



## ENVIRONMENTAL BOARD MOTION 060408-3b

Date: June 04, 2008

Subject: Proposed Ordinance amendments - Chapter 25-2 and 25-8 City code relating to landscaping for residential subdivisions.

Motioned By: Phil Moncada

Seconded by: Rodney Ahart

### **Recommendation**

The Environmental Board recommended conditional approval to the amendments of Chapter 25-2 and 25-8 of the City of Austin Code relating to landscaping requirements for residential subdivisions.

**Board Conditions:** The Environmental requested to receive updates from the City Arborist on the status of the Ordinance and the Ordinance number as it moves through the process.

### **Rationale:**

City of Austin staff reviewed the proposed amendments. This is more protective of our trees, specifically Heritage Trees, than what we have in place currently.

Vote 6-0-0-1

For: Anderson, Ahart, Dupnik, Maxwell, Moncada, and Neely

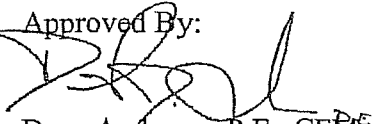
Against:

Abstain:

Absent: Beall

Recused:

Approved By:

  
Dave Anderson P.E., CFM<sup>®</sup>  
Environmental Board Chair



**ENVIRONMENTAL BOARD MOTION 060408-4a**

Date: June 04, 2008

Subject: Resolution to address the Lower Colorado River Authority Friendship to Manchaca transmission line.

Motioned By: John Dupnik, P. G.

Seconded By: Mary Ann Neely

**Recommendation**

The Environmental Board made a Resolution addressing the LCRA Friendship to Manchaca Transmission line.

**Rationale**

Not Applicable.

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

For: Dupnik, Maxwell, Anderson, Neely, Moncada, and Ahart

Against: None

Abstain: None

Absent: Beall

Approved By:

Dave Anderson P.E., CFM, Chair

**RESOLUTION EB 060408-4a**

**A RESOLUTION OF THE CITY OF AUSTIN'S ENVIRONMENTAL BOARD,  
RECOMMENDING A PREFERRED ROUTE FOR THE LOWER COLORADO  
RIVER AUTHORITY'S FRIENDSHIP TO MANCHACA TRANSMISSION LINE**

**WHEREAS**, the Barton Springs Segment of the Edwards Aquifer is a unique underground system of water-bearing formations in Central Texas that serves as: 1) the primary source of drinking water for tens of thousands of people, 2) the only known habitat for certain endangered and threatened species of salamanders and, 3) a vital resource to the general economy and welfare of the City of Austin (City) and the State of Texas; and

**WHEREAS**, the Barton Springs Segment of the Edwards Aquifer and the Barton Springs complex are extremely vulnerable to surface activities within the recharge zone that may cause pollutants to enter the aquifer; and

**WHEREAS**, the southwest segment of State Highway 45 is proposed to be constructed to bisect the land located within the Barton Springs Segment of the Edwards Aquifer; and

**WHEREAS**, the Environmental Board formed a Subcommittee to monitor activity related to and along the SH 45 Right-of-Way (ROW); and

**WHEREAS**, in 1999 the Public Utility Commission granted The Pedernales Electric Company (PEC) the right to build a transmission line (known as the Friendship to Manchaca Project) to serve the need for electricity service in the growing Southern Travis County and Northern Hays County; and

**WHEREAS**, in 2005 this right was acquired by the Lower Colorado River Authority (LCRA) to: 1) satisfy contractual obligations to customers, 2) provide backup power sources in the distribution area, and 3) serve "critical loads" which include schools and emergency services; and

**WHEREAS**, the route of the Friendship to Manchaca Project was approved to be aligned adjacent to the SH 45 ROW which would potentially impact environmentally sensitive surface and subsurface Karst features in the vicinity of Flint Ridge Cave (FRC); and

**WHEREAS**, the land on both sides of the ROW in the vicinity of FRC are located on the City's Water Quality Protection lands; and

**WHEREAS**, the Subcommittee has convened three meetings beginning in March of 2006 to evaluate alternatives to the original alignment with the goal of allowing construction of this necessary transmission line with minimal impact to this environmentally sensitive area and preserve the purpose for which the City's Water Quality Protection Land were acquired; and

**WHEREAS**, in June of 2006 the Subcommittee recommended additional analysis including geophysical studies be performed on the following two preferred alignments:

Route A: a route along the original northeastern alignment; then to the east and down gradient of FRC; and then again along the SH45 ROW just south of the area near FRC

Route B: a route crossing over from the northeastern side of the SH 45 ROW north of the area near FRC and running adjacent to the southwestern side of the SH 45 ROW to just south of FRC where it crosses back over to the northeastern side; and

**WHEREAS**, the evaluation of the additional geophysical analysis was reported to the Subcommittee on May 22, 2008 resulting in a consensus preference among both the LCRA and the City for Route B.

**NOW, THEREFORE BE IT RESOLVED** that the City of Austin's Environmental Board does hereby adopt this Resolution to recommend that:

1. Route B be adopted as the consensus route of preference for the Friendship to Manchaca project based on the minimized impact to the City's Water Quality protection lands, the recharge zone, and FRC; and
2. The City should cooperate with and facilitate the LCRA's efforts to acquire the land rights necessary to construct the Friendship to Manchaca project along this route of preference; and
3. The LCRA should cooperate with City staff to implement the appropriate measures prior to, during, and after construction of the Friendship to Manchaca Transmission line to prevent and mitigate any negative environmental impacts.

***BE IT RESOLVED BY THE CITY OF AUSTIN ENVIRONMENTAL BOARD:***

**ADOPTED:** June 4, 2008

**ATTEST:** \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'D. Anderson', followed by the letters 'PE'.

David J. Anderson, PE, CFM  
Environmental Board Chair

## AGENDA ITEM 3a

The link to Barton Springs Pool Master Plan  
Document:

<http://www.ci.austin.tx.us/parks/bsmasterplan.htm>

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 25-2, SUBCHAPTER C, ARTICLE 9  
OF THE CITY CODE RELATING TO LANDSCAPING FOR RESIDENTIAL  
SUBDIVISIONS.

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

**PART 1.** Section 25-2-981 (*Applicability; Exceptions*) Subsection (B) is amended to  
read:

(B) Division 2 (*Requirements for a Site Plan*) and Division 3 (*Additional Site  
Plan Requirements in Hill Country Roadway Corridors*) do ~~[This article  
does]~~ not apply to:

- (1) property zoned central business district or downtown mixed use  
district;
- (2) a lot containing one single-family residence;
- (3) a lot containing one duplex residence, unless the residence exceeds  
4,000 square feet of gross floor area or has more than six bedrooms;
- (4) a two-family residential use;
- (5) a secondary apartment special use;
- (6) substantial restoration of a building within one year after the building  
is damaged;
- (7) restoration of a building designated as a historic landmark; or
- (8) interior or facade remodeling, if the front and side exterior walls of  
the building remain in the same location.



**PART 2.** Chapter 25-2, Subchapter C, Article (*Landscaping*) of the City Code is amended to add a new Division 4 to read:

**Division 4. Additional Requirements for Residential Subdivisions.**

**§25-2-1031 APPLICABILITY OF DIVISION.**

The requirements of this division apply to residential subdivisions in the city's zoning jurisdiction. This division does not authorize removal of trees.

**§25-2-1032 TREES REQUIRED.**

Each single family lot in a residential subdivision shall contain at least three trees of at least two different species, planted in accordance with the Environmental Criteria Manual.

**§25-2-1033 SPECIES AND SIZE.**

- (A) A tree required under this division must be of a species listed in Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*).
- (B) A tree required under this division shall be:
  - (1) at least two inches in diameter; or
  - (2) for an understory tree, at least one inch in diameter.

**§25-2-1034 CREDIT FOR EXISTING TREE.**

A tree required under this division may be satisfied by an existing tree on the lot, if the tree is:

- (1) a species listed in Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*);
- (2) at least 6 inches in diameter; and
- (3) preserved in accordance with the Environmental Criteria Manual.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, 2008      §  
   §  
   §

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 25-2-1007 OF THE CITY CODE  
RELATING TO PARKING LOT LANDSCAPING.**

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

**PART 1.** Section 25-2-1007 (*Parking Lots*) of the City Code is amended to amend Subsection (E) to read:

- (E) In a parking lot that has more than three distinct modules [~~areas~~] for the parking of vehicles:
- (1) a landscaped median at least 10 feet wide and at least the length of the parking module is required for every second parking module [~~third area~~] for the parking of vehicles;
  - (2) a tree must be located within 25 feet of each parking space adjacent to a median; and
  - (3) end islands with trees are required.

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, 2008

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 25-8, SUBCHAPTER B, ARTICLE 1,  
OF THE CITY CODE RELATING TO TREE PROTECTION.**

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

**PART 1.** Section 25-8-602 (*Definitions*) of the City Code is amended to add the following definition and renumber the remaining definitions accordingly:

**§ 25-8-602 DEFINITIONS.**

- (1) HERITAGE TREE means a tree that:
- (a) has at least one stem with a circumference of 75 inches or more, measured four and one-half feet above natural grade, and is a species prescribed by rule as eligible for heritage tree designation; or
  - (b) is included on the City's Bicentennial or Tree-of-the-Year register.

**PART 2.** Section 25-8-603 (*Administration*) of the City Code is amended to read:

**§ 25-8-603 ADMINISTRATION.**

- (A) A city arborist, appointed by the director, shall implement this article.
- (B) The Watershed Protection and Development Review Department shall adopt administrative rules for the implementation of this subchapter [to:].
- (C) The rules shall:
  - (1) describe methods to protect trees against damage during development;
  - (2) identify actions that will constitute removal; [and]
  - (3) identify the root areas that require protection against soil compaction or the effects of impervious paving; and
  - (4) identify the species of trees eligible for heritage tree designation.

**PART 3.** Section 25-8-604 (*Development Application Requirements*) of the City Code is amended to amend Subsections (B) and (C) to read:



- (B) If development under a proposed site plan will remove a tree eight inches or larger in diameter, the City must ~~[may]~~ require mitigation, which may include ~~[including]~~ the planting of replacement trees, as a condition of the site plan approval. The director may not release the site plan until the applicant satisfies the condition or posts fiscal security to ensure performance of the condition.
- (C) For an application for preliminary plan, final plat, or site plan approval that proposes the removal of a protected tree, the city arborist must review the application and make a recommendation before the application may be administratively approved or presented to the Land Use Commission or city council.

**PART 4.** Chapter 25-8 Subchapter B (*Tree and Natural Area Protection; Endangered Species*) is amended to renumber Division 3 (*Shoreline Relocation; Lake Fill*) as Division 4 and add a new Division 3 to read:

### **Division 3. Heritage Trees.**

#### **§ 25-8-641 REMOVAL PROHIBITED.**

Except as otherwise provided in this division, a person may not remove a heritage tree.

#### **§ 25-8-642 CAPITAL IMPROVEMENT PROJECT.**

A person may remove a heritage tree if the tree is identified for removal in a capital improvement project which has been approved by city council.

#### **§ 25-8-643 ADMINISTRATIVE VARIANCE.**

- (A) The director may grant a variance from Section 25-8-641 (*Removal Prohibited*) to allow removal of a heritage tree only after determining, based on a city arborist report, that the heritage tree:
  - (1) is dying or dead;
  - (2) poses a high risk of property damage or personal injury that cannot reasonably be mitigated without removing the tree; or
  - (3) is diseased and:

- (a) restoration is not practicable; or
  - (b) the disease may be transmitted to other trees.
- (B) No application fee is required for a variance request under this section.
- (C) The director shall prepare written findings to support the grant or denial of a variance request under this section.

**§ 25-8-644 LAND USE COMMISSION VARIANCE.**

- (A) The Land Use Commission may grant a variance from Section 25-8-641 (*Removal Prohibited*) to allow removal of a heritage tree only after determining that the heritage tree:
  - (1) prevents reasonable use of the property;
  - (2) prevents reasonable access to the property;
  - (3) is dead or dying;
  - (4) is diseased and:
    - (a) restoration is not practicable; or
    - (b) the disease may be transmitted to other trees;
  - (5) poses a high risk of property damage or personal injury that cannot reasonably be mitigated without removing the tree; or
  - (6) if located on public property, street, or easement:
    - (a) prevents the opening of necessary vehicular traffic lanes in a street or alley; or
    - (b) prevents the construction of utility or drainage facilities that may not feasibly be rerouted.
- (B) No application fee is required for a variance request under Subsection (A)(3), (A)(4), or (A)(5) or a variance request from another city code section that would eliminate the need to remove the tree.
- (C) The Land Use Commission may not grant a variance request under this section, other than a variance under subsection (A)(3), (A)(4), or (A)(5), if a



variance from another city code provision would eliminate the need to remove the tree, unless the other variance has been requested and denied.

- (D) The Environmental Board must review a variance request under this section to remove a tree. The Urban Forestry board must also review a variance request under this section to remove a tree from public property, street, or easement.

**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, 2008

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk