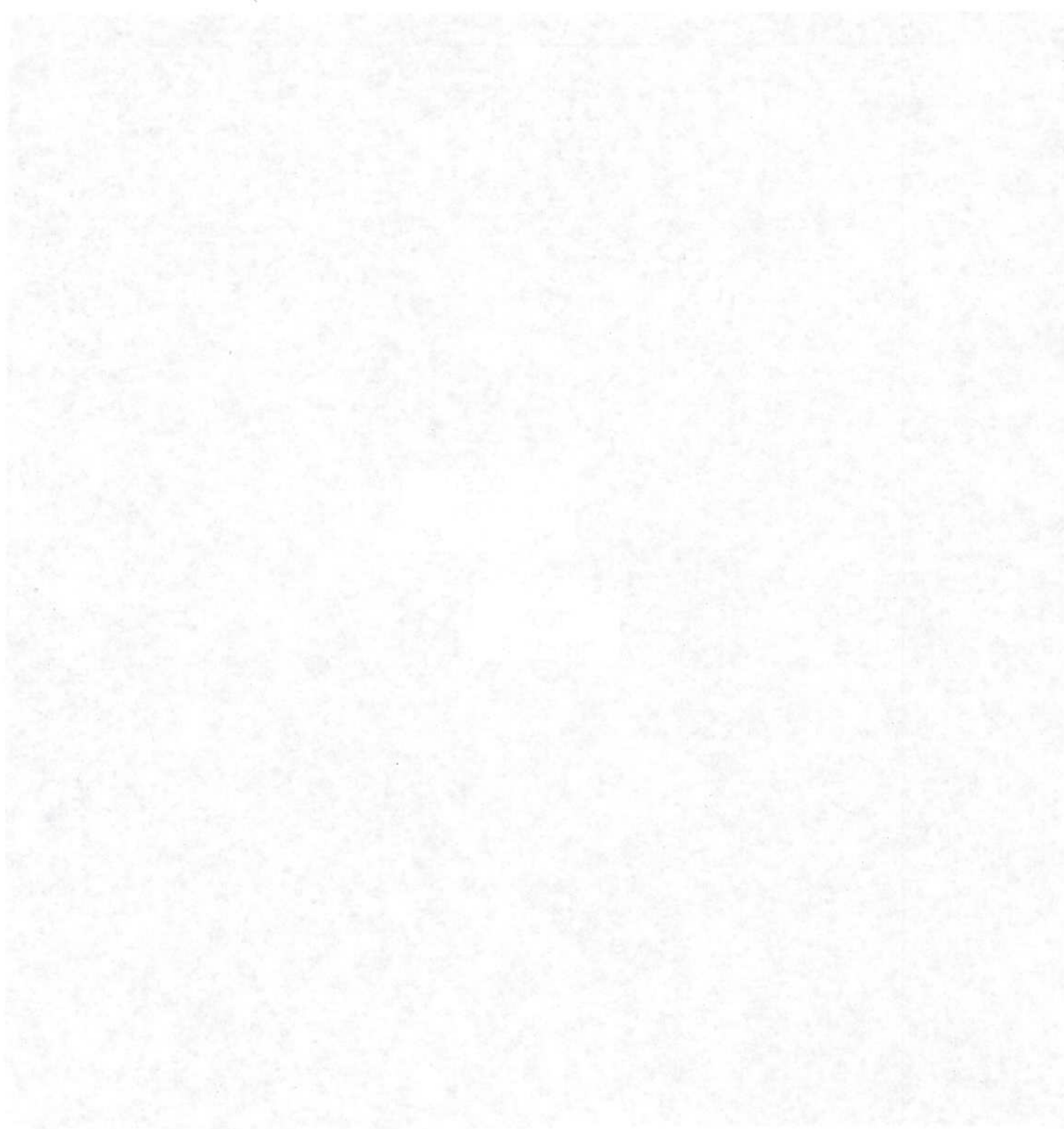
1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746 (512) 327-9204

Texas Registered Engineering Firm F-353

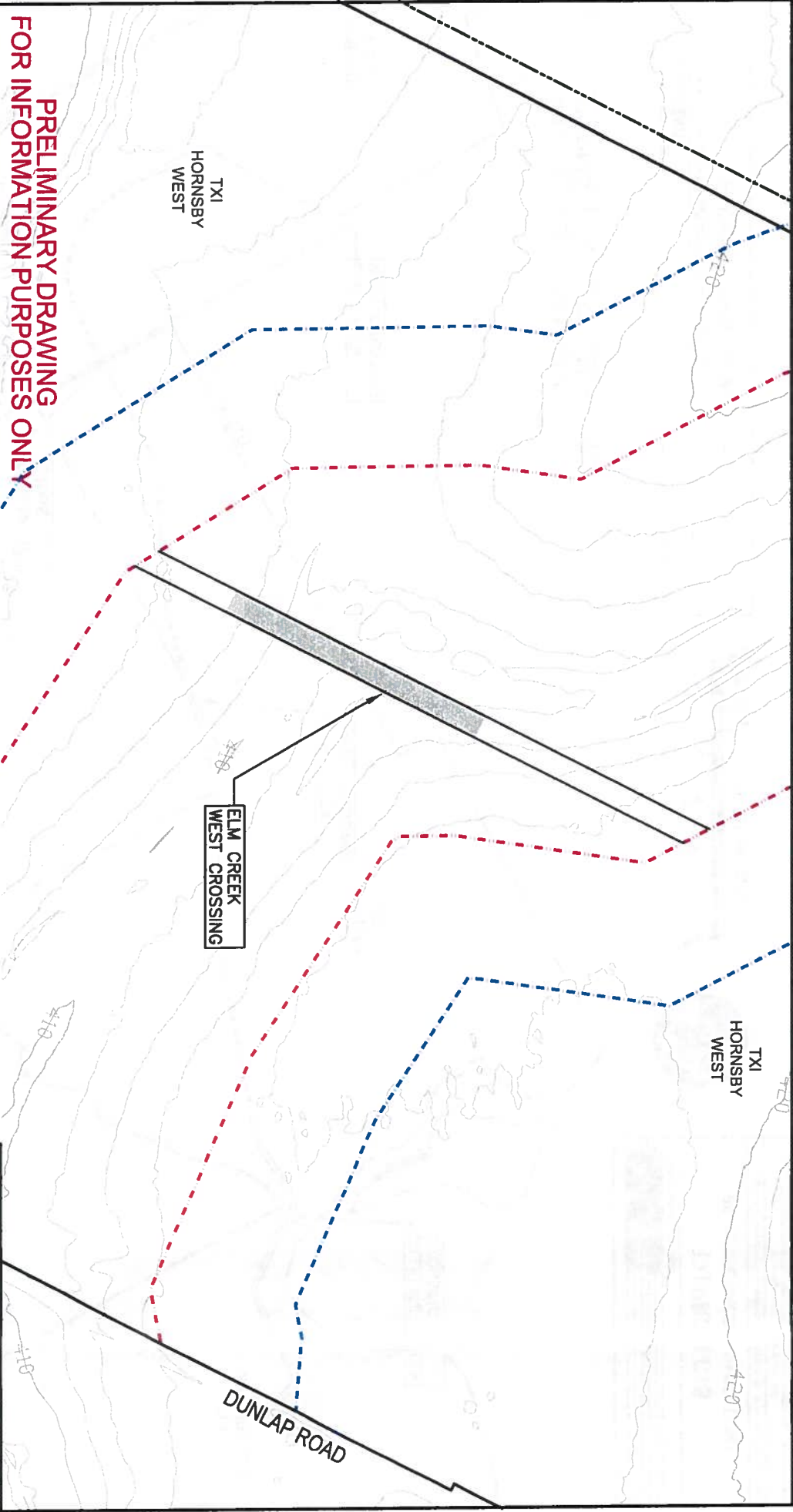
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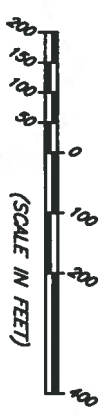





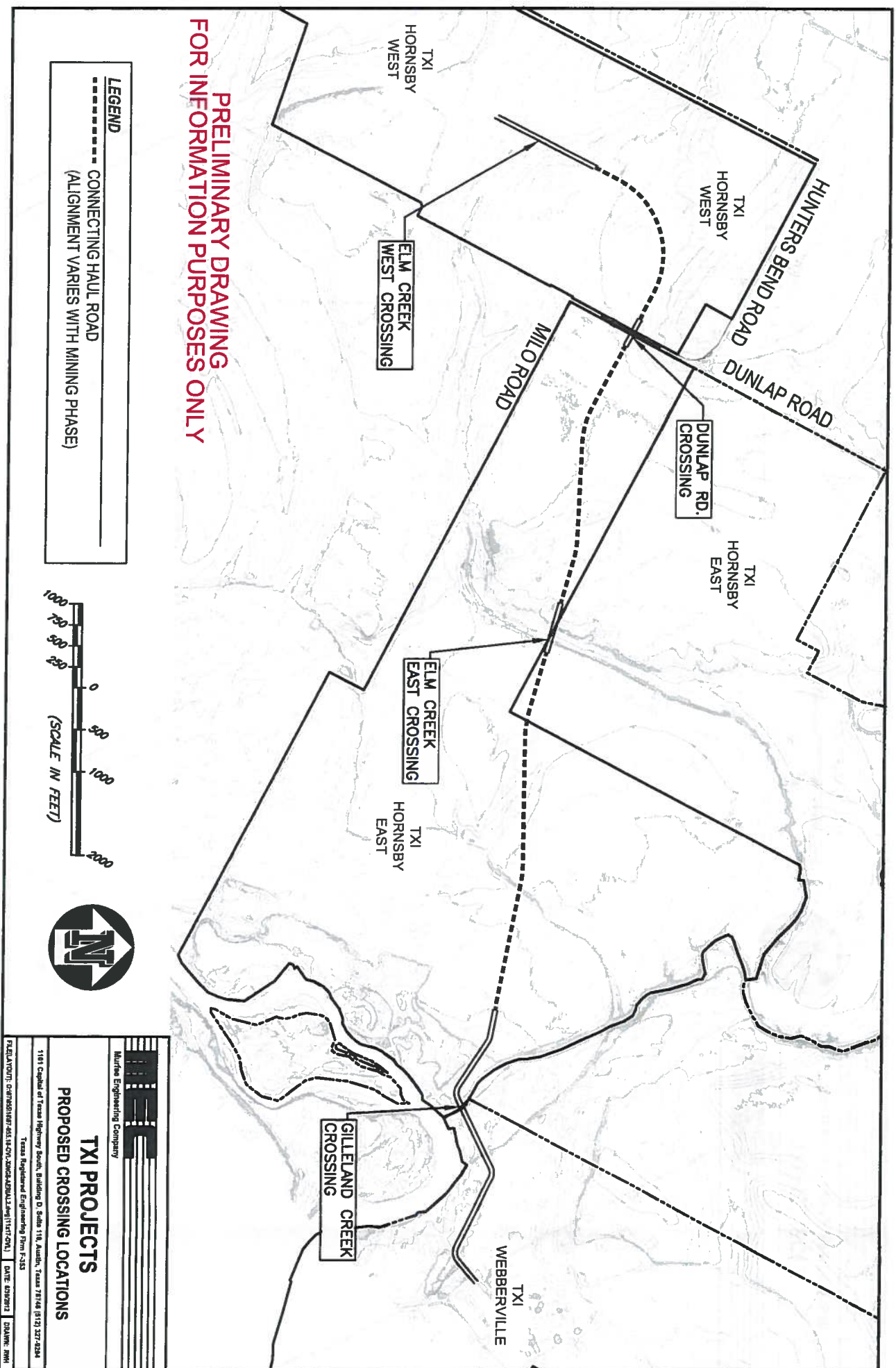


PRELIMINARY DRAWING  
FOR INFORMATION PURPOSES ONLY

- LEGEND**
- CRITICAL WATER QUALITY ZONE
  - WATER QUALITY TRANSITION ZONE



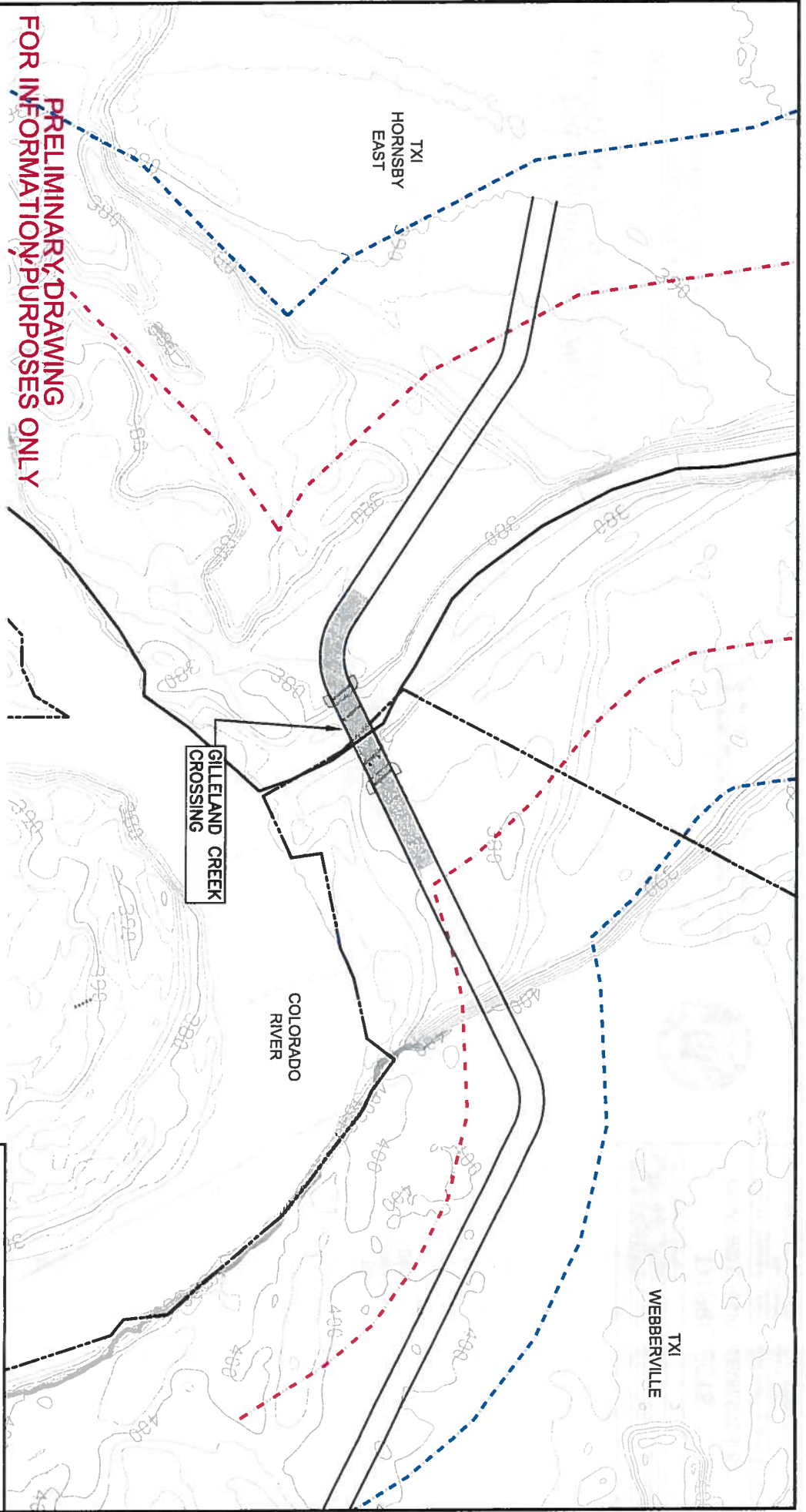
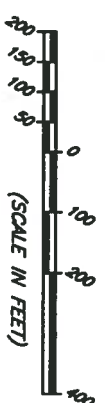
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| <br>Mullins Engineering Company |            |
| <b>TXI PROJECTS</b>  |            |
| <b>PROPOSED ELM CREEK WEST CROSSING</b>  |            |
| 1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746 (512) 327-0304                     |            |
| Texas Registered Engineering Firm F-433  |            |
| FILED: 10/01/2020, 09:00 AM, 10/01/2020, 10:00 AM, 10/01/2020, 10:00 AM, 10/01/2020, 10:00 AM                      | DRAWN: RWH |




PRELIMINARY DRAWING  
FOR INFORMATION PURPOSES ONLY

PRELIMINARY DRAWING  
FOR INFORMATION PURPOSES ONLY

- LEGEND**
- CRITICAL WATER QUALITY ZONE
  - WATER QUALITY TRANSITION ZONE



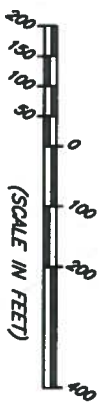
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| <br>MWH Engineering Company                             |
| <b>TXI PROJECTS</b>  |
| <b>PROPOSED GILLELAND CREEK CROSSING</b>   |
| 1101 Capital of Texas Highway South, Building D, Suite 118, Austin, Texas 78746 (512) 327-2324<br>Texas Registered Engineering Firm P-2433 |
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PRELIMINARY DRAWING  
FOR INFORMATION PURPOSES ONLY

LEGEND

- CRITICAL WATER QUALITY ZONE
- WATER QUALITY TRANSITION ZONE



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| <br>Murfee Engineering Company                         |
| <b>TXI PROJECTS</b>   |
| <b>PROPOSED ELM CREEK EAST CROSSING</b>   |
| 1101 Capital of Texas Highway South, Building D, Suite 118, Austin, Texas 78748 (512) 337-9254<br>Texas Registered Engineering Firm E-303 |
| PREPARED BY: CORMACI (BUTLER, LEON, JAMES) / DRAWN BY: JAMES CORMACI / DATE: 08/08/12 / DRAWN: RMH  |