

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting -- September 1, 1977

The meeting of the Commission was called to order at 7:30 p.m. in the City Council Chambers.

Present

Miguel Guerrero, Chairman
Freddie Dixon
Gabriel Gutierrez*
Sid Jagger**
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Bill Stoll
James G. Vier

Also Present

Richard R. Lillie, Director of Planning
Tom Knickerbocker, Assistant Director of Planning
Dr. Maureen McReynolds, Director Office of
Environmental Resources
Curtis Johnson, Director of Water and
Wastewater Department
Daron Butler, Director of Budget and
Research
Homer Reed, Deputy City Manager
Jerry Harris, City Attorney
Ouida W. Glass, Senior Secretary

*Arrived at 7:50 p.m.

**Arrived at 7:40 p.m.

C12-77-008

Public Services

Consideration of request by Jerry Angerman
for an approach main to Scenic Brook
Subdivision

Mr. Richard Lillie, Director of the Planning Department, explained that in the development of the 1977-82 C.I.P. the Water and Wastewater Department proposed a project entitled Williamson Creek Interceptor. The project was to be constructed in two phases, one of which would be from Sunset Valley toward the City of Austin and the other being from the City of Austin west to the intersection of Highways 290 and 71. The Commission in the review of the C.I.P. in May and June recommended to the City Council that Phase II (that area extended from Western Oaks west creek area to Oak Hill) be deleted because of the question of compatibility with the Comprehensive Plan. The Commission suggested the extension be considered instead under the City's Approach Main Policy. The approach main under consideration is an 11,800-foot extension of a 21-inch wastewater line in the northern branch of Williamson Creek, from Western Oaks West Creek Subdivision area to the intersection of 71 and 290. If approved, the approach main would have a capacity of serving approximately 4700 additional dwelling units. The City Council in the approval of the approach main policy recognized that the extension of the water and wastewater utilities is a major factor in the timing and direction of urban growth, and that the City shall review and approve approach mains consistent with a goal of orderly planned growth and environmental protection. The policy also stated that the City will participate in an approach main through any subdivision, planned unit development, or other development if it is within the city limits or will be annexed within one year of the date on which the City Council has approved the approach main. The policy with respect to the Capital Improvements Program and the Master Plan priority states that the C.I.P. water and wastewater projects shall be installed by way of the approach main policy only through approval by the City Council, after review of the scheduling of other C.I.P. projects. The Planning Commission and City Council shall evaluate approach main projects with consideration for C.I.P. and Master Plan priorities.

Mr. Jerry Angerman, developer of Scenic Brook West, stated that the tract of land in question is approximately 343 acres and he has been developing in this area since approximately 1968. The development at that time was outside the ETJ zone and it was not necessary to conform specifically at that time. The main purpose of this request is to eliminate the existing package plant that is presently in operation in Scenic Brook West. Most of the area in Scenic Brook West and in the Oak Hill area is on septic tanks. At this point applicant feels he has four alternatives: (1) the approach main line to eliminate the present package treatment plant; (2) an additional 115,000 gallon per day capacity addition to the existing plant (for which he has a permit from the Water Quality Board); (3) to continue development with limited use of package plant and continue development of the balance of the property under the county specifications and septic

C12-77-008 Public Services (continued)

tanks; (4) or to pursue the possibility of special districts and incorporations. Applicant explained that final plats on the entire subdivision have been approved by the Planning Commission and he is under no obligation to the City to participate in and pay for this approach main. The developer is required to put up all the money to install the 21-inch wastewater line at an estimated cost of \$600,384. The anticipated capacity the developer will use is approximately 23 percent. The city will reimburse the developer in equal payments over a five-year period upon completion of the project. The real cost to the city is \$28,192 which is the present value of the reimbursement. Scenic Brook West is in the current growth pattern of the Comprehensive Master Plan and provides a positive financial benefit to the City. This falls under the approach main policy and there would be no money expended by the C.I.P. in this area at all. This is a recharge zone of the Edwards Aquifer and all expert opinion is unanimous in pointing to a sewage collection system as a preferred measure to protect the water quality.

Mr. Curtis Johnson, Director of the Water and Wastewater Department, stated that basically the line would be 11,800 feet long and a 21-inch line is anticipated for a total capacity of approximately 4700 living units. The total cost of the line is estimated to be approximately \$600,000, of which the applicant would pay \$200,271 and the city would refund the balance over a five-year period. This project was placed in the Wastewater C.I.P. program because they felt the service was needed. This project was deleted, however, with the comment that it should be extended on an approach main basis rather than as a C.I.P. project. It is still recommended that the project go forward as presented, realizing that there would have to be a slight amendment to some of the wording of the current approach main policy. There was discussion regarding the developer putting in the line for the size he really needs. Mr. Johnson pointed out that this had been done in the past, up until about the 1950's, and that now portions of Shoal Creek, for example, have as many as four sewer lines in it. We are now trying to look at the capacity for at least the next fifty years or the ultimate capacity of that drainage area, whichever is less. The most economical way to serve an area is to go with the ultimate capacity of the drainage area. It was explained that if other customers tied on during the five year period, they would be required to pay their proportionate share. It was assumed the city would recoup its cost assuming the line is filled to capacity during this five-year period. Reference was made to the city's negative points regarding municipal utility districts. Among other things, it was pointed out that another quasi governmental entity has been created.

Dr. Maureen McReynolds, Director, Environmental Resource Management, explained there is no need for a detailed environmental assessment in this area since it is not particularly environmentally sensitive where the proposed route is located. She did request, however, that her department be allowed to work closely with the engineering company if the line is to be installed and that a creek permit should be required. She further pointed out that they could not be required to have a creek permit if the property is not annexed.

CL2-77-008 Public Services (continued)

She noted that the water quality is a major issue associated with this project. The area is marginal to unsuitable to septic tanks. Many of the lots are too small to have an adequate drainage field; making it very difficult to upgrade that situation. Perhaps the only alternatives to correct this situation would be a municipal utility district, package plant, or the city sewer line. The impact of the present septic tanks and package plants on the ground water quality of the Edwards Aquifer is not known at this time. At the present time there is no measurable effect, but that does not mean that it cannot or will not occur in the future. Certainly if growth continues over the aquifer, this is a potential problem. Should the approach main be approved, a creek permit process should be followed; project review standards should be established (especially regarding urban runoff and the impacts on the Edwards Aquifer); and possibly sewer construction standards would need to be higher in the aquifer area to conform with the higher standards as have been established in San Antonio. If the approach main is not approved, in order to maintain some degree of water quality in that area it will be necessary to establish tighter septic tank regulations over the aquifer.

Mr. Daron Butler of the Research and Budget Office explained that the fiscal impact study they have done on the area is considered from the current policy position; i.e., that if the City participates in the approach main contract, the area be annexed within one year. Without annexation the city is not under obligation to provide fire, police, health, sanitation -- the full range of city services. In most cases approach mains without annexation will produce either a break even position for the City, or, in fact, make money in the long run. Extension without annexation makes good economic sense; however, the current city policy is that if the city participates in the contract, annexation takes place within one year. If the area is annexed, the law requires within three years a good faith, sustained effort be made to bring services, capital improvements, and other normal city services to that area up to the same standards that exist in other areas of the city. That would be an expensive process.

Mr. Lillie explained to the Commission that the Comprehensive Plan is new and everyone is trying very hard in the initial stages of implementation to understand what the plan says. The Council and the Commission this year are considering the C.I.P. in light of the compatibility with the Plan for the first time. West Rim was the first private development to fall within the approach main policy requiring Plan and C.I.P. compatibility, and it was the judgment of the majority of this Commission that the advantages outweigh the disadvantages to extend both water and sewer approach main to that subdivision. The language is not prohibitive; there are priority areas with few development constraints in which development is encouraged primarily through the C.I.P. outside the city limits. There are other areas where development constraints exist but even in these areas the constraints should not prohibit development if the developer recognizes

C12-77-008 Public Services (continued)

the constraints and adjusts his plans or timing accordingly. He pointed out the need for the Commission and the Council to weigh the advantages and disadvantages, including the impact of projects like this, in light of the Plan guidelines and either approve projects as submitted, amend projects in accordance with environmental data as submitted, or to deny plans for incompatibility. He pointed out three issues for which the Planning staff had concern -- contiguous and the definitions that could be made therefor. The approval of this line would extend a City service about two miles beyond the existing city limit line; secondly, through the extension of this line it would encourage a strip of development and certainly give priority to development to the Scenic Brook area by providing this service and bypassing many hundreds of acres between that area and the existing city limits proper that should be developed first, that is most contiguous to existing services and facilities that the City has either already built or is in an approved C.I.P. Finally, there has always been concern of the responsibilities the city would inherit with annexation. It is one thing to provide sewer service to an area -- it is quite another to provide all of the services and facilities required with annexation.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Jerry Angerman, developer of Scenic Brook West
J. W. Smith
Don Summers
Carl Wheeler, Jr. (No Opinion)

PERSONS APPEARING IN OPPOSITION

James H. Schorr, 7201 Old Bee Caves Road
Barbara Cilley, 114 Mariposa
Jerry Lobdill
Ken Manning, 213 West 41st
Dean Rindy, 2104 Pearl
Joe Riddell, 4504 Depew

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

C12-77-008 Public Services (continued)

Ken Manning, speaking on behalf of the Sierra Club, Austin Regional Group, stated that basically he felt there were two major issues involved; the first is does the growth management section of the Master Plan suggest that we should allow approval or recommend disapproval of this approach main. The second issue is are the water quality problems significant enough to justify extending this line, regardless of what the Master Plan has to say. Regarding the first point, he pointed out that the Master Plan states that urban development in areas of high environmental sensitivity should be discouraged by directing utility extensions away from these areas. He is of the opinion that the area is definitely environmentally sensitive. He also pointed out that the Master Plan stated utilities should be used to guide growth toward more compact and contiguous urban form. This is a remote, non-contiguous area, and it could be concluded that this line should not be extended. He does not agree that this area is in the preferred growth corridor. He felt the options should be control of quality for packageplants and are standards on septic tanks what they should be to prevent polution. He was of the opinion that water and wastewater utilities are of prime concern. He felt the issue now is whether or not we are going to accommodate intensive development by the provision of utilities or whether outside of the corridor, the development that takes place is going to occur at a lower density in areas that are more environmentally sensitive. He felt that to annex this area is not consistent with the planning concepts that have been dealt with. In closing, he suggested consideration be given to (1) this is not contiguous; (2) if the line is extended, there will be development in the Oak Hill area which is remote from the rest of the city; and (3) annexation responsibility that will fiscally be very burdensome.

Mr. Stoll stated that the Planning Commission and the City Council has now approved the Master Plan. In that Master Plan and the parameters that were used, this area obviously was considered as being eventually within the Austin city limits as part of the growth pattern. He felt this area definitely fits into the growth pattern as adopted by the Planning Commission. Mr. Manning stated development could not be stopped. He felt development would occur to some extent, with or without utilities. If services are extended, then it is a total northwest-southwest development pattern.

Mr. Jerry Lobdill, resident of the area and President of McCarty Lane Neighborhood Association, brought attention to the way in which the hearing was announced; stated the neighborhood associations and Austin Neighborhoods Council had not

C12-77-008 Public Services (continued)

been notified. He emphasized this was not only a question of a main; but also a annexation issue; therefore, he felt all residents of the neighborhood should have been aware of the issue. His concern was where is the money to do this; was of the opinion people should know exactly what C.I.P. fund this would come out of. Mr. Vier stated that the way the policy now works, the developer would put up all of the necessary funds; the City will reimburse a portion of that over a five-year period, of which, if the area is developed contiguous and the line can be used, people who tie on to the line will pay for that privilege. Regarding annexation, he pointed out that to go too far west the electric utilities are provided by Pedernales Electric Co-Op.

Barbara Scilly wondered whether or not the timing was right and also where the money would come from. Joe Riedel brought attention to the planning, the environmental, and the money aspect of the issue. Is the issue Scenic Brook, or the entire area that would be sewerred through the approach main? He felt it should be considered on the basis of the entire area; that the Master Plan was not to let the line be developed; and that the Master Plan should be used as a guide and the burden should be on the applicant. The greatest environmental concern is water quality; the most important thing being the urban runoff into the Edwards Aquifer. This line cannot eliminate the septic tank problem in the area. He was of the opinion that not any more septic tanks should be allowed and that the bad tanks there should be replaced. He felt there was no problem with the package treatment plants in the area other than Mr. Angerman's and his problem has resulted from more use than the plant can handle. He was of the opinion that if this were approved, it would create greater problems through development than the problem of urban runoff. He felt the request should be denied; Mr. Angerman should expand and improve his package treatment plant; the septic tank ordinance should be amended to prohibit traditional septic tanks; the existing septic tanks which do not work efficiently should be replaced; and at the same time develop and impose further standards on development in the area, especially with respect to runoff in order to protect the Aquifer; also a question of timing. He felt it premature--there are other areas of higher priority that the City should be making into urban areas, especially when we do not know what we need to know about the Edwards Aquifer.

Dean Rindy brought attention to an element of policy, in that there will be a strong temptation in the future simply to extend the approach main without annexation. He felt this to be extremely dangerous for the City. Utility extension does not eliminate the need for annexation--it accelerates the need. He was of the opinion there were several sound factors for requiring approach mains to fill the requirement of annexation: (1) it eliminates the political factor; (2) it does guarantee a more contiguous growth pattern as the policy wants to accomplish; because it forces the City to look at a basic reality--if development is encouraged some place, sooner or later it must be annexed.

C12-77-008 Public Services (continued)

COMMISSION ACTION

The Commission heard testimony as presented. Discussion was held concerning small areas incorporating and the problem of small cities surrounding Austin. Mr. Lillie explained that the statutes are very permissive with respect to setting up new taxing jurisdictions and new political jurisdictions within the ETJ. It is simply required that the applicant come to the Council and request approval; if the Council denies, then the applicant must come back and request incorporation or request setting up a district for serving the area. If the Council denies, the statutes then permit procedure with appropriate elections set by the County Commissioner's court to establish these kinds of jurisdictions. The threat is very real and it is an important factor to be considered in the determination of extension or denial of utilities. It was pointed out that growth has occurred and is occurring along these corridors and likely will continue to occur and the question now is how is that growth to be accommodated and when. The state law requires that cities make some effort to provide adequate services to like areas already within the city limits within three years. If that does not occur, then residents within the annexed area can petition to be de-annexed and the Council would have to consider that. There was discussion as to how the C.I.P. budget could be rearranged if the annexation is approved and the possibility of jeopardizing some other services for people who are already a part of the city.

Mr. Don Summers, representing Ralph Moreland, who owns the Convict Hill Restaurant stated they had problems with septic tanks and had spent over \$15,000 to make sure their septic tank does not pollute the creek and are in favor of the sewer line being extended. Mr. J. W. Smith supported the approach main (1) the Oak Hill area is a very short distance from downtown Austin and is a very desirable area for people to live; (2) some of the opinions regarding environmental control create a negative impact on decisions; (3) William Cannon Drive completion is evident; and (4) that there is a definite need for commercial services in the Oak Hill area. Discussion was held concerning two major issues, the growth section of the Master Plan suggests approval or disapproval of this approach main; and whether or not the water quality problems are significant enough to justify extending this line regardless of what the Master Plan has to say. It was pointed out that city services are available to everybody, regardless of whether or not they live in the city limits. Mr. Stoll explained that the Planning Commission and the City Council have now approved the Master Plan and he felt that this area does comply with the growth pattern as adopted. It was explained that the urban run-off from this area would go into the Edwards Aquifer and that special steps need to be taken. Dean Rindy pointed out that there seemed to be a strong temptation in the future to simply extend the approach main without annexation and he felt this to be an extremely dangerous policy for the City. Utility extension does not eliminate the need for annexation; it accelerates that need.

CL2-77-008 Public Services (continued)

COMMISSION VOTE:

Mr. Dixon moved that based upon the existing data that has been presented and upon the issues vs. the advantages and disadvantages, that at the present time there are far more disadvantages to granting the approach main than there are advantages and until this is cleared up, that the approach main be denied. The disadvantages are (1) there is the question of the process of annexation and the services that would be provided if annexation is approved -- police, fire, library, etc. The other issue is that through the extension of the two miles of this particular property or annexation, it would be passing through areas which would need to be granted services that would be denied these services because of this extension of this line to this particular property. Mrs. Shipman seconded the motion.

Mr. Jagger commented that he felt this was a very unusual situation; very different from any other that has been encountered. Ultimately this would affect development in the area. Annexation is inevitable ultimately in this area; does not think there is any way that the City of Austin can avoid annexation of this entire 290 corridor, Oak Hill and the entire area out there. Mr. Jagger felt that now there is an opportunity to get this sewer line in without the expenditure of C.I.P. funds; if this opportunity is not taken, ultimately C.I.P. money must be spent to accomplish this. The property must be annexed to control development and that a proper fiscal impact statement would show that it would be a profitable fiscal situation for the City; therefore, Mr. Jagger submitted the following substitute motion:

Mr Jagger moved that this project be approved subject to the following conditions:

1. That the City intends to annex the area, and that an exception be granted to the Approach Main Policy as to the one-year time limit, and that the staff be prepared to do a full scale annexation study on the entire area;
2. That the creek permit be required in the planning and development of the line;
3. That the performance standards in the Texas Water Quality Board's requirements of the Edwards Aquifer be complied with; and
4. That the staff be instructed to come up with some project review standards to be applied to the Edwards Aquifer and bring them to the Planning Commission for forwarding to the Council.

Mr. Gutierrez seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Snyder, Stoll and Vier.
Mrs. Schechter.

NAY: Mr. Dixon and Mrs. Shipman.

THE MOTION PASSED BY A 7-2 VOTE.

C12-77-010 Public ServicesConsideration of oversized wastewater line:
Bull Creek, Lateral A

Mr. Richard Lillie, Director of the Planning Department, explained that in the development of the 1977-82 C.I.P. the Water and Wastewater Department proposed a project entitled Bull Creek Lateral A, which is a project to extend the gravity wastewater interceptor from Loop 360 and Spicewood Springs Road northwesterly to approximately the Bull Creek Bluff Estates. The C.I.P. schedule calls for the expenditure of \$57,000 in 1979-80 and construction in 1980-81 costing \$943,000. In reviewing the project in the C.I.P. the Planning Commission recommended that before the design of the line an environmental assessment will be made to determine the size of the line and the most environmentally sound route. In other words, the Commission left this line in the C.I.P. and requested only that you be appraised of the size of the line and the most environmentally sound route. Determining the size of the line is immediate in that the line affects the Great Hills Subdivision and the owners of that subdivision are ready to proceed and have proceeded with design and engineering services on the line. In this case the sizing of the line is important in that oversizing will permit extending the wastewater service to areas beyond the primary watershed. The Crosstown Tunnel has been constructed and is complete. The Bull Creek interceptor has been approved and constructed to Spicewood Springs Road and this particular line, Bull Creek Lateral A, would extend from Spicewood Springs Road up the creek. This particular series of lines would provide service to the Bull Creek watershed and would use the Crosstown Tunnel as the primary route to the treatment plants to the south and southeast. There is also in the Walnut Creek watershed a line which comes across on the north side of Highway 183 and extends up to T.I. and does provide service to that area on the north side of the city. The issue here is oversizing the line in the Bull Creek Lateral A which will provide the capacity for the city to extend service to Sections 2 and 3 which are identified in the study done by the staff. Section 2 already has in it Balcones Estates which is on septic tanks, Spicewood at Balcones which is on a package treatment plant, Anderson Mill which is a municipal utility district and has package treatment plants and on the north side of the roadway, Forest North Estates, Village Oaks, Senesta and several other small subdivisions all of which are on septic tanks. Oversizing the line would permit the capacity and/or ability to provide service to these other subdivisions which are already there and which might develop in the future.

Mr. Curtis Johnson, Director of the Water and Wastewater Department, emphasized that if the city is to grow in this direction, plans need to be made at this time to take care of this growth. Great Hills is ready to proceed with

C12-77-010 Public Services

additional development and a branch of Bull Creek would be the logical line to provide service for that area, and to the areas on either side of 183. Assuming continued development in each of these areas, at some point there would have to be additional means of providing additional sewer service. He emphasized that a decision needs to be made at this point in order to properly size the proposed sewer line. Mr. Vier asked about those areas in the Lake Creek watershed which drain into the Brazos River watershed and whether or not there are any current provisions for providing lift facilities. Mr. Johnson explained that the intent is to provide basic capacity in the link; there are no definite plans as to how to develop the overall sewer system in that subdrainage area or in the subdrainage to the other side of 183. The idea is that if there is to be development in this area, this connecting link should be large enough to provide adequate service. There was discussion regarding whether or not new subdivisions would be required to use this system should it be approved and installed. Mr. Johnson explained that when a line is installed when a subdivision is being developed, it is the first thing constructed and there is nothing to interfere; whereas the cost could double or in many cases triple if the line is installed after the subdivision is in. As systems are installed around package plants, the Water Quality Board will urge them to tie into the system in a general way. It was explained that the Water and Wastewater Department would generally size the line, however, in this particular situation since it considers possible service to areas which lie outside the normal watershed that is under consideration and since it has implications on whether or not the City will provide service to some likely developing areas, Mr. Johnson felt it would be appropriate for the Planning Commission to make some recommendations also. He also explained that the area will develop; the city will be annexing the area in order to maintain proper controls. The line needs to be extended the full 16,000 feet in order to relieve some lift stations which are basically overloading the upper part of the Walnut Creek system now which were not designed for that purpose. Mr. Johnson explained that an oversize payment is a one-time payment in cash after the subdivider has completed the construction of that particular portion of the line. Mr. Dixon stated he did not want to stop growth and development, but did feel that perhaps there should be reconsideration of the Master Plan, annexation, approach mains, and how it will affect the entire City in order to be fair for those persons wishing to develop so that continuity could be maintained.

Dr. Maureen McReynolds, Director of the Office of Environmental Resources stated this line is located in a much more sensitive environmental area and the C.I.P. had requested an environmental assessment of the specific route of the line; it is one that will cause the least environmental damage; however, there are some quite sensitive areas. The proposed route is the one that would cause the least amount of damage.

Planning Commission, Austin, Texas

September 1, 1977 11

C12-77-010 Public Services

Mr. Lillie explained that the funds for this project have been approved in the C.I.P. and it is merely a matter of timing for when the funds would be expended. If Great Hills continues with their development, there is no need for the line to be in the C.I.P. and would be put in as a part of that subdivision.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Mr. Bill Cotton, developer of Great Hills

PERSONS APPEARING IN OPPOSITION

Joe Riedel

COMMISSION ACTION

It was explained to the Commission that this area is contiguous, it abuts the City limits; it does allow someone to tie on to the Crosstown sewer in that area and the taxpayers do not carry that load. The subdivision is already approved and the subdivider is ready to let contracts; is prepared to handle the oversizing. He is going to build the line, the question at this time is what size to build. It was also pointed out that some control could be lost if the Master Plan was not followed. An alternative was to run the sewage from 183 to the Walnut Creek line, which is in the C.I.P. which has been funded.

COMMISSION VOTE

Mr. Dixon moved that an oversized line be approved; that this item be placed in the C.I.P. for the year 1979-80; that in conjunction with this recommendation and the placing in the C.I.P., we work very closely with the Environmental Department as the line is installed to make sure the environmental procedures are adhered to in terms of leakage, spillage, etc. Mr. Dixon then amended his motion to delete Item 2 (C.I.P.). Mr. Jagger seconded the motion.

AYE: Messrs. Dixon, Guerrero, Gutierrez, Jagger and Snyder. Mmes. Schechter and Shipman.

NAY: Mr. Stoll

ABSTAIN AND OUT OF THE ROOM: Mr. Vier.

THE MOTION PASSED BY A 7-1 VOTE.

The meeting adjourned at 12:20 a.m.


Richard R. Lillie, Executive Secretary