



## **ENVIRONMENTAL BOARD MEETING MINUTES WEDNESDAY September 05, 2012**

**The Environmental Board convened in a public hearing meeting on Wednesday, September 05, 2012, at City Hall Council Chambers. 301 W. Second Street, Austin, Texas 78701**

**Board Members in Attendance:**

**Mary Gay Maxwell, Robin Gary, James Schissler, Bob Anderson, Marisa Perales, Mary Ann Neely, & Jennifer Walker**

**Staff in Attendance:**

**Andrew Clamann, Andy Linseisen, Brad Jackson Chris Herrington, Chuck Lesniak, Greg Guernsey, Heather Chaffin, Laurie Dries, Lynne Lightsey, Marilla Shepherd, Mike McDougal, Mitzi Cotton, Ron Czajkowski, Sue Barnett, & Sylvia Pope**

**Others Present:**

**Tom Nucklos, Travis County, Michael Wahlen, and Davis Hillis**

### **1. CALL TO ORDER**

**Chair Mary Gay Maxwell Called the meeting to order at 6:10 p.m.**

### **2. CITIZEN COMMUNICATIONS: GENERAL**

Speaker should sign up to speak prior to the meeting called to order; you will receive a three-minute allotment for concerns not posted on the agenda.

There were no citizens signed up to speak under citizen's communication.

### **3. APPROVAL OF MINUTES AND ACTION ITEMS**

- a. Approve the minutes of the Environment Board regular meeting on June 20, 2012.

**The minutes were approved by James Schissler's motion and Board member Bob Anderson Second [Vote 4-0-0-3] Gary, Perales and Walker were absent.**

- b. Approve the minutes of the Joint meeting of the Environmental Board and Urban Forest Board on July 18, 2012.

**The minutes were approved by Robin Gary and Marisa Perales second [Vote 4-0-0-3] with Board member Bob Anderson and Jennifer Walker absent. James Schissler' recused himself.**

- c. Approve the minutes of the Environmental Board regular meeting on August 15, 2012\*\*\*

**The minutes were approved on Board members James Schissler motion and Board member Robin Gary second [Vote 6-0-0-1] Board members with Board members Mary Ann Neely absent.**

**4. PUBLIC HEARINGS**

- a. **Name:** Cedar Valley Village (Resubmittal of SP-2010-0322D) SP-2011-0314D  
**Applicant:** Hutson Land Planners & Development Consultants (Agent Duane Hutson)  
**Location:** 11601 W US 290 HWY  
**Staff Reviewer:** Jim Dymkowski, Planning and Development Review Department  
**Watershed:** Slaughter Creek Watershed (Barton Springs Zone) Drinking Water Protection Zone  
**Ordinance:** Comprehensive Watershed Ordinance (current Code)  
**Request:** Variance request is as follows: 1. Land Development Code 25-8-341 To allow cut greater than 4 feet, not to exceed 5.75 feet. 2. Land Development Code 25-8-341 To allow cut greater than 4 feet, not to exceed 8 feet for the construction of the water quality control (Administrative Variance 25-8-42 (B)(5))  
**Staff Recommendation:** Variance 1 (one) is not recommended. Variance 2 (two) is recommended.  
**Recommendation: Disapproved on Variance 1 (one) LDC 25-8-341 Disapproved on Board Member Robin Gary's motion and Board member Jennifer Walker's second [Vote 7-0-0-0].**  
**See attached.**  
**Recommendation: Approved on Variance 2 (two) LDC 25-8-341 Approved on Board Member Robin Gary's motion and Board member Jennifer Walker's second [Vote 7-0-0-0].**  
**See attached.**
- b. **Name:** Broadstone PUD C18-2012-0071  
**Applicant:** Bury and Partners (Agent Melissa Neslund)  
**Location:** 201 S 1<sup>st</sup> Street 422 W. Riverside Drive  
**Staff Reviewer:** Heather Chaffin, Planning and Development Review Department  
**Watershed:** Lady Bird Lake (Urban) Desired Development Zone  
**Ordinance:** Current Land Development Code  
**Request:** Land Development Code 25-2-713 The applicant is requesting a single-building PUD to exceed a 60 foot building height limit with a maximum building height of 75 feet  
**Staff Recommendation:** Recommended for consent approval.  
**Recommendation: Approved with conditions**  
**Approved on Board Member James Schissler's motion and Board member Bob Anderson's second [Vote 4-3-0-0].**  
**See attached.**
- c. **Name:** 1. TXI Hornsby Bend West SP-2008-0513D, 2. TXI Hornsby Bend East SP-2008-0515D, 3. TXI Sand and Gravel Operations Webberville SP-99-0186D

**Applicant:** TXI Operations, LP (Agent Jim Scaief)

**Location:** 1. 801-1019 Block of Dunlap Road, 2. 4501 N. Dunlap Road  
3. 18601 FM 969, Webberville, TX

**Staff Reviewer:** Chuck Lesniak, Watershed Protection Department and  
Brad Jackson, Planning and Development Review Department

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

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

**Request:** Approval for an Ordinance granting variances to specific code revisions  
Variances include:

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.

**The Environmental Board motioned to postpone to the next meeting on  
September 19, 2012, for lack of information about the proposed ordinance**

**5. STAFF BRIEFING AND POSSIBLE ACTION**

- a. Briefing on proposed listing of the Jollyville Plateau Salamander and related City of Austin research – Chuck Lesniak, Chris Herrington, and Nathan Bendik, Watershed Protection Department.

**This item was conducted as posted.**

**6. OLD BUSINESS AND REPORTS**

- a. Update on the Joint Environmental/Parks Board Subcommittee – Mary Ann Neely, and Jennifer Walker.

**No report this week.**

- b. Urban Growth Policy Committee – Mary Gay Maxwell, James Schissler, P. E., and Marisa Perales

**No report this week.**

- c. Water Treatment Plant #4 Committee – Mary Gay Maxwell, Chair, Bob Anderson, Robin Gary & Mary Ann Neely.

**No report this week.**

- d. Development Committee – Bob Anderson, Chair, Mary Gay Maxwell, Marisa Perales, and James Schissler.

**No report this week.**

- e. Water Quality Regulations Committee – Mary Ann Neely, Chair, Robin Gary, & Jennifer Walker.

**No report this week.**

- f. Watershed Protection Budget Committee – Mary Gay Maxwell, Mary Ann Neely & Bob Anderson

**No report this week.**

g. Reports from Board representatives to other committees.

**No report this week.**

**NEW BUSINESS** - Future agenda items

**1. Presentation from the Austin Youth River Watch.**

**ADJOURNMENT**

**The Environmental Board motion to extend the meeting at 9:45 p.m. and at 10:15 p.m. Chair Maxwell adjourned the meeting at 10:25 p.m.**



## ENVIRONMENTAL BOARD MOTION 090512 5a

Date: September 5, 2012

Subject: Proposed listing of the Jollyville Salamander and related to City of Austin research.

Motioned By: Robin Gary

Seconded By: Marisa Perales

### Recommendation

The Environmental Board recommends that the Austin City Council support the FWS endangered species listing of the Austin Blind and Jollyville salamanders. The Environmental Board supports thorough review of the listing based on solid science.

### Rationale:

Based on City of Austin publications and citation of these publications in the Fish Wildlife Service reports, City of Austin Staff have done exceptional research on the Jollyville and Austin Blind salamanders. The research has been conducted with integrity and respected scientific methods and shows that listing is warranted. This listing will help maintain a healthy environment for both the sensitive biota and the citizens of the City of Austin by protecting our most sensitive areas, springs and springsheds. This is in line with our City's mission of making this the most livable city in the United States.

**Vote** 6-0-1-0

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

Against:

Abstain: Schissler

Absent:

Approved By:

  
Dr. Mary Gay Maxwell, Chair



## **ENVIRONMENTAL BOARD MOTION 090512**

Date: September 5, 2012

Subject: Broadstone PUD C814-2012-0071

Motioned By: James Schissler

Seconded By: Bob Anderson

### **RECOMMENDATION**

The Environmental Board motioned to approval with conditions for the Broadstone PUD, C814-2012-0071.

#### **Board Conditions:**

The proposed water quality controls are not satisfactory in several ways. The fee in lieu of water treatment is an awkward mechanism because it is difficult to implement water quality treatment in an area nearby.

Because of this, the Environmental Board recommends that more innovative water quality controls be utilized, such as rainwater harvesting and rain gardens.

In addition, the Board urges that the development utilize larger trees in the landscaping plan in order to maximize shade in a location that has no trees currently.

#### **Rationale:**

The Environmental Board would like to see the applicant use innovative water quality features as part of the project design, particularly given that the PUD is situated on such a small land area.

**Vote** 4-3-0-0

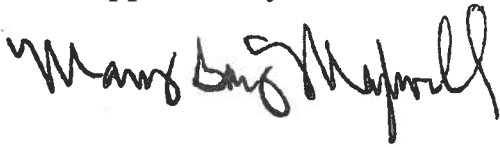
For: Anderson, Schissler, Maxwell and Neely

Against: Gary, Perales and Walker

Abstain: None

Absent: None

Approved By:

A handwritten signature in black ink, appearing to read "Mary Gay Maxwell". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary Gay Maxwell, Environmental Board Chair

### **Dissenting opinions**

The Dissenting Board members would have recommended against approving the proposed Broadstone PUD, and instead, would have suggested to Council that the density bonus originally planned for the Waterfront Overlay Ordinance be expedited to allow for high-density developments that are in line with the plans set forth in the Waterfront Overlay Districts.

**Rationale:** Preferring to expedite the density bonus addendum avoids granting small-scale PUDs within the Waterfront Overlay Districts which would effectively circumvent the land use and environmental protections established by the Waterfront Overlay Districts. Granting PUDs at such a small scale 1) is not in line with the purpose of a PUD and 2) sets a dangerous precedent for circumventing established, publicly vetted planning procedures. Furthermore, the applicant's proposal to pay a fee in lieu of water quality treatment is a standard design proposal that is contemplated by the existing Code provisions and therefore cannot be considered to provide superior environmental protection.