

CITY PLANNING COMMISSION
Austin, Texas

Special Meeting--November 27, 1973

Joint Public Hearing of the
Citizen's Board of Natural Resources Environmental Quality
and the Planning Commission

Les Gage, Chairman of the Citizen's Board of Natural Resources Environmental Quality, called to order the joint meeting of this committee and the Planning Commission for a public hearing to consider the proposed amendments to Chapters 29 and 41 of the City Code. Members in attendance were:

Stewart Henry
John Sutton
Rev. N. W. Bacon
Sinclair Black
Jean Brangle
Jac Gubbles
Jim Gerst
Mrs. Fagen Dickson
Tom Bradfield

William Milstead
Betty Himmelblau
Jean Mather
C. W. Hetherly
Bennie Washington
Charles Nash

Stewart Henry from the office of Environmental Resource Management introduced Charles Graves, City Engineer, Jerry Harris, Assistant City Attorney and Richard Lillie, Director of Planning.

Mr. Henry made a presentation of the proposed amendments to the ordinance. He stated that following the clearing of Harper's Creek in January of this year, the City Council instructed the Environmental Board and the Planning Commission to make a study of the performance standards in the zoning ordinance with a view towards including any reasonable means to protect natural features which enhance the city's environment. Features would include trees, distinctive topographical areas of the city and water courses. Another suggested approach was a special zone for use adjacent to major waterways within the City of Austin. The Council suggested consideration of a requirement within the existing Creeks and Waterways Code that would require a special permit prior to the grading or clearing of virgin land when the property is located within a certain distance of a creek or drainway within the City of Austin. Mr. Henry stated that there had been numerous meetings of these Committees in which the proposed amendments have been drafted. The intent of the proposed ordinance is to encourage preplanning, based upon adequate information, whenever a developer is adjacent to a creek. The preplanning is necessary to protect the creeks against erosion, siltation, and the consequent dredging of Town Lake and Lake Austin. Secondly, it is to prevent the unnecessary destruction of trees and natural features in our creeks, consistent with good design and planning. Mr. Henry stated that the intent of the ordinance is not to prevent development within the protected areas. Key elements of the ordinance are:

1. A site plan is required prior to any type development adjacent to creeks. Information must also be provided concerning trees, soil, rock outcrops and site grading.
2. The City Engineer may decide, based on the site plan, to approve or disapprove the plans. He may exempt small or insignificant alterations to creeks and waterways.
3. The City Engineer may ask for comments from the Environmental Board and the Parks and Recreation Board.
4. The site plan must respect the natural and traditional character of the waterway and the land.
5. An aggrieved party may appeal the decision of the Engineer to the Planning Commission and then appeal the Planning Commission's decision to the City Council.

Mr. Gage then opened the floor for questions from any of the citizens to be answered by staff members. Questions asked were:

How does this ordinance apply?
Aren't all creeks now protected?
What is an "aggrieved person"?
How does the ordinance speak to the problem of runoff caused by development?
Does the ordinance consider the 100-year flood plain?
How can any permit be issued if any development will add to the flow of a creek?
Is this ordinance concerned with only developed property?
What is a maximum flood?
What does "respect" mean in "traditional character of a creek"?
Would all property owners be required to obtain a permit?
What is a waterway?
How is the 25-year frequency determined?
What are the consequences of violating the ordinance?
How do people know when an appeal is possible?

Mr. Henry showed maps of Plan "A" which included approximately 18 major creeks in the city and Plan "B" which included approximately 150 creeks within the city as well as the five-mile extraterritorial jurisdiction of the City. Included in the plans are proposed widths of environmental corridors which vary for the various creeks.

In answer to the questions concerning flood plain, the staff stated that the proposed ordinance was not a flood-plain ordinance. Mr. Graves pointed out that the present ordinance and the proposed ordinance responds to all the creeks but the proposed ordinance also adds requirements for additional information concerning the creeks shown on the maps. The proposed ordinance does not delete any requirements that are now on the books but will strengthen the present ordinance.

A suggested definition of "aggrieved party" to be considered is "someone within 300 feet or who had a property adjoining this same waterway upstream or downstream for any distance who wanted to alledge any kind of injury due to the granting of the permit.

Mr. Graves pointed out that this ordinance would have limited effect on the problem of runoff caused by development, however, he pointed out that the development permit considering alteration of the creek or channel would be reviewed for an increase in storm runoff.

Mr. Graves explained that the ordinance would be concerned with developed and undeveloped property. When the master drainage plan has been completed the entire length of the creek would be considered for environmental quality and for protection from flooding.

Mr. Graves explained that there are some creeks that are simply rock beds or mud bottoms and that any alterations to this type creek may not alter the "historical or traditional character" of the creek. In altering those creeks that have trees or other features but need more capacity than it presently has, plans that are developed must attempt to preserve the meander of the creek which is a traditional characteristic. In some cases, the Planning Commission and Environmental Board would be asked to review special problems.

Mr. Henry stated that the ordinance defined a waterway as "a stream, creek, branch, drainway, or water course."

Jerry harris explained penalties resulting from violation of the ordinance. The party involved in the violation would be subject to penalties like those of any other city ordinance violation.

Mr. Henry explained that the widths of the environmental corridors on the map were based on slope. Measurements were taken from the slope break by taking an average width of break along the creek.

Mr. Gage stated that the limits of the creeks are defined on the maps are very specific. He stated that the purpose of the maps was to protect the creeks within the city but that when these creeks extend beyond the city limits into the extra-territorial jurisdiction, the City has few controls.

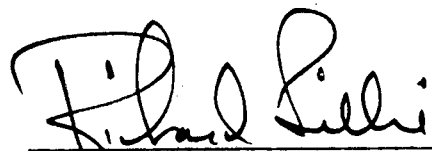
Following the question and answer period, the meeting was adjourned at 10:15 p.m.

CITIZENS APPEARING

Bill Williams
Don Walden
Woodrow Sledge
David Barrow
O. B. McKowan
Howard Barr
Ms. Jerri Farmer
Ruel Snow
Ms. Susie Prewitt

Mike Mahone
Tom Curtis
Crook Collins
Ms. Mika Walden
Ms. Susie Morgan
Mrs. Waldi Browning
Ms. Betty Shaw
Pat Brown
Cary Jones

Ms. Joann Bartz	Ms. Susan Morehead
Jim Cain (South River City Citizens)	
Philip Wald	Tom Cowden (Sierra Club)
Al Giles	Peter Coleman
Allan Friedman (Allandale Neighborhood Group)	
Joyce Cline (We Care Austin)	Ms. Mary Nell Pursella (League of Woman Voters)
Allan McCree	Don Patton
Ms. Huntley	



Richard Lillie,
Executive Secretary