

**Report By City Staff on Petition to Create
Cascades Municipal Utility District
April 1, 2013
Based on Staff meetings and Revised Application/Land Plan**

Applicant: Onion Associates, LTD.
T. Marc Knutsen

Engineer: Winkley Engineering, Inc.
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Attorney: Armbrust & Brown, PLLC
Richard Suttle and Sue Littlefield

Submitted: February 22, 2013

Action Deadline: May 23, 2013

Land Use Summary:

Total Acreage	135.801 acres
Single Family Detached and Condo	370 units
Multi Family/mixed use (initially rental).....	650 units
Commercial/mixed use/condo (for sale)	438 units
Commercial/Non-mixed use	2 units

Projected Population.....2,886

- The applicant requests that the district be created over only the extraterritorial jurisdiction portion (135.801 acres) of the project, with additional extraterritorial jurisdiction land (157.687 acres) to be designated as additional project area that may be annexed to the district in the future.

Proposed Bonds Summary:

Total bonds \$36,900,000 (bond amount for 135.801 acres only)

Proposed MUD tax rate\$0.97

Status: Proposed as City Service MUD

Proposed Water: Austin Water Utility Retail

Proposed Wastewater: Austin Water Utility Retail

Review Process:

Board and Commission Reviews

04/23/13	Parks and Recreation Board (4 th Tues)
04/17/13	Environmental Board (1 st or 3 rd Wed)
04/09/13	Urban Transportation Commission (2 nd Tues)
04/23/13	Planning Commission (2 nd or 4 th Tues)
05/08/13	Water and Wastewater Commission (2 nd Wed)

City Council Schedule

04/25/13	Set Public hearing
05/09/13	Council hearing and action on Petition to Create MUD (statutory deadline is 05/23/13)

Overall Staff Recommendation:

Staff recommends City Council APPROVES/DENIES the request for city consent to the creation of the proposed Cascades MUD. The proposed MUD DOES/DOES NOT demonstrate that the City would benefit more from creation of a MUD than from use of the standard City development process or other types of districts.

Applicant's response to Staff recommendations, which are offered contingent upon approval of the proposed district:

Affordable Housing

Benefits:

- A financial contribution to the City's affordable housing program equal to 2% of the net reimbursements for "hard" construction costs received by the applicant out of the district's bonds.
- 10% of the residential rental units within the district will be set aside for households with an income level of 60% or less of the median family income in the Austin metropolitan statistical area for a period of 40 years.
- 10% of the owner-occupied residential units within the district will be priced, at the time of their initial offering for sale, at a price that is affordable to a household with an income level of 80% of the median family income in the Austin metropolitan statistical area.

Deficiencies:

- None

Annexation

Benefits:

- None

Deficiencies:

- The proposed MUD is located entirely within the City's extraterritorial jurisdiction adjacent to the City's full purpose jurisdiction. This project meets the Imagine Austin criteria for annexation and the Planning, Development, and Review Department believes it should be annexed for full purposes because MUDs are incompatible with full purpose jurisdiction.

Art in Public Places

Benefits:

- An art master plan for the project and to include the following language, requested by City Staff, in the Consent Agreement:
"The Developer will prepare a Public Art Master Plan, which will identify opportunities, guiding principles and locations within the Project for outdoor art installations to be implemented and managed by the Developer. All subsequent operations and maintenance of the artwork will be the responsibility of the Developer or the Owners Association."
- Interpretive signage and related artwork along the Onion Creek trail system within the district. The signage will describe the history of the area and information on the heritage Live Oak trees along the trail.

Deficiencies:

- None

Bonds

Benefits:

- None

Deficiencies:

- The applicant has submitted a Bond Capacity Proforma showing a 25-year bond schedule in accordance with the City's MUD policy. Staff recommends that if City Council approves a consent agreement that the life of the bonds should be decreased to 15 years with the first bond issuance starting within a 10-year period.

Public Uses

Benefits:

- A community civic reserve center.

Deficiencies:

- None

Tree Preservation and Mitigation

Benefits:

- Compliance with the City's tree preservation ordinance, Protected and Heritage Tree, and the minimum landscaping requirements of Chapter 25 of the Land Development Code for the entirety of the project.
- A tree preservation plan in consultation with the City's arborist during the PUD process that, at a minimum will satisfy the requirements of the City's tree preservation ordinance, Protected and Heritage Tree, with additional emphasis given to trees less than 19" in diameter, where feasible, counting towards or fulfilling the tree planting/preservation requirements.
- All trees planted for landscape or revegetation requirements will come from the Environmental Criteria Manual, Appendix F.
- A tree care plan, prepared by a certified arborist, will be provided for construction-related impacts within the critical root zone of all trees that are required to be preserved.
- Properly maintained landscaping, subject to any applicable water use or other restrictions imposed by the City or other governmental authority.
- Upon reclaimed water being brought to the project, use reclaimed water for irrigation in open space areas where such use is economically feasible, subject to any applicable water use restrictions imposed by the City.

- A tree corridor planned in consultation with the City's arborist along the Onion Creek Trail extension.
- Implementation of species diversity in any landscaping or revegetation requirement, using no more than 25% of any one species.
- A minimum of three trees selected from the City's appropriate species list will be provided on each residential lot.

Deficiencies:

- None

Drainage

Benefits:

- Participation in the RSMP for the entire project. (215 acres has received conditional approval to participate in the RSMP by letter dated May 1, 2007 and 12 acres has received conditional approval to participate in the RSMP by letter dated September 19, 2012)
- Meeting current Code requirements.

Deficiencies:

- None

Energy Efficiency

Benefits:

- The applicant has agreed to include the following language in the Consent Agreement, as recommended by City Staff: "All buildings will achieve a two star rating under the City's Austin Energy Green Building program using the applicable ratings versions in effect at the time ratings applications are submitted for individual buildings."

Deficiencies:

- None

Parkland and Open Space

Benefits:

- An extension of the Onion Creek Trail through the entirety of the project; with connectivity of the Onion Creek Trail within the project.
- The Onion Creek Trail extension through the project will be constructed of 12-foot wide concrete, with 2-foot shoulders, which exceeds City design criteria and meets the additional width requested by the City's neighborhood connectivity division (see Connectivity).
- The proposed Park Facility Investment meets the Parks Board requirements for MUD's of \$200 per LUE, or \$226,400 in facilities investment. The developer has agreed to fund at

least \$645,000 in improvements, including playing fields and extensive hike and bike trail improvements, which will be owned by the district and open to the public.

Deficiencies:

- The proposed Cascades MUD does NOT meet the parkland dedication requirement for LAND. The majority of the land being proposed for parkland is located in the 25 year floodplain and is being offered as a privately owned park. These qualities limit the parkland dedication credit that the Parks and Recreation Department can offer the applicant.

Public Safety

Benefits:

- A fire station site containing two net buildable acres. The location will be designated as part of the PUD process, and will be a site mutually agreeable to the applicant and AFD within the project.
- As agreed with City staff, the initially designated fire station site may be relocated to another site within the project in the future with the approval of the City.

Deficiencies:

- None

Public Facilities

Benefits:

- If the proposed additional project area is added to the district, a school site will be made available within that area.

Deficiencies:

- School site not made available within original project area.

Transportation

Benefits:

- Connectivity of the Onion Creek Trail within the project in order to provide connectivity between MUD amenities and City amenities outside the district boundary.
- Cascades Parkway will provide an essential first phase towards ultimate connectivity from IH35 to South Pleasant Valley Road.
- Fund construction of its pro-rata share to build arterial streets and improvements identified in the TIA.
- Two ADA-compliant pedestrian tunnels under Cascades Parkway to provide access to schools, parks, and other destinations without crossing major roads within the project.
- Bicycle routes, including a connection to the Onion Creek greenway, to connect to existing or planned bicycle routes.

- Dedication and construction per AASHTO standards of a publicly accessible twelve-foot wide concrete multi-use path with two-foot graded area with a maximum 1V:6H slope on each side identified as the Onion Creek Greenway / Route 963.0002 within COA Bicycle Master Plan within the boundaries of the district.
- For collector street(s), to provide buffered bicycle lanes (comprised of a six-foot six-inch bicycle lane with a two-foot buffer between bicycle lane and motor vehicle lane per NACTO guidance) with restricted on-street parking and minimum five-foot sidewalks (seven-foot sidewalks in a 15-foot module if Commercial Design Standards apply).
- For local street(s), to provide minimum four-foot sidewalks (five-foot sidewalks in a 12-foot module if Commercial Design Standards apply).
- Bicycle parking for multi-family, amenity center(s), and mixed-use/commercial meeting City Code requirements.
- A minimum of one shower/changing facility within the civic reserve community center that will be available for use by all residents of the project and tenants of commercial buildings within the district.

Deficiencies:

- No donation of a 10-acre site for multi-transit

Urban Design

Benefits:

- Sidewalk modules and building placement for the commercial and mixed-use multifamily areas will be designed in accordance with the Commercial Design Standards (Subchapter E) with:
 - Cascades Parkway is designated as a Core Transit Corridor;
 - the other roadways within these areas designated as Urban Roadways; and
 - lots over five acres designed according to Internal Circulation Route standards.

Deficiencies:

- None

Water and Wastewater

Benefits:

- A CCN release agreement from Creedmoor-Maha WSC and has paid all related release fees. The release has been processed by USDA, Creedmoor Maha's lender, and the removal of the property from Creedmoor-Maha's CCN and its inclusion into the City's CCN is in process at TCEQ. The City would be the retail provider of water and wastewater service and collect all fees including capital recovery fees.
- Forgo the \$3,445,939 authorized by City Council on December 18, 2008, for the actual construction costs, engineering, design, and project management costs associated with the 24-inch water interceptor that would cross through the property.
- The applicant has agreed to do the following, at the developer's cost:

- to construct a wastewater main within the project appropriately sized to convey the flows from the eastern single-family portion of the proposed MUD and an additional 430 gpm of peak wet weather flow to allow wastewater service for an additional 125 acres south of the proposed MUD; and
 - to provide at least two (2) appropriately sized wastewater easements at the southern boundary of the proposed MUD.
- The applicant has agreed to following clarifications to the SER requirements, as recommended by Staff:
 - Water: The addition of a second water feed into the proposed district when the development reaches 600 LUEs, with the preferred second feed being an extension of the proposed 24-inch water interceptor from its eastern terminus to the City's existing 42-inch water interceptor in Bradshaw Road and, if easements for the preferred location cannot be secured, the alternative being an extension of the proposed 16-inch water main along the IH35 frontage of the district south along IH35 to the existing 42-inch water interceptor.
 - Wastewater: The addition of a 12-inch wastewater main with a minimum slope of 1.2% originating from the middle "wastewater tie-in" on the City's existing 24-inch wastewater interceptor and running south parallel to the creek that bisects the project to the southern boundary of the district.

Deficiencies:

- None

Watershed Protection

Benefits:

- Innovative water quality controls, including additional capture volume of approximately 25%.
- Biofiltration and vegetative filter strips.
- Reduce the use of potable water for onsite irrigation, including providing rainwater harvesting for the community civic reserve center, and to encourage commercial developers to provide rainwater harvesting for their buildings within the district.
- Integrated Pest Management Plan.
- Restore riparian areas using a majority of native plant species.
- Stabilize areas of the creek bank using non-engineered methods.
- Use ribbon curbs and vegetative filter strips adjacent to parking in commercial areas.
- Comply with the City's commercial landscape ordinance.
- Prohibit polluting uses, particularly within the creek setback area, through the imposition and enforcement of appropriate restrictive covenants.

Deficiencies:

- None

Austin Resource Recovery

Benefits:

- Solid waste and recycling services will be provided by the City.

Deficiencies:

- None