



ENVIRONMENTAL BOARD MOTION 070908-3B

Date: July 9, 2008

Subject: Duck Lake SP-2008-0072D

Motioned By: Phil Moncada

Seconded By: John Dupnik

Recommendation The Environmental Board recommended conditional approval to a variance request for Duck Lake SP-2008-0072D LDC 25-8-341 and 25-8-342 to allow cut and fill greater than 8 feet.

Staff Conditions: 1) Only clean fill of soil, dirt, rock, sand, or other natural man-made materials are to be used as fill on the site; 2) The Environmental Inspector will have access to the contracts, trip-tickets, and any other paperwork from various trucking operations that will be disposing of clean fill at the site; 3) Submittal and City approval of a Pollution Attenuation Plan for the site prior to site plan approval; 4) Provide enhanced wetland mitigation around the proposed wet pond and retention pond and provide native vegetation restoration for the disturbed areas involving the grading work done around the proposed ponds and any other disturbed drainages draining to the proposed pond. This must be approved by ERM (Environmental Resource Management) prior to site plan approval; 5) Filling will proceed in no more than 12 inches lifts using approved fill material;

Board Conditions:

Septic Systems will be constructed when the building pad is constructed by permitting through Travis County.

Rationale:

The findings of facts have been met and City staff is supporting the project.

Vote 6-0-0-1

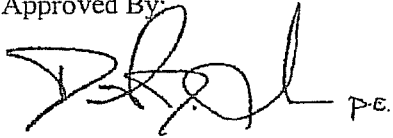
For: Dupnik, Maxwell, Anderson, Beall, Moncada, and Ahart

Against: None

Abstain: None

Absent: Neely

Approved By:

A handwritten signature in black ink, appearing to read "D Anderson", followed by the letters "P.E." in a smaller, handwritten font.

Dave Anderson P.E., CFM, Chair



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: July 9, 2008

NAME & NUMBER OF PROJECT: Austin Del Valle Motorcross Park
 SP-2007-0613D

NAME OF APPLICANT OR ORGANIZATION: Espey Consultants, Inc.
 (Ron Crane – Phone 326-5659)

LOCATION: 14600 Pearce Road

PROJECT FILING DATE: October 29, 2007

WPDR/ENVIRONMENTAL STAFF: Patricia Foran, 974-3427
 patricia.foran@ci.austin.tx.us

WPDR/ CASE MANAGER: Nikki Hoelter, 974-2863
 nikki.hoelter@ci.austin.tx.us

WATERSHED: Dry Creek East Watershed (Suburban)
 Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance requests to: 1) alter the floodplain (LDC 25-7-61(A)(5)(b)); 2) not provide water quality controls (LDC 25-8-211(B)); 3) encroach within wetland critical environmental features and associated setback (LDC 25-8-282); 4) unstabilized fill up to 16 feet (LDC 25-8-342); 5) construct up to 3.59 acres of impervious cover (track), and construct water quality controls within the CWQZ (LDC 25-8-392); and 6) exceed 30% impervious cover in the WQTZ by constructing up to 2.61 acres (11,362 square feet) impervious cover, 1.74 acres (75,795 square feet) of which is in the 100 year floodplain (LDC 25-8-393(A)).

STAFF RECOMMENDATION: Not recommended for all variance requests because the findings of fact have not been met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Patricia Foran, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: June 17, 2008

SUBJECT: Austin Del Valle Motorcross Park/ SP-2007-0613D
14600 Pearce Lane

Description of Project Area

The 45.95-acre site is located at 14600 Pearce Lane. It is bounded by Pearce Lane on the south, unimproved pastureland on the west and east, and by improved pastureland on the north. The site is within the Dry Creek East Watershed, which is classified as Suburban. The site is in the Desired Development Zone. It is not located over the Edwards Aquifer Recharge Zone. Dry Creek, a major waterway, is located along the northern border of the site. There are two tributaries which flow into Dry Creek that also impact this property; one tributary is located along the west side adjacent to the property boundary, and the other tributary enters the property through a culvert that runs under Pierce Lane and proceeds north (the current position of the track prevents this tributary from reaching Dry Creek). There is critical water quality zone (CWQZ) (12.02 acres), water quality transition zone (WQTZ) (10.98 acres), and 100-year floodplain on this property associated with Dry Creek. The site is currently developed with the motorcross track, stock ponds, and a small office. This site has been issued red tags for development without a permit on December 8, 2003 and March 7, 2007. The site plan proposes to permit the existing tracks (main track, quick cross, and free cross), parking and maintenance area, and water quality, and detention pond.

The Land Development Code (LDC) does not address construction of a motorcross track or related development in general, and more specifically, one located within a floodplain. The track is considered to be impervious cover by staff since it is intended for "vehicular use". However, the nature of the motorcross track requires the soil to be maintained regularly in order to achieve optimal loose track conditions. The track soils may be noncompacted and allow water to percolate through, although it is difficult to determine the exact rate since there are various levels of fill throughout the track, and any pervious quality would be affected by use by the motorcross vehicles and heavy maintenance equipment. The pervious characteristics of the track are dependent on regular maintenance.

Hydrogeologic Report

The topography of the site ranges from 482 to 432 feet above mean sea level, generally sloping from south to north. The majority of the site has slopes less than 15%; all development is proposed on slopes less than 15%.

The project area consists of four soil types: Trinity clay, frequently flooded; Houston Black clay, one to three percent slopes; Heiden clay, five to eight percent slopes; and Heiden clay, three to five percent slopes.

Vegetation

The vegetation within the project area is composed of vegetation typically associated with post agricultural practices including Johnson grass, Bermuda grass, and Cedar elm. Canopy trees were found along Dry Creek including Hackberry, Mesquite, and Cedar elm. Wetland indicator species were identified by staff. Significant portions of the site are currently unvegetated.

Critical Environmental Features

Site visits conducted by Watershed Protection staff determined that there are wetland critical environmental features (CEFs) on the subject tract. Wetland indicator plant species were found around stock ponds and within the track area in the CWQZ. The applicant is proposing to mitigate for the CEFs by revegetating two existing stock ponds and areas in between the motocross track. However, the proposed mitigation is not occurring at a one-to-one replacement ratio and is not preserving the natural and traditional character of the land and waterway within the CWQZ. Staff appreciates the collaborative effort in which the applicant has handled the discussions regarding mitigation. However, Environmental Resource Management staff believes that removing the track from the CWQZ and mitigating the loss of wetland habitat by revegetating the CWQZ with native seeding and plants would provide superior preservation and protection of the natural and traditional character of the land and waterway, compared to the current site plan and mitigation proposed by the applicant.

Water/Wastewater Report

No water/wastewater service is requested. Stock ponds will provide water for dust suppression. Portable toilets will be provided.

Variances Requested

The variances requested by the applicant are to:

- 1) alter the floodplain (LDC 25-7-61(A)(5)(b));
- 2) not provide water quality controls (LDC 25-8-211(B));
- 3) encroach within wetland critical environmental features and associated setback (LDC 25-8-282);
- 4) unstabilized fill up to 16 feet (LDC 25-8-342);
- 5) construct up to 3.59 acres (156,380 square feet) of impervious cover (track), and construct water quality controls within the CWQZ (LDC 25-8-392); and
- 6) exceed 30% impervious cover in the WQTZ by constructing up to 2.61 acres (11,362 square feet) impervious cover, 1.74 acres (75,795 square feet) of which is in the 100 year floodplain (LDC 25-8-393(A)).

Similar Cases

There is no precedence for construction of a motorcross in a floodplain.

Recommendations:

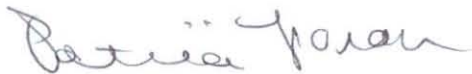
Staff does not recommend any of the variances because the findings of fact have not been met.

Although staff is not able to recommend the variances, it is important to note that staff has worked closely with the applicant in an effort to reduce the impact of the proposed project as much as possible. A significant outcome of the meetings and discussions was a series of conditions that the applicant agreed to implement as part of the approval of site plan. These conditions include:

1. Implement a track maintenance plan as approved by staff through a restrictive covenant;
2. Revegetate the project area with COA specification 609S for seeding and planting and 604S for seeding as indicated in the approved plan set.
3. Provide permanent mulch sock on the downstream perimeter of the track, and vegetate with COA specification 604S for seeding as indicated in the approved plan set.
4. Enhance the existing wetlands associated with the stockponds using COA specification 609S for seeding and planting as indicated in the approved plan set.
5. Stabilize all outfalls/channels associated with the stock ponds.
6. Implement an Integrated Pest Management Plan and prohibit the use of fertilizers, herbicides, and pesticides (through a restrictive covenant).
7. Clearly delineate areas to be used as track, access paths to and from track, and parking area using rope, signs, boulders, or other equivalent barriers.
8. Restrict maintenance equipment to operate only within proposed track (through a restrictive covenant).
9. Provide a permanent irrigation system to be used for dust suppression and irrigation for vegetation.
10. Provide Gambusia in the stock tanks to control mosquitoes.

Staff proposes that these conditions (at a minimum) be considered as part of any motion to recommend or approve these variances.

If you have any questions or need additional information, please contact Patricia Foran at 974-3427.



Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	Austin Del Valle Motorcross Park
Application Case No:	SP-2007-0613D
Code Reference:	LDC 25-7-61(A)(5)(b)
Variance Request:	To not preserve the natural and traditional character of the land and waterway

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No The requirement to maintain the natural and traditional character of the land will not deprive the applicant of a privilege or safety given to owners of similarly situated property. Similar properties do not have this type of development.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No The applicant has chosen to develop the motorcross track in the floodplain. The development method does not provide greater overall protection than is achievable without this variance.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No The applicant could develop the property in a manner that would result in less disturbance and long-term impact.

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

No *The motorcross track must be constantly regraded to achieve the appropriate texture of soil, and to maintain the desired height of jumps. As a result of this dynamic nature of the proposed activity, erosion and sedimentation is a significant concern, particularly due to the fact that this project is located primarily in the CWQZ and 100 year floodplain.*

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

No *The applicant has proposed to enhance the existing wetlands along the stock ponds which should perform some water quality function, and provide a track maintenance plan that addresses potential pollutants associated with the motorcross track, such as sediments, and oil and grease. However, the location of this project in the floodplain and CWQZ removes a significant portion of land that would typically provide water quality, and the proposed activities could negatively affect the receiving waterways. Therefore, the water quality that will result from the variance is not equal to what would be achievable without this variance.*

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A

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

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

Reviewer Name: **Patricia Foran**

Reviewer Signature: 

Date: **June 2, 2008**

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *Austin Del Valle Motorcross Park*
Application Case No: *SP-2007-0613D*
Code Reference: *LDC 25-8-211(B)*
Variance Request: *To not provide water quality controls*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No *The requirement to not provide water quality controls per LDC will not deprive the applicant of a privilege or safety given to owners of similarly situated property.*

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No *The applicant has chosen to place a significant portion of the motorcross track within the CWQZ, WQTZ, and 100 year floodplain. The development method does not provide greater overall protection than is achievable without this variance.*

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No *The applicant could develop the property for more reasonable uses other than a motorcross track.*

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

No *The motorcross track must be constantly regraded to achieve the appropriate texture of soil, and to maintain the desired height of jumps. As a result of this*

dynamic nature of the proposed activity, erosion and sedimentation is a significant concern, particularly due to the fact that this project is located primarily in the CWQZ, WQTZ, and 100 year floodplain.

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

No The applicant has proposed to: enhance the existing wetlands along the stock ponds which should perform some water quality function; and provide a track maintenance plan that addresses potential pollutants associated with the motorcross track, such as sediments, and oil and grease. However, the location of this project in the CWQZ removes a significant portion of land that would typically provide water quality, and the proposed activities could negatively affect the receiving waterways. Therefore, the water quality that will result from the variance is not equal to what would be achievable without this variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A

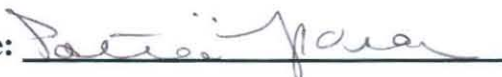
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

Reviewer Name: Patricia Foran

Reviewer Signature: 

Date: May 12, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	<i>Austin Del Valle Motorcross Park</i>
Application Case No:	SP-2007-0613D
Code Reference:	LDC 25-8-282
Variance Request:	<i>To encroach within wetland critical environmental features and the associated setbacks</i>

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No The requirement to protect wetlands and maintain an appropriate buffer will not deprive the applicant of a privilege or safety given to owners of similarly situated property. Most property in the vicinity of this project is undeveloped agricultural land.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No The applicant is choosing to develop the motorcross track within the CWQZ and wetlands, rather than designing around these areas. The development method does not provide greater overall protection than is achievable without this variance. The applicant is proposing to mitigate for the CEFs by revegetating two existing stock ponds and areas in between the motocross track. However, the proposed mitigation is not occurring at a one-to-one replacement ratio and is not preserving the natural and traditional character of the land and waterway within the CWQZ. Relocating the track outside of the CWQZ and mitigating the loss of wetland habitat by revegetating the CWQZ with native seeding and plants would provide superior preservation and protection of the natural and traditional character of the land and waterway, compared to the current site plan and mitigation proposed by the applicant.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No The applicant could develop the property in a manner that would result in less disturbance and long-term impact.

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

No The motorcross track must be constantly regraded to achieve the appropriate texture of soil, and to maintain the desired height of jumps. As a result of this dynamic nature of the proposed activity, erosion and sedimentation is a significant concern, particularly due to the fact that this project is located primarily in the CWQZ and 100 year floodplain.

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

No The applicant has proposed to: enhance the existing wetlands along the stock ponds which should perform some water quality function, and provide a track maintenance plan that addresses potential pollutants associated with the motorcross track, such as sediments, and oil and grease. However, the location of this project in the CWQZ removes a significant portion of land that would typically provide water quality, and the proposed activities could negatively affect the receiving waterways. Therefore, the water quality that will result from the variance is not equal to what would be achievable without this variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A

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

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

Reviewer Name: Patricia Foran

Reviewer Signature: *Patricia Foran*

Date: June 2, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	<i>Austin Del Valle Motorcross Park</i>
Application Case No:	SP-2007-0613D
Code Reference:	<i>LDC 25-8-342(A) and (B)</i>
Variance Request:	<i>To fill up to 16 feet and not establish restore and stabilize fill</i>

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No The type of development proposed by the applicant is unique compared to similar development activities occurring contemporaneously. As a result, the requirement to fill less than four feet and to stabilize the fill will not deprive the applicant of a privilege or safety given to owners of similarly situated property.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No The nature of a motorcross cross track requires steep hill and valley topography. In order to achieve this topography, the applicant is proposing fill up to 16 feet in certain areas of the track. The development method does not provide greater overall protection than is achievable without this variance.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No The applicant could develop the property in a manner that would result in less disturbance and long-term impact.

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

No The motorcross track must be constantly regraded to achieve the appropriate texture of soil, and to maintain the desired height of jumps. As a result of this dynamic nature of the proposed activity, erosion and sedimentation is a significant concern, particularly due to the fact that this project is located primarily in the CWQZ and 100 year floodplain.

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

No The applicant has proposed to: 1) enhance the existing wetlands along the stock ponds which should perform some water quality function; and 2) provide a track maintenance plan that addresses potential pollutants associated with the motorcross track, such as sediments, and oil and grease . However, the location of this project in the CWQZ removes a significant portion of land that would typically provide water quality, and the proposed activities could negatively affect the receiving waterways. Therefore, the water quality that will result from the variance is not equal to what would be achievable without this variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A


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

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

Reviewer Name: Patricia Foran

Reviewer Signature: 

Date: June 2, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	<i>Austin Del Valle Motorcross Park</i>
Application Case No:	<i>SP-2007-0613D</i>
Code Reference:	<i>LDC 25-8-392</i>
Variance Request:	<i>To construct up to 3.59 acres of impervious cover, and construct water quality controls within the CWQZ</i>

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No The requirement to not development within the CWQZ will not deprive the applicant of a privilege or safety given to owners of similarly situated property. Most property in the vicinity of this project is undeveloped agricultural land.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No The applicant has chosen to place the motorcross track and water quality controls within the CWQZ even though a significant portion of this site is not CWQZ. The development method does not provide greater overall protection than is achievable without this variance.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No The applicant could develop the property in a manner that would result in less disturbance and long-term impact.

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

No The motorcross track must be constantly regraded to achieve the appropriate texture of soil, and to maintain the desired height of jumps. As a result of this dynamic nature of the proposed activity, erosion and sedimentation is a significant concern, particularly due to the fact that this project is located primarily in the CWQZ and 100 year floodplain. Furthermore, any water quality function that the proposed controls will provide may be impeded by its location in the CWQZ.

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

No The applicant has proposed to: enhance the existing wetlands along the stock ponds which should perform some water quality function, and provide a track maintenance plan that addresses potential pollutants associated with the motorcross track, such as sediments, and oil and grease. However, the location of this project in the CWQZ removes a significant portion of land that would typically provide water quality, and the proposed activities could negatively affect the receiving waterways. Therefore, the water quality that will result from the variance is not equal to what would be achievable without this variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

No The applicant has chosen to develop the property in a manner that would result in significant post construction disturbance, and has chosen to place the track within the CWQZ, WQTZ, 100 year floodplain, and within CEFs rather than design area these areas.

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

No The applicant has chosen a use that is not appropriate for the conditions of the site.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

No The applicant has chosen a use that is not appropriate for the conditions of the site.

Reviewer Name: Patricia Foran

Reviewer Signature: 

Date: June 2, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	<i>Austin Del Valle Motorcross Park</i>
Application Case No:	SP-2007-0613D
Code Reference:	LDC 25-8-393(A)
Variance Request:	<i>To exceed 30% impervious cover in the water quality transition zone by constructing up to 2.61 acres of impervious cover, including 1.74 acres in the 100 year floodplain</i>

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No The requirement to construction only 30% impervious cover in the water quality transition zone (WQTZ) will not deprive the applicant of a privilege or safety given to owners of similarly situated property.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No The applicant has placed a significant portion of the motorcross track within the WQTZ, CWQZ, and 100 year floodplain rather than designing around these areas. The development method does not provide greater overall protection than is achievable without this variance.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No The applicant could develop the property with more reasonable uses other than a motorcross track.

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

No The motorcross track must be constantly regraded to achieve the appropriate texture of soil, and to maintain the desired height of jumps. As a result of this dynamic nature of the proposed activity, erosion and sedimentation is a significant concern, particularly due to the fact that this project is located primarily in the CWQZ and 100 year floodplain.

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

No The applicant has proposed to: enhance the existing wetlands along the stock ponds which should perform some water quality function, and provide a track maintenance plan that addresses potential pollutants associated with the motorcross track, such as sediments, and oil and grease. However, the location of this project in the CWQZ removes a significant portion of land that would typically provide water quality, and the proposed activities could negatively affect the receiving waterways. Therefore, the water quality that will result from the variance is not equal to what would be achievable without this variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

No The applicant has chosen to develop the property in a manner that would result in significant post construction disturbance, and has chosen to place the track within the CWQZ, WQTZ, 100 year floodplain, and within CEFs rather than design area these areas.

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

No The applicant has chosen a use that is not appropriate for the conditions of the site.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

No The applicant has chosen a use that is not appropriate for the conditions of the site.

Reviewer Name: Patricia Foran

Reviewer Signature: 

Date: May 12, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



Espey Consultants, Inc.
Environmental & Engineering Services

June 4, 2008

Ms. Victoria Hsu, P.E., Director
City of Austin
Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, TX 78704

Dear Ms.Hsu,

Watershed Variances - Findings of Fact

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

Project:	Austin Del Valle Motocross Park	
Case Number:	SP-2007-0613D	
Ordinance Standards:	LDC 25-8-341	Cut Requirements (> 4').
	LDC 25-8-342 (A &B)	Fill Requirements (> 4') and not stabilizing fill.
	LDC 25-7-96	Construction within the CWQZ.
	LDC 25-8-281(C)	For encroaching on a CEF setback.
	LDC 25-8-392	For development in the CWQZ.
	LDC 25-8-211(b)	Water Quality Controls
	LDC 25-7-61	For not maintaining the natural and traditional character with a floodplain modification.

JUSTIFICATION

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?

Yes. This development will consist of groomed earthen sports trails, associated parking and operations areas. These sports trails do not exactly fit the exact definition of traditional impervious cover, as being "impermeable construction covering the natural land surface". While they are to be used for off-road vehicles, they are to be constructed in a way to allow for precipitation and moisture to be absorbed into the ground and maintain permeability; much like the fairway of a golf course. In their operations these sports trails require that moisture be applied frequently.

If the sports trails were not considered impervious cover, then the other areas of this development (parking and operations) would then approach the threshold of 20% impervious cover on the net site area calculations.

A portion of the proposed trails will encroach on the 25-year floodplain of Dry East Creek. This floodplain encroachment is permissible as an exception for recreational uses such as a golf course or parkland (LDC 25-7-96). Several Austin area golf courses have cart paths and

associated grading located within the CWQZ. Moreover, the proposed recreational use of sports trails may be considered to have less of an environmental impact than a golf course; as the motocross park will not have the operational requirements of pesticides and herbicides commonly used to maintain golf courses.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

*Yes. Unlike golf courses no pesticides or herbicides are required to maintain the recreational use of sports trails. Furthermore, down gradient of the sports trails there will be several Best Management Practices (BMPs) that will reduce potential environmental consequences, and act as alternative water quality control measures. The implementation of the BMPs are described in the 7-page document entitled - **Austin Del Valle Motocross Park - Track Management Plan.***

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land?

Yes. This development will consist of groomed earthen sports trails, associated parking and operations areas. A portion of the proposed trails will encroach on the 25-year floodplain of Dry East Creek. This floodplain encroachment is permissible as an exception for recreational uses such as a golf course or parkland. Several Austin area golf courses have cart paths and associated grading located within the CWQZ. The special or unique conditions of this tract did not result from a voluntary subdivision.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?

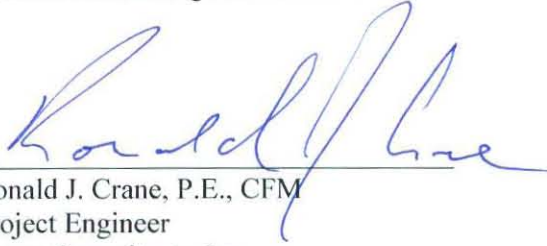
Yes. The majority of the site is located either within the Critical Water Quality Zone, Water Quality Transition Zone or the Zone A floodplain as designated by FEMA. Due to these limitations, the only economic use of this tract is for recreation, such as groomed earthen sports trails.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Not located in the Barton Springs Zone.



VARIANCE REQUESTED BY:



Ronald J. Crane, P.E., CFM
Project Engineer
Espey Consultants, Inc.



P:\active\4019 Sheep Farm\Letters\080604 Variance request.doc

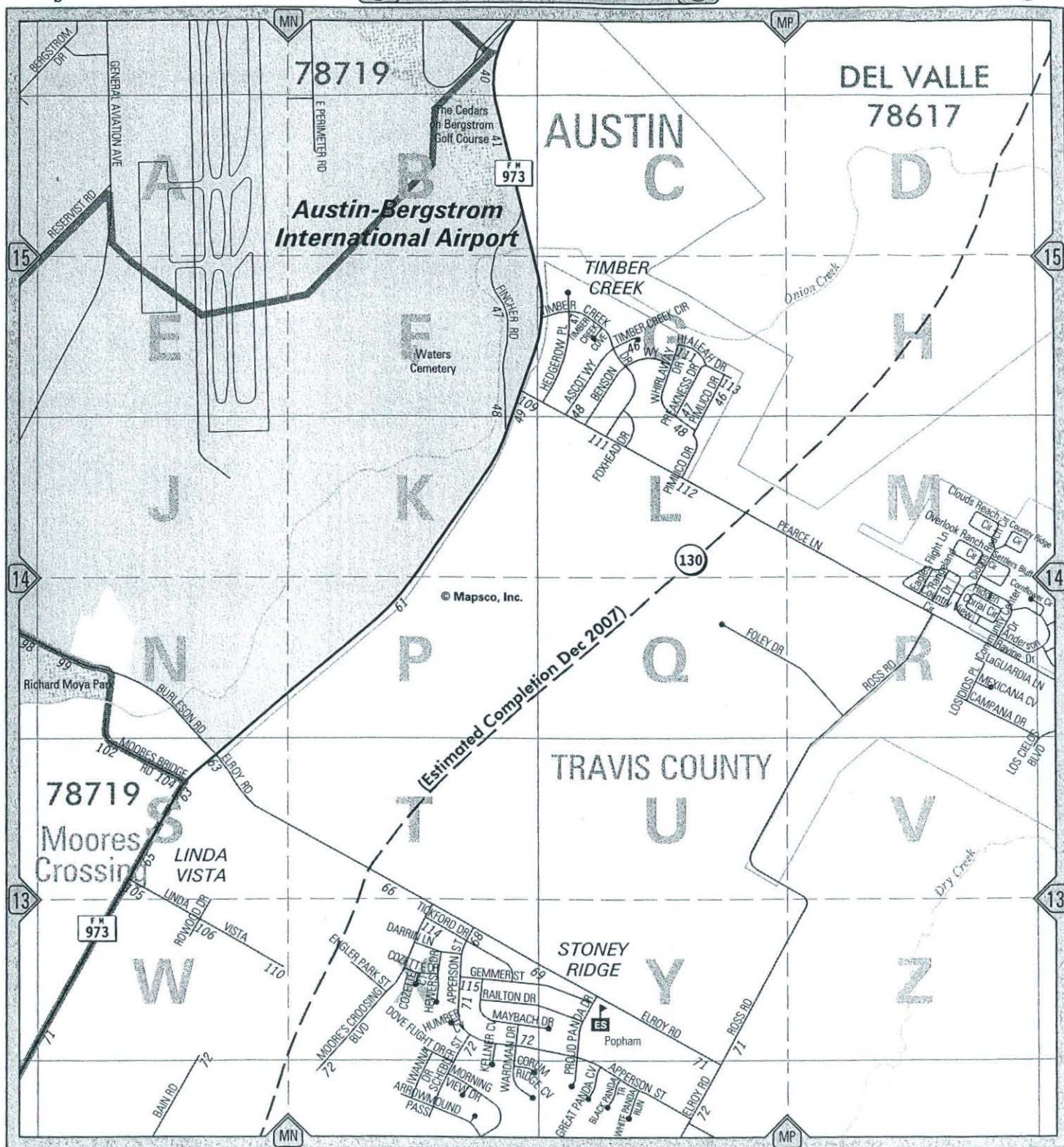
DIRECTIONS TO AUSTIN DEL VALLE MOTORCROSS PARK

SP-2007-0613D

This project is located within the 2-mile ETJ.

Austin Del Valle Motorcross Park is located at 14600 Pearce Lane.

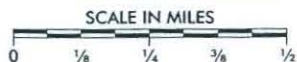
Take Highway 71 east past Austin-Bergstrom International Airport. Approximately $\frac{1}{4}$ mile after State Highway 130, make a right onto Ross Road. Take Ross Road approximately $\frac{1}{2}$ mile to Pearce Lane. Make a left onto Pearce Lane. Take Pearce Lane approximately 1.5 miles; the entrance to the site is on the left.



CONTINUED ON MAP 676

CONTINUED ON MAP 707

CONTINUED ON MAP 678



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BOOK PAGE 1256











ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: JULY 9, 2008

NAME & NUMBER
OF PROJECT: DUCK LAKE
SP-2008-0072D

NAME OF APPLICANT
OR ORGANIZATION: King Engineering Associates, Inc.
(Contact Roman Grijalva, 512-462-4921)

LOCATION: 701 Dalton Lane, Building C

PROJECT FILING DATE: February 21, 2008

WPDR/ENVIRONMENTAL
STAFF: Craig Carson, 974-7690
craig.carson@ci.austin.tx.us

WPDR/
CASE MANAGER: Beth Robinson, 974-7114
beth.robinson@ci.austin.tx.us

WATERSHED: Colorado River (Suburban)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance requests are as follows:

1. To allow cut/fill greater than 4 feet (LDC Section 25-8-341/342).

STAFF RECOMMENDATION: Recommend approval.

REASONS FOR
RECOMMENDATION: Findings of fact have met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Craig Carson, Senior Environmental Reviewer
Watershed Protection and Development Review Department

DATE: July 9, 2008

SUBJECT: Duck Lake; SP-2008-0072D

Variance Requests: To allow a cut/fill greater than 4 feet (LDC 25-8-341/342).

Description of Project Area

This is a 41.723 acre site located at 701-C Dalton Lane. The property is located in the 2-Mile ETJ and is within the Carson Creek and Colorado River Watersheds (both Suburban). The site plan application is for the construction of building/parking pad sites and access drives. The applicant is proposing four commercial pad sites with the following areas: 6.79 acres, 6.7 acres, 6.97 acres, and 1.733 acres, for a total impervious cover area of 22.913 acres (65% Net site area impervious cover). There is an old shed and several old mobile homes that were stored on the property that will be removed as part of this project.

The property was previously operated as a sand and gravel quarry and as a result there are 2 man-made ponds on the site. Both ponds have been designated as Critical Environmental Features (CEFs) by WPRD Environmental Resource Management staff. The applicant proposes to use the northernmost pond as a water quality control and to fill in the southernmost pond for a building/parking pad. The site is made up of 2 large drainage areas, in which each area drains to one of the existing man-made ponds. The proposed plan will allow the applicant to fill in the southernmost pond and re-grade the site so that the entire site drains into the northernmost pond. The submitted plan proposes to convert the northernmost pond into a wet pond and retention pond. The loss of the southern pond will be mitigated in accordance with the City Biologist's request (See attached June 30, 2008 Memo).

Vegetation

Because this site was used as a sand and gravel quarry, most of the vegetation has been removed. However, there are a few scattered juniper trees and small shrubs interspersed with some grasses. Both man-made ponds have wetland vegetation and have been designated by the City of Austin as Critical Environmental Features (CEFs).

Critical Environmental Features

The two CEFs discussed above were identified in an environmental assessment prepared by ACI Consulting. Both features are wetland areas surrounding the two man-made ponds that formed in an inactive sand and gravel quarry. Per the attached June 30, 2008 Memo, the applicant is mitigating for the loss of the wetland area surrounding the southernmost pond by enhancing the other wetland feature by constructing a water quality wet pond / retention pond and revegetating the drainage areas that are feeding the wetland areas with native seeding and plantings in accordance to Item 609S of the City Standard and Specification Manual. The applicant has also provided the required Pollution Attenuation Plan for the site (Attached).

Water/Wastewater

Currently there are no buildings, septic systems, or potable water services on this site. Until the building pads are sold, the applicant is proposing to pump and haul collected wastewater from all four proposed pad sites. Once the pads are sold, septic systems will be designed for that development. Potable water will be hauled onto the site and stored in an elevated storage water tank.

Variance Request

A variance from LDC Section 25-8-341/342: Cut & Fill requirements.

The applicant is proposing to reuse an old sand and gravel quarry to build four commercial building/parking pads. To do this, the applicant will need to fill in the southern most man-made pond which will require up to 36 feet of fill. Additionally, the proposed grading will require cuts, some in limited areas of up to 16 feet. The deepest cuts are taking place in the proposed retention pond and at the point in the southeastern most drainage swale where it leaves the southeastern most pad.

Similar Cases

The following project had similar construction issues and received recommendations from the Environmental Board that were subsequently approved by the Zoning and Platting Commission:

Austin Reclaimed Materials 41-Acre Tract (SP-03-0447D)

The Environmental Board recommended approval the following project on April 21, 2004 by a vote of 6-0-1-1:

Staff Conditions:

1. Only clean fill of soil, dirt, rock, sand, or other natural man-made materials are to be used as fill on the site;
2. The Environmental Inspector will have access to the contracts, trip-tickets, and any other paperwork from various trucking operations that will be disposing of clean fill at the site;

3. Long term pollution attenuation plan, erosion control plan, and posting of ESC fiscal for restoration;
4. Native grass restoration;
5. Filling will proceed sequentially. Individual sell restoration will be completed prior to the fill of the next cell in sequence;
6. The wetland CEF will be protected or mitigated for as recommended by ERM staff.

Additional Board Conditions:

1. Use clean fill/inert materials;
2. Revegetation with native seed mixture;
3. Follow best management practices (BMP's).

Recommendations

The findings of fact have been met. Staff recommends approval of this variance with the following conditions:

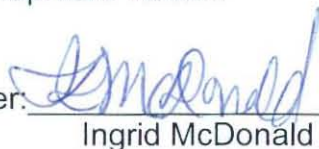
1. Only clean fill of soil, dirt, rock, sand, or other natural man-made materials are to be used as fill on the site;
2. The Environmental Inspector will have access to the contracts, trip-tickets, and any other paperwork from various trucking operations that will be disposing of clean fill at the site;
3. Submittal and City approval of a Pollution Attenuation Plan for the site prior to site plan approval;
4. Provide enhanced wetland mitigation around the proposed wet pond and retention pond and provide native vegetation restoration for the disturbed areas involving the grading work done around the proposed ponds and any other disturbed drainages draining to the proposed pond. This must be approved by ERM prior to site plan approval;
5. Filling will proceed in no more than 12 inch lifts using approved fill material;

If you have any questions or need additional information, please feel free to contact me at 974-2711.



Craig Carson, Environmental Review Specialist
Watershed Protection and Development Review

Environmental Program Manager:


Ingrid McDonald

Environmental Officer:


J. Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	Duck Lake
Application Case No:	SP-2008-0072D
Code Reference:	LDC Section 25-8-341
Variance Request:	To allow a cut greater than 4 feet.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. Other existing quarries in the area have been allowed to be cut, filled, re-graded, and used for other purposes.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. Although the applicant purchased the site in its current condition, by allowing the cutting, filling and re-grading of the site, all run-off will be sent into a water quality wet pond, which then discharges into a retention pond. This pond has been modeled by the applicant to show that it will not overflow, even after two back to back 100 year floods. The retention pond maintains it level through evaporation and hydraulic connectivity to the Colorado River. This site is hydraulically up-gradient from the Colorado River.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The proposed cut is the minimum necessary to establish building pads while also ensuring the site's proposed grading directs runoff into the proposed ponds to ensure proper runoff detention and treatment.

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

Yes. This variance will not increase harmful environmental consequences. All run-off will be treated by a water quality wet pond before discharging into the retention pond.

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

Yes. The proposed cut areas related to this variance request ensure that all runoff from this project is directed to the water quality pond. Without this variance, it would be hard to direct all runoff into the proposed ponds for treatment. In this case, water quality should be enhanced with the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A.

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

N/A.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

Reviewer Name: Craig Carson

Reviewer Signature:  _____

Date: June 29, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: Duck Lake
Application Case No: SP-2008-0072D
Code Reference: LDC Section 25-8-342
Variance Request: To allow fill greater than 4 feet.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. Other existing quarries in the area have been allowed to be filled and used for other purposes.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. Although the applicant purchased the site in its current condition, by allowing the filling and re-grading of the site, all run-off will be sent into a water quality wet pond, which then discharges into a retention pond. This pond has been modeled by the applicant to show that it will not overflow, even after two back to back 100 year floods. The retention pond maintains it level through evaporation and hydraulic connectivity to the Colorado River. This site is hydraulically up-gradient from the Colorado River.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The proposed fill is the minimum necessary to establish building pads while also ensuring the site's proposed grading directs runoff into the proposed ponds to ensure proper runoff detention and treatment.

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

Yes. This variance will not increase harmful environmental consequences. All run-off will be treated by a water quality wet pond before discharging into the retention pond.

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

Yes. The proposed fill areas related to this variance request ensure that all runoff from this project is directed to the water quality pond. Without this variance, it would be hard to direct all runoff into the proposed ponds for treatment. In this case, water quality should be enhanced with the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A.

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

N/A.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

Reviewer Name: Craig Carson

Reviewer Signature: 

Date: June 29, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

SERVICES

Civil Engineering
Environmental Engineering
Transportation Planning & Engineering
Pavement Management
Land Planning
Ecological Services
Surveying & Mapping
Construction Management
GIS Mapping
Landscape Architecture
(FL #LC26000183)

OFFICE LOCATIONS

FLORIDA

Jacksonville
Sarasota
Tampa

TEXAS

Austin

2211 South IH-35
Suite 200
Austin, Texas 78741
phone 512.462.4921
fax 512.462.1372

April 17, 2008

Mr. Craig Carson
Watershed Protection and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

Re: Duck Lake
Permit Number SP-2008-0072D
Land Use Commission Variance Request to Cut/Fill Requirements

Dear Mr. Carson:

We are requesting a Land Use Commission variance to the City of Austin's Cut/Fill requirement of greater than 8 feet for the referenced project. The following are the Findings of Fact for the subject project.

Project: Duck Lake

Ordinance Standard: LDC 25-8-41

Justification: 1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?

YES – The property owner seeks to fill an existing, man-made pond and construct, by fill, a retention pond using existing topography. In order to fully develop the property for proposed operations, the property must be graded such that all potential runoff is appropriately captured. As a result, the proposed depth is greater than the 8-foot maximum cut and fills as required by LDC 25-8-41.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

YES – The departure from the ordinance is the minimum allowable for the proposed site condition. In order to make a currently inadequate property usable, the man-made ponds must be altered. We seek to reuse, to the maximum extent possible, the current property grades.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition, which was created as a result of the method by which a person voluntarily subdivided land.

YES – This request is not based on a special condition resulting from the subdivision of the land. However, the current property owner inherited the current site condition, which is common in many of the sand and gravel quarry sites along the Colorado River.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?

YES – The proposed variance is not within the Critical Water Quality Zone and/or Water Quality Transition Zone; however, the application of restrictions will leave the property owner without reasonable use of the entire property, thus affecting his economic prospects.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have had development proceeded without variance?

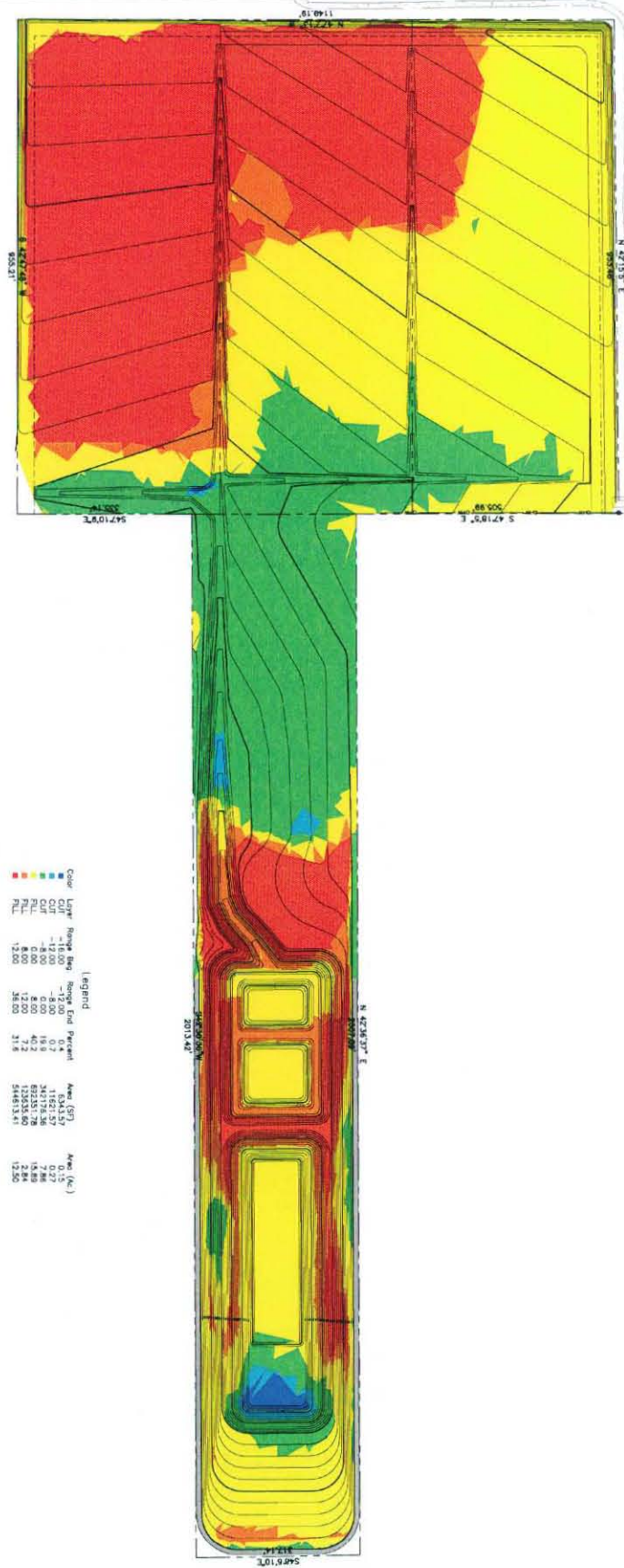
NOT APPLICABLE

We are confident that we have adequately presented justification for a Land Use Commission variance and we look forward to your response. If you have any questions or require additional information, please contact our office at 462-4921.

Very truly yours,



Roman D. Grijalva, P.E.
Project Manager
King Engineering Associates, Inc.





MEMORANDUM

TO: Craig Carson, Senior Environmental Reviewer
Watershed Protection and Development Review Department

FROM: Scott E. Hiers, P.G., Senior Environmental Scientist
Watershed Protection and Development Review Department

DATE: July 1, 2008

SUBJECT: Wetland Mitigation for Duck Lake SP-2008-0072D

The Duck Lake development site has two critical environmental features present on site, which were identified in an environmental assessment prepared by ACI consulting. The features are two wetland areas surrounding two large pond areas that have formed in inactive sand and gravel quarry.

In accordance to Section 25-8-282 of Land Development Code, the applicant is proposing mitigation for the loss of one of the wetland areas by enhancing the other wetland feature by constructing a water quality wet pond and revegetating the drainages that are feeding the wetland areas with native seeding and plantings in accordance to Item No. 609S of City Standard and Specification Manual. In addition, the applicant has provided a Pollutant Attenuation Plan, which has been approved by Environmental Resource Management (ERM) for the site. ERM staff has review the site plan and mitigation proposal and finds it to be adequate mitigation for the loss of wetland habitat.

If you have any questions, please call me 974-1916

Scott E. Hiers, P.G, Senior Environmental Scientist
Watershed Protection and Development Review Department

SH

DUCK LAKE SITE PLAN

POLLUTANT ATTENUATION PLAN

Prepared

April 2008



Prepared by:

King
ENGINEERING ASSOCIATES, INC.

2211 South IH 35
Suite 200
Austin, Texas 78741
(512) 462-4921 ♦ (512) 462-1372 Fax
www.kingengineering.com

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 - B. Pollution Prevention Controls
 - C. State and Local Requirements
 - D. Inspection and Maintenance Procedures
 - E. Pollution Prevention Measures
 - F. Reclamation Plan

- II. List of Exhibits
 - A. Project Location Map
 - B. Erosion Sedimentation Control Plan
 - C. Drainage Control Plan
 - D. Aerial Photo

DUCK LAKE SITE PLAN

A. SITE DESCRIPTION

1. Project Name: Duck Lake Site Plan
2. Location: The project is located at 701-C Decker Lane, Austin, Texas 78742. The project is located in Travis County and the City of Austin's 2-mile ETJ (See Exhibit "A" for Project Location Map).
3. Facility Operator: J.E.C.G., L.C.
2222 West North Loop
Austin, TX 78756
4. Property Owner: Curtis Griffin
J.E.C.G., L.C.
2222 West North Loop
Austin, TX 78756
5. Project Description: We are submitting a Site Plan (construction element) application for the subject 41.723-acre project at 701-C Dalton Lane (See Exhibit "D" for Aerial Photo). The property is located within the two-mile Extra Territorial Jurisdiction of the City of Austin and therefore is not zoned. The property is within the Carson Creek and Colorado River (Suburban) Watersheds. The Site Plan application is for the construction of building/parking pad sites and access drives. We propose to build the project on four pad sites with the following areas: 6.79 acres, 6.70 acres, 6.97, and 1.733 acres for a total impervious cover area of 22.913 acres. The project is on a 41.723-acre lot out of the Santiago Del Valle Survey (legal lot case number C8i-2008-0006).

The property is located on the east side of Dalton Lane and is accessed by a privately shared drive. The site consists of land that is covered with a few juniper trees and small shrubs interspersed with some grasses. There is an existing shed on the property that appears to have once been used as a covered parking area. In addition, the previous owner leased space to a mobile home manufacturer, which used the space for storage of older, used manufactured homes. Consequently, a few of the mobile homes are still located on site and will be removed as part of construction activities.

The property appears to have previously been operated as a material extraction site and as a result there are two man-made ponds scattered throughout the site. The largest of the existing ponds will be used as part of the proposed site plan.

Austin Water Utilities, Time Warner Cable, and SBC do not currently serve the property. There are no buildings, septic systems, or potable water service. We propose to haul collected wastewater from all four proposed pad sites and potable water will be hauled onto the site and stored in an elevated storage water tank.

We propose to develop four pad sites with compacted-base access roads on the four lots. The total site is 41.723 acres in size with a net site area of 35.25 acres. We propose to build approximately 22.913 acres (65%) of impervious cover on the site. The development will be commercial in nature. The site will be graded and compacted as shown on the attached plans to create pad sites for parking areas and buildings. Compacted, flexible base access roads will be constructed as shown to provide access from Dalton Lane to the pad sites.

The project site and the surrounding area are very flat and drainage patterns are not well defined. The existing site generally drains in two large patterns. Stormwater runoff in the first drainage area runs from North to South into a man-made pond. Runoff from the second drainage area drains from South to North in a larger, secondary man-made pond. The two drainage areas appear to be separated by an existing property access road. We intend to collect the stormwater runoff from the developed site in four major trapezoidal channels three of which are designed with the typical 6-foot wide, grass bottoms and the fourth, largest channel was designed with a 10-foot wide grass bottom. The channels will convey the stormwater to an existing pond. Each of the channels have been designed to convey the anticipated, developed 100-year peak flow.

Channel A will collect runoff from Drainage Area #1 (as shown on the Drainage Plan Sheet). We have designed Channel A (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from the 6.79-acre Drainage Area #1.

Channel B will collect runoff from Drainage Area #2 and two-thirds (2/3) of Drainage Area #3 (as shown on the Drainage Plan Sheet). We have designed Channel B (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from the 6.70-acre Drainage Area #2 and two-thirds (2/3) of the 6.97-acre Drainage Area #3.

Channel D will collect runoff from one-third (1/3) of Drainage Area #3 (as shown on the Drainage Plan Sheet). We have designed Channel D (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from one-third (1/3) of the 6.97-acre Drainage Area #3.

Channel C will receive flows from Channels A, B, and D and will collect runoff from Drainage Area #4 (as shown on the Drainage Plan Sheet). We have designed Channel C (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from the Channels A, B, and D, and from the 1.733-acre Drainage Area #4.

Water quality and retention will be handled in the proposed retention pond. The pond will be located at the northernmost end of the project site. The existing pond is roughly 1.7 acres in size at the normal water surface level. The proposed retention pond will be approximately 7.86 acres in size at the normal water surface level. The pond will be reshaped with the bottom elevation at approximately the existing normal water surface level. The finished pond will not have an outlet structure, as it will be a retention pond. We sized the pond to accommodate the runoff from the 41.723-acre project site (at 65% impervious cover). The top of bank of the proposed pond (and required volume) was calculated by assuming that the worst-case scenario would be a 100-year storm event, immediately followed by another 100-year storm event. Using HEC-1, we modeled the

100-year event and calculated the estimated water surface elevation in the pond and then modeled a second 100-year event and calculated the cumulative water surface elevation in the pond. We then set the top of bank above the estimated cumulative water surface elevation. We believe this is a very conservative approach.

The proposed development will have very little effect on the surrounding area. The property appears to have previously been operated as a resource extraction site and as a result there exist various man-made ponds scattered throughout the site. During construction, we expect that there will be heavy equipment and large trucks on the site. We believe that once the cut and filling operation is complete and the site is built per the attached site plan, the surrounding area will greatly benefit.

B. POLLUTION PREVENTION CONTROLS

1. Sequence of Construction:

- a. Erosion controls are to be installed as indicated on the approved development plan. Install temporary erosion control measures and stabilized construction entrance according to the environmental criteria manual prior to clearing, grading, excavating, etc.
- b. The Contractor shall contact the Watershed Protection Department (974-2278) and DPWT at least 72 hours prior to any construction to schedule for a preconstruction coordination meeting to be held on-site.
- c. Preconstruction meeting at site.
- d. Erosion controls will be revised, if needed, to comply with the City of Austin inspectors' directives and revised construction schedule relative to the erosion/sedimentation control, and tree protection plan.
- e. Rough grade channels.
- f. Rough grade drive aisle and pad sites.
- g. Environmental Project Manager will schedule a mid-construction conference to coordinate changes in the construction schedule and evaluate effectiveness of the erosion control plan after possible construction alterations to the site. Participants shall include the City Inspector, Project Engineer, General Contractor and Environmental Project Manager. The anticipated completion date and final construction sequence and inspection schedule will be coordinated with the appropriate City Inspector.
- h. Begin excavation of water quality and retention ponds.
- i. Regrade access drives with subgrade.
- j. Insure that all underground utility crossings are completed. Lay first course base material in the drive aisles.
- k. Lay final base course in the drive aisles.
- l. Complete channels.
- m. Complete water quality and retention pond.
- n. Clean site and revegetate disturbed areas, including the removal of any remaining temporary controls, or execute a developers' contract for the revegetation along with the engineer's concurrence letter submitted to the city after the engineer inspects the site.
- o. Remove and dispose of temporary erosion controls.
- p. Complete any necessary final dress-up of areas disturbed by removing temporary erosion controls.

2. Erosion and Sedimentation Controls (See Exhibit "B"):

a. Stabilization Practices:

- (i) Disturbed areas, including spoils disposal sites, where construction activity temporarily ceases for at least 21 days will be stabilized with seeding and/or mulching by the 14th day after the last disturbance.

Stabilization measures consist of the following:

1. From September 15 through March 1, seeding shall be with annual rye at a rate of 300 pounds per acre.
2. From March 2, through September 14, seeding shall be hulled Bermuda applied at a rate of 1 pound per 1000 square feet (hydraulic seeding).
3. Mulch type used shall be fiber, applied at 45 pounds per 1000 square feet.

- (ii) Upon completion of the improvements, the site will be revegetated with seeding per the approved Site Plan.

- b. Structural Practices: Prior to site clearing, grading and excavation, the stabilized construction entrances will be installed and silt fences will be constructed at the downstream edge of disturbed areas where shallow sheet runoff occurs. The contractor will be responsible for maintaining these controls during the installation of the improvements and during stabilization practices (revegetation). The contractor will be responsible for removing the temporary controls once the revegetation is established.

3. Stormwater Management Controls (See Exhibit "C-1" for Existing Conditions):

- a. Temporary Controls: Temporary controls will consist of the installation of silt fences down slope of the improvements. These controls will be maintained on a weekly basis.
- b. Permanent Controls: Once construction associated with this project is completed, the site will be revegetated in accordance with the stabilization practices identified in the approve Site Plan.
- c. Drainage Control Plan (See Exhibit "C-2" for Proposed Future Conditions):

1) Drainage from the proposed improvements in accordance with the stabilization practices identified in the approve Site Plan. We intend to collect the stormwater runoff from the developed site in four major trapezoidal channels three of which are designed with the typical 6-foot wide, grass bottoms and the fourth, largest channel was designed with a 10-foot wide grass bottom. The channels will convey the stormwater to an existing pond. Each of the channels has been designed to convey the anticipated, developed 100-year peak discharge flow. Because there will be no material, process, or vehicular washing on site, there are no apparent concerns to the storm water runoff quality. Exhibit 3 shows the overall drainage plan.

2) Channel A will collect runoff from Drainage Area #1 (as shown on the Drainage Plan Sheet). We have designed Channel A (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from the 6.79-acre Drainage Area #1.

3) Channel B will collect runoff from Drainage Area #2 and two-thirds (2/3) of Drainage Area #3 (as shown on the Drainage Plan Sheet). We have designed Channel B (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from the 6.70-acre Drainage Area #2 and two-thirds (2/3) of the 6.97-acre Drainage Area #3.

4) Channel D will collect runoff from one-third (1/3) of Drainage Area #3 (as shown on the Drainage Plan Sheet). We have designed Channel D (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from one-third (1/3) of the 6.97-acre Drainage Area #3.

5) Channel C will receive flows from Channels A, B, and D and will collect runoff from Drainage Area #4 (as shown on the Drainage Plan Sheet). We have designed Channel C (and the subsequent water quality and retention ponds) to accommodate the anticipated, fully developed 100-year peak discharge rate from the Channels A, B, and D, and from the 1.733-acre Drainage Area #4.

6) Water quality and retention will be handled in the proposed retention pond. The pond will be located at the northernmost end of the project site. The existing pond is roughly 1.7 acres in size at the normal water surface level. The proposed retention pond will be approximately 7.86 acres in size at the normal water surface level. The pond will be reshaped with the bottom elevation at approximately the existing normal water surface level. The finished pond will not have an outlet structure, as it will be a retention pond. We sized the pond to accommodate the runoff from the 41.723-acre project site (at 65% impervious cover). The top of bank of the proposed pond (and required volume) was calculated by assuming that the worst-case scenario would be a 100-year storm event, immediately followed by another 100-year storm event. Using HEC-1, we modeled the 100-year event and calculated the estimated water surface elevation in the pond and then modeled a second 100-year event and calculated the cumulative water surface elevation in the pond. We then set the top of bank above the estimated cumulative water surface elevation. We believe this is a very conservative approach.

4. Other Controls:

- a. Waste Disposal: All construction-related waste materials will be collected and stored at a temporary spoil disposal site.
- b. Sanitary waste: Portable units will be placed onsite during construction and waste will be collected and disposed of in accordance with state and local regulations.
- c. Off-site Vehicle Tracking: Stabilized construction entrances will be provided at the entry location to the various construction improvements of the project. The

entrances will be maintained, and any sediment deposited onto the adjacent streets will be removed. Vehicles leaving the site will be washed, as required.

5. Timing of Controls and Measures: Erosion and sediment control measures will be in place prior to clearing, grading or construction of any portion of the site. Construction will occur in two phases, but in all instances erosion and sedimentation control measures will be in place prior to start of construction in both phases. Disturbed areas will be restored as described in the approved Site Plan. Temporary erosion and sediment controls will be removed only after all disturbed areas have been restored.

C. STATE AND LOCAL REQUIREMENTS

The temporary and permanent stormwater pollution prevention practices shall comply with the requirements of the State of Texas and the City of Austin in effect at the time of permitting. The fill material used to construct the pond shall comply with 30 TAC 330.2 (61)

D. INSPECTION AND MAINTENANCE PROCEDURES

1. Erosion and Sediment Control Inspection and Maintenance Practices:

- The contractor will inspect the control measures weekly and within 24 hours after rainfall events of ½ inch or more.
- Repairs will be made to damaged areas as soon as practicable after damage is discovered but no later than three days after the inspection.
- Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges.
- Built-up sediment, other than in the area of sediment traps and sedimentation ponds, will be removed once it has reached a maximum depth of six inches.
- Temporary and permanent seeding shall be irrigated or sprinkled in a manner that will not erode the topsoil, and at sufficient quantities and intervals to achieve restoration requirements.
- The Contractor will be responsible for ensuring maintenance of the erosion and sedimentation controls. The Facility Operator (and/or his qualified agents) and Contractor shall be independently responsible for inspection of the controls, and for required record keeping.

E. POLLUTION PREVENTION MEASURES

1. Non-Storm Water Discharges: The following non-stormwater discharges may occur from the site during the construction period:
 - Water used to wash pavement (where no spills or leaks of toxic or hazardous materials have occurred),
 - Groundwater (from dewatering of excavation), and

- Water used to wash vehicles or control dust (where detergents are not used).

All non-stormwater discharges will be directed to the Erosion and Sedimentation Controls.

2. Material Inventory: The materials or substances listed below may be present onsite during construction and during the operation of the site:

- Asphalt and asphalt products
- Metal reinforcing materials - rebar, welded wire fabric, etc.
- Fertilizers
- Petroleum based products
- Wood
- Plastic (PVC), concrete, and metal pipe and fittings
- Vehicles and equipment
- Rock, gravel, sand, and soil.
- Pre-cast concrete structures

3. Material Management Practices: The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff:

a. Good Housekeeping: The following good housekeeping practices will be followed onsite during the construction project:

- An effort will be made to store only enough product required to do the job or to meet demand if the product is stored for later distribution/sales.
- All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers.
- Materials will be stored in the temporary staging/stockpile areas during construction or on areas designated as "impervious cover" on the approved Site Plan.
- Products will be kept in their original containers with the original manufacturers' labels to the extent it is reasonable.
- Whenever possible, all of a product will be used before disposing of the container.

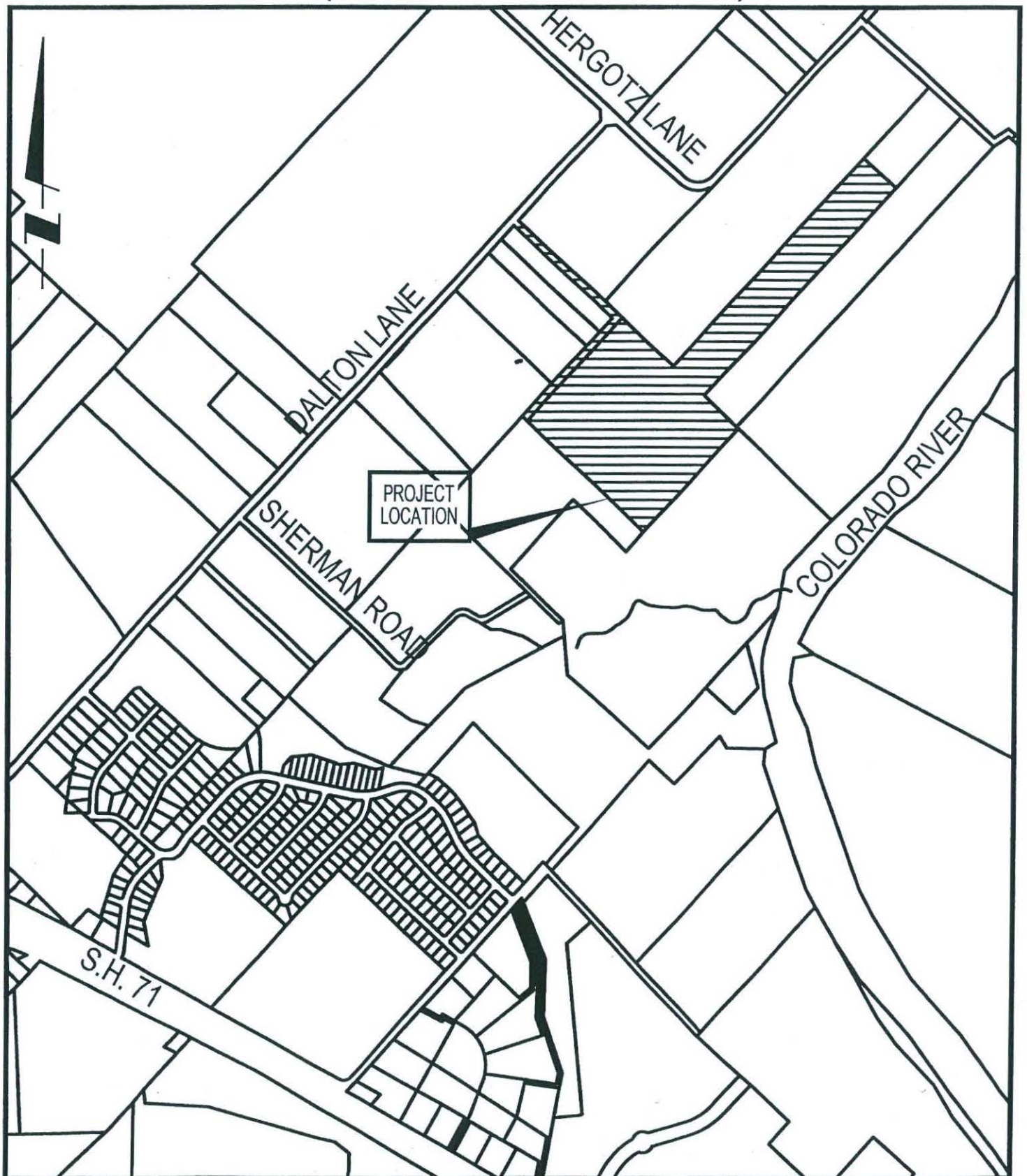
- Manufacturers' recommendations for proper use and disposal will be followed.
 - The Contractor/Operator or Lessor will inspect their area on a regular basis to ensure proper use and disposal of materials onsite.
- b. Hazardous Products: These practices are used to reduce the risks associated with hazardous materials (if applicable):
- Products will be kept in original containers unless they are not resealable.
 - Original labels and material safety data will be retained, as they contain important product information.
 - If surplus product must be disposed of, manufacturers' or local and state recommended methods for proper disposal will be followed.
- c. The following product specific practices will be followed onsite:
- Petroleum Products: All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers, which are clearly labeled. Any asphalt-based substances used onsite will be applied according to the manufacturers' recommendations.
 - Fertilizers: Fertilizers will be applied only in the minimum amounts recommended by the manufacturer or as otherwise indicated on the plans. Once applied, fertilizer will be worked into the soil to limit exposure to stormwater. The contents of any partially used bags of fertilizer will be stored in a manner so as to avoid spills.
4. Spill Control Practices: In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:
- Site personnel will be made aware of the manufacturers' recommended methods for spill cleanup and the location of the information and cleanup supplies.
 - Materials and equipment necessary for spill cleanup will be kept onsite or in an accessible location known to site personnel.
 - All spills will be cleaned up immediately upon discovery.

F. RECLAMATION PLAN

The general operation will be commercial in nature. Operations will include, but not be limited too, storage of construction material and equipment. All activity will take place in areas dedicated to impervious coverage. Should the activity cease in the future, the site will be in a better state than it was pre-construction. Previous operations at the site included man-made mining operations. The areas that have been disturbed by this operation have been incorporated into proposed drainage and detention facilities that will improve the overall use, drainage, and overall quality of the described site. There are no trees greater than 8-inches scheduled for removal. All areas that will be disturbed as a result of construction of the drainage facilities, specifically in areas with slopes greater than 3:1 will be resodded per the 602S specification as stated in the General Notes of the proposed Site Plan.

Exhibit A

EXHIBIT A
(Reference Attached in Text)



LOCATION MAP
N.T.S.

Exhibit B



Exhibit C

EXHIBIT C1

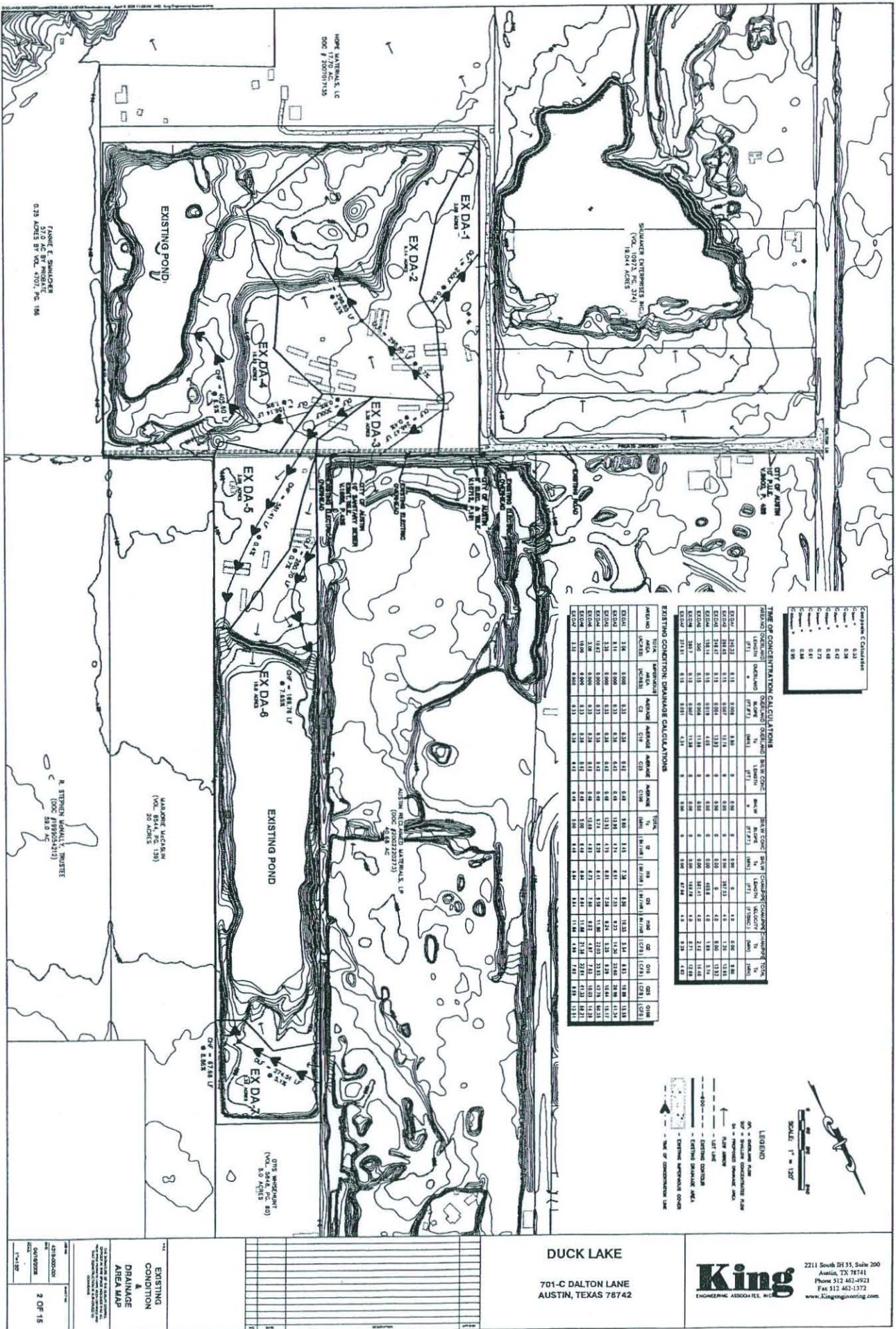
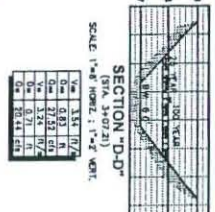
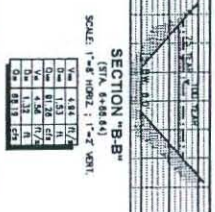
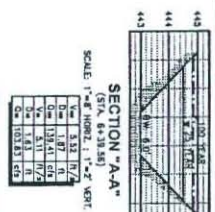
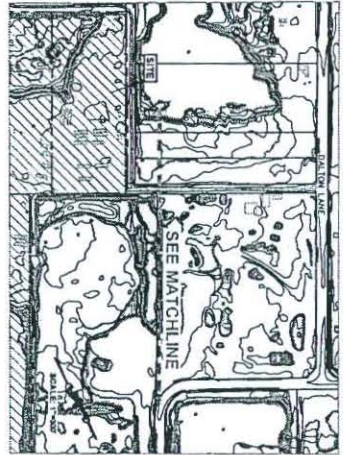
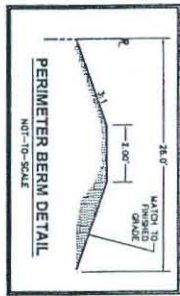
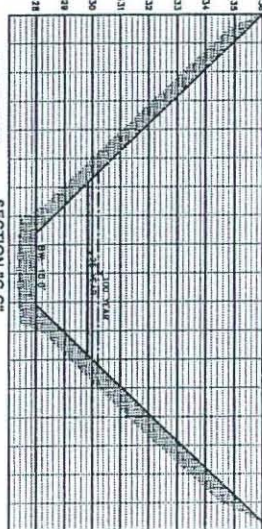


EXHIBIT C2



SEE MATCHLINE



WATER QUALITY

Station	Top of Bank	Top of Road	Bottom of Channel
1+00	44.0	43.5	42.5
2+00	44.0	43.5	42.5
3+00	44.0	43.5	42.5
4+00	44.0	43.5	42.5
5+00	44.0	43.5	42.5

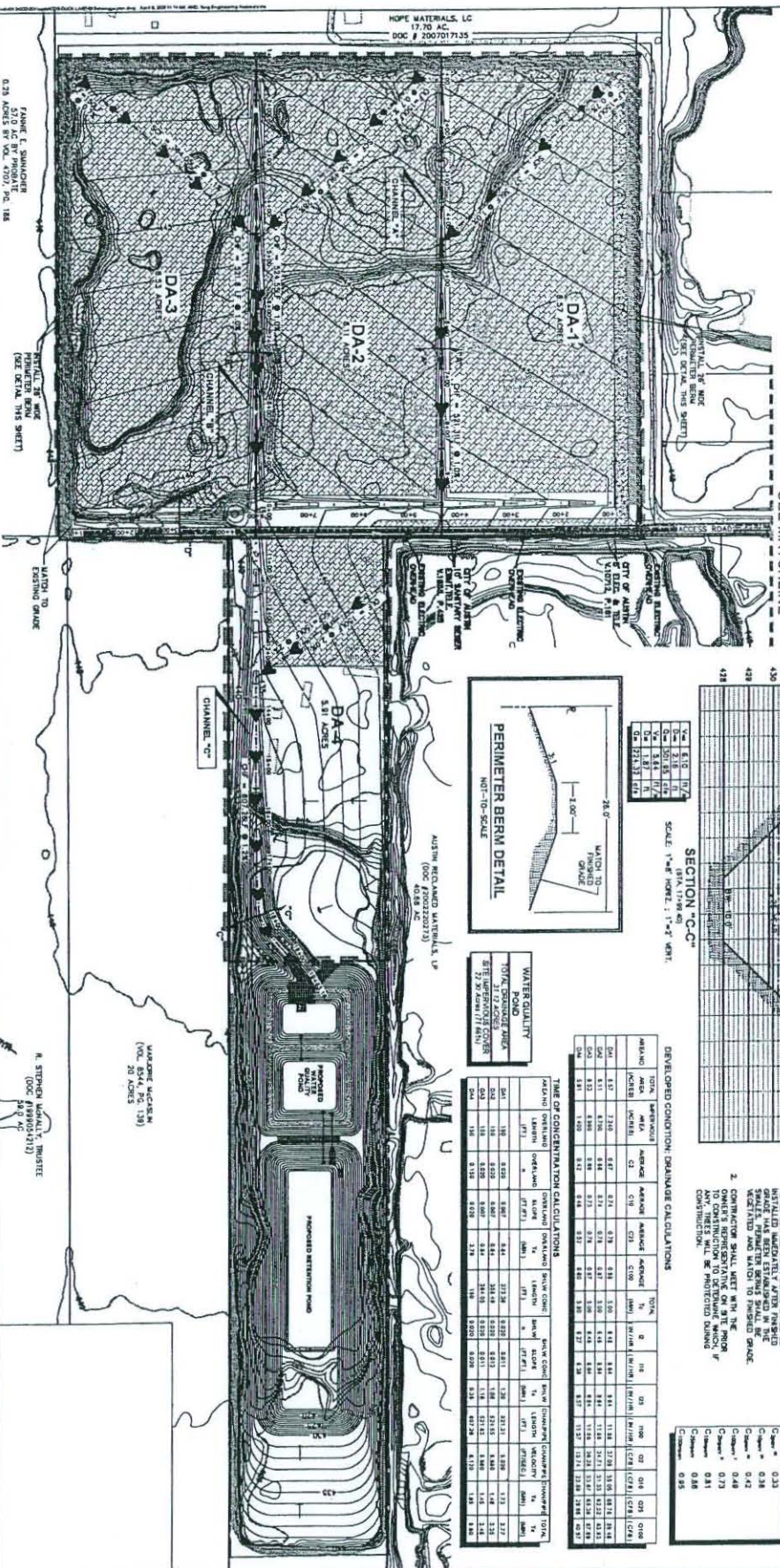
TIME OF CONCENTRATION CALCULATIONS

Station	Top of Bank	Top of Road	Bottom of Channel
1+00	44.0	43.5	42.5
2+00	44.0	43.5	42.5
3+00	44.0	43.5	42.5
4+00	44.0	43.5	42.5
5+00	44.0	43.5	42.5

- NOTES:
- SEE SHEET C-1 FOR ROAD DESIGN AND S-1 FOR DETAIL OF ROAD PAVEMENT. THE GRADE HAS BEEN ESTABLISHED IN THE FIELD AND THE PAVEMENT SHALL BE CONSTRUCTED TO THE GRADE SHOWN.
 - CONTRACTOR SHALL VERIFY THE PAVEMENT TO CONSTRUCTION TO DETERMINE WHICH, IF ANY, IS THE PROPOSED DESIGN.

DEVELOPED CONDITIONS

Station	Top of Bank	Top of Road	Bottom of Channel
1+00	44.0	43.5	42.5
2+00	44.0	43.5	42.5
3+00	44.0	43.5	42.5
4+00	44.0	43.5	42.5
5+00	44.0	43.5	42.5



JANE L. SWANSON
5117 S. RICHARDS AVE.
DALLAS, TEXAS 75231
632 ACRES BY VOL. 4707, PG. 188

SEE DETAIL THIS SHEET

ATCH TO EXISTING GRADE

R. STEPHEN L. TRUSTEE
(DOC #19805412)
29.0 AC

Drainage Area Map & Drainage Calculations

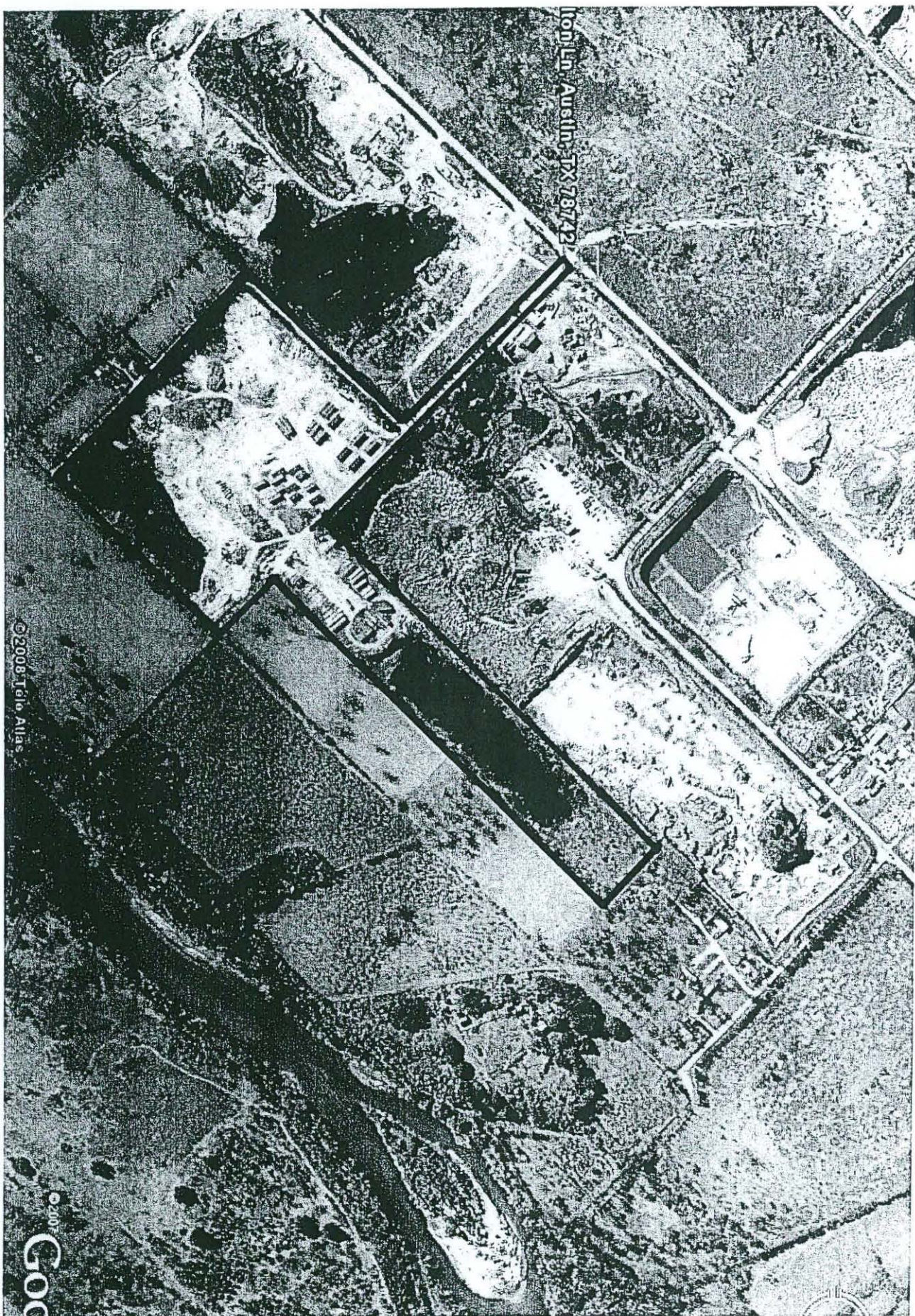
Station	Top of Bank	Top of Road	Bottom of Channel
1+00	44.0	43.5	42.5
2+00	44.0	43.5	42.5
3+00	44.0	43.5	42.5
4+00	44.0	43.5	42.5
5+00	44.0	43.5	42.5

DUCK LAKE
701-C DALTON LANE
AUSTIN, TEXAS 78742

King
ENGINEERING ASSOCIATES, INC.
2211 South 24th, Suite 200
Austin, TX 78741
Phone 512-462-4921
Fax 512-462-1372
www.kingengineering.com

Exhibit D

Exhibit "D"



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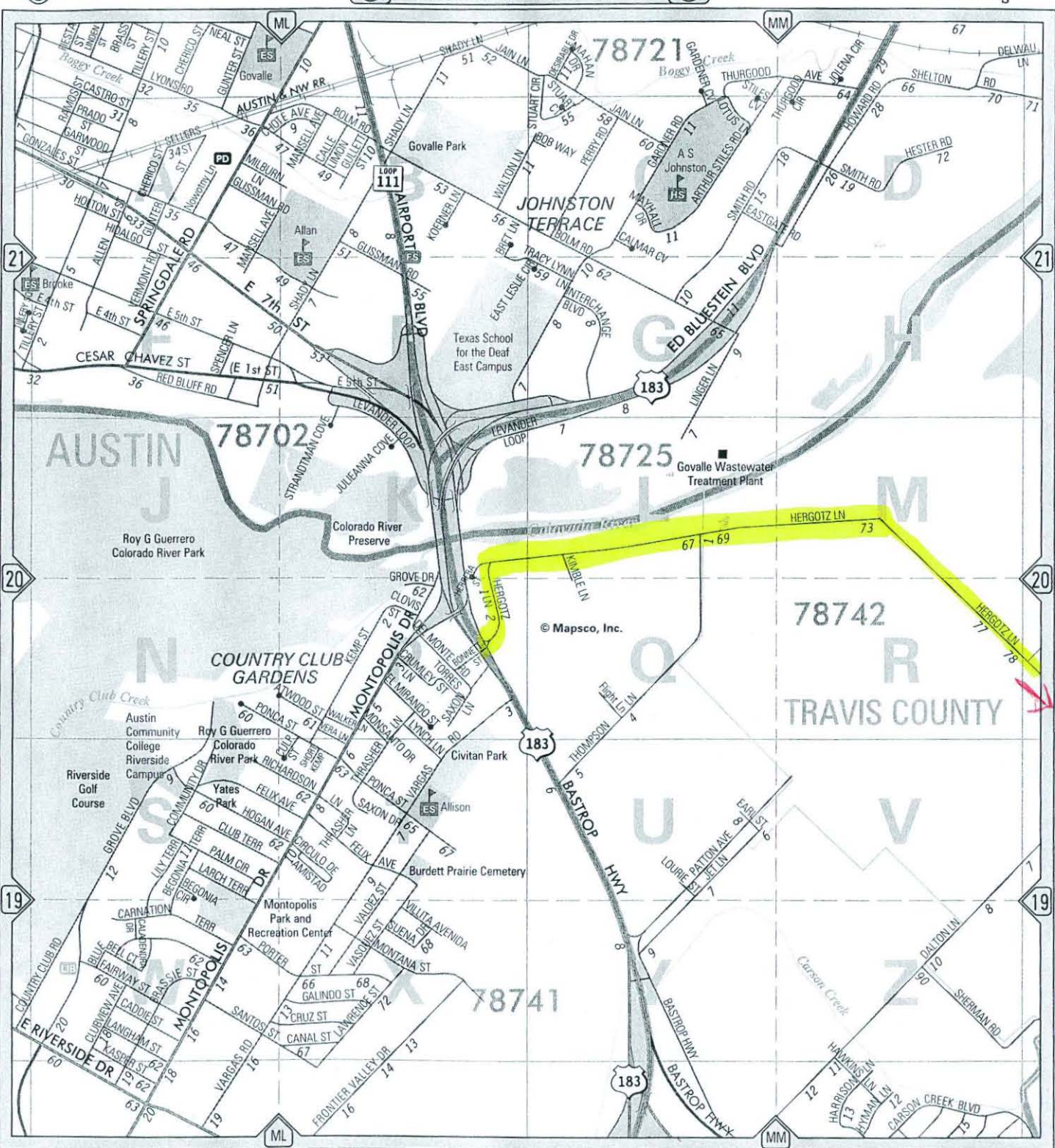
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Google

Directions to 701-C Dalton Lane

Just south of the Colorado River, from 183 north bound turn right on Hergotz Lane. Turn right on to Dalton Lane. Approximately $\frac{1}{4}$ mile, turn left onto a dirt driveway that south of several old tin buildings and sheds. The site is straight ahead as the dirt driveway turns sharply to the right.



CONTINUED ON MAP 586



CONTINUED ON MAP 615

CONTINUED ON MAP 646

CONTINUED ON MAP 617



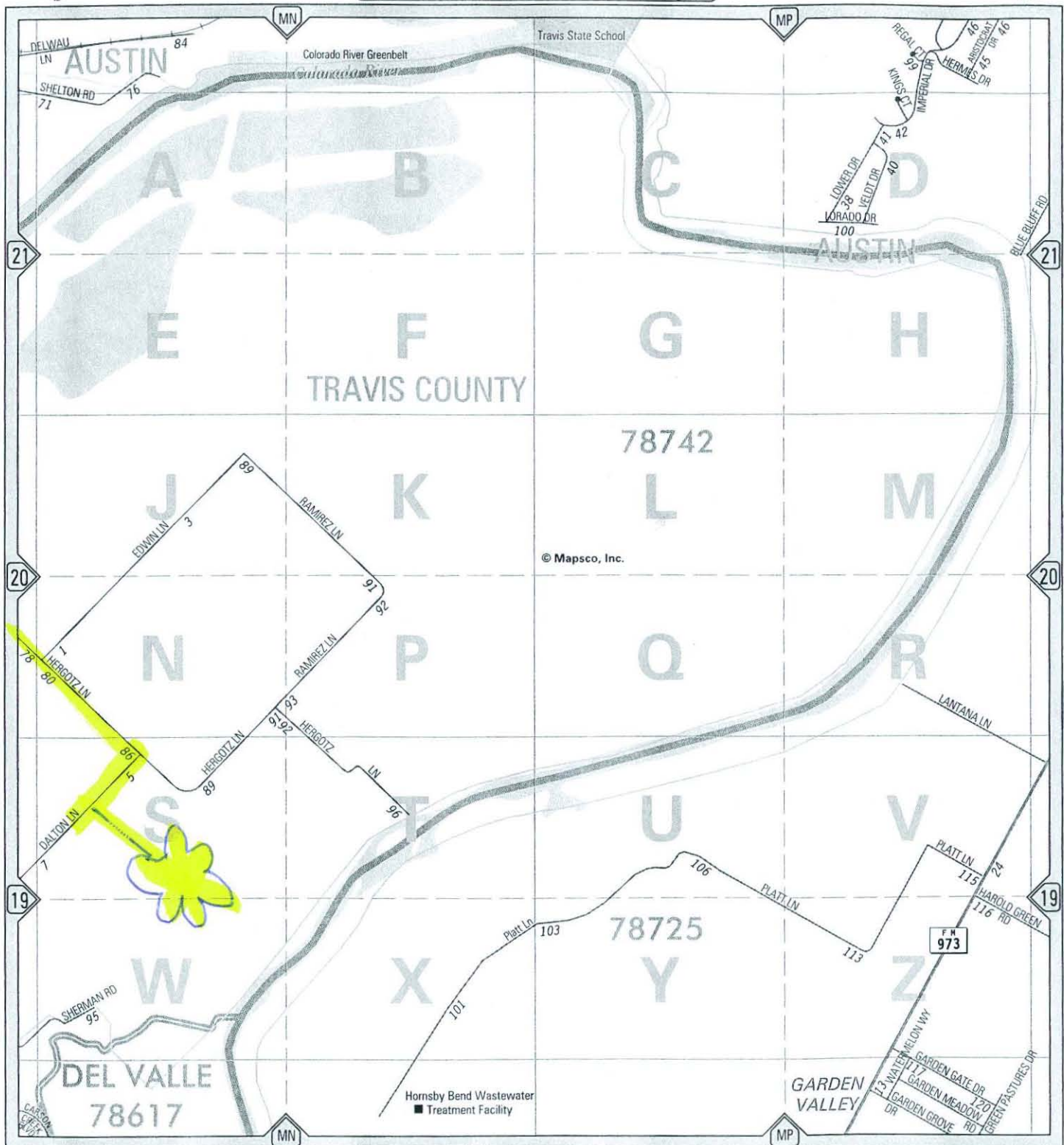
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617

CONTINUED ON MAP 587



CONTINUED ON MAP 616

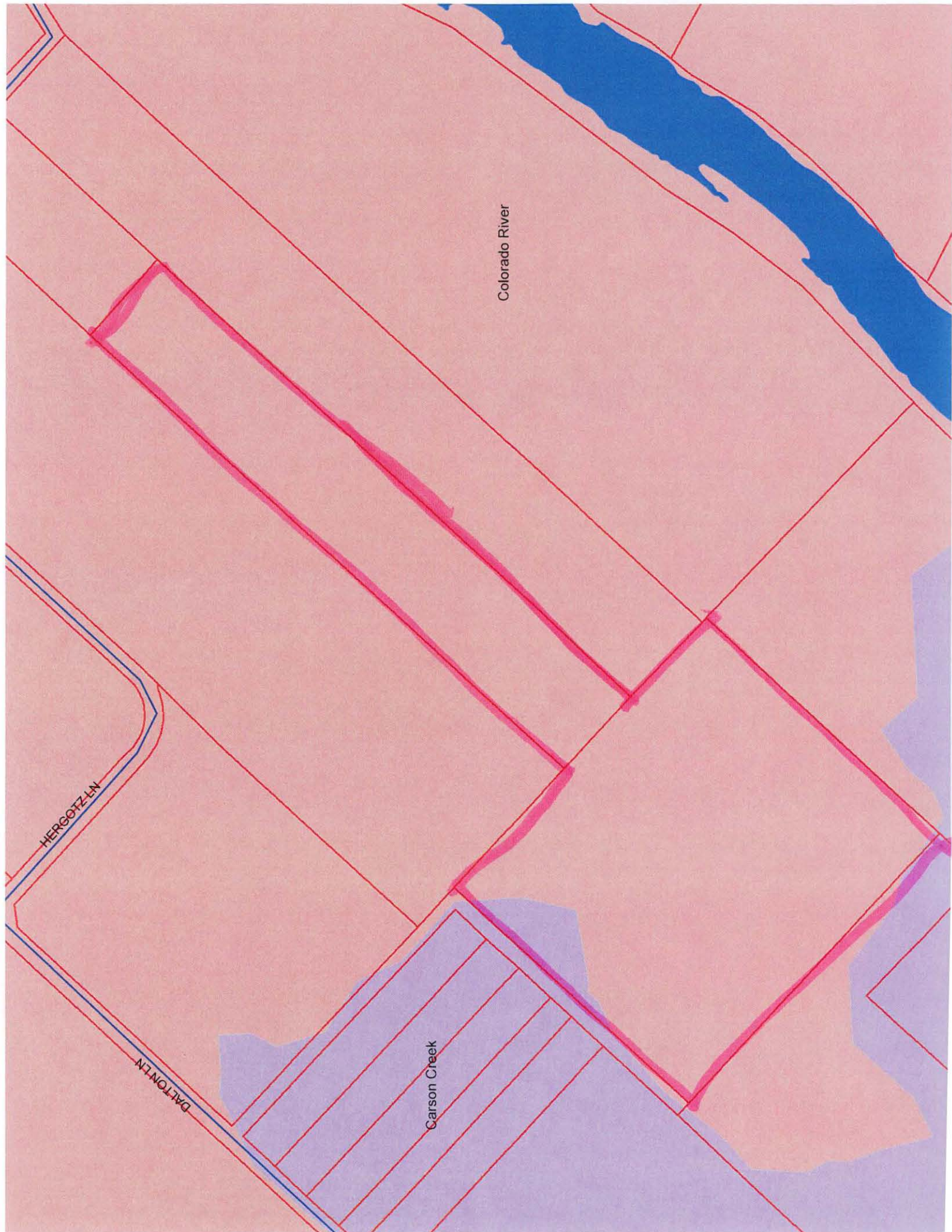
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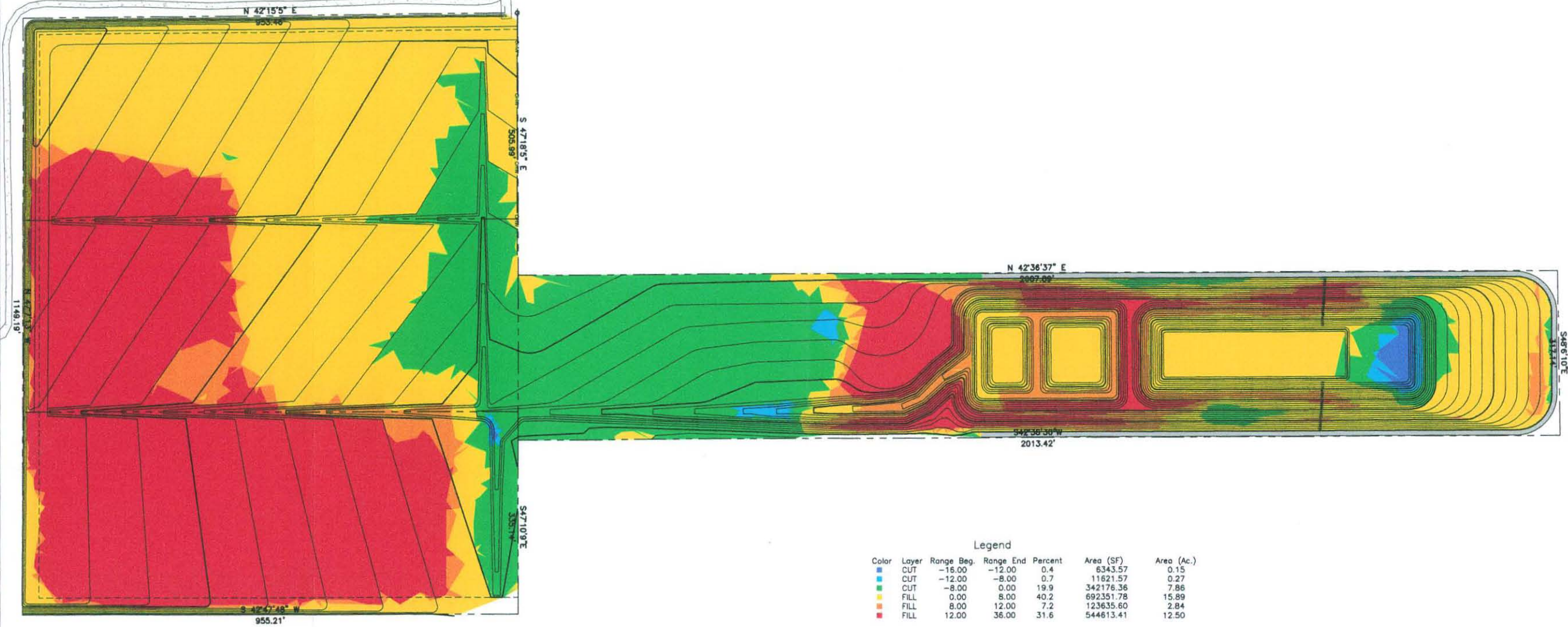
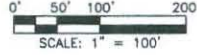
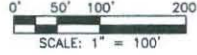
CONTINUED ON MAP 618







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Color	Layer	Range Beg.	Range End	Percent	Area (SF)	Area (Ac.)
	CUT	-18.00	-12.00	0.4	6343.57	0.15
	CUT	-12.00	-8.00	0.7	11621.57	0.27
	CUT	-8.00	0.00	19.9	342176.36	7.86
	FILL	0.00	8.00	40.2	692351.78	15.89
	FILL	8.00	12.00	7.2	126336.60	2.84
	FILL	12.00	36.00	31.6	544613.41	12.50

2211 South IH 35, Suite 200
Austin, TX 78741
Phone 512 462-4921
Fax 512 462-1372
www.kingengineering.com



King
ENGINEERING ASSOCIATES, INC.

DUCK LAKE
701-C DALTON LANE
AUSTIN, TEXAS 78742

CUT-FILL ANALYSIS

THE SIGNATURE OF THE QUALITY CONTROL OFFICER IN THIS SPACE INDICATES THAT ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION IS AUTHORIZED TO COMMENCE.

JOB NO.	SIN
4313-000-001	
DATE:	

DATE: 04/16/2008

 $1^{\circ}=100'$

1 of 1

1 of 1



MEMORANDUM

TO: Chair Dave Anderson and
Members of the Environmental Board

FROM: Michael Embesi, City Arborist
Watershed Protection & Development Review Department

DATE: July 1, 2008

SUBJECT: Oak Hill Tree Removal Violations (Bee Caves Apartments)

A multifamily construction site plan (Bee Caves Apartments, SP-2007-0442C) was approved by the City of Austin on January 22, 2008. Development activities commenced after the owner, contractor, and City representatives discussed various environmental and tree issues at an on-site pre-construction meeting held February 27, 2008.

During the weekend of March 8, 2008 it is understood that a subcontractor, operating with minimal supervision, cleared an unauthorized area and removed a significant number of trees and vegetation. The subcontractor evidently drove over a limit of construction barrier that delineated the development boundaries. A tree survey was not required in the area that was cleared because it was outside of the approved limit of construction and was required to be undisturbed. Most of the trees that were cleared were located within a waterway and drainage easement.

The City was contacted by the developer on the following Monday morning. The WPDR Environmental Inspector visited the site and immediately issued a Stop Work Order (a.k.a. Red Tag) on March 13, 2008, for development not in accordance with a released site plan, failure to provide adequate erosion and sedimentation control, and failure to comply with protected tree requirements. The contractor hired a private surveying company to perform a tree survey on the removed trees, which remained piled on the site. The survey accounted for 154 trees (8-inches diameter and greater) totaling 1,440 diameter inches which were removed without a permit. The trees that were removed included 23 mature, "protected" trees that were 19" diameter or greater. The Stop Work Order was released on March 28, 2008, after the developer agreed to provide 100% replacement for the tree violations.

An essential part of fulfilling the tree mitigation requirements is for the owner to submit a revised site plan that documents the required amount of tree replacement, tree species to be planted and the locations where the trees are to be planted. The City review process will entail ensuring that the site is re-vegetated appropriately, which includes giving special consideration to native plantings within the drainage easement area.

Since the first of June the City has been contacted numerous times by several entities seeking information regarding this project. City staff is working with each of these entities to clarify their concerns and to disseminate information, including the City's remediation process. In addition, the City of Austin, along with representatives of a host of organizations that include Travis County, Sierra Club, and the Save Barton Creek Association, participated in a community meeting on Thursday, June 19th to discuss the chain of events and the investigation process.

If you have any questions, please do not hesitate to call me at 512-974-1876.

ME/ms

cc: Pat Murphy, Environmental Officer