

Austin Tomorrow Comprehensive Plan Interim Update - Citizen Feedback on Initial Draft (draft posted to City website 3.31.08)

Mary Arnold

Thursday, April 24, 2008 11:26 AM

I have just reviewed the Chapter 1 draft of the Austin Tomorrow update, and noted in particular the last comments about the draft update NOT complying with the 1985 Comprehensive Plan Charter provision. That seems to be extremely important, and to bring into question why an "update" of the Austin Tomorrow Plan is being attempted, when a CuRRENT Comprehensive Plan is needed -- one that will comply with the City Charter Comprehensive Plan provisions.

Thanks for pointing out the charter provisions, and the deficiencies of any attempt to "update" Austin Tomorrow in the manner being attempted currently.

I will not bother at this time to review the Chapter 2 etc. drafts.

I do like the Draft list of Growth policies, etc., up to 2007 that is included. The main thing that list needs is the exact ordinance references -- i.e., so that the underlying ordinances can be accessed by those interested. (I have found the City Clerk's office can provide copies of those ordinances if the actual ordinance numbers are given...). In addition, specific reference needs to be given for those items in the draft list that have NOT been actually adopted by the Austin City Council -- such as the Seaholm District Master Plan. It would be helpful for the draft list to include an "index" -- one for those items in the list adopted by ordinance, and one for any items that were NOT specifically adopted by action of the Austin City Council.

I am curious as to why the Parks Master Plan and the Water/Wastewater Master Plans that were adopted in the 1980's, in response to the Austin Tomorrow Plan, and instructions to the various departments to develop master plans to coordinate with Austin Tomorrow, are NOT listed... I am also interested in whether or not there was specific Council action, upon recommendation of the city's Water and Wastewater Commission, to adopt by ordinance the 2000 Water/Wastewater plan.

It would also be helpful, re comments in the Draft Interim Update of the Austin Tomorrow Plan, to specifically list and summarize the various actions by the State Legislature that affects the city's legal authority to manage growth both in the city limits and in its ETJ. Included in that list would also be Annexation legislation adopted since the Austin Tomorrow Plan

Mary Arnold

Friday, April 25, 2008 4:53 PM

Thanks for your response. Re the actions by the Texas Legislature.... Won't those be the basis for determining what tools are left for our city in managing growth??? Extension of utilities outside the city limits, annexation, water quality...

I have a lengthy "Memo" dated October 29, 1979 from Jerry L. Harris then our City Attorney. The materials it contains "constitute a brief overview of some of the authority that exists which can be utilized to various degrees in adopting and implementing regulations and controls in the Barton Creek Watershed." It was prepared for the Barton Creek Task Force. There is even an Attorney General's opinion about San Antonio having the authority to promulgate run-off regulations for the Edwards Aquifer Recharge zone.

It seems to me that the Austin City Attorney's office has been reluctant in recent years to provide such materials to current boards, commissions and citizen groups...

I just checked the Ordinance for the adoption of the East Riverside/Oltorf Neighborhood Plan.... Nov. 16, 2006. The ordinance is described as amending the Austin Tomorrow Comprehensive Plan. Then the ordinance quotes the City Charter article about Council adopting elements of a comprehensive plan re growth management or similar words... The City Charter article was adopted AFTER the Austin Tomorrow Plan -- but it seems that the Neighborhood Plans are being adopted as Amendments to the ATCP -- but under the subsequent charter provision.... I don't understand why the comprehensive plan elements, adopted per City Charter provision after the new charter comprehensive plan section was adopted, don't have the same level of enforceability as provided in the new charter provisions, since they were adopted after that provision went into effect....

And where is a City Attorney's analysis on that matter.....

Jeff Jack

Thursday, April 24, 2008 12:02 PM

I just wanted to make it clear that if I do not have comments to you by tomorrow it is NOT because I do not have issues with what is in the draft. So at least I can share the following general comments

- 1. Again NOTHING in the original document should be change except for any factual data, such as population numbers, and for any approved City Council policy changes.*
- 2. This should also include not changing any emphasis that is in the original document by changing wording. This amounts to the same problem we have with the "Plain English" re-write of the LCD. It is just not the same if one changes the word "primary goal" to "suggested actions"*

I hope to have some time in the coming week to look at the document in detail and will get back you as soon as I can.

Jeff Jack

Sunday, May 4, 2008 10:10:01 AM

I have finally had a chance to review the draft update of the Austin Tomorrow Plan and understand that it will be discussed at the PC Comprehensive Plan Sub Committee meeting this coming Tuesday evening.

In our previous discussions about doing this update I thought that the text of the current plan would be "updated" based on current factual data, such as population numbers, and on policies that have already been adopted by the City Council, such as our neighborhood plans.

However in reading through the draft document it appears that staff has gone much further than that and in many cases their suggested text changes reflects significant policy or direction changes that have not been adopted by the City Council. I have talked to Garner Stoll about this and he has indicated that yes some of the text changes actually reflect what staff's understanding of their direction is from city management and not necessarily what has been adopted by Council. This is very different than updating the text with regard to adopted City policy. In the current form, I do not believe that this document reflects the intent laid out by the Planning Commission nor what we had been led to believe would be the result of this update and as such this document needs significant modification.

Here are several examples from just one section of the re-write:

Example #1

Original Text

Goal 150.0 Preserve those elements which reflect the varied historical, architectural and cultural inheritance of Austin

Proposed revision

Goal 150.0 Preserve those buildings, structures, objects and districts which reflect the diverse historical, architectural and cultural heritage of Austin

The change

By changing "elements" to buildings, structures, objects and districts" the STAFF has now effectively defined the term "elements" yet there is nothing in adopted City policy that states that only these items are of historic significance.

Example #2

Original Text

Objective 151.0 Assure the protection of notable landmarks and areas of historic, architectural or aesthetic value

Proposed revision

Objective 151.0 Assure the protection of historic landmarks and areas of historic, architectural, cultural or aesthetic value

The Change

By adding the word "historic" which could then be used to suggest that any landmark has to rise to the level of sanction of the Historic Landmark Commission criteria would in effect sets a higher standard. So where has the City Council adopted such a higher standard for aesthetic value? This would negate any consideration of iconic landmarks that do not rise to the level of "historic"

Example #3

Original Text

Policy 151.1 sub paragraph

The program of official historic designation should continue to be developed and implemented to encourage community awareness and expansion of preservation efforts in the future

Proposed revision

The program of official historic designation for individual landmarks and historic districts should continue to be developed and implemented to encourage community awareness and recognition of sites of historical, architectural, and cultural significance.

The change

While adding "individual landmarks and historic districts" will clarify the two areas that the City actually has historic preservation standards and may not change the meaning of the original text. However by substituting "recognition" for "expansion" in the second line is clearly a significant change of meaning that suggests that city no longer has the objective of adding to the current stock of protected landmarks. And I doubt that the City Council that has specifically stated their intent not to expand efforts to keep what is unique about Austin.

Unfortunately the draft document is full of such changes that do not meet the criteria of being adopted city policy. However I do believe that having staffs view of what they are actually doing is very helpful and valuable as we look at the crafting of a new comprehensive plan. However I would suggest that instead of trying to incorporate all these staff suggestions in the revised text that a different format be used. I believe it would be better to have an analysis of the current situation that was organized as follows:

- 1. What the Austin Tomorrow Plan actually says*
- 2. What City Council adopted policies that change the original text*
- 3. What the City staff understanding of what they do or what they understand their charge is with regard to that issue.*

This format would eliminate the very difficult task of word smithing of the text to clean up all the staff's interpretations of what their responsibilities are and make it clear where we are or are not meeting the intent of the existing comprehensive plan.

Just one last comment, while the examples I laid out above may seem minor to some, the insertion of the staff's perspective is ver significant in the Economic Development section.

Original Text

Objective 211.0 Develop a municipal economic policy that is consistent with the community's desire to manage growth and its effects.

Proposed Revision

Objective 211. Develop a municipal economic development policy to attract and retain Austin's targeted industries.

The change

By inserting "development" it suggests that Austin does not have any other economic policies except about development. So where would our bond policy go, or our policy on budget priorities, or any of the other economic facets of your city government.

And by eliminating any reference to the community's desire to manage growth and its effects and changing it to targeted industries, we change the entire meaning of the original text. And where is the adopted city policy stating we no longer are concerned about managing growth or that spells out which industries are our targets?

While I think that discussing this further at the meeting Tuesday would be helpful I would like to formally request that no action be taken until we either change to a different format as noted above or we have the opportunity to provide a complete review of all the suggested changes and the time to work with staff to ensure that only those adopted city policies are reflected in the proposed update and not what staff's interpretations are.

Please share our concerns with the other Planning Commission members and if you have any questions just give me a call.

Bryan King

Tuesday, April 01, 2008 11:22 AM

I am very concerned with what I have reviewed of this draft. On the phone you told me it was just an update to reflect approved code changes and update current figures and exhibits. I see much of the intent of the document being changed with this rewording that does not relate to code or updated figures.

I only had a limited amount of time to review Chapter 1 last night but it concerns me greatly. I don't think the original public process driven plan should be changed like this without another public process like the first writing. This appears to be much more than just an update. It changes the focus and intentions of the original plan.

Citizen Feedback on Planning Commission Review Draft (draft posted to City website 5.6.08)

Melissa Hawthorne

Tuesday, May 20, 2008 6:20 PM

Thank You... You have really done a wonderful job on this... It was a HUGE undertaking and I have been most impressed.