



RECOMMENDATION TO COUNCIL

Environmental Commission

Recommendation 20261007-005: Dog's Head Development Agreement Amendments

WHEREAS, the Environmental Commission was presented with a staff briefing regarding the Dog's Head on September 16, 2026; and

WHEREAS, the Environmental Commission finds multiple areas within the Development Agreement that should be amended to align with current city code that protects the environment; and

WHEREAS, the Austin City Council voted on several amendments to the development agreement at the July 23, 2026, City Council meeting, but to date, City Legal and the City Manager's Office have not finalized or publicized the incorporation of those amendments into the document;

NOW THEREFORE BE IT RESOLVED that the Environmental Commission recommends the following amendments be made to the Dog's Head Development Agreement (DA) prior to City Council approval of the Regulating Plan:

1. Updates from July 23, 2026, City Council Meeting

- a. Amend the DA to incorporate all amended language approved by City Council at the July 23, 2026, City Council Meeting.

2. Development Agreement Control/Conflicts

- a. **Section 3.06 (d)** *(at present, the development agreement controls if there is any conflict with either the Regulating Plan or the interim zoning in city code)*
 - i. Amend the DA so that Regulating Plan Controls as soon as it is in place, with the DA, only as amended, controlling in the interim.

3. Land Use

- a. **Section 3.01 (a)**

- i. Add “Including, but not limited to Sections 14-18-1, 14-18-2, 30-1-253, 2-1-144, Section 4 and 1.3.4.3, 1.3.4.4, and 1.3.4.5 of the Environmental Criteria Manual of the City Code.”
- b. **Section 3.03** *(at present, the Director of Development Services can authorize any variance to Land Development Code administratively without public process)*
 - i. Strike this section and reinstate standard board and commission approval for all variances and zoning.
- c. **Section 3.04** *(at present, existing land uses are allowed to continue)*
 - i. Phase out autonomous boat testing and prohibit any military or military-adjacent operations.
- d. **Section 3.05 (a-b)** *(currently, all permitted uses within the Dog’s Head Property will be classified as either Mixed-Use Development or Open Space)*
 - i. Amend this section to preclude all polluting industrial uses, as described in the Land Development Code (LDC), 25-2-5.
 - ii. In particular, disallow data centers (including crypto currency mining), chip manufacturing, gas peaker plants, nuclear power plants, and weapons and defense-related manufacturing.
 - iii. Prioritize residential, civic, and agricultural uses as described in the Land Development Code (25-2-3, 25-2-6, and 25-2-7).
 - iv. Remove research testing services and research assembly services from permitted land uses for mixed development land use, as described in City Code 25-2-603, and facilities described as Tier II, Tier III, and Tier IV by the Uptime Institute requiring 24-hour availability.
- e. **Section 3.05 (c)** *(at present, all new land uses are automatically permitted)*
 - i. Remove this entire sub-section to allow for standard public process.
- f. **Section 3.07**
 - i. Amend maximum impervious cover to 65 percent for mixed use development and 5 percent for open space.
- g. **Section 3.09** *(currently, there are no height restrictions for the property)*
 - i. Limit building height to 90 feet.
- h. **Section 3.13** *(at present, no integrated pest management is required)*
 - i. Amend to require integrated pest management across the entirety of the site (in accordance with 1.6.9.2 of the City Code).
- i. **Section 4.04 (d)**
 - i. Delete the phrase “will be substantially similar to, but not identical to,”
 - ii. Add the reference to City Code 8-1-11 at the end of the paragraph.
- j. **Section 4.04 (g) (i)**

- i. Change the language “at least 266 acres of land” to read “at least 266 acres of land not including the Critical Water Quality Zone and private recreation areas or areas without general public access.”
- k. **Section 4.04 (c) (i)**
 - i. Alter to require construction to be consistent with Section 5.0 of City Code.
- l. **Section 5.01 (b)** *(preapproves floodplain modifications and removes standards under Sec. 17 of the Environmental Criteria Manual)*
 - i. Remove this section entirely. Require the normal review process and ensure no development in the FEMA AE floodplain (high-risk floodplain).
- m. **Section 5.03–5.06** *(preapproves use of mining ponds for water quality and stormwater infrastructure in all but a few instances)*
 - i. Revise this section under singular advisement and authority of Austin Watershed to ensure standard best practices for water quality.
- n. **Section 5.08** *(at present, 9 categories of exceptions are allowed for development in the critical water quality zone (CWQZ))*
 - i. Amend this section to disallow hard-surfaced trails, parallel or perpendicular utility lines, fencing, playgrounds, golf courses, and boats or marinas within the CWQZ (25-8-261 and 25-8-262 of City Code).
- o. **Section 5.12** *(at present, unlimited cut and fill modifications are granted on the Dog’s Head Property, outside of the CWQZ)*
 - i. Amend this section so that cut and fill under 8 feet can be moved without permit review; all other movement shall require normal public process and review.
- p. **Section 5.14** *(at present, no tree survey is required outside of the CWQZ)*
 - i. Add this subsection to require compliance with the heritage tree ordinance and to require a comprehensive tree survey of the site within 18 months of the adoption of the final Dog’s Head Tax Increment Reinvestment Zone (TIRZ) project and financing plan (Subchapter B Tree and Natural Area Protection of City Code).
- q. **Section 5.15**
 - i. Add this subsection to require a hydrological study be conducted within 18 months of the adoption of the final Dog’s Head TIRZ project and financing plan. This shall include, but not be limited to: catchment analysis, catchment flows, rainfall analysis, hydrology, overland flow and runoff assessment, watercourse hydraulics, flood

risk assessment (including climate change), drainage impact analysis, identification of possible impacts of current and future-proposed industry on hydrogeology and ground water availability, recharge conditions and possible recharge structures to be suggested; a record of the industries, townships, and land use particulars, and their water drawl, in the vicinity and buffer zone of the project area; estimation of runoff from the watershed that can be used for recharge, estimation of pre-post project runoff with the project site, and suggested measures to harvest the water within the project site.

r. Section 5.16

- i. Add this subsection to require a comprehensive environmental resource inventory be conducted within 18 months of the property annexation date, in accordance with the Environmental Criteria Manual (1.3.0).

4. Traffic

a. Section 6.02 (a-b)

- i. Amend this subsection to require a traffic study for existing neighborhoods abutting and adjacent to the development property.

b. Section 6.03

- i. Amend this subsection to require the updated Austin Strategic Mobility Plan (ASMP) to take into account the concerns and wishes of existing and neighboring residents of the Dog's Head Property.
- ii. Prohibit the extension of Montopolis Drive and the widening or straightening of Hergotz Lane.
- iii. Revise the roadway design to discourage through-traffic down Hergotz Lane.

5. Parkland/Nature Trails/Open Space

a. Section 4.01 *(At present, no parkland dedication is required; it has been substituted by a nature trail and open space.)*

- i. Amend this subsection to require a parkland dedication of 250 acres in addition to open space.

b. Section 4.03 (b-d, f, h) *(At present, 2 miles of trail will be conveyed within 18 months after the adoption of the final Dog's Head TIRZ project and financing plan, while the remaining does not have to be conveyed to the City for 15 years.)*

- i. Amend to require:
 - 1. All trails must be completed, conveyed and open by 2036.

2. No vehicular crossings within or across trails.
3. Public access rules shall be created by Austin Parks and Recreation; maintenance shall be conducted by the City of Austin.
4. All trails must be located *outside* of the CWQZ.

c. Section 4.04 (d, i)

- i. Amend to require that public access rules shall be promulgated by Austin Parks and Recreation.

Amend to disallow paved or hard surface trails (with exception to ADA trails), golf courses, and marinas, according to 25-8-261, 25-8-262 and 8-1-11 of the City Code.

Date of Approval: October 7, 2026

Motioned By: Vice Chair Bristol

Seconded By: Secretary Qureshi

Vote: 10-0

For: Chair Krueger, Vice Chair Bristol, Secretary Qureshi, Commissioners Atkins, Brimer, Changsut, Fierro, Fleury, Morrison, Sullivan

Against: None

Abstain: None

Off the dais: Commissioner Luecke

Absent: None

Attest: Mariana Krueger

Mariana Krueger, Chair