

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	18634	Agenda Number	71.
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Meeting Date:	10/11/2012	Department:	Watershed Protection
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Subject

Approve an ordinance granting variances to TXI Operations, LP to allow construction of an internal haul road or conveyor in the critical water quality zone and regarding site plan expiration and project regulations.

Amount and Source of Funding

Fiscal Note

There is no unanticipated fiscal impact.

Purchasing Language:	
Prior Council Action:	Council was briefed by Travis County staff on May 24, 2012 on the County's proposal for a tri-party agreement. City staff was directed to negotiate an agreement with Travis County and TXI.
For More Information:	Chuck Lesniak, 974-2699
Boards and Commission Action:	Environmental Board recommended the ordinance with conditions on September 19, 2012. Zoning and Platting Commission recommended the ordinance with conditions on October 2, 2012.
MBE / WBE:	
Related Items:	

Additional Backup Information

Travis County has been negotiating an agreement with TXI Operations, LP (TXI) the essential elements of which include:

- (1) TXI foregoing the use of public roads other than a single crossing of Dunlap Road;
- (2) TXI donating real property to Travis County for open space or parkland;
- (3) TXI selling to Travis County property to serve as a buffer between the mining operation and neighborhoods;
- (4) TXI agreeing to prohibit mining and industrial uses on property it owns now and property it may own in the future.

Although the original negotiations contemplated a tri-party agreement among Travis County, TXI, and the City, as negotiations proceeded it became clear the City's involvement could be more efficiently and appropriately handled through adoption of an ordinance by the City rather than the City being a party to the agreement.

The ordinance presented for consideration provides the following variances:

1. To allow construction in a Critical Water Quality Zone (LDC Section 25-8-392) for creek crossings for a haul road and bridge structure.
2. To allow cut up to 10 feet (LDC 25-8-341) for construction of a haul road or conveyor.
3. To allow fill up to 10 feet (LDC 25-8-342) for construction of a haul road or conveyor.
4. To allow construction in the Critical Water Quality Zone (LDC 25-8-392) for an internal haul road and/or conveyor.
5. To allow a reduced setback for wetlands (LDC 25-8-281).
6. To provide that each site plan expires (LDC 25-5-81) only if work on each site ceases for a period of one year or more.
7. To establish that the regulations applicable (LDC 25-1-533) to the two mining sites described in Exhibit A are those in effect on January 29, 2010.

The ordinance establishes conditions for the variances that are commonly required for similar variances on other projects in Austin. These conditions provide for protection of Gilleland and Elm creeks through enhanced erosion and sedimentation controls and mitigation land to offset encroachment into wetland buffers.

The properties involved are:

1. 801-1019 Block of Dunlap Road; TXI Hornsby Bend West. Subject to SP-2008-0513D
2. 4501 N. Dunlap Road; TXI Hornsby Bend East. Subject to SP-2008-0515D
3. 18601 FM 969 Webberville, TX; TXI Webberville Operations. Subject to SP-99-0186D