



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED:	November 7, 2018
NAME & NUMBER OF PROJECT:	Pilot Knob 30-Inch Regional Wastewater Interceptor, Phase 2B SP-2018-0062D
NAME OF APPLICANT OR ORGANIZATION:	Daniel Dow Lockwood, Andrews & Newman, Inc.
LOCATION:	8113 ½ Dee Gabriel Collins Rd
COUNCIL DISTRICT:	Primarily located in Austin 2-mile Extra-Territorial Jurisdiction (ETJ), with no council representation; partially located in District Two.
PROJECT FILING DATE:	April 4, 2018
DSD/ENVIRONMENTAL STAFF:	Pamela Abee-Taulli, Environmental Review Specialist Senior 512-974-1879, pamela.abee-taulli@austintexas.gov
WATERSHED:	Cottonmouth Creek Watershed, Suburban, Desired Development Zone
ORDINANCE:	Watershed Protection Ordinance (current code)
REQUEST:	Variance request is as follows: 1. Request to vary from LDC 25-8-261 to allow construction of a maintenance access road for a wastewater utility line in the outer half of the critical water quality zone.
STAFF DETERMINATION:	Staff determination is that the findings of fact have not been met.
REASONS FOR DETERMINATION:	Findings of fact have not been met.



Development Services Department
Staff Recommendations Concerning Required Findings

Project:	Pilot Knob 30-Inch Regional Wastewater Interceptor, Phase 2B
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-261 to allow construction of a maintenance access road for a wastewater utility line in the outer half of the critical water quality zone.

Include an explanation with each applicable finding of fact.

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

No The prohibition against development in a critical water quality zone (CWQZ), except as allowed in 25-8-261 of the Land Development Code (LDC), will not deprive the applicant of a privilege available to owners of similarly circumstanced properties. The variance is needed for development of service roads located parallel to and within the CWQZ, which has not been allowed in the past.

The proposed alignment for the wastewater line (see exhibit A) complies with LDC 25-8-261(E), which allows a utility line in a Suburban watershed to be located parallel to and within the critical water quality zone, if it is located not less than 150 feet from the centerline of a major waterway (the outer half of the CWQZ), and includes riparian restoration for an area equal in size to the area of disturbance.

However, the Austin Water Utility (AWU) requirement in Utility Criteria Manual (UCM) 2.9.4.D.1 states, "Manholes shall be located and spaced so as to facilitate inspection and maintenance of the wastewater main. All manholes must be

accessible to maintenance equipment, including 2½ ton straight trucks, dump trucks, vacuum trucks, and standard (not compact) sizes of backhoes and loaders. In isolated cases, construction of all-weather access roads may be necessary for manhole and/or wastewater line access.” AWU is requiring the applicant to construct an access road for infrastructure maintenance. In this case, the access road would have to be in the CWQZ. Hence, AWU criteria is in conflict with the LDC 25-8-261, which does not allow a road to be located parallel to and within the CWQZ.

The proposed alignment is the result of extensive easement negotiations with property owners in which the City of Austin was a Party, and was developed in coordination with City of Austin Development Services Department (DSD) and AWU to accommodate design guidelines, Code requirements, and reviewer preferences. The proposed alignment for the wastewater line parallel to Cottonmouth Creek represents the best alternative for providing sewer service to the area as evaluated by both AWU and the applicant.

While utility lines are allowed to be located within the CWQZ, roads are not. At the time that DSD was involved in negotiations with regard to alignment, AWU had not stated the requirement for an associated access road. Due to the width of the access easements, it is not possible to place the access roads both within the easements and outside of the CWQZ.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes The variance is necessitated by AWU requiring construction of an access road to maintain their infrastructure per UCM 2.9.4.D.1, not by a design decision made by the applicant.

The alignment location of the wastewater line is a result of extensive easement negotiations with property owners in which the City of Austin was a Party, as well as of coordination with City of Austin Development Services Department and Austin Water Utility to accommodate design guidelines, Code requirements, and reviewer preferences. The proposed alignment for the interceptor parallel to Cottonmouth Creek represents the best

alternative for providing sewer service to the area as evaluated by both AWU and the applicant.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

No The minimum deviation from City development requirements that is necessary to allow reasonable use of the property is a waiver by AWU from the optional Utility Criteria Manual requirement for an access road. Deviation from the Land Development Code prohibition on development in the CWQZ is not necessary to allow reasonable use of the property.

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

No Development of a road in the CWQZ stream buffer would inhibit buffer function and therefore have a significant probability of harmful environmental consequences. The CWQZ stream buffer promotes healthy soils and vegetation along the creek corridor, allows the stream adequate space to migrate over time, helps control flood impacts, reduces channel erosion and property loss, maintains good water quality, reduces operation and maintenance costs, and provides multiple community benefits.

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

No Limited water quality controls (vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater) are allowed in the outer half of a CWQZ in a Suburban watershed if they are outside the 100-year floodplain and comply with Drainage Criteria Manual requirements relating to the erosion hazard zone (LDC 25-8-261(H)). Due to the limited area of the easements, it is not possible to provide water quality controls for the proposed access road.

- B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake,*

and Lake Walter E. Long), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

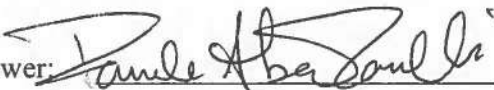
1. The criteria for granting a variance in Subsection (A) are met;

No All of the criteria for granting a variance in Subsection (A) have not been met.
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

No Deviation from the Land Development Code prohibition on development in the CWQZ is not necessary to allow reasonable use of the property. Deviation from the Utility Criteria Manual requirement for an access road is necessary to allow reasonable use of the property.
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

No The minimum deviation from City development requirements that is necessary to allow reasonable use of the property is deviation from the Utility Criteria Manual requirement for an access road. Deviation from the Land Development Code prohibition on development in the CWQZ is not necessary to allow reasonable use of the property.

Staff determines that the findings of fact have not been met.

Environmental Reviewer:  Date 10-26-18

Environmental Review Manager:  Date 10-26-18

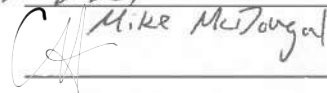
Environmental Officer:  Mike McDougall Date 10/26/2018

Exhibit A
Wastewater Interceptor Alignment

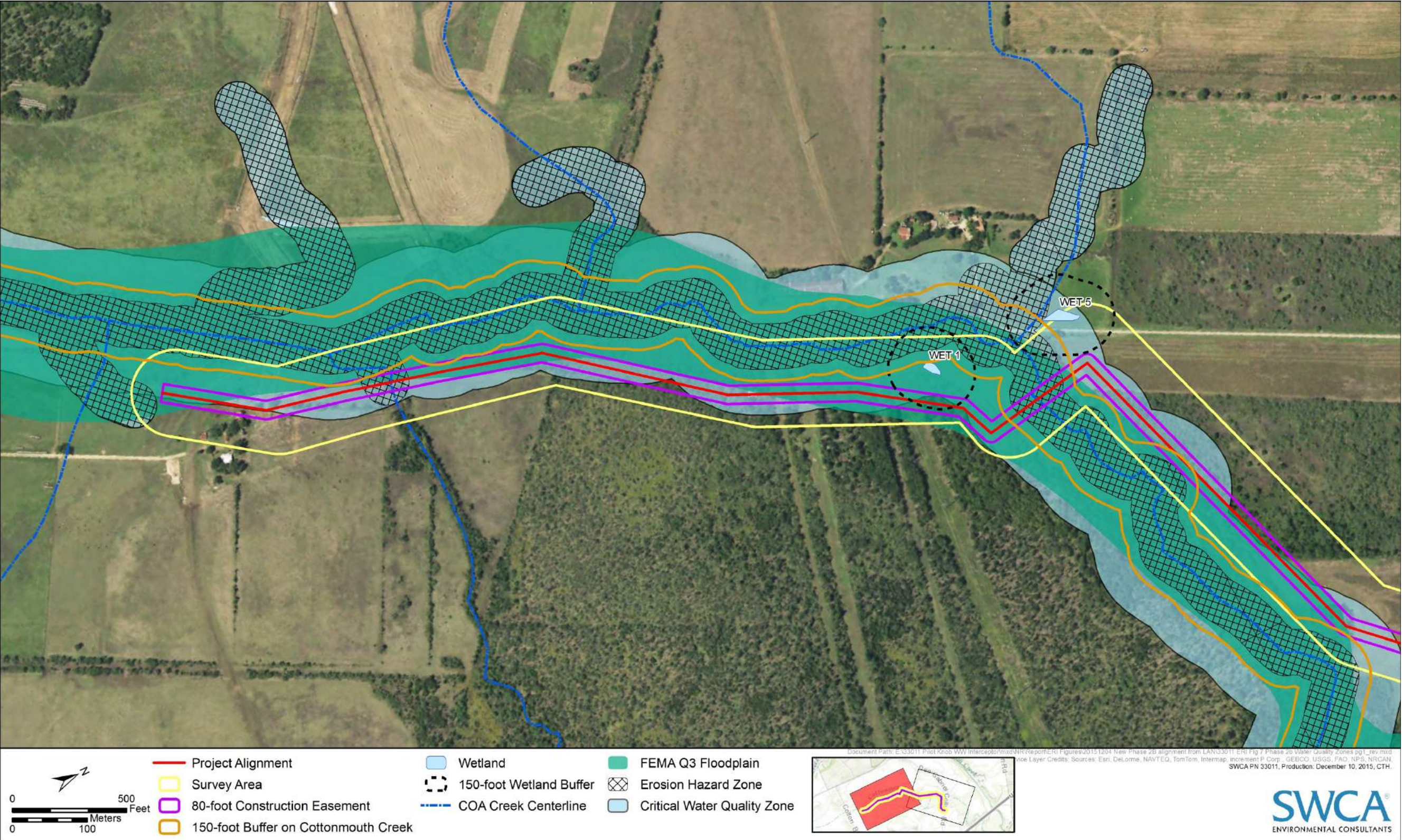
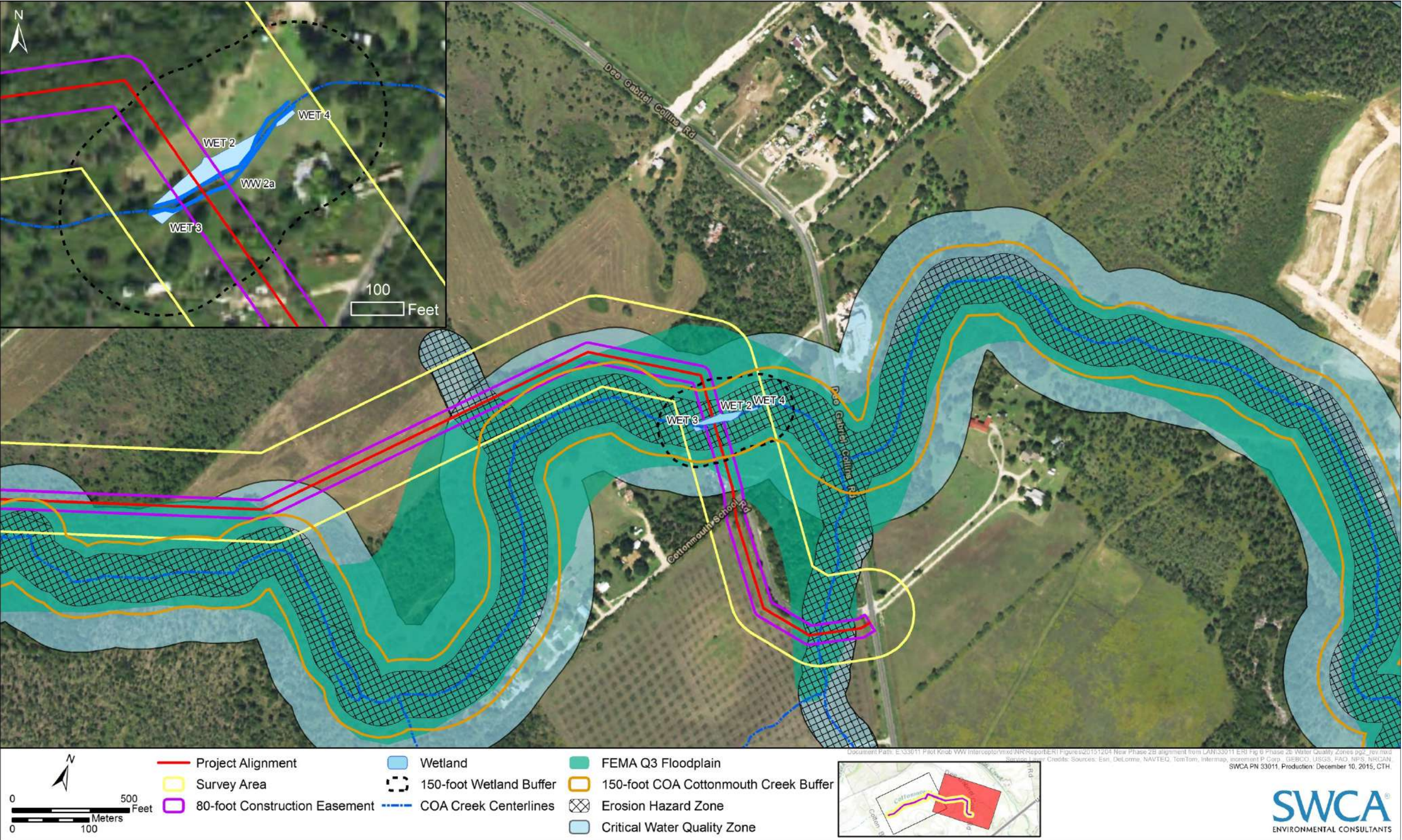


Figure 5a. Critical water quality zones and floodplain – Sheet 1.





ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Daniel Dow, PE
Street Address	8911 North Capital of Texas Highway, Building 2, Suite 2300
City State ZIP Code	Austin, TX 78759
Work Phone	512 338 2749
E-Mail Address	DEDow@LAN-inc.com

Variance Case Information

Case Name	Pilot Knob 30-In Regional Wastewater Interceptor Phase 2B
Case Number	SP-2018-0062D
Address or Location	8113-1/2 Dee Gabriel Collins Road, Austin, TX 78744
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	LDC 25-8-1.12
Watershed Name	Cottonmouth Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment X Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes X No
Distance to Nearest Classified Waterway	Minimum distance: ~3,400 ft (Onion Creek)
Water and Waste Water service to be provided by	N/A
Request	<p>The variance request is as follows (Cite code references):</p> <p>Variance requested from LDC 30-5-261 to allow construction of a permanent private-access road to be used by Austin Water Utility for non-routine motorized vehicular traffic and for maintenance of the proposed Pilot Knob 30-Inch Regional Wastewater Interceptor Phase 2B (PK2B; SP-2018-0062D). Access road is proposed to be constructed parallel to and within the upper half of the Critical Water Quality Zone and include a minimum of one creek crossing.</p>

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>0</u>
acreage:	<u>0</u>	<u>0</u>
percentage:	<u>0</u>	<u>0</u>
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding	<p>Permit application scope comprises installation of ~9,000 LF 30-in gravity sewer across multiple properties between Dee Gabriel Collins Road and East William Cannon Drive in Southeast Austin. Proposed limits of construction (LOC) is 15.7 acres (80 ft wide easement for entire interceptor length, less trenchless sections). Slope within LOC ranges from 0-15%. Existing grade ranges from ~530 ft to ~565 ft. Majority of alignment is within the 100 yr floodplain and within the upper half of the CWQZ. Three CEFs are adjacent to the project LOC; the alignment is proposed to either cross through 150 ft offset by trenchless construction or pass outside of the 150 ft offset. Mitigation of tree removal is proposed by plantings via restoration scope included in permit.</p>	

characteristics of the property)		
----------------------------------	--	--

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed project scope that is not in compliance with Code and for which this variance is requested comprises construction of a permanent private-access road for non-routine motorized vehicular use and maintenance purposes (i.e., an “access road”) to be installed parallel to and within the upper half of the critical water quality zone (including a minimum of one creek crossing) delineated for Cottonmouth Creek (suburban watershed). This development is not permitted by code because such a use is not defined in LDC 30-1-21 or LDC 30-5-1 and is consequently not included as an approved use under LDC 30-5-261. However, this design is otherwise compliant with code (refer to Findings of Fact, response to 25-8-41.A.2.a, below). Refer to Attachment 1 (Variance Request Letter) for additional detail and discussion and references to specific and related code criteria.
---	--

FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project:

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / ~~No~~ Neither LDC 30-1-21 nor 30-5-1 defines development to be considered as an “access road”. However, the design proposed in the latest permit application update plan set (SP-2018-0062D U02) is functionally compliant with the LDC and ECM in the following ways:

- Proposed surface design of permeable rock is considered a “soft surface” (ECM 1.5.3: “A hard-surfaced trail includes a trail constructed using concrete or asphalt.”)
 - Soft-surface trails are allowed parallel to and within the upper half of the CWQZ as well as to cross creeks as “multi-use trails” per [LDC 30-5-261.B.3/30-5-262.C](#) and [ECM 1.5.3](#).
- Proposed use is for non-routine motorized vehicular access.
 - “Collector streets” and “arterial streets” are to cross creeks per [LDC 30-5-262.C](#).
 - “Golf cart paths” are allowed parallel to and within the upper half of the CWQZ per [ECM 1.5.3](#), which specifically defines these as being intended for “motorized use”.

In summary – although all aspects of our proposed access road design are considered permissible development, “access roads” are not specifically included in the permitted uses (whereas “multi-use trails”, “golf cart paths”, “collector streets”, and “arterial streets” are) and are therefore disallowed.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / ~~No~~

City of Austin directs Carma Easton, Inc. (Developer) via the Consent Agreement (dated 3/22/2012; Refer to Attachment 1 to this application for a copy of the Consent Agreement):

- Exhibit N, #4: “... The Developer and the District will work cooperatively with the City to identify a utility alignment on property at the submittal of the UIR. Width and length of the easements will be determined by the City in accordance with City design criteria, specifications, and policies. ...”
- Exhibit N, #14: “If the Developer is unsuccessful after a good faith effort, as determined by the City, to obtain easements for the Original Plan Route by agreement, the City agrees, upon request, to promptly request City Council approval to acquire the acquisition of the easement in question utilizing the City's power of eminent domain and, upon such approval, to promptly initiate and diligently pursue the condemnation of the easement in question.”

City of Austin directs Developer (via: UIR-PK3-007 - 3/10/16; UIR-PK3-011 - 7/15/16; and, UIR-PK3-013 - 7/15/16. Refer to Attachment 1) to construct:

- “Approximately 11,000 ft of 30-inch gravity wastewater interceptor along Cottonmouth Creek from the existing 30-inch gravity wastewater interceptor located north of the subject tract and Dee Gabriel Collins Rd at

Cottonmouth Creek (Project 2014-0616) and extending south to the downstream end of the proposed 24-in gravity wastewater interceptor constructed under Phase I".

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes / ~~No~~ COA representatives have instructed Applicant that requested Variance is the only permissible deviation from code.

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

Yes / ~~No~~ No additional harmful environmental consequences will result from approval of this variance.

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

Yes / ~~No~~ No change to water quality will result from approval of this variance.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes / ~~No~~ See responses above.

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

Yes / ~~No~~ Refer to Attachment 1 of this application for additional discussion regarding the functional compliance of the proposed design with Code requirements which renders the requested Variance reasonable and economic.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / ~~No~~ COA representatives have instructed Applicant that requested Variance is the only permissible deviation from code.

****Variance approval requires all above affirmative findings.**

Exhibits for Commission Variance

- Aerial photos of the site – **See Attachment 2.**
- Site photos – **See Attachment 4.**
- Aerial photos of the vicinity – **See Attachment 2.**
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways – **See Attachment 2.**
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. – **See Attachment 3, Sheet 12.**
- ~~For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.~~ **N/A**
- Site plan showing existing conditions if development exists currently on the property – **See Attachment 3, Sheets 21-29.**
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan – **See Attachment 3, Sheets 21-29.**
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. – **See Attachment 3, Sheets 21-29.**
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (**if required by 25-8-121**) – **See Attachment 4.**
- Applicant's variance request letter – **See Attachment 1.**

LIST OF ATTACHMENTS:

1. Variance request letter
2. Access road overview – alignment on aerial imagery
3. Excerpt from SP-2018-0062D-U02 plan set
4. Environmental Inventory Report

Attachment 1. Variance request letter

THIS PAGE INTENTIONALLY LEFT BLANK

September 19, 2018

Pamela Abee-Taulli
Environmental Review Specialist Senior
City of Austin Development Services Department
One Texas Center
505 Barton Springs Rd, Suite C402
Austin, TX 78704

Subject: Request for Variance to Construct Interceptor Access Road

Proj. Name: Pilot Knob 30-Inch Regional Wastewater Interceptor Phase 2B
Case #: SP-2018-0062D

Ms. Abee-Taulli:

Pursuant to City of Austin Land Development Code (LDC) Title 25 Division 3 (Version: 8/9/2018) and as authorized representative of Brookfield Residential Properties, Inc. (Developer), Lockwood, Andrews & Newnam, Inc. (LAN) hereby requests consideration by the Environmental Board to permit Variance from LDC 30-8-261 to allow construction of a permanent private-access road to be used by Austin Water Utility (AWU) for non-routine motorized traffic and for maintenance of the proposed Pilot Knob 30-Inch Regional Wastewater Interceptor Phase 2B (PK2B; SP-2018-0062D).

If permitted, the access road will be included in the existing SP-2018-0062D permit application and built as component of the PK2B construction contract.

A summary of the regulatory conflict that has led to this request is as follows:

- The PK2b scope comprises installation of approximately 9,000 LF of 30-in. gravity sewer at an average depth of 30 ft by primarily open cut method. The proposed interceptor is located within the upper half of the CWQZ of Cottonmouth Creek (intermediate waterway; suburban watershed) for most the alignment and crosses the creek twice (by trenchless method).
- In review of the U01 permit update plan set, AWU made comment that UCM 2.9.4.D.1 "requires access to be provided to manholes."
- An access road along the entirety of the proposed interceptor alignment is required to accommodate UCM 2.9.4.D.1 due to availability of easements and access from existing public roads/ROW. However, the Land Development Code (see references, below) does not permit such construction.
- LAN has developed an access road design that is acceptable to AWU and which is shown in the SP-2018-0062D U02 plan set. Watershed Protection Department maintains that such construction is impermissible without an approved Variance.

We require this Variance because of the following two reasons:

1. Our basis for affirmative finding to [LDC 30-5-41.A.2.a](#) is as such: The proposed alignment for the PK2B interceptor parallel to Cottonmouth Creek is consistent with directives received by the City of Austin through the Pilot Knob Municipal Utility District #3 Consent Agreement (Consent Agreement; 3/22/2012; See Attachment 1) and relevant approved Utility Infrastructure Review documents (UIRs; see Attachment 2).
 - i. In summary, these documents provide the following direction to the Developer:
 - a. Via the Consent Agreement:

- i. Exhibit N, #4: "... The Developer and the District will work cooperatively with the City to identify a utility alignment on property at the submittal of the UIR. Width and length of the easements will be determined by the City in accordance with City design criteria, specifications, and policies. ..."
 - ii. Exhibit N, #14: "If the Developer is unsuccessful after a good faith effort, as determined by the City, to obtain easements for the Original Plan Route by agreement, the City agrees, upon request, to promptly request City Council approval to acquire the acquisition of the easement in question utilizing the City's power of eminent domain and, upon such approval, to promptly initiate and diligently pursue the condemnation of the easement in question."
 - a. Via the UIRs:
 - i. "To construct "approximately 11,000 ft of 30-inch gravity wastewater interceptor along Cottonmouth Creek from the existing 30-inch gravity wastewater interceptor located north of the subject tract and Dee Gabriel Collins Rd at Cottonmouth Creek (Project 2014-0616) and extending south to the downstream end of the proposed 24-in gravity wastewater interceptor constructed under Phase I".
 - ii. Both the Consent Agreement and the UIRs include figures depicting the proposed alignment of the PK2B interceptor that is referenced by the above directives and which is largely the same as is currently proposed (altered to avoid un-acquirable easements).
- 2. Although required by Austin Water Utility (per [UCM 2.9.4.D.1](#)), a permanent private-access road for non-routine motorized use and maintenance purposes is not allowed by code to be constructed in the easements that were acquired for this project (refer to #, 1 above):
 - i. Construction of a permanent private-access road for non-routine motorized use and maintenance purposes (i.e., an access road) within the acquired easements is not allowed because such a use is not defined in [LDC 30-1-21](#) or [LDC 30-5-1](#) and is consequently not included as an approved use under LDC 30-5-261 and is therefore impermissible. However, our proposed access road design (per SP-2018-0062D U02 plan set) is functionally compliant with relevant code criteria in the following ways:
 - a. Proposed surface design of permeable rock is considered a "soft surface" ([ECM 1.5.3](#): "A hard-surfaced trail includes a trail constructed using concrete or asphalt.")
 - i. Soft-surface trails are allowed parallel to and within the upper half of the CWQZ as well as to cross creeks as "multi-use trails" per [LDC 30-5-261.B.3](#), [LDC 30-5-262.C](#), and [ECM 1.5.3](#).
 - ii. ECM 1.5.3 does not impose restrictions regarding total surface area of permeable cover installed within the CWQZ.
 - b. Proposed use is for non-routine access by motorized vehicles.
 - i. "Collector streets" and "arterial streets" are allowed parallel to and within the upper half of the CWQZ as well as to cross creeks per [LDC 30-5-262.C](#).
 - ii. Other references to relevant code requirements are as follows:

- a. Construction of utility lines is permitted parallel to and within the upper half of the CWQZ per [LDC 25-8-261.E](#).
- b. All weather access to wastewater manholes for use by 2.5 ton straight trucks, dump trucks, vacuum trucks, and standard-sized backhoes and loaders is required per [UCM 2.9.4.D.1](#).
- c. [ECM 1.5.3.B](#) details allowed development in the CWQZ to include hard- and soft-surfaced multi-use trails and streets but does not accommodate private-access roads for non-routine vehicular use. Additionally, ECM 1.5.3.B stipulates that a Planning and Development Review Department approval is required for installation of greater than 500 SF of impervious cover (i.e., a hard-surfaced trail) within the CWQZ.

Thank you in advance for your consideration and cooperation in concluding this conflict. Please do not hesitate to contact me should you have any questions or wish to clarify any aspect of this request.

Sincerely,



Daniel Dow, PE
Lockwood, Andrews, & Newnam, Inc.
Project Manager
DEDow@lan-inc.com
512-338-2749

Attachments:

1. Pilot Knob Municipal Utility District #3 Consent Agreement (3/22/2012)
2. Relevant Approved UIR documents (UIR-PK3-007 - 3/10/16; UIR-PK3-011 - 7/15/16; and, UIR-PK3-013 - 7/15/16)

THIS PAGE INTENTIONALLY LEFT BLANK

EXCERPT - ORDINANCE AND "EXHIBIT N" ONLY
FULL DOCUMENT AVAILABLE UPON REQUEST

Variance Request Letter

Attachment 1. Pilot Knob Municipal Utility District #3 Consent Agreement (3/22/2012)

THIS PAGE INTENTIONALLY LEFT BLANK

ORDINANCE NO. 20120322-033

AN ORDINANCE AUTHORIZING THE CREATION OF PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 3, THE FINALIZATION AND EXECUTION OF A CONSENT AGREEMENT, THE INITIATION OF A STRATEGIC PARTNERSHIP PLANNING PROCESS, AND THE NEGOTIATION OF A STRATEGIC PARTNERSHIP AGREEMENT, AND CONTAINING CERTAIN OTHER PROVISIONS RELATING TO THE CREATION OF SUCH DISTRICT.

WHEREAS, the City of Austin, Texas, has received a Petition for Consent to the Creation of a municipal utility district to be known as Pilot Knob Municipal Utility District No. 3 (the "District"), covering 644.135 acres of land located in the City's extraterritorial jurisdiction, a copy of which petition is attached as Exhibit A; and

WHEREAS, the creation of the District has previously been authorized by Chapter 8377, Subtitle F, Title 6, Texas Special District Local Laws (the "Enabling Legislation"); and

WHEREAS, in accordance with Section 54.016 of the Texas Water Code and Section 42.042 of the Local Government Code, land within the City's extraterritorial jurisdiction may not be included within a district without the City's written consent;

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

PART 1. The City Council consents to and authorizes the creation of Pilot Knob Municipal Utility District No. 3 over the 644.135 acre tract of land described in the petition attached as Exhibit A and incorporated as a part of this ordinance, in accordance with the *Enabling Legislation* and on substantially the terms and conditions set out in the Consent Agreement between the City, Carma Easton LLC, and Pilot Knob Municipal Utility District No. 3 attached as Exhibit B and incorporated as part of this ordinance.

PART 2. The City Council approves, and the City Manager is authorized to finalize and execute, the Consent Agreement.

PART 3. The City Manager is authorized to initiate a strategic partnership planning process with Pilot Knob Municipal Utility District No. 3 and to negotiate a Strategic Partnership Agreement, containing substantially the terms and conditions set out in the Strategic Partnership Agreement attached as Exhibit C and incorporated as part of this ordinance.

PART 4. The City Council waives the provisions of City Code Section 25-9-159 (*Initial Action by City Council*) requiring the Council to act by resolution and to instruct the City Attorney to prepare and provide the related documents.

PART 5. The City Council approves the cost participations, waivers and reimbursements set forth in the attached Consent Agreement.

PART 6. This ordinance takes effect on April 2, 2012.

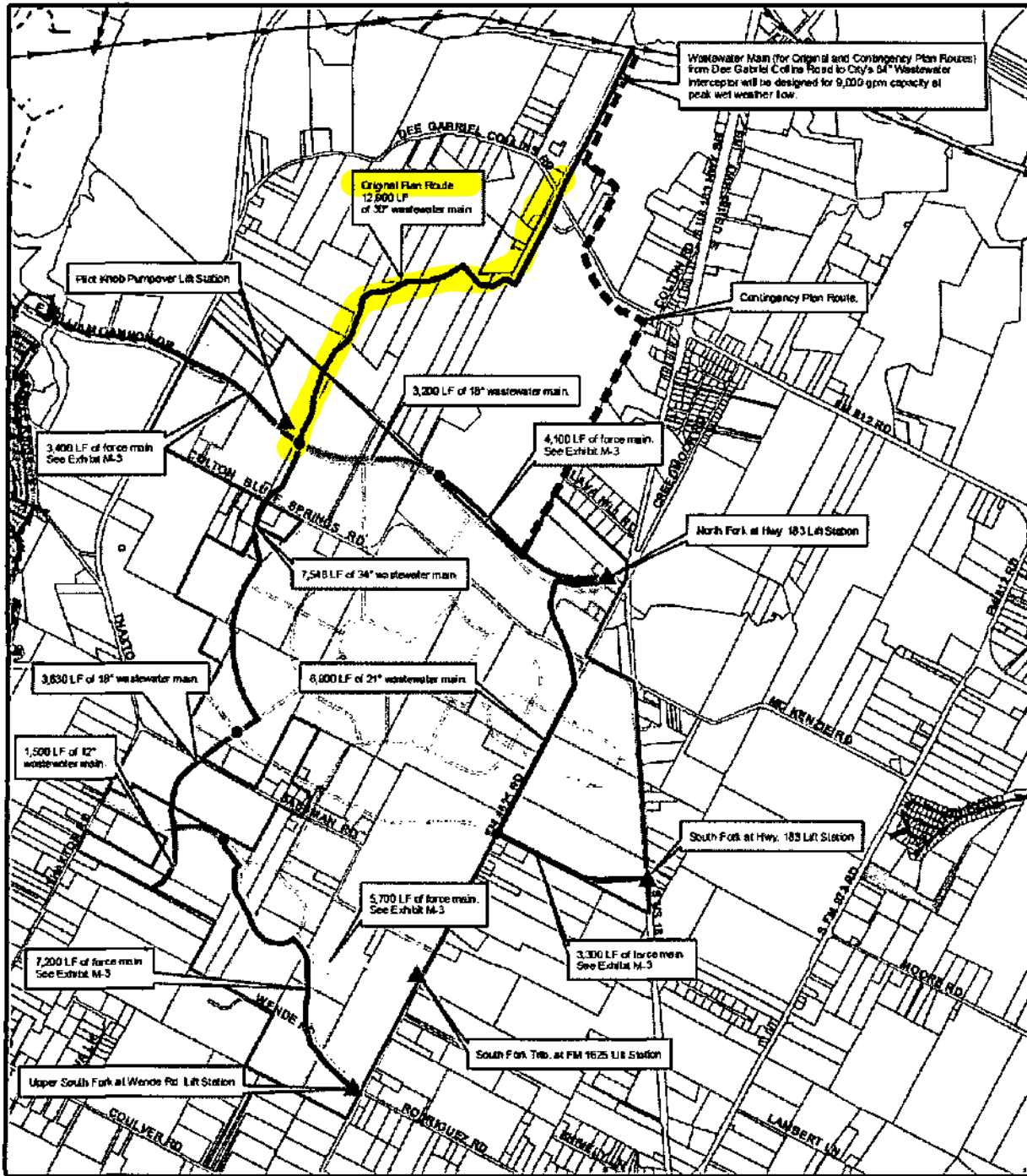
PASSED AND APPROVED

March 22, 2012

§
§
§ _____
Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk



Conceptual Streets
Pilot Knob MUDs 1-5

DRAFT

This document is for informational purposes only and may not have been reviewed for accuracy. It is not intended for use in any legal proceeding. The City of Austin is not responsible for any errors or omissions in this document. The City of Austin is not responsible for any damages, including consequential damages, arising from the use of this document. The City of Austin is not responsible for any damages, including consequential damages, arising from the use of this document.



City of Austin
Austin Water Utility
1/19/2012
Exhibit M-2
Pilot Knob MUDs 1-5



Conceptual Major Wastewater Facilities
Produced by GIS Services

EXHIBIT N

Terms of Cost Reimbursement and Participation

Description	Terms of Cost Reimbursement and Participation
1. Exhibits	<p>Exhibits M-1, M-2, M-3 and M-4 are conceptual in nature, and the alignments and lengths of pipe shown thereon may increase or decrease as appropriate while maintaining the integrity of the overall distribution/collection systems. The size and capacity of Major Water and Wastewater Facilities may be decreased, at the City's sole discretion, if it is determined later that demands within the Districts on particular facilities will be less than originally estimated.</p> <p>The identified Major Water and Wastewater Facilities in the exhibits are based upon the report by the Developer's engineer (Jacobs Engineering Group, Inc.) dated October 2010 and sealed October 15, 2010. The sizing for the Districts' development and the City's oversizing is based upon that report.</p>
2. Easements in General	<p>With the exception of the Pilot Knob Pumpover Lift Station, all easements related to lift stations will extend to the edge of the District's outer boundary so that the City may send wastewater flows to each of the lift stations. All easements will be exclusive for water and wastewater and not for other utilities' or entities' use.</p>
3. Easement (temporary and permanent) for Internal Water and Wastewater Facilities, and Major Water and Wastewater Facilities	<p>The Developer and the District will convey easements to the City at no cost to the City. Width and length of the easements will be determined by the City in accordance with City design criteria, specifications, and policies. The Developer and the District, at its cost, are responsible for providing additional easements, if determined by the City, as a result of the Developer or the District increasing the capacity or to reach the ultimate capacity of any of the Major Water and Wastewater Facilities.</p>
4. Easement (temporary and permanent) for future extension of infrastructure by the City (see Exhibit M-4)	<p>The Developer and the District will convey to City, at no cost to City, (i) the easements required for the Major Water and Wastewater Facilities as indicated on Exhibits M-1, M-2, M-3, and M-4, and (ii) easements that are located on property owned by the Developer or the District. The Developer and the District will work cooperatively with the City to identify a utility alignment on property at the submittal of the UIR. Width and length of the easements will be determined by the City in accordance with City design criteria, specifications, and policies. Because the size and depth of the future infrastructure cannot be determined at this time, the Developer and the District agree that the easements will be sufficient to meet the City's future needs and will be conveyed to the City prior to the earlier to occur of City approval of construction plans or final plat for that portion of any District that will be affected by such easement.</p> <p>These easements are in addition to the easements described above for any infrastructure that will be conveyed to the City such as Internal Water and Wastewater Facilities, and Major Water and Wastewater Facilities.</p>

EXHIBIT N

Terms of Cost Reimbursement and Participation

Description	Terms of Cost Reimbursement and Participation
5. Internal Water and Wastewater Facilities, and Major Water and Wastewater Facilities	<p>City's cost reimbursement ordinances and policies (where the City would pay more than just for its proportional share of costs for oversizing) will not be applied or used in any manner for any water, Reclaimed Water, and wastewater infrastructure (Austin City Code Chapter 25-9).</p> <p>For those Major Water and Wastewater Facilities identified on Exhibit M-1 and Exhibit M-2 which have been oversized at the request of the City, the Developer will pay 100% of all costs associated with the oversizing without reimbursement by the City or the District, but only up to the extent of the pipe diameters expressly set forth on Exhibit M-1 and Exhibit M-2. The Developer may seek reimbursement by the District for all infrastructure required to provide utility service to the development within the District.</p>
6. Easements (temporary and permanent) or land for Major Water and Wastewater Facilities oversized by the City in the future	<p>If the City requests oversizing for Major Water and Wastewater Facilities that (i) results in facility sizing that is in excess of the sizing identified in Exhibit M-1 and Exhibit M-2, and quantified in Exhibit M-3, or (ii) have <u>not</u> been identified in Exhibit M-1, Exhibit M-2 or Exhibit M-4 and quantified in Exhibit M-3, the City will pay its proportionate share of costs based upon the increased amount of easement/land necessary, if any, to accommodate the City's increase in size of the Major Water and Wastewater Facilities. Width and length of the easement/land will be determined by the City in accordance with City design criteria, specifications, and policies.</p>
7. Major Water and Wastewater Facilities oversized by the City in the future	<p>If the City requests oversizing for Major Water and Wastewater Facilities that (i) results in facility sizing that is in excess of the sizing identified in Exhibit M-1 or Exhibit M-2, and quantified in Exhibit M-3, or (ii) have <u>not</u> been identified in Exhibit M-1 or Exhibit M-2, and quantified in Exhibit M-3, the City will pay its proportionate share of costs for the City's oversizing in accordance with City ordinances.</p>
8. All Lift Stations	<p>The Developer and the District agree to provide lawn maintenance, at its cost and discretion, for that portion of all lift stations that is located outside of the fencing of the lift station.</p> <p>Lift station sizing will be based on peak wet-weather flow consistent with the conceptual plan presented in Exhibit M-3. The Developer or the District will donate a one-acre developable easement for each lift station, except the Pilot Knob Pumpover and North Fork at Hwy. 183 lift stations, prior to any City approval of construction plans for any District that would require such lift station to be constructed. The Developer or the District will donate a two-acre developable easement for the Pilot Knob Pumpover lift station and for the North Fork at Hwy. 183 lift station prior to any City approval of construction plans for any District that would require such lift</p>

EXHIBIT N

Terms of Cost Reimbursement and Participation

Description	Terms of Cost Reimbursement and Participation
	<p>stations to be constructed; provided, however, the easement for the Pilot Knob Pumpover Lift Station will contain a provision for vacation of a portion of such easement (up to one acre) in the event that the Original Plan Route is ultimately utilized by the Developer or the District. The City, at its sole discretion, can agree to reduce the acreage for the easements if it determines that a smaller easement is sufficient in light of the use of adjacent property. Portions of the easements may be located within the 100-year floodplain, subject to the City's approval, which approval will not be unreasonably withheld, conditioned or delayed; however, all mechanical and electrical components of the lift stations and access to such lift stations must be elevated out of the floodplain. Developable acreage calculations shall include portions of the floodplain to the extent that the lift station buffer area and facilities can be located therein.</p> <p>The Developer will design and construct, at its sole cost, all lift stations required for the Districts. The Developer or the District will donate to the City any additional easements if the Developer designs and constructs a lift station in phases and in such a manner that does not provide, in the City's reasonable determination, the same buffer as would be provided by a single lift station designed for the ultimate build-out wastewater flows for that lift station. Except as otherwise identified in Exhibits M and N, the City will design and construct, at its sole cost, any infrastructure required to convey waste generated outside of the Districts to the lift stations.</p> <p>For each lift station, the Developer, at its sole cost, will also design and construct additional capacity designated for the City's sole use for areas outside of the Districts as described for each lift station herein, but only to the extent quantified in Exhibit M-3. The City's capacity as quantified in Exhibit M-3 will not be used by the Developer or the Districts at any time unless approved in writing by the Director. If the Developer or the District exceeds its capacity for a lift station as provided in Exhibit M-3 for three consecutive 30-day periods, the Developer will design and construct, at its sole cost, an expansion sufficient to replace the capacity used by the Developer or the District in a timely manner. After the period of curing such default has expired and the City's capacity is still being used by the Developer or the District, the City may choose to not approve any further construction plans and final plats for any areas within the Districts that contribute wastewater flows to the lift station until such expansion is completed (in addition to any other remedies available to the City).</p> <p>If the City exceeds its capacity as provided in this Exhibit N for a lift station for three consecutive 30-day periods, the City will construct and design, at the City's sole cost, an expansion to such lift station sufficient to replace the capacity used by the City in a timely manner. After the period of curing such default has expired and the District's capacity is still being</p>

EXHIBIT N

Terms of Cost Reimbursement and Participation

Description	Terms of Cost Reimbursement and Participation
	<p>used by the City, the District or the Developer may pursue all remedies available to them under this Agreement.</p> <p>Capacity usage will be measured as an average daily flow (Average Daily Flow) using flow meters, where feasible, and pump run times. The Average Daily Flow will be calculated over a 30-day period by taking all of the meter readings for the 30-day period and averaging all of the individual reading (recorded minimally every minute). The City will use its flow meters to measure District and non-District flows. If a flow meter cannot be used to measure flow due to the system configuration or flow characteristics, then the City and the District will calculate the flows using sound engineering principles.</p> <p>The initial design of each lift station will include the conceptual plan and layout for phasing the station and force mains to reach the ultimate capacity shown on Exhibit M-3. The City will work cooperatively with the Developer to prepare an annual report ("Five-Year Facility Plan") and submit such report to the Developer by September 31st of each year. The report will address issues such as:</p> <ol style="list-style-type: none">1. Existing District Average Daily Flow2. Existing and projected non-District Average Daily Flow (information provided by the City)3. District flow projections for a five year period4. Peak wet weather flows5. Five-year Facility Plan for lift station expansion6. Total Average Daily Flows from District and non-District sources as indicated by lift station run time for the prior 12 months <p>Lift station expansion construction shall be underway when Average Daily Flow, for three consecutive months, reaches one-fourth of station firm capacity, at that time, as determined by drawdown testing, unless the Five-Year Facility Plan has determined that earlier or later construction is appropriate to address observed peak wet weather flows and projected future flows.</p> <p>To the extent capital improvements related to repair and replacement of existing lift station facilities are reasonably necessary elements of a lift station expansion required hereunder, whether such expansion is to be performed by the Developer or the City, such capital improvements shall be considered to be part of such an expansion.</p> <p>The City's wastewater service to the Project through all of the wastewater facilities identified in Exhibits M and N will be provided to the Project regardless of whether the City provides wastewater service to other properties outside of the Project through such facilities.</p>

EXHIBIT N

Terms of Cost Reimbursement and Participation

Description	Terms of Cost Reimbursement and Participation
9. Pilot Knob Pumpover Lift Station	<p>(a) The Developer will design and construct the lift station to initially include 50 gpm Average Daily Flow designated for the City's use outside of the Districts. Per Exhibit M-3 it is anticipated that this station will be built to ultimate capacity in a single phase, with the District share being 130 gpm Average Daily Flow. If the City requires, for its sole use, additional capacity above the 50 gpm Average Daily Flow, then the City will be responsible for associated expansion costs for its additional capacity.</p> <p>(b) Upon the date that the District exceeds its capacity of 130 gpm Average Daily Flow for the Pilot Knob Pumpover Lift Station for three consecutive 30-day periods, the City may require that the Developer and Districts divert wastewater flows going to the Pilot Knob Pumpover Lift Station instead to the City's 84" wastewater interceptor (using the Original Plan Route or Contingency Plan Route as shown on Exhibit M-1 in accordance with the terms of this Agreement) at no cost to the City by delivery of a notice of such event (the "PKPLS Notice") to the Developer. Upon receipt of the PKPLS Notice, the Developer shall have 180 days to divert wastewater flows going to the Pilot Knob Pumpover Lift Station instead to the City's 84" wastewater interceptor. All facilities, including but not limited to the lift station and wastewater mains, required to redirect flows to the City's 84" wastewater interceptor (whether using the Original Plan Route or Contingency Plan Route) will be built by the Developer at no cost to the City. If the wastewater flows going to the Pilot Knob Pumpover Lift Station from the District have not been diverted to the City's 84" wastewater interceptor within 180 days after receipt of the PKPLS Notice, Developer will be subject to the restrictions set forth in paragraphs (c) and (d) below. In addition, within 30 days after receipt by Developer of an annual Five-Year Facility Plan that shows that the Average Daily Flow for the Pilot Knob Pumpover Lift Station is anticipated to reach 130 gpm of District-generated flow for a thirty-day period within the one-year period following the date of delivery to Developer of such Five-Year Facility Plan, the Developer will deliver to the City evidence that (i) the Developer has obtained easements as necessary to redirect flows to the City's 84" wastewater interceptor through the Original Plan Route or the Contingency Plan Route (whichever is then applicable), and (ii) Developer has begun the design work necessary for redirection of flows to such 84" wastewater interceptor.</p> <p>(c) If the Original Plan Route will be utilized and the wastewater flows going to the Pilot Knob Pumpover Lift Station from the District have not been diverted to the City's 84" wastewater interceptor within 180 days after receipt of the PKPLS Notice, the Developer and the District agree that the City, at its discretion, will not approve any further preliminary</p>

EXHIBIT N

Terms of Cost Reimbursement and Participation

Description	Terms of Cost Reimbursement and Participation
	<p>plans, construction plans, and final plats until the Pilot Knob Pumpover Lift Station is decommissioned and those associated wastewater flows are permanently transported to the City's 84" wastewater interceptor through the Original Plan Route. If by necessity the Contingency Plan Route will be utilized and the wastewater flows going to the Pilot Knob Pumpover Lift Station from the District have not been diverted to the City's 84" wastewater interceptor within 180 days after receipt of the PKPLS Notice, the Developer and the District agree that the City, at its discretion, will not approve any further preliminary plans, construction plans, and final plats until the Pilot Knob Pumpover Lift Station is decommissioned and those associated wastewater flows are permanently transported to the North Fork at Hwy. 183 Lift Station and thence to the Contingency Plan Route gravity line.</p> <p>(d) Regardless of the above, unless by necessity the Contingency Plan Route is used, the Pilot Knob Pumpover Lift Station itself will be limited to a maximum of 180 gpm for Average Daily Flow, which may be increased at the City's sole discretion.</p>
10. Upper South Fork at Wende Rd. Lift Station	<p>The Developer will design and construct the lift station to initially include 18 gpm Average Daily Flow designated for the City's use outside of the Districts. Per Exhibit M-3 it is anticipated that this station will be built to ultimate capacity in a single phase. If the City requires, for its sole use, additional capacity above the 18 gpm Average Daily Flow, then the City will be responsible for associated expansion costs for its additional capacity. At the City's discretion, the Developer, at its cost, will also construct a parallel 8" force main in addition to the force main required for the lift station. The parallel force main will be capped at both ends of the pipe at the District's boundary and will only be used by the City for wastewater flows outside of the District's boundaries.</p>
11. North Fork at Hwy. 183 Lift Station	<p>The Developer will design and construct each phase of the lift station to include an additional 25% of the total amount of Average Daily Flow of capacity constructed for use by the Developer and the Districts. The added capacity will result in the City always having 20% of the lift station capacity assigned to the City for its use outside of the Districts, up to the ultimate loads identified in Exhibit M-3. The Developer will be responsible for lift station expansion unless the City requires additional capacity beyond the City's designated capacity available at that time. The City may require the station to be built in the dry pump pit configuration beyond a 2,000 gpm capacity.</p>
12. South Fork at Hwy. 183 Lift Station	<p>The Developer will design and construct each phase of the lift station to include an additional 100% of the total amount of Average Daily Flow of capacity constructed for use by the Developer and the Districts. The added capacity will result in the City always having 50% of the lift station capacity assigned to the City for its use outside of the Districts, up to the</p>

EXHIBIT N

Terms of Cost Reimbursement and Participation

Description	Terms of Cost Reimbursement and Participation
	ultimate loads identified in Exhibit M-3. The Developer will be responsible for lift station expansion unless the City requires additional capacity beyond the City's designated capacity available at that time. The station will be designed to serve both sides of South Fork Creek by gravity; provided, however, Developer will only be required to construct a well to the depth of 40 feet and, if the well depth necessary to serve both sides of South Fork Creek by gravity exceeds 40 feet, then the City will be responsible for the associated costs to increase the well depth beyond 40 feet.
13. South Fork Trib. at FM 1625 Lift Station	The Developer will design and construct the lift station to initially include 45 gpm Average Daily Flow designated for the City's use outside of the Districts. If the City requires, for its sole use, additional capacity above the 45 gpm Average Daily Flow, then the City will be responsible for associated expansion costs for its additional capacity.
14. Original Plan Route	If the Developer is unsuccessful after a good faith effort, as determined by the City, to obtain easements for the Original Plan Route by agreement, the City agrees, upon request, to promptly request City Council approval to acquire the acquisition of the easement in question utilizing the City's power of eminent domain and, upon such approval, to promptly initiate and diligently pursue the condemnation of the easement in question. If the City Council does not approve proceeding with condemnation of any required easement for the Original Plan Route within 120 days of being formally requested to do so in writing, then the Developer or the District, at its discretion, may use the Contingency Plan Route to provide wastewater service.

Variance Request Letter

Attachment 2. Relevant Approved UIR documents
(UIR-PK3-007 - 3/10/16; UIR-PK3-011 - 7/15/16; and,
UIR-PK3-013 - 7/15/16)

THIS PAGE INTENTIONALLY LEFT BLANK



AUSTIN WATER
Utility Development Services Division
625 East 10th Street, Suite 715
Austin, Texas 78701



2C

Ousmane Traore, P.E.
Peloton Land Solutions
7004 Bee Cave Rd, Building 2, Suite 100
Austin, Texas 78746

Re: **Letter of Wastewater Service Approval**
Pilot Knob MUD No. 2 & 3: Easton Park Section 2C
Utility Infrastructure Review for Wastewater (UIR-PK3-013)

Dear Mr. Traore:

Austin Water (AW) has reviewed your submittal for the above referenced Utility Infrastructure Review (UIR) project and is issuing this letter in accordance with Section 6.04 of the Consent Agreements for the Pilot Knob Municipal Utility District No. 2 and 3 (the "Agreement") and in keeping with all current rules and regulations. In accordance with Section 5.04 of the Agreement, all development, construction, and infrastructure shall comply with City design standards, specifications, and requirements.

Based on the following submitted project specifications:

267 Single-Family Homes; 309 Multi-Family Units
Subject Tract Area: 119 Acres
Wastewater Drainage Basin: Cottonmouth
Flow (estimated peak wet weather flow, gallons per minute): 391 GPM

Based on the aforementioned project specifications and the results of the UIR, AW has confirmed the level of service and the appropriateness of the type sizing, and alignment of the proposed wastewater infrastructure. The proposed wastewater service plan is conceptually depicted on the UIR – Wastewater Exhibit, dated 07/12/2016 and attached to this letter. Minimally, the proposed wastewater infrastructure includes, but is not limited to:

Phase I Improvements

1. Phase I improvements shall provide service up to 130 gpm Average Daily Flow (ADF) combined discharge to the Pilot Knob Pumpover Lift Station (PKPLS) from all development within the MUD. This is equivalent to approximately 764 LUEs.
2. Construction of approximately 1,600 feet of 24-inch (minimum) gravity wastewater interceptor along Cottonmouth Creek between PKPLS and Colton Bluff Springs Rd (through Section 2A). **These wastewater improvements are also proposed by Easton Park Sections 2A and 2B.**
3. Construction of approximately 3,600 feet of 24-inch (minimum) gravity wastewater interceptor from the proposed 24-inch gravity wastewater interceptor in Colton Bluff Springs Rd (item 2) and extending south along the main branch of Cottonmouth Creek (through Section 2B). **These wastewater improvements are also proposed by Easton Park Section 2B.**
4. Construction of approximately 1,200 feet of 24-inch (minimum) gravity wastewater interceptor from the proposed 24-inch gravity wastewater main at the southern boundary of Section 2B (item 3) and extending south along the main branch of Cottonmouth Creek to future Slaughter Ln.
5. The proposed 24-inch gravity wastewater interceptor (items 2-4) shall be designed at a depth that will allow future gravity wastewater service for the wastewater drainage basin on both sides of Cottonmouth Creek.

6. Dedication of appropriately sized wastewater easement(s) from the proposed 24-inch gravity wastewater main within Section 2B (item 3) and extending west and south to the MUD boundary, as approximately shown on Exhibit M-4 of the Agreement. These wastewater easement(s) are also proposed by Easton Park Section 2B.
7. Construction of approximately 2,300 feet of appropriately sized gravity wastewater main (minimum 12-inch) from the proposed 24-inch gravity wastewater interceptor within Section 2B (item 3) and extending southeast along the tributary to Cottonmouth Creek to future Slaughter Ln.
8. Construction of an appropriately sized (minimum 8-inch) gravity wastewater collection system within the subject tract.

Phase II Improvements

1. Phase II improvements will be triggered when the combined discharge to PKPLS from all development within the MUD exceeds 130 gpm ADF.
2. Construction of approximately 11,000 feet of 30-inch gravity wastewater interceptor along Cottonmouth Creek from the existing 30-inch gravity wastewater interceptor located north of the subject tract and Dee Gabriel Collins Rd at Cottonmouth Creek (Project 2014-0616) and extending south to the downstream end of the proposed 24-inch gravity wastewater interceptor constructed under Phase I. **These wastewater improvements are also proposed by Easton Park Sections 1B, 2A and 2B.**
3. Abandonment of PKPLS and force main and diversion of the wastewater flows from PKPLS to the proposed 30-inch gravity wastewater interceptor. These wastewater improvements are also proposed by Easton Park Sections 1B, 2A and 2B.

Per the Agreement, upon the date that the District exceeds its capacity of 130 gpm ADF for PKPLS for three consecutive 30-day periods, the Developer shall have 180 days to divert wastewater flows going to PKPLS to the City's 84-inch wastewater interceptor via the proposed 30-inch wastewater interceptor to be constructed under Phase II of this UIR. If the flows have not been diverted within 180 days, the City, at its discretion, will not approve any further preliminary plans, construction plans, and final plats until PKPLS is decommissioned and those wastewater flows are permanently transported to the City's 84-inch wastewater interceptor.


Some of the proposed wastewater improvements described above are also proposed to be constructed by other development sections. If the Applicant's project timeline needs these improvements prior to construction of these improvements by others, then the design and construction of the improvements is the full responsibility of the Applicant. Wastewater service for this project can be provided based upon the above minimum wastewater improvements and plan approval within the Pipeline Engineering utility plan review process. This letter must be submitted with your site development plans.

Approved by:


 Colleen Kirk, P.E.
 Utility Development Services Division
 Austin Water


 Date

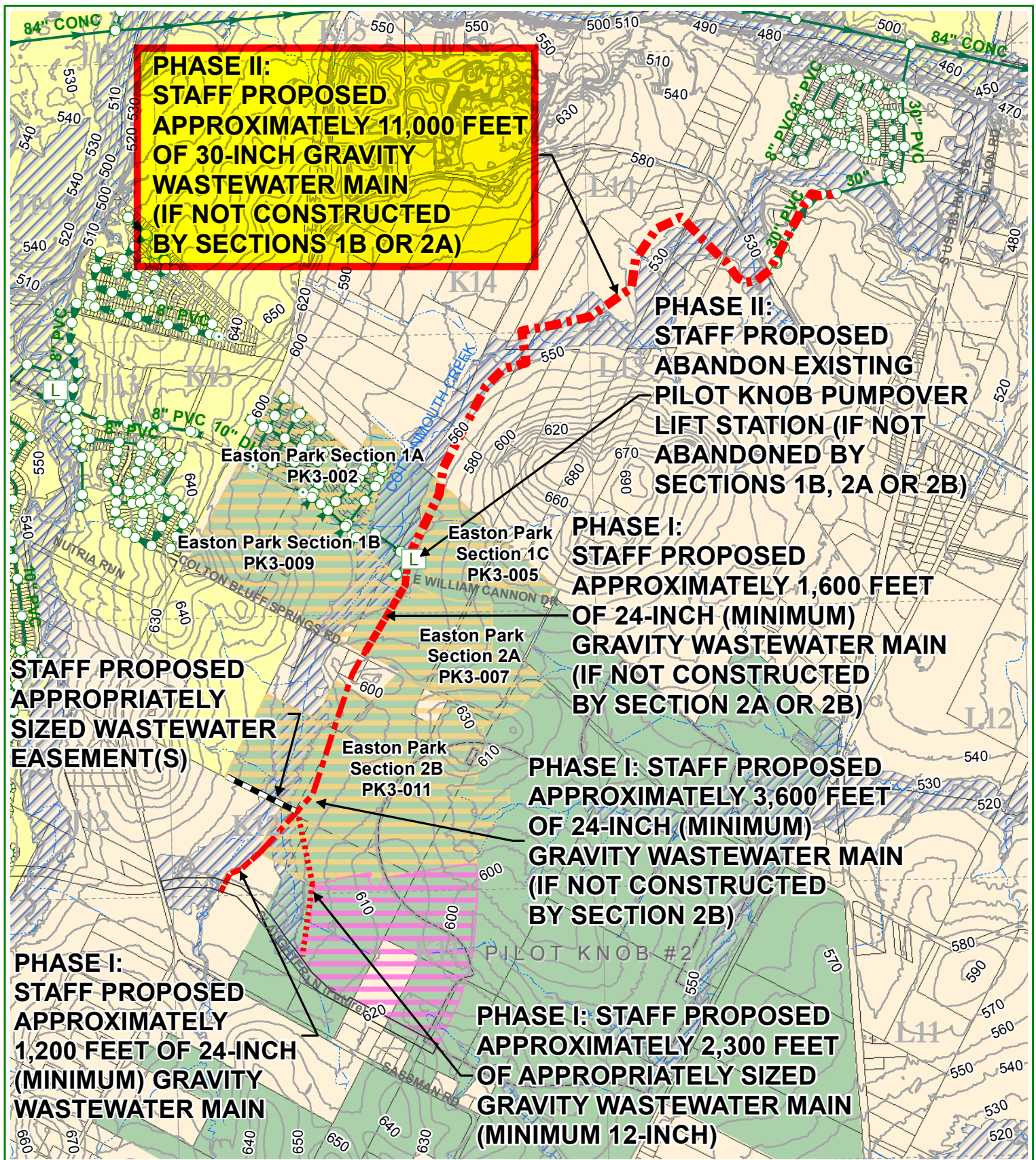
Agreed to by:


 Ousmane Traore, P.E.
 Peloton Land Solutions


 Date

Attachments:

1. Wastewater UIR Map
2. Easton Park Section 2C, Preliminary Plan Overall Exhibit



0 1,000 2,000 4,000 6,000 Feet

W.W. UIR Name: Easton Park Section 2C
MUD Name: Pilot Knob MUD Nos. 2 & 3
W.W. UIR Number: PK3-013

Utility Development Services Plotted 07/14/2016

- Subject Tract
- 100 Year FEMA Floodplain
- Full-Purpose City Limit
- 2-Mile ETJ
- Limited-Purpose City Limit

THIS PAGE INTENTIONALLY LEFT BLANK



AUSTIN WATER
Utility Development Services Division
625 East 10th Street, Suite 715
Austin, Texas 78701



Jonathan Fleming, P.E.
 Peloton Land Solutions
 7004 Bee Cave Rd, Building 2, Suite 100
 Austin, Texas 78746

Re: **Letter of Wastewater Service Approval**
 Pilot Knob MUD No. 3: Easton Park Section 2A
 Utility Infrastructure Review for Wastewater (UIR-PK3-007)

Dear Mr. Fleming:

Austin Water (AW) has reviewed your submittal for the above referenced Utility Infrastructure Review (UIR) project and is issuing this letter in accordance with Section 6.04 of the Consent Agreement for the Pilot Knob Municipal Utility District No. 3 (the "Agreement") and in keeping with all current rules and regulations. In accordance with Section 5.04 of the Agreement, all development, construction, and infrastructure shall comply with City design standards, specifications, and requirements.

Based on the following submitted project specifications:

14 Single-Family Homes; 250 Multi-Family Units; 975 Student Elementary School; and
 19,000 sq ft Amenity Center
 Subject Tract Area: 86 Acres
 Wastewater Drainage Basin: Cottonmouth
 Flow (estimated peak wet weather flow, gallons per minute): 226 GPM

Based on the aforementioned project specifications and the results of the UIR, AW has confirmed the level of service and the appropriateness of the type sizing, and alignment of the proposed wastewater infrastructure. The proposed wastewater service plan is conceptually depicted on the Proposed Wastewater Layout, dated 02/26/2016 and attached to this letter. Minimally, the proposed wastewater infrastructure includes, but is not limited to:

Phase I Improvements (to serve up to 130 gpm Average Daily Flow (approximately 764 LUEs) combined discharge to the Pilot Knob Pumpover Lift Station (PKPLS) from all development within the Pilot Knob MUD):

1. Construction of a minimum 8-inch gravity wastewater collection system within the subject tract.
2. Construction of approximately 1,600 feet of 24-inch gravity wastewater interceptor along Cottonmouth Creek between the existing PKPLS and Colton Bluff Springs Rd. This wastewater interceptor shall be designed at a depth that will allow future gravity wastewater service for the wastewater drainage basin on both sides of Cottonmouth Creek. **If the wastewater interceptor is not to be designed and constructed concurrently with the subdivision construction, then the Applicant shall dedicate an appropriately sized wastewater corridor for the interceptor. These wastewater improvements are also proposed by Easton Park Section 2B and 2C.**

Phase II Improvements (when the combined discharge to the PKPLS from all development within the Pilot Knob MUD exceeds 130 gpm Average Daily Flow (approximately 764 LUEs)):

1. Construction of approximately 11,000 feet of 30-inch gravity wastewater interceptor along Cottonmouth Creek from the existing 30-inch gravity wastewater interceptor located north of the subject tract and Dee Gabriel Collins Rd at Cottonmouth Creek (Project 2014-0616) and extending south to the downstream end of the proposed 24-inch gravity wastewater interceptor constructed under Phase I. **These wastewater improvements are also proposed by Easton Park Section 1B. If the Applicant's project timeline needs these improvements prior to construction of these improvements by others, then the design and construction of the improvements is the full responsibility of the Applicant.**
2. Abandonment of the PKPLS and force main and diversion of the wastewater flows from the lift station to the proposed 30-inch gravity wastewater interceptor. **These wastewater improvements are also proposed by Easton Park Section 1B. If the Applicant's project timeline needs these improvements prior to construction of these improvements by others, then the design and construction of the improvements is the full responsibility of the Applicant.**

Per the consent agreement, upon the date that the District exceeds its capacity of 130 gpm Average Daily Flow for the PKPLS for three consecutive 30-day periods, the Developer shall have 180 days to divert wastewater flows going to the PKPLS to the City's 84-inch wastewater interceptor via the proposed 30-inch wastewater interceptor to be constructed under Phase II of this UIR. If the flows have not been diverted within 180 days, the City, at its discretion, will not approve any further preliminary plans, construction plans, and final plats until the PKPLS is decommissioned and those wastewater flows are permanently transported to the City's 84-inch wastewater interceptor.

Wastewater service for this project can be provided based upon the above minimum wastewater improvements and plan approval within the Pipeline Engineering utility plan review process. This letter must be submitted with your site development plans.

Approved by:


Colleen Kirk, P.E.
Utility Development Services Division
Austin Water

3/3/16
Date

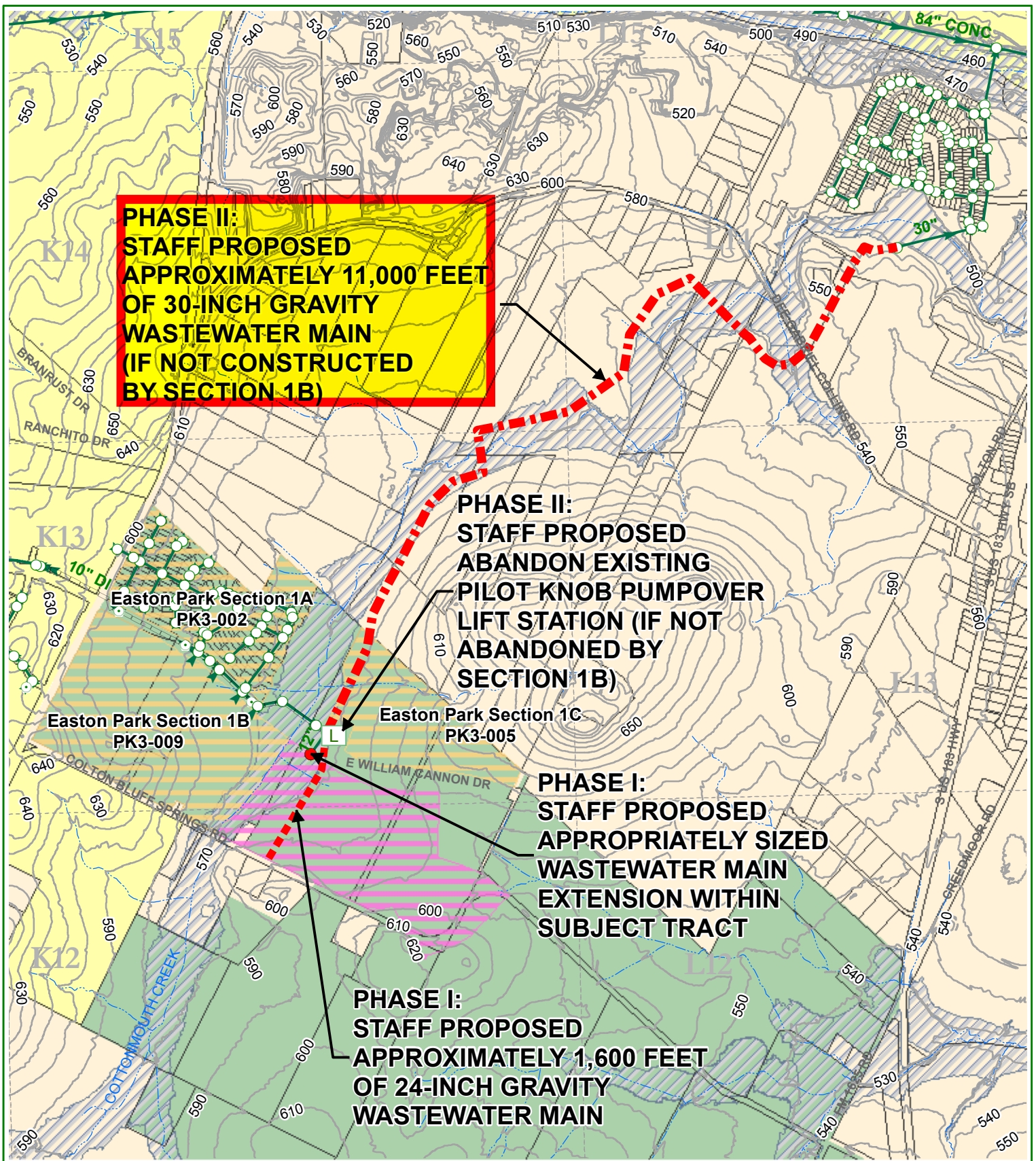
Agreed to by:


Jonathan Fleming, P.E.
Peloton Land Solutions

3/10/16
Date

Attachments:

1. Wastewater UIR Map
2. Easton Park Section 2A, Proposed Wastewater Layout



0 750 1,500 3,000 4,500 Feet

W.W. UIR Name: Easton Park Section 2A

MUD Name: Pilot Knob MUD No. 3

W.W. UIR Number: PK3-007

Utility Development Services Plotted 02/01/2016

- Subject Tract
- 100 Year FEMA Floodplain
- Full-Purpose City Limit
- 2-Mile ETJ
- Limited-Purpose City Limit

THIS PAGE INTENTIONALLY LEFT BLANK



AUSTIN WATER
Utility Development Services Division
625 East 10th Street, Suite 715
Austin, Texas 78701



2B

Ousmane Traore, P.E.
Peloton Land Solutions
7004 Bee Cave Rd, Building 2, Suite 100
Austin, Texas 78746

Re: **Letter of Wastewater Service Approval**
Pilot Knob MUD No. 2 & 3: Easton Park Section 2B
Utility Infrastructure Review for Wastewater (UIR-PK3-011)

Dear Mr. Traore:

Austin Water (AW) has reviewed your submittal for the above referenced Utility Infrastructure Review (UIR) project and is issuing this letter in accordance with Section 6.04 of the Consent Agreements for the Pilot Knob Municipal Utility District No. 2 and 3 (the "Agreement") and in keeping with all current rules and regulations. In accordance with Section 5.04 of the Agreement, all development, construction, and infrastructure shall comply with City design standards, specifications, and requirements.

Based on the following submitted project specifications:

497 Single-Family Homes
Subject Tract Area: 215.3 Acres
Wastewater Drainage Basin: Cottonmouth
Flow (estimated peak wet weather flow, gallons per minute): 419 GPM

Based on the aforementioned project specifications and the results of the UIR, AW has confirmed the level of service and the appropriateness of the type sizing, and alignment of the proposed wastewater infrastructure. The proposed wastewater service plan is conceptually depicted on the UIR – Wastewater Exhibit, dated 07/12/2016 and attached to this letter. Minimally, the proposed wastewater infrastructure includes, but is not limited to:

Phase I Improvements

1. Phase I improvements shall provide service up to 130 gpm Average Daily Flow (ADF) combined discharge to the Pilot Knob Pumpover Lift Station (PKPLS) from all development within the MUD. This is equivalent to approximately 764 LUEs.
2. Construction of approximately 1,600 feet of 24-inch (minimum) gravity wastewater interceptor along Cottonmouth Creek between PKPLS and Colton Bluff Springs Rd (through Section 2A). **These wastewater improvements are also proposed by Easton Park Section 2A.**
3. Construction of approximately 3,600 feet of 24-inch (minimum) gravity wastewater interceptor from the proposed 24-inch gravity wastewater interceptor at Colton Bluff Springs Rd (item 2) and extending south along the main branch of Cottonmouth Creek through the subject tract. The wastewater interceptor may be constructed in phases as development of Sections 2B and 2C progresses, as approved by AW. **If the wastewater interceptor is not to be designed and constructed concurrently with the subdivision construction, then the Applicant shall dedicate an appropriately sized wastewater easement for the interceptor.**

4. The proposed 24-inch gravity wastewater interceptor (items 2-3) shall be designed at a depth that will allow future gravity wastewater service for the wastewater drainage basin on both sides of Cottonmouth Creek.
5. Dedication of appropriately sized wastewater easement(s) from the proposed 24-inch gravity wastewater interceptor within the subject tract (item 3) and extending west and south to the MUD boundary, as approximately shown on Exhibit M-4 of the Agreement.
6. Construction of an appropriately sized (minimum 8-inch) gravity wastewater collection system within the subject tract.

Phase II Improvements

1. Phase II improvements will be triggered when the combined discharge to PKPLS from all development within the MUD exceeds 130 gpm ADF.
2. Construction of approximately 11,000 feet of 30-inch gravity wastewater interceptor along Cottonmouth Creek from the existing 30-inch gravity wastewater interceptor located north of the subject tract and Dee Gabriel Collins Rd at Cottonmouth Creek (Project 2014-0616) and extending south to the downstream end of the proposed 24-inch gravity wastewater interceptor constructed under Phase I. These wastewater improvements are also proposed by Easton Park Sections 1B and 2A.
3. Abandonment of PKPLS and force main and diversion of the wastewater flows from PKPLS to the proposed 30-inch gravity wastewater interceptor. These wastewater improvements are also proposed by Easton Park Sections 1B and 2A.

Per the Agreement, upon the date that the District exceeds its capacity of 130 gpm ADF for PKPLS for three consecutive 30-day periods, the Developer shall have 180 days to divert wastewater flows going to PKPLS to the City's 84-inch wastewater interceptor via the proposed 30-inch wastewater interceptor to be constructed under Phase II of this UIR. If the flows have not been diverted within 180 days, the City, at its discretion, will not approve any further preliminary plans, construction plans, and final plats until PKPLS is decommissioned and those wastewater flows are permanently transported to the City's 84-inch wastewater interceptor.

Some of the proposed wastewater improvements described above are also proposed to be constructed by other development sections. **If the Applicant's project timeline needs these improvements prior to construction of these improvements by others, then the design and construction of the improvements is the full responsibility of the Applicant.** Wastewater service for this project can be provided based upon the above minimum wastewater improvements and plan approval within the Pipeline Engineering utility plan review process. This letter must be submitted with your site development plans.

Approved by:

Colleen Kirk
Colleen Kirk, P.E.
Utility Development Services Division
Austin Water

7/15/16
Date

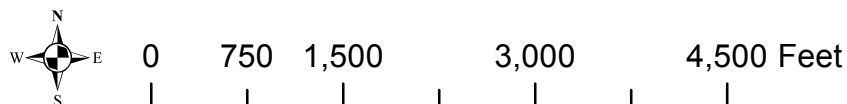
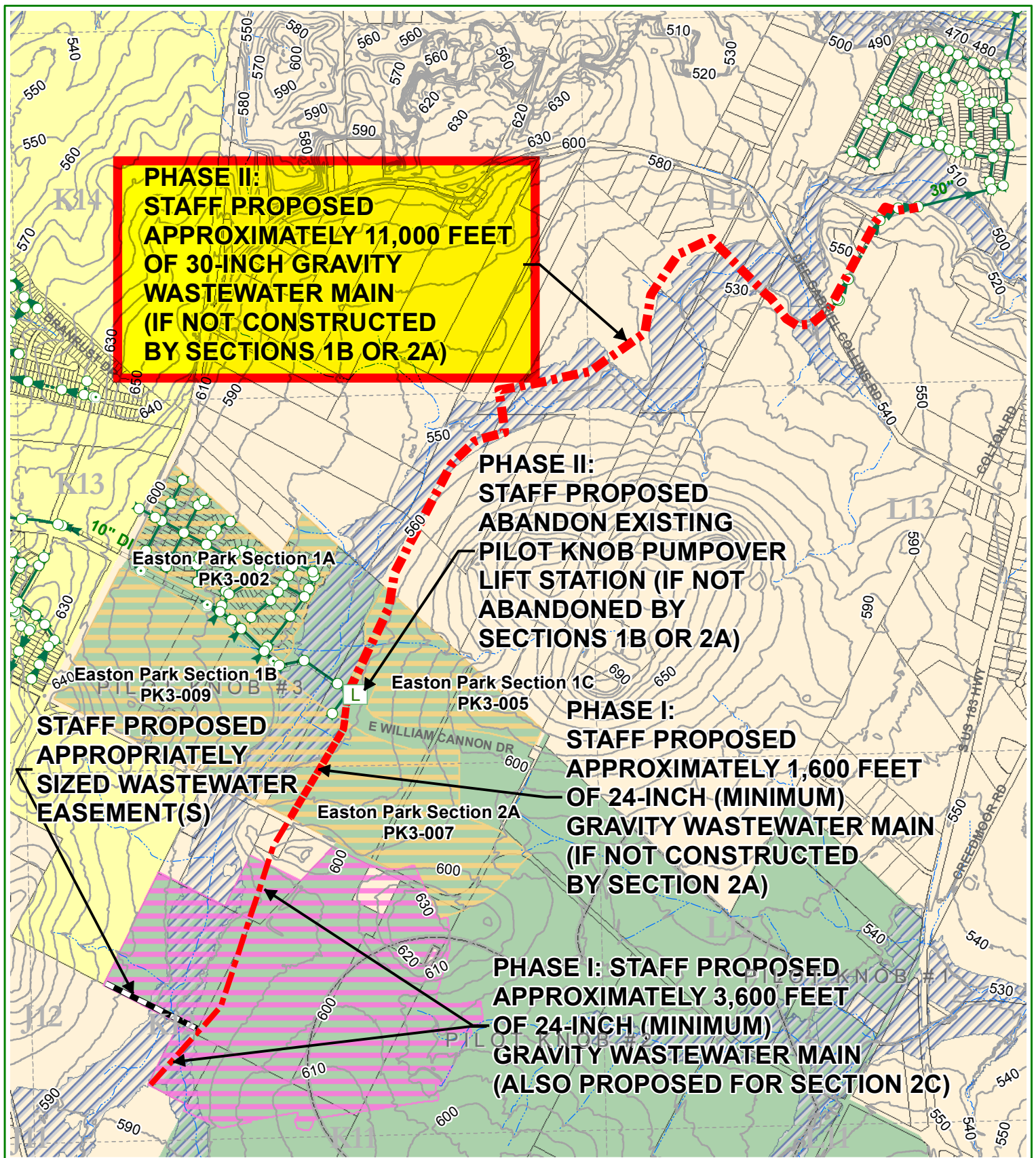
Agreed to by:

Ousmane Traore
Ousmane Traore, P.E.
Peloton Land Solutions

07-15-2016
Date






Attachments:

1. Wastewater UIR Map
2. Easton Park Section 2B Preliminary Plan, UIR – Wastewater Exhibit



W.W. UIR Name: Easton Park Section 2B
MUD Name: Pilot Knob MUD Nos. 2 & 3
W.W. UIR Number: PK3-011

Utility Development Services Plotted 07/13/2016

-  Subject Tract
-  100 Year FEMA Floodplain
-  Full-Purpose City Limit
-  2-Mile ETJ
-  Limited-Purpose City Limit

THIS PAGE INTENTIONALLY LEFT BLANK

EXCERPT - OVERVIEW ONLY
FULL DOCUMENT AVAILABLE UPON REQUEST

Attachment 2. Access road overview – alignment on aerial imagery

THIS PAGE INTENTIONALLY LEFT BLANK

PK2B - Access Exhibit

160-10708-009
8/15/2018

Legend

- PK2B - Alignment
- PK2B - Easements

Onion Creek Trail

Primary road to reach
interceptor access road

Private road

Private land

Dee Gabriel Collins Rd

Cottonmouth School Rd

Proposed entrance to access
road and rock staging area in
easement

Private land

Proposed entrance to access road

Secondary road to
reach interceptor
access road

E William Cannon Dr

McKinney Falls Pkwy

Colton-Bluff Springs Rd

Colton Rd

Pilot Knob

183

S Hwy 183

Viewing Pl

Google Earth

© 2018 Google

2000 ft

49



THIS PAGE INTENTIONALLY LEFT BLANK

AVAILABLE UPON REQUEST

Attachment 3. Excerpt from SP-2018-0062D-U02 plan set

THIS PAGE INTENTIONALLY LEFT BLANK

SUBMITTED UNDER SEPARATE COVER

Attachment 4. Environmental Resource Inventory

THIS PAGE INTENTIONALLY LEFT BLANK

[END OF DOCUMENT]