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CITY PLANNING COMMISSION
Austin, Texas

Special Meeting -- May 18, 1971

The meeting of the Commission was called to order at 7:00 p.m. in the City Council Chambers.

Present

S. P. Kinser, Chairman
Alan Taniguchi
Bill Milstead
Fritz Becker
C. L. Reeves
Walter Chamberlain

Absent

Jack Crier
M. J. Anderson
Jack Goodman

Also Present

Richard Lillie, Director of Planning
Beverly Sheffield, Director of Parks and Recreation
Don Stence, Director of Planning and Design, Parks and Recreation Department
Charles Graves, City Engineer
Caroline Schreffler, Administrative Secretary

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OPEN SPACE LAND PROGRAM

Funds for development of Metz and Zaragosa Parks

Mr. Richard Lillie, Director of Planning, reported that this item was before the Planning Commission at their regular meeting on May 11th, at which time additional information was requested. A cost breakdown on these improvements was submitted by mail to the Commission members.

Mr. Beverly Sheffield, Director of Parks and Recreation, reported that the estimated cost for these improvements is an estimate based on actual competitive bids received in the past. These two neighborhood parks have been neglected in the past and are in great need of improvement. The present plans will be extended next year for the construction of a recreation center in each for the use of the neighborhood.

This estimate will be submitted to the Federal Bureau of Outdoor Recreation and to the City of Austin, who will each contribute fifty percent of the cost. These agencies will also assist in the master plan for these improvements. The actual cost will then vary, within the finalized plans and the bids received for the construction.

Mr. Kinser stated that the Commission members agree that these improvements are needed, but are sincerely concerned that the City receive full value for the money spent.

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Mr. Chamberlain stated that he had participated in the planning of the Model Cities Program and that agency will make the final decision on this cost. The Commission then

VOTED: To APPROVE the following resolution on the development and renovation of lands in the Model Cities Area and authorized the Chairman to sign the necessary resolution.

The Chairman introduced Dr. Bud Dryden, who was present in the Chambers, and congratulated him upon his recent election to the City Council.

C7-71-11 LAND POLICY STUDIES: Flood Management
Consideration of recommendations on flood management

Mr. Bill Milstead opened the public hearing on consideration of recommendations to the City Council on flood management policies for the City of Austin. In March, 1970 a proposed Flood Plain Ordinance was submitted for consideration to the Planning Commission. After several public hearings on this proposed Ordinance, the Commission tabled this Ordinance and requested the Planning, Public Works and Legal Departments of the City to study the problems as brought out in these hearings to devise methods of solving them by working within the existing Ordinances of the City. This has been done, with the initial recommendations submitted to the Commission in February, 1971. Numerous meetings have been held to discuss these recommendations with the public in general and interested citizens and citizen groups, who have contributed much to these recommendations.

Mr. Charles Graves, City Engineer, voiced his appreciation for the Commission's determination to obtain the facts and solve these problems. Their recommendations are sound and reflect much study and work and their resolve to serve the City.

Mr. Graves gave a slide presentation showing particular instances in the City of problems and solutions to these problems. While many property owners maintain their easements, many others expect the City to do this. Examples were shown of the various methods used by property owners to protect their property. These plans should be approved by the Public Works Department so that streams are not impeded or adjoining property adversely affected. Many mistakes have been made in the past which need to be corrected, and measures taken so that such mistakes do not occur again. Ideally easements would be wide enough to slope the sides of the waterway to allow sodding to prevent erosion; where easements are not wide enough, partial or full concrete lining is necessary to protect adjoining property and improvements. Consideration is given to the type of soil and the makeup of the stream bed; for example, a rocky-bottomed waterway usually does not require alteration to adequately handle the water flow. While enclosed waterways are very important to the City's drainage system, it is not desirable to enclose all waterways. This is due not only to aesthetic considerations, but also the large amount of surface water in the area makes a completely enclosed system impractical. The present Ordinance which requires enclosed systems in new subdivisions is unrealistic. These waterways should be considered individually, with consideration given to the terrain, type of soil and water flow. Surveillance, regulation and control are needed for the protection of the waterways in the City.

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LAND POLICY STUDIES: Flood Management--contd.

Mr. Richard Lillie, Director of Planning, reported that the recommendations as finalized are a product of the various City Departments, with additions and changes after discussion with many citizens and citizen groups. These recommendations are summarized as follows:

1. A Master Plan study should be undertaken for the development of the total network of Austin's drainage system with full consideration given to potential multiple use, both public and private, of land. This study will provide the basic information needed to implement a sound flood management program through the establishment of design criteria, hydraulic analysis, programming of open-channel and storm sewer improvements, and drainage requirements in new subdivisions.

It is estimated that the Master Drainage Study will take from 18 to 24 months to complete. During the interim period the City should strengthen its existing ordinances, policies and procedures. In addition, the Corps of Engineers has received funding for the analysis of the flood plains of certain streams in the City of Austin. This approval is in accordance with the City Council's resolution of March 26, 1970. The Corps' study will deal principally with undeveloped watersheds and will be useful in the preparation of the Master Drainage Study.

The U. S. Geological Survey, under the Department of the Interior, has offered to increase the number of data collection stations on streams important to the Austin system. These gauging stations would provide increasingly valuable data, so that in the future, drainage design could be based on more fact and less assumption. The gauging stations as proposed by the USGS would be properly incorporated into the Master Plan and would in fact provide a monitoring and evaluation system for the plan.

2. Immediate steps be taken to assure the orderly development by public and private property owners of channel and waterways on both developed and undeveloped watersheds of the City. The City ordinances with reference to alteration of waterways must be enforced. This includes amendments to Chapter 29, Rivers, Lakes and Watercourses, of the Austin City Code, and provides for:

- a. Permit applications with plans and specifications and approved by the Director of Public Works.
- b. Plans and specifications to bear the seal and certification of a Texas Professional Engineer, and
- c. Methods of appeal from the decision of the Director of Public Works.

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3. Thorough review be undertaken of the maintenance practices of the City with reference to establishing responsibilities of public and private property owners including development of a workable maintenance program and immediate implementation. The following designation of responsibility is recommended:
 - a. The control of vegetative growth, debris, trash, etc. should be controlled by the property owner as on the balance of the property. An amendment is suggested to Chapter 29, Rivers, Lakes and Watercourses, of the Austin City Code outlining the duties of property owners or persons in control of property; performance of clearing work by the City on default of the property owner; assessment of City cost and procedures for appeal.
 - b. Development of drainage facilities in new subdivisions be accepted by the City only with adequate channels, and that the City of Austin program the necessary work to open up existing channels to relieve flood threats where they are known to exist. Major channelization is not recommended until the Master Plan is available.
 - c. In the already developed areas of the City erosion of banks within and outside easements is a problem and in these areas the City should recognize that it has no legal responsibility for damages resulting from erosion. It is also recommended that the City Council, if it chooses to assist in the control of erosion, establish a supplemental budget for the Department of Public Works.

It is recommended that maintenance be done only within easements containing provisions of the proposed Floodway Easement Agreement in accomplishing the City's share of maintenance under any of the three above items.

4. Require improvement of creeks and waterways within the bounds of new subdivisions at the developers' expense to minimize maintenance requirements for future abutting property owners. The protection of the environmental quality of the creeks and waterways should be encouraged in the development of channel improvements. All drainageways should be accepted only within terms of the proposed Floodway Easement Agreement.

It is also recommended that the property value enhancement provision in Section 41-47 of the Subdivision Ordinance be amended delegating the decision on the use or non-use of enclosed systems, as well as the design of open systems, to the Director of Public Works rather than the Planning Commission.

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The nature of development and the physical characteristics of average flow, peak flow and stream width along the Colorado River, as compared to the creeks and lesser waterways of the City suggest possible exceptions to the previously mentioned regulations. The exceptions should permit the owner to develop property subject to inundation provided he subscribes to the following suggested recommendations:

1. Building Code requirements for flood proofing.
2. Warning devices and evacuation procedures in public buildings.
3. Non-issuance of building permits within areas of inundation until instruments are signed releasing the City of Austin from responsibility for loss or damage.
4. Building Code requirements to assure that buildings constructed within areas of inundation will not interfere with expected stream flows and will not be swept away causing damage to properties downstream.
5. Clear provisions in ordinances and policies that construction in this area is by exception and may not be eligible for Federal Flood Insurance.

Mr. Charles Graves explained that the Enhancement Provision as it exists as part of the Austin City Code requires a developer provide a closed system to handle all water flowing through, leaving or generated by a subdivision, except if the cost of doing so exceeds the enhancement value to the property, in which case the Planning Commission may waive that requirement. If waived, the developer is required to provide concrete lined ditches, again only if the enhancement in value to the property is not exceeded by the cost of such lining, which requirement may also be waived. The Planning Commission receives appraisals stating the value of the property before and after these improvements are made. It is felt that this consideration should be an engineering decision between the Department of Public Works and the developer, who would consider wider easements or other methods of handling water flow. An appeal provision is provided from such decisions, to be made to the Planning Commission for recommendation to the City Council.

Mr. Milstead pointed out that provisions should be made for an individual property owner to make minor improvements without having to obtain an engineering certification of the design. He requested that such provision be inserted into this recommendation.

Mr. Tom Bradfield, Chairman of the Land Planning Committee of the Austin Home-builders Association, commended the Planning Commission and the City departments for their work on these recommendations. He presented the following suggestions for consideration.

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- "1. Define drainage areas clearly and precisely on the recorded subdivision plat, as in the past with owner's engineer providing the data and the City Engineer concurring in its practical application.
2. Prevent stream channel alteration which would cause flooding or damming to the detriment of other owners.
3. Prevent pollution by fine or penalty and rigidly prosecute those who persist.
4. Release City from any obligation to repair or maintain private property in drainage areas.
5. Release both City and Developer of any further liability to future owners in new subdivisions, after filing of the plat when all engineering requirements have been met.
6. Recommend against acceptance of any Federal aid if there is slightest chance that Washington may attempt to run Austin's business as a prerequisite to funding."

Mr. Bradfield stated that these suggestions closely follow the final recommendations and that the Homebuilders Association heartily endorses these recommendations to the City Council.

Mr. Edward Kutac, representative of the Audubon Society, expressed their approval of the proposed recommendations. He stated that previous testimony pointed out that Lake Buchanan Dam is no assurance that the City will not be subject to another flood such as experienced in 1935. He also suggested that the City extend its jurisdiction on creeks and streams outside the City Limits, as is done on major highways, for better control of the watershed areas.

Mr. Don Berman of the Sierra Club voiced appreciation for the participation of citizens and citizen groups in the writing of these recommendations. He requested that special consideration be given to the preservation of the natural terrain along waterways, to maintain wildlife and vegetation. A provision should be made requiring consideration by the Planning Commission of any alteration which would destroy natural beauty. Mr. Graves stated that if property owners were allowed to fill a creek, it would have a detrimental effect on the drainage system. Such an action would be in opposition to the criteria as recommended by the Public Works Department. Mr. Berman requested that provision be made that such alteration is not by decision of the Public Works Department, but rather for consideration by the City Council.

Mr. Berman stated that the Corp of Engineers has a past history of constructing concrete waterways, with the removal of all vegetation. It is to be hoped that such a philosophy is not allowed to exist in the City.

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Mrs. Sandra Dupuy of the Austin Environmental Council requested information as to the definition of an adequate channel. Mr. Graves explained that this channel would be based on engineering determination of the water to be handled by the waterway, based on the watershed, the terrain, the development, etc.

Mrs. Dupuy requested information as to flood proofing of improvements on the City's lakes, particularly in regard to septic systems. Mr. Milstead explained that the flood proofing codes will be suggested by the Building Inspection Department and that a standardized septic tank system does not fall under the jurisdiction of this recommendation.

Mr. Dudley Fowler, who resides on Lake Austin, expressed his approval of this recommendation and his appreciation for the work done by the Planning Commission regarding the flooding problems in the City. While much improvement is needed, many citizens, particularly those living on Lake Austin, have demonstrated that they will protect and maintain these areas. He feels that extreme care should be taken by the City so that Federal guidelines are not enforced upon the community. He pointed out that construction of a boat dock should fall under minor improvements, and should not require the services of an engineer.

Mr. Woodrow Sledge stated that while he is against Federal control, it should be pointed out that much reliable information is to be gained from these agencies and should be utilized. He requested information as to what studies are being conducted.

Mr. Graves stated that the Corps of Engineers is now studying Little Walnut Creek, Big Walnut Creek and Williamson Creek, which will be finished within the next eighteen months. The responsibility of the City in this study is to help to compile the information and to make this information available to other government agencies, such as the County, and interested individuals. These watersheds are largely undeveloped and this information is much needed. Another study is to be done by the U. S. Geological Survey, in which they will cooperate with the City in placing gauging stations on all creeks in the area. This study is one of mutual interest, rather than a service performed. Waller Creek is the only creek in the area on which adequate data is available. The Master Drainage Study will be a detailed study of the drainage area and will take from eighteen months to two years to complete. A committee of citizens will work with consultants on this study.

Mr. Milstead and Mr. Taniguchi stressed the importance of citizen participation in the finalization of the Master Drainage Study, as these findings and suggestions will have far-reaching influence upon the community.

Mrs. Polly Eby requested that serious consideration be given to the beautification of the easement areas, with provision made for the planting of trees, etc. in these areas. Mr. Graves stated that such vegetation is very important to maintaining the root system which protects the soil from erosion. Such trees would have to be trimmed in order that debris is not trapped, causing restriction of the water. A thick growth of trees would also create such restriction. This will be a matter of judgment and there is latitude in the recommendation to allow vegetation within the easements.

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Mrs. Eby stated that these floodway easements should not be open to the public, as public use creates problems for property owners with trash, etc. Mr. Graves explained that these easements would not be for public use, and that the public needs to be educated concerning these areas along the creeks and lakes. These restrictions will be part of the Floodway Easement Agreement and will provide much-needed definition for the property owner.

Mr. Tom Wolfe expressed concern that the problems created in the past will continue during the interim period while the Master Drainage Study is being conducted. Mr. Graves reported that a list of suggested policies to be used during this period is being prepared for submission to the City Council; it is to be hoped that these problems can be solved adequately.

Mr. Wolfe stated that a study done by the University of Texas has shown that flooding has occurred within the City four times in the last century. While conditions have changed, it is important that attention is given to the proposed site of the new Austin High School, the Model Cities area and the development of the lower Congress Avenue area.

Mr. Woodrow Sledge stated that plans for the new Austin High School call for its construction above the 100-year flood plain as defined by the City, The U. S. Geological Survey and the Corps of Engineers.

Mr. A. W. Merchant stated that as a Texas Professional Engineer with experience in the City, he feels that a concise definition of policy on maintenance responsibility for easements is greatly needed and would be welcomed by engineers, particularly in regard to aesthetic values. The Public Works Department should be able to veto any plan for alteration which may meet technical requirements, but is aesthetically undesirable. In addition, a procedure is needed whereby interested parties not directly involved in ownership or development of property could request that the Commission review a plan which is not in accordance with the intent of the recommendations to the City Council.

Mr. Charles W. Hackett stated that he has lived in Austin for many years. The flood level set in the 1930's was twenty-one feet at the Congress Avenue Bridge. Since 1938 there have been no major floods of this nature. Mr. Hackett requested that the City obtain the assurance of the Colorado River Authority and those responsible for the dams that these dams be used for flood control, so that another man-made flood will not occur. This may require dredging of the lakes, which has never been done. These stipulations would also apply to Decker Dam and other dams below the Austin area.

Mr. Woodrow Sledge reported that the area from Mansfield Dam to Longhorn Dam is an uncontrolled flood area of 270 square miles. The flood occurring last year at San Marcos was from a 90 square mile area. The Central Texas area is uniquely susceptible to unpredictable floods due to the location of the Balcones escarpment which deflects water-laden winds from the Gulf of Mexico up to cold fronts, causing heavy rainfall.

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Mr. Berman stated that a precedent has been set by the Planning Commission in their recommendation to the City Council that major arterial roads be discouraged through park areas. The Public Works Department should be directed to carefully consider the aesthetic value of alterations and construction regarding drainage systems, particularly the possible covering up of creeks in the developed areas.

Mr. Frank Horsfall stated that a method should be found to periodically flush out the creeks in the area, carrying away the trash and mosquito larvae. This would greatly benefit the wildlife in creeks and provide them with fresh water. He suggested that some City employees be designated to patrol the creeks, to protect and maintain them.

As there was no additional testimony, the Chairman closed the public hearing on the flood management recommendations and requested that the Planning Commission consider each recommendation separately, incorporating any necessary changes.

The Commission members discussed Recommendation No. 1 regarding the Master Drainage Study for the City and requested that additional language be inserted suggesting a Steering Committee for this study to include Departments, Associations, Commissions and citizens, to be appointed by the City Council. The Commission members approved this section of the recommendation.

The Commission members discussed Recommendation No. 2 relating to the enforcement of existing Ordinances on alteration of waterways. The Commission members were of the opinion that minor alterations which in the judgment of the Director of Public Works do not warrant the submission of plans by a certified engineer, should be approved by him to enable property owners to construct small bridges, boat docks, etc. The requested that such a stipulation be inserted into this recommendation. The Commission members approved this section of the recommendation.

Recommendation No. 3 regarding maintenance practices of the City met with the approval of the Commission members, who agreed that such controls are badly needed within the City.

Discussion folled of Recommendation No. 4. The Commission members felt that the following: "The protection of the environmental quality of the creeks and waterways should be encouraged in the development of channel improvements.", should be placed as a policy statement in the Preamble to this recommendation to the City Council, as applying to all sections.

The Commission members discussed the portion of this recommendation which amends the value enhancement provision of the Subdivision Ordinance and delegates the decision on the use or non-use of enclosed systems and the design of open systems to the Director of Public Works. There was a lengthy discussion of the power invested in the Director of Public Works for the approval or veto of these alterations. While the members feel the present City government departments are enlightened, they feel that large alterations should be considered by the Commission with recommendation to the City Council. They also stressed the citizen's right

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of appeal from the decision of the Director of Public Works. The Director of Public Works may request the Commission's consideration of any project, if he feels this is necessary.

Mr. Don Stence, Director of Planning Design for the Parks and Recreation Department, stated that the Parks and Recreation Department reviews the plans for development in areas of interest with the Director of Public Works toward the protection and preservation of natural areas. The Parks and Recreation Department feels it is their responsibility to make an input and judgment on these plans to assist the Public Works Department in matters relating to aesthetic considerations in design. There are many ways of protecting creek beds with natural stone, rip-rap, etc., and solutions to problems can be found which will preserve natural beauty. He commended the Planning Commission on their concern toward preserving the natural areas within the City.

The members felt that with the increasing value of land in the City, it is possible that from the enhancement viewpoint, a property owner might wish to enclose an existing stream. Such a large alteration should be considered by the Planning Commission and the City Council. They requested the following addition to this recommendation:

No drainageway in which the peak flow is 300 cubic feet or more per second shall be enclosed or un-enclosed without consideration by the Planning Commission with recommendation to the City Council.

The Commission members approved this section of the recommendation.

The Commission members approved that section of the recommendation pertaining to the Colorado River.

The Commission members discussed the inclusion into this recommendation of a provision whereby the Commission could review any case of any alteration which could be requested by persons not connected with the ownership or development of a site. The Commission would study such a request and if it is valid, initiate a public hearing to examine the proposed action. This would give any citizen the right to request Planning Commission consideration of alterations in the City.

The Commission members requested that this provision be placed into the Preamble to this recommendation, with an additional statement giving the Director of Public Works the prerogative to refer any case to the Planning Commission for their consideration.

The Commission members then

VOTED: To request the Director of Planning, the Chairman of the Flood Management Committee and the Chairman of the Planning Commission to compose a Preamble and a final draft of this recommendation, incorporating the requested changes. This document will then be mailed to the Planning Commission members and a telephone poll conducted. If approval is obtained, the members authorized the two Chairmen to sign this recommendation for submission to the City Council.

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The Commission members then

VOTED: To commend Mr. Charles Graves, City Engineer; Mr. Richard Lillie, Director of Planning; all members of the City staff and the many citizen groups and citizens who contributed their help, aid and support in the composition of this recommendation over the past several months. Their work and concern for the City of Austin is recognized and is greatly appreciated by the members of the Planning Commission.

The meeting was adjourned at 10:30 p.m.