



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: JUNE 1, 2016 MILLIGAN SUBDIVISION

NAME & NUMBER OF PROJECT: C8J-2015-0176.0A (D-10)

NAME OF APPLICANT OR ORGANIZATION: IT Gonzales, PE
512-447-7400

LOCATION: 6608 Cuesta Trail

PROJECT FILING DATE: August 13, 2015

WPD/ENVIRONMENTAL STAFF: Sylvia R. Pope, P.G., 512-974-3429
Sylvia.pope@austintexas.gov

**PDR/
CASE MANAGER:** Steve Hopkins, 512-974-3175
Steve.hopkins@austintexas.gov

WATERSHED: West Bull Creek Watershed
Water Supply Suburban
Drinking Water Protection Zone

ORDINANCE: Watershed Protection Ordinance (current Code)

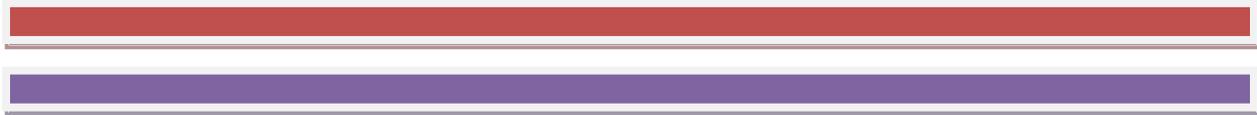
REQUEST: Variance requests are as follows:
1 - To allow seven CEFs to be located within a single family residential lot [LDC 30-5-281(B)] and
2 - To reduce two CEF buffers to a 50 foot radius from the standard 150 foot radius [LDC 30-5-281(C)(1)(a)]

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR RECOMMENDATION: Findings of fact have been met.



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM



PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	I. T. Gonzalez
Street Address	3501 Manor Rd
City State ZIP Code	Austin, Texas 78723
Work Phone	512-447-7400, ext 11
E-Mail Address	itgonz@swbell.net

Variance Case Information

Case Name	Milligan Subdivision, Resub of Lots 1 & 2, Park 22, Phase A
Case Number	C8J-2015-0176.0A
Address or Location	6608 Cuesta Trail, Austin, Texas 78730
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	
Watershed Name	West Bull Creek
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input checked="" type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones <i>The subdivision is partially in the Edwards Aquifer Recharge Zone and is completely within the Edwards Aquifer Recharge Verification Zone</i>

Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	681 feet, Site to Natural Creek, classified as Intermediate Waterway
Water and Waste Water service to be provided by	1. Water supplier is City of Austin. 2. Wastewater OSSF-Travis County
Request	The variance request is as follows (Cite code references): Variance request from LDC 30-5-281(B) to allow a single family residential lot to contain CEF's

Impervious cover	Existing	Proposed
square footage:	<u>0.00 in Lot 2</u>	<u>6,086 in Lot 2</u>
acreage:	<u>0.00 in Lot 2</u>	<u>0.1397 in Lot 2</u>
percentage:	<u>0.00 in Lot 2</u>	<u>2.72 % in Lot 2</u>
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<ol style="list-style-type: none"> 1. Slope varies between 10% - 185%. 86% of site is within 10%-65% slope. 2. Elevation Range is from 765 to 925. 3. There are no heritage trees on site. 4. An intermediate creek exists north of site, 681 feet from north property line to center line of creek. 5. No wetlands exist on site. 6. The Milligan property contains 6 seeps and 3 rimrocks. And outside the Milligan property and within 150 ft of the perimeter property line, there are 11 seeps and 1 rimrock. 6. The proposed Lot 1 has an existing house on it. The proposed construction on Lot 2, includes a house, driveway, sidewalk, patio, porch, septic field, and detention pond. 	

Clearly indicate in what way the proposed project does not comply with current Code (include	The Milligan site encompasses 6.746 acres of land. The Milligan property contains 6 seeps and 3 rimrocks. And outside the Milligan property and within 150 ft of the perimeter property line, there are 11 seeps and 1 rimrock. Lot 2 contains 7 CEF's. Refer to Exhibit 5.
--	---

maps and exhibits)	
--------------------	--

FINDINGS OF FACT

As required in LDC Section 30-5-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project:

Ordinance:

A. Land Use Commission variance determinations from Chapter 30-5-41 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/No The 6.746 acres of land include Lot 1, Park 22-Phase A and 3.654 acres out of Lot 2, Park 22-Phase A. The existing Park 22-Phase A is a residential subdivision that was permitted by Travis County. The terrain in this subdivision is hilly and CEF's are common. It is highly possible that all existing lots within the existing subdivision contain CEF's. Mr. Milligan desires to continue with residential lots and comply with the current City of Austin Land Development Codes.

Being that the proposed subdivision contains and is surrounded by CEF buffers, Mr. Milligan will not be able to subdivide his land unless a variance is granted, allowing the proposed subdivision with residential lots to be subdivided.

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/No The variance request is not being requested due to a non-compliance method being created by the owner. The hardship is that proposed subdivision, 6.746 acres of land, contains 9 CEF's and said property lies within the 150 ft buffer of 12 CEF's.

- 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/No Not allowing the proposed residential subdivision to be approved with the existing 9 CEF's and 12 CEF's that surround the property will deprive Mr. Milligan from developing Lot 2. Furthermore, future development on the proposed Lot 1 may be restricted due to CEF's that were discovered within 150 ft of the existing house.

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

Yes/No The variance, if granted, will not create any harmful consequences. To minimize erosion the proposed development will keep development stormwaters from the flowing into the Rimrock R4 and Seep 17. A detention pond is proposed to maintain the existing peak flows from the development area. A level spreader is proposed downstream from the detention pond discharge weir to prevent erosion. Excavation for development purposes will be limited to approximately 2.5 feet. Vegetation will be established. The entire Lot 2 Area, other the buildable area, will be declared a Critical Environmental Feature Buffer Area. The OSSF will be built in accordance to Travis County Regulations, and as required for the existing slopes.

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

Yes/No Development with the variance will result in water quality that is equal to the existing conditions or better. The CEF buffer areas that are deducted from the proposed CEF buffer reductions will be transferred within Lot 2 and the entire Lot 2 area, other than the proposed 0.51 buildable area, will be declared a Critical Environmental Feature Buffer. As stated above, in Section 2(c), the development is design to assure that the existing CEF's are not harmed. A detention pond is proposed; a level spreader, downstream from the detention pond, is proposed to prevent erosion; excavation is limited to approximately 2.5 ft; vegetation will be established; erosion/sedimentation controls will be utilized; and the OSSF will be built in compliance with State and Travis County Regulation, as required for the existing slopes. Also, be assured that the development is laid out to assure that the existing CEF's are not violated and/or disturbed.

- B. Additional Land Use Commission variance determinations for a requirement of Section 30-5-393 (Water Quality Transition Zone), Section 30-5-423 (Water Quality Transition Zone), Section 30-5-453 (Water Quality Transition Zone), or Section 30-5-261 (Critical Water Quality Zone Development):

May 9, 2016

1. The criteria for granting a variance in Section A are met;

Yes/No [summary of basis for determination]

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

Yes/No [summary of basis for determination]

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

Yes/No [summary of basis for determination]

**Variance approval requires all above affirmative findings.

Exhibits for Board Backup and/or Presentation

- Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant’s variance request letter (backup only)

IT GONZALEZ ENGINEERS

www.itgonzalezengineers.com

May 6, 2016

Mr. Mike McDougal
Environmental Review Specialist Senior
Land Use Review Division
One Texas Center
505 Barton Springs Road
Austin, Texas 78767

RE: Environmental Commission Variance Request Letter
Project: Proposed Milligan Subdivision, Consisting of 2 Lots
Location: 6608 Cuesta Trail, Austin, Texas 78730
Case No: C8J-2015-0176.0A

Dear Mr. McDougal:

As agent for our client, Mr. Christopher Milligan, I. T. Gonzalez Engineers is herein requesting an Environmental Commission Variance from the requirements of LDC 30-5-281(B).

Mr. Milligan currently owns residential Lot 1, Park 22, Phase A, and 3.654 acre out of residential Lot 2, Park 22, Phase A. The 3.654 acres out of said residential Lot 2 is land that is landlocked or has no frontage to a street. Mr. Milligan desires to subdivide all his land, make Lot 1 smaller so that in turn the 3.654 acre tract and a portion of the existing Lot 1 will form a second lot that has frontage at Cuesta Court. The existing Lot 1 has a house on it. The proposed Lot 2 area, 5.141 acres, has no improvements on the land. The proposed lots will continue to be residential.

Approximately 80% of Mr. Milligan's property is covered with CEF buffers, including 6 seeps, and 3 rimrocks. The perimeter property line is within 150 feet of 11 seeps and 1 rimrocks.

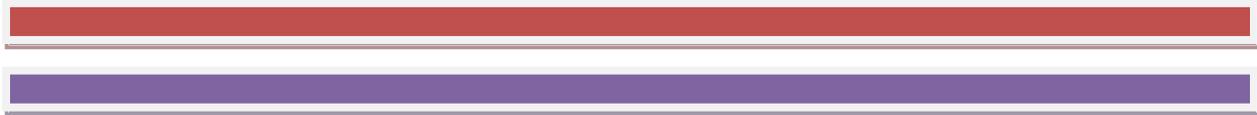
The Environmental Variance Request herein is to allow Mr. Milligan to subdivide his land into a residential subdivision with the existing 9 CEF's that are within the boundaries of his property and with the 12 CEF's that surround his property.

Sincerely,


I. T. Gonzalez, P.E., R.P.L.S.



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM



PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	I. T. Gonzalez
Street Address	3501 Manor Rd
City State ZIP Code	Austin, Texas 78723
Work Phone	512-447-7400, ext 11
E-Mail Address	itgonz@swbell.net

Variance Case Information

Case Name	Milligan Subdivision, Resub of Lots 1 & 2, Park 22, Phase A
Case Number	C8J-2015-0176.0A
Address or Location	6608 Cuesta Trail, Austin, Texas 78730
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	
Watershed Name	West Bull Creek
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input checked="" type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones <i>The subdivision is partially in the Edwards Aquifer Recharge Zone and is completely within the Edwards Aquifer Recharge Verification Zone</i>

Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	681 feet, Site to Natural Creek, classified as Intermediate Waterway
Water and Waste Water service to be provided by	1. Water supplier is City of Austin. 2. Wastewater OSSF-Travis County
Request	The variance request is as follows (Cite code references): LDC 30-5-281(C)(1)(a)

Impervious cover	Existing	Proposed
square footage:	<u>0.00 in Lot 2</u>	<u>6,086 in Lot 2</u>
acreage:	<u>0.00 in Lot 2</u>	<u>0.1397 in Lot 2</u>
percentage:	<u>0.00 in Lot 2</u>	<u>2.72 % in Lot 2</u>
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<ol style="list-style-type: none"> 1. Slope varies between 10% - 185%. 86% of site is within 10%-65% slope. 2. Elevation Range is from 765 to 925. 3. There are no heritage trees on site. 4. An intermediate creek exists north of site, 681 feet from north property line to center line of creek. 5. No wetlands exist on site. 6. The Milligan property contains 6 seeps and 3 rimrocks. And outside the Milligan property and within 150 ft of the perimeter property line, there are 11 seeps and 1 rimrock. 6. The proposed construction on Lot 2, includes a house, driveway, sidewalk, patio, porch, septic field, and detention pond. The variance request is to decrease the 150 CEF buffer to 50 ft buffers for seep S17 and rimrock R4. 	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The site contains slopes in excess of 15% within 150 ft of and upstream of the following CEFs: Rimrock R4 and Seep S17. The proposed improvements in Lot 2 are upstream from R4 and S17. Refer to Exhibits 5, 6 and 7.
---	--

--	--

FINDINGS OF FACT

As required in LDC Section 30-5-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project:

Ordinance:

A. Land Use Commission variance determinations from Chapter 30-5-41 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/No The proposed Lot 2 cannot be developed with a residence without encroaching onto two of the 150 CEF buffers. The situation is that Mr. Milligan, the property owner, owns all of Lot 1 and a portion of Lot 2, Park 22 Phase A. The Existing Lot 1 has frontage on Cuesta Court and Cuesta Trail. The existing portion of Lot 2, owned by Mr. Milligan is landlocked; it has no street frontage. Mr. Milligan would like to plat all of his land to have legal lots.

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/No The variance request is not being requested due to a non-compliance method being created by the owner. The hardship is that the terrain slopes are excessive and basically the entire subdivision is covered with Seeps and Rimrocks. The request is asking for minimal consideration, which is to allow 2 CEF Buffers to be reduced to 50 ft buffers.

- 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/No The existing houses in the subdivision without a doubt are seriously in violation of the current Land Development Codes that protect the Critical Environmental Features. Mr. Milligan, owner, herein, is requesting for a reduction of 2 CEF Buffers for the purpose of opening up a buildable area, approximately 150' x 150', on the proposed Lot 2. With that said, the buildable area is 0.51 acres or 9.92% of Lot 2, which consists of 5.141 acres. All of Lot 2, except for the 0.51 acre buildable area, will be declared a Critical Environmental Feature Buffer.

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

Yes/No The variance, if granted, will not create any harmful consequences. To minimize erosion the proposed development will keep development stormwaters from the flowing into Rimrock R4 and Seep 17. A detention pond is proposed to maintain the existing peak flows from the development area. A level spreader is proposed downstream from the detention pond discharge weir to prevent erosion. Excavation for development purposes will be limited to approximately 2.5 feet. Vegetation will be established. The entire Lot 2 Area, other the buildable area, will be declared a Critical Environmental Feature Buffer. The OSSF will be built in accordance to Travis County Regulations, and as required for the existing slopes.

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

Yes/No Development with the variance will result in water quality that is equal to the existing conditions or better. The CEF buffer areas that are deducted from the proposed CEF buffer reductions will be transferred within Lot 2 and the entire Lot 2 area, other than the proposed 0.51 buildable area, will be declared a Critical Environmental Feature Buffer. As stated above, in Section 2(c), the development is design to assure that the existing CEF's are not harmed. A detention pond is proposed; a level spreader, downstream from the detention pond, is proposed to prevent erosion; excavation is limited to approximately 2.5 ft; vegetation will be established; erosion/sedimentation controls will be utilized; and the OSSF will be built in compliance with State and Travis County Regulation, as required for the existing slopes. Also, be assured that the development is laid out to assure that the existing CEF's are not violated and/or disturbed.

- B. Additional Land Use Commission variance determinations for a requirement of Section 30-5-393 (Water Quality Transition Zone), Section 30-5-423 (Water Quality Transition Zone), Section 30-5-453 (Water Quality Transition Zone), or Section 30-5-261 (Critical Water Quality Zone Development):

1. The criteria for granting a variance in Section A are met;

May 10, 2016

Yes/No [summary of basis for determination]

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

Yes/No [summary of basis for determination]

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

Yes/No [summary of basis for determination]

**Variance approval requires all above affirmative findings.

Exhibits for Board Backup and/or Presentation

- Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant’s variance request letter (backup only)

IT GONZALEZ ENGINEERS

www.itgonzalezengineers.com

May 5, 2016

Mr. Mike McDougal
Environmental Review Specialist Senior
Land Use Review Division
One Texas Center
505 Barton Springs Road
Austin, Texas 78767

RE: Environmental Commission Variance Request Letter
Project: Proposed Milligan Subdivision, Consisting of 2 Lots
Location: 6608 Cuesta Trail, Austin, Texas 78730
Case No: C8J-2015-0176.0A

Dear Mr. McDougal:

As agent for our client, Mr. Christopher Milligan, I. T. Gonzalez Engineers is herein requesting an Environmental Commission Variance from the requirements of LDC 30-8-281(C)(a).

Mr. Milligan currently owns Lot 1, Park 22, Phase A, and 3.654 acre out of Lot 2, Park 22, Phase A. The 3.654 acres out of said Lot 2 is land that is landlocked or has no frontage to a street. Mr. Milligan desires to subdivide all his land, make Lot 1 smaller so that in turn the 3.654 acre tract and a portion of the existing Lot 1 will form a second lot that has frontage at Cuesta Court. The existing Lot 1 has a house on it. The proposed Lot 2 area, 5.141 acres, has no improvements on the land.

Approximately 80% of Mr. Milligan's property is covered with CEF buffers related to numerous Seeps and Rimrocks. The request, herein, is to reduce the 150 ft CEF buffers that surround one seep and one rimrock to 50 ft. The seep is S17 and the rimrock is R4. The objective is to build a house on the proposed Lot 2 on the area that fronts Cuesta Court. The buildable area, assuming that the buffers are reduced to 50 ft, would be approximately 160 ft by 160 ft.

In summary, we herein request that the 150 ft CEF buffers for Seep S17 and Rimrock R4 be reduced to 50 ft.

Sincerely,


I. T. Gonzalez, P.E., R.P.L.S.



MEMORANDUM

TO: Members of the Environmental Commission

FROM: Sylvia R. Pope, P.G., Hydrogeologist
Watershed Protection Department

DATE: June 1, 2016

SUBJECT: Milligan Subdivision
C8J-2015-0176.0A

On the May 18, 2016 agenda is a request for the consideration of two variances to allow a Critical Environmental Feature (CEF) to be located within residential lots [LDC 30-5-281(B)] and to reduce CEF buffers to 50 feet [LDC 30-5-281(C)(1)(a)].

Property Location

The property is located at 6608 Cuesta Court (Exhibit 1 Aerial Photograph of Vicinity). Adjacent uses include single family, office use, and City of Austin undeveloped land.

Watershed Data

The approximately 8.8 acre property is located within the West Bull Creek Watershed, which is classified as a Water Supply Suburban Watershed. A small portion of the subdivision is located partially within the Edwards Aquifer Recharge Zone. Surface water generally drains from south to north. A portion of the property is in the Water Quality Transition Zone of West Bull Creek (Exhibit 2-1 Topography Map and Exhibit 2-2 Recharge Zone Map & Water Quality Transition Zone Map).

Jurisdictional Data

The property is within the City of Austin limited purpose jurisdiction and is zoned RR.

Trees / CEFs

Vegetation and Critical Environmental Features (CEFs) are described in the attached Environmental Resource Inventory (Exhibit 3 Environmental Resource Inventory). Site photos are also included in this exhibit.

Proposed Development

The property currently exists as two single family residential lots: the approximately 2.1 acre Neuse property and the approximately 6.7 acre Milligan property. The Applicant is seeking a resubdivision to shift existing lot lines and to resubdivide the existing two lots to create three total lots (Exhibit 4 Existing Lot Layout and Proposed Lot Layout). The three lots are proposed as follows:

- Neuse property, 2.1 acres;
- Milligan Lot 1 property, 1.6 acres; and
- Milligan Lot 2 property, 5.1 acres.

A single family residence exists on the current and proposed Neuse property. A single family residence exists on the proposed Milligan Lot 1. The proposed Milligan Lot 2 will be developed as a single family residential lot. The proposed Neuse lot is compliant with Land Development Code Section 30-5. The proposed Milligan lots require variances.

Requirements of LDC 30-5-281(B)

LDC 30-5-281(B) does not allow CEFs to be located on single family lots. The applicant is requesting a variance to allow a proposed single family residential lot to contain CEFs. A total of seven CEFs are located on the proposed Lot 2, as described below:

- R2: located on proposed Lot 2; rimrock
- R4: located on proposed Lot 2; rimrock
- S2: located on proposed Lot 2; seep
- S3: located on proposed Lot 2; seep
- S4: located on proposed Lot 2; seep
- S5: located on proposed Lot 2; seep
- S17: located on proposed Lot 2; seep

Requirements of LDC 30-5-281(C)(1)(a)

LDC 30-5-281(C)(1)(a) requires a standard 150 foot radius CEF buffer. The applicant is seeking to reduce this standard 150 foot radius buffer to a 50 foot radius buffer for two of the CEFs located within the subdivision. CEFs R4 and S17 are proposed to have 50 foot radii buffers on Lot 2. The applicant proposes to expand the CEF buffers towards the center of Lot 2 in order to mitigate for the reduced CEF buffer area on the eastern portion of the lot. The proposed CEF buffer and the proposed CEF buffer expansion are shown on Exhibits 5-1 and 5-2 - Proposed Lot Layout and Proposed CEF Buffers.

Variance Requests

The following variances to the Land Development Code (LDC) have been requested to allow the property to be resubdivided into two lots:

- 1 – To allow seven CEFs to be located within a single family residential lot [LDC 30-5-281(B)]; and
- 2 – To reduce two CEF buffers (R4 and S17) to a 50 foot radius [LDC 30-5-281(C)(1)(a)] from the standard 150 foot radius.

Conditions for Staff Approval

Staff recommends approval of the above variances provided that:

1. An area equal to or greater than the area of reduced from a standard 150-foot radius CEF buffer be dedicated as CEF buffer in the central portion of Lot 2. The mitigation area will provide an equivalent area for water quantity and quality to sustain baseflow to springs and unclassified tributaries of West Bull Creek.
2. The existing structure located within the CEF buffer mitigation area will be demolished and removed and the area restored with native grasses and plants.

Recommendation

The Findings of Fact have been met. Staff recommends approval of the variance with the above conditions.



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

Project: Milligan subdivision. Resubdivision of Lots 1 & 2, Park 22, Phase A. 6608 Cuesta Court. C8J-2015-0176.0A
Ordinance Standard: Land Development Code Section 30-5-281(B)
Variance Request: To allow a single family residential lot to contain 7 Critical Environmental Features.

Justification:

A. Land Use Commission variance determinations from Chapter 30-5, 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. There are similarly situated properties within the area that have been granted variances to allow Critical Environmental Features within a single family residential lot. The most recent variance was approved for Caswell Estates subdivision, Case No. C8-2014-0134.0A.

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. The subdivision application is required in order to separate the tract into two lots. Lot 1 will establish a legal lot for the existing residence at 6608 Cuesta Court. This subdivision is required to establish legal lot status for existing parcels. Other site conditions and regulatory requirements constrain the area suitable for construction to an approximate area of 0.51 acres upslope of Critical Environmental Features (CEFs) R4 and S17 on the eastern portion of the 5.14 acre Lot 2. A legal lot may not be created without including the CEFs on Lot 2. The greater overall environmental protection will result from establishing Critical Environmental Feature buffer on all of Lot 2 except for a small buildable area for a new single family residence adjacent to Cuesta Court. The existing storage/workshop structure on Lot 2 will be demolished and removed and the area will be revegetated with native grasses and plants. All of the Critical Environmental Feature buffer will be designated within a restrictive covenant.

- 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 existing conditions of 7 Critical Environmental Features within Lot 2, 2 within Lot 1 and 12 offsite, constrain site development such that the proposed subdivision is impossible without the variance. The variance will establish legal lots for existing parcels and allow the construction of one additional single family residence on 5.14 acres contained within Lot 2. Lot 1 contains an existing single family residence that will have a 1.6 acre area.

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

Yes. The construction of the single family residence and associated infrastructure will disturb an area of approximately 0.51 acres of the 5.14 acres of Lot 2. The designation of the remainder of the lot as Critical Environmental Feature buffer will ensure adequate water quantity and quality for the 7 CEFs and the unclassified tributaries to West Bull Creek within Lot 2. A restrictive covenant will be established for the Critical Environmental Feature buffer.

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 majority of Lot 2 will be established as Critical Environmental Feature buffer per the plat and within a restrictive covenant.

- B. Additional Land Use Commission variance determinations for a requirement of Section 30-5-393 (Water Quality Transition Zone), Section 30-5-423 (Water Quality Transition Zone), Section 30-5-453 (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.

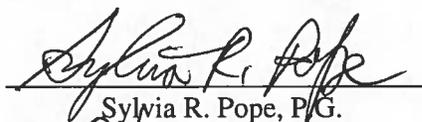
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A.

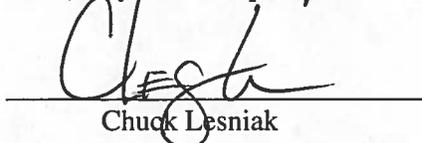
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

Hydrogeologist Reviewer:


Sylvia R. Pope, P.G.

Environmental Officer:


Chuck Lesniak

Date: 5/18/2016

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



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

Project: Milligan subdivision. Resubdivision of Lots 1 & 2, Park 22, Phase A. 6608 Cuesta Court. C8J-2015-0176.0A
Ordinance Standard: Land Development Code Section 30-5-281(C)(1)(a)
Variance Request: To reduce standard 150-foot radius Critical Environmental Feature buffers to 50 feet for canyon rimrock R4 and seep S17.

Justification:

A. Land Use Commission variance determinations from Chapter 30-5, 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. There are similarly situated properties within the area that have been granted variances to reduce CEF buffers to less than 150 feet radius for canyon rimrocks or seeps/springs. The most recent variance to reduce CEF buffers on a single family residential lot was approved for Caswell Estates subdivision, Case No. C8-2014-0134.0A, on July 7, 2015.

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. Other site conditions and regulatory requirements constrain the area suitable for single family residential construction to a small area upslope of Critical Environmental Features (CEFs) R4 and S17 on the eastern portion of the 5.14 acre Lot 2. An existing single family residence is located on Lot 1.

- 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 existing conditions, such as other Critical Environmental Features and steep slopes, constrain site development such that the proposed site design is limited to an area of approximately 0.51 acre out of 5.14 acres.

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

Yes. The construction of the single family residence and associated infrastructure will disturb a small portion of the 5.14 acres of Lot 2. Establishing a reduced Critical Environmental Feature buffer with a radius of 50 feet will prevent direct disturbance of R4 and S17. The buffer will preserve the characteristics of the CEFs, such as the native vegetation, the rock outcrop and the natural hydrology.

The applicant has agreed to mitigate the reduction of the buffer on the eastern portion of Lot 2 by designating additional CEF buffer area on the western portion of the lot between CEF 150-foot radius buffers. All CEF buffers will be designated within a restrictive covenant.

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

Yes. Temporary erosion and sedimentation controls will be used to reduce possible water quality impacts from erosion or sediment generated by construction activity. A detention pond is required for the subdivision. The detention pond and level spreader at the outfall will reduce erosion within the CEF buffer of S17. The OSSF field will be located upslope of R4 and at least 100 feet distant from S17 in order to minimize potential water quality impacts to S17.

- B. Additional Land Use Commission variance determinations for a requirement of Section 30-5-393 (Water Quality Transition Zone), Section 30-5-423 (Water Quality Transition Zone), Section 30-5-453 (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.

Hydrogeologist Reviewer:


Sylvia R. Pope, P.G.

Environmental Officer:


Chuck Lesniak

Date: 5/18/2016

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

**EXHIBIT 1
AERIAL PHOTO OF VICINITY**



BUILDABLE AREA, APPROX
160 FT X 160 FT,
SEE PRELIMINARY SITE PLAN

LOT 1

LOT 2

MILLIGAN SUBDIVISION

Cuesta Ct

Cuesta Trail

Cuesta Trail

349 ft Cuesta Trail

© 2016 Google



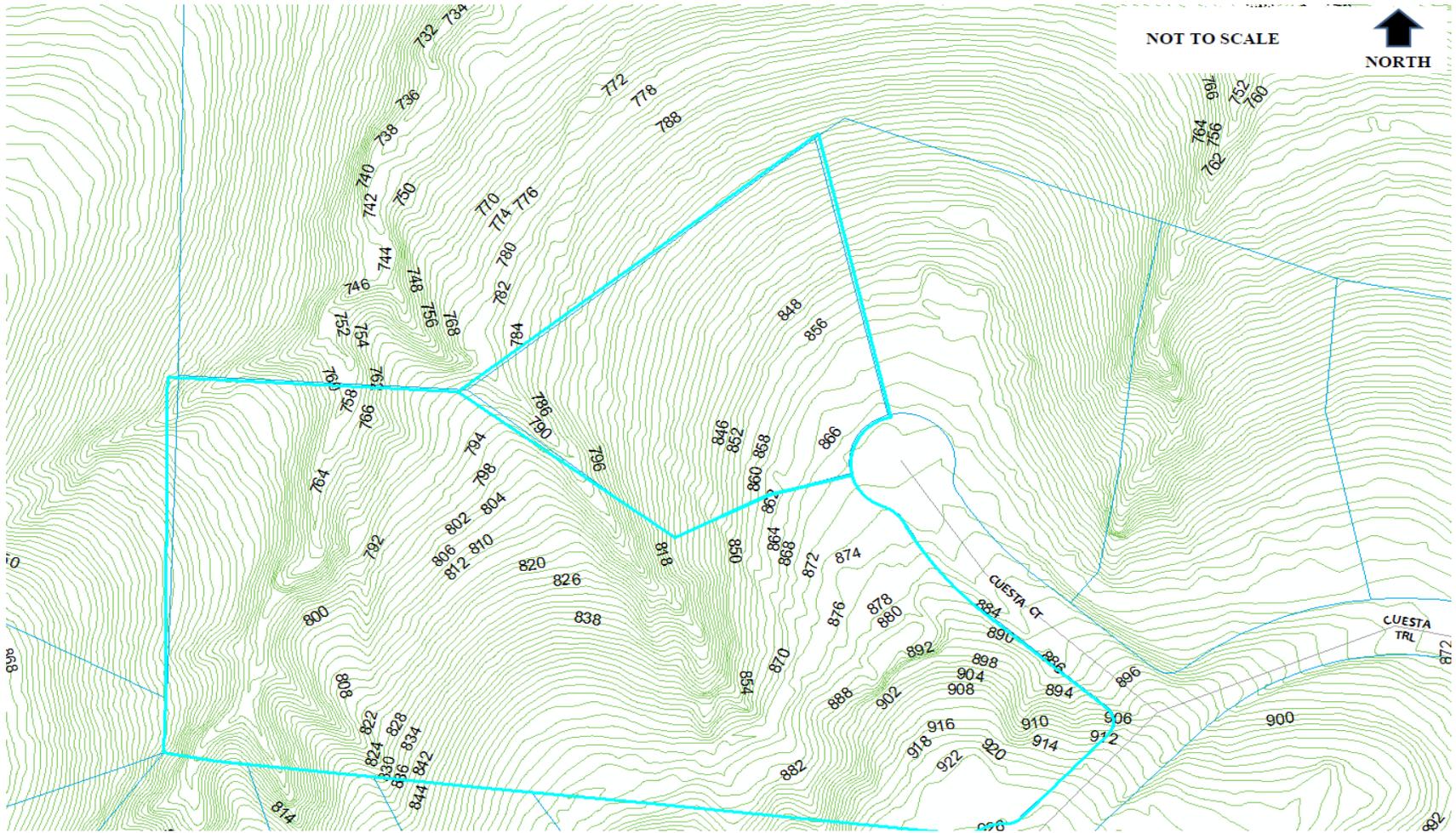


EXHIBIT 2-1 TOPOGRAPHY

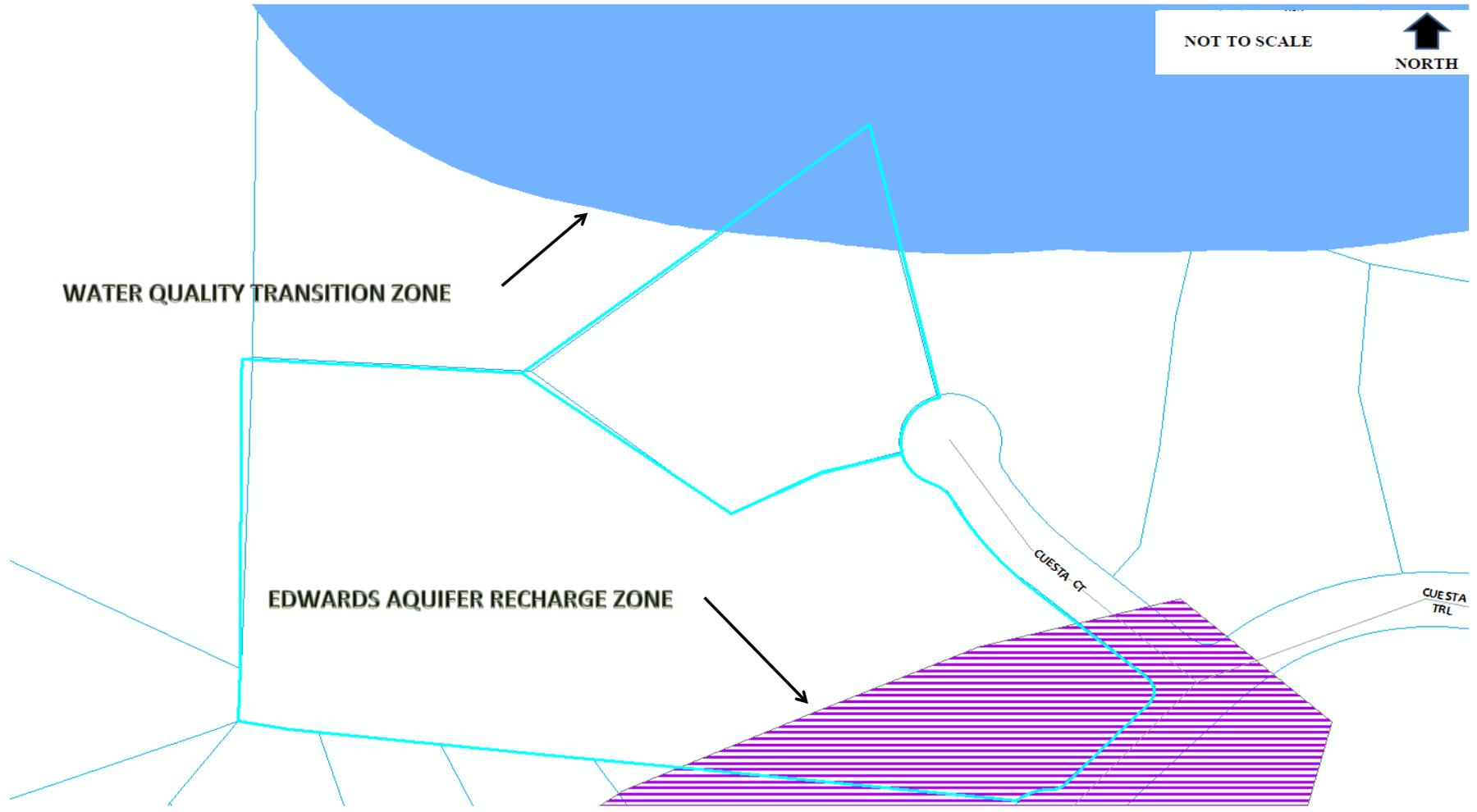


EXHIBIT 2-2 RECHARGE ZONE AND WATER QUALITY TRANSITION ZONE

Exhibit 3 - Environmental Resource Inventory

For the City of Austin
Related to LDC 25-8-121, City Code 30-5-121, ECM 1.3.0 &

The ERI is required for projects that meet one or more of the criteria listed in LDC 25-8-121(A), City Code 30-5-121(A).

- 1. SITE/PROJECT NAME: Milligan Residential Tract
- 2. COUNTY APPRAISAL DISTRICT PROPERTY ID (#'s): 142135
- 3. ADDRESS/LOCATION OF PROJECT: 6608 Cuesta Trail, Austin, Travis County, Texas, 78730
- 4. WATERSHED: West Bull Creek

- 5. THIS SITE IS WITHIN THE (Check all that apply)
 - Edwards Aquifer Recharge Zone* (See note below) YES No
 - Edwards Aquifer Contributing Zone* YES No
 - Edwards Aquifer 1500 ft Verification Zone* YES No
 - Barton Spring Zone* YES No

*(as defined by the City of Austin – LDC 25-8-2 or City Code 30-5-2)

Note: If the property is over the Edwards Aquifer Recharge zone, the Hydrogeologic Report and karst surveys must be completed and signed by a Professional Geoscientist Licensed in the State of Texas.

- 6. DOES THIS PROJECT PROPOSE FLOODPLAIN MODIFICATION?..... YES** NO
If yes, then check all that apply:
 - (1) The floodplain modifications proposed are necessary to protect the public health and safety;
 - (2) The floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a **functional assessment** of floodplain health as prescribed by the Environmental Criteria Manual (ECM), or
 - (3) The floodplain modifications proposed are necessary for development allowed in the critical water **quality zone under LDC 25-8-261 or 25-8-262, City Code 30-5-261 or 30-5-262.**
 - (4) The floodplain modifications proposed are outside of the Critical Water Quality Zone in an area determined to be in poor or fair condition by a **functional assessment** of floodplain health.

**** If yes, then a functional assessment must be completed and attached to the ERI (see ECM 1.7 and Appendix X for forms and guidance) unless conditions 1 or 3 above apply.**

- 7. IF THE SITE IS WITHIN AN URBAN OR SUBURBAN WATERSHED, DOES THIS PROJECT PROPOSE A UTILITY LINE PARALLEL TO AND WITHIN THE CRITICAL WATER QUALITY ZONE? YES*** NO

*****If yes, then riparian restoration is required by LDC 25-8-261(E) or City Code 30-5-261(E) and a functional assessment must be completed and attached to the ERI (see ECM1.5 and Appendix X for forms and guidance).**

- 8. There is a total of 21 (#s) Critical Environmental Feature(s)(CEFs) on or within 150 feet of the project site. If CEF(s) are present, attach a detailed **DESCRIPTION** of the CEF(s), color **PHOTOGRAPHS**, the **CEF WORKSHEET** and provide **DESCRIPTIONS** of the proposed CEF buffer(s) and/or wetland mitigation. Provide the number of each type of CEFs on or within 150 feet of the site (Please provide the number of CEFs):

17 _____ (#'s) Spring(s)/Seep(s) 0 _____ (#'s) Point Recharge Feature(s) 0 _____ (#'s) Bluff(s)
 4 _____ (#'s) Canyon Rimrock(s) 0 _____ (#'s) Wetland(s)

Note: Standard buffers for CEFs are 150 feet, with a maximum of 300 feet for point recharge features. Except for wetlands, if the standard buffer is not provided, you must provide a written request for an administrative variance from LDC 25-8-281(C)(1) and provide written findings of fact to support your request. Request forms for administrative variances from requirements stated in LDC 25-8-281 are available from Watershed Protection Department.

9. The following site maps are attached at the end of this report (Check all that apply and provide):

All ERI reports must include:

- Site Specific Geologic Map with 2-ft Topography**
- Historic Aerial Photo of the Site**
- Site Soil Map**
- Critical Environmental Features and Well Location Map on current Aerial Photo with 2-ft Topography**

Only if present on site (Maps can be combined):

- Edwards Aquifer Recharge Zone with the 1500-ft Verification Zone**
(Only if site is over or within 1500 feet the recharge zone)
- Edwards Aquifer Contributing Zone**
- Water Quality Transition Zone (WQTZ)**
- Critical Water Quality Zone (CWQZ)**
- City of Austin Fully Developed Floodplains for all water courses with up to 64-acres of drainage**

10. **HYDROGEOLOGIC REPORT** – Provide a description of site soils, topography, and site specific geology below (Attach additional sheets if needed):

Surface Soils on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups*. If there is more than one soil unit on the project site, show each soil unit on the site soils map.

Soil Series Unit Names, Infiltration Characteristics & Thickness		
Soil Series Unit Name & Subgroup**	Group*	Thickness (feet)
Brackett-Rock Outcrop, 12-60 +	C	0 to 1.2

<p>*Soil Hydrologic Groups Definitions (Abbreviated)</p> <p>A. Soils having a <u>high infiltration</u> rate when thoroughly wetted.</p> <p>B. Soils having a <u>moderate infiltration</u> rate when thoroughly wetted.</p> <p>C. Soils having a <u>slow infiltration</u> rate when thoroughly wetted.</p> <p>D. Soils having a <u>very slow infiltration</u> rate when thoroughly wetted.</p> <p>**Subgroup Classification – See <u>Classification of Soil Series</u> Table in County Soil Survey.</p>

Description of Site Topography and Drainage *(Attach additional sheets if needed):*

Topography of the site is steep and sloping, with elevations ranging from approximately 936 feet above mean sea level (AMSL) in the southeast portion of the site to approximately 772 feet AMSL in the western portion of the site. The site is within the Bull Creek watershed. One intermittent stream and four ephemeral streams, all unnamed tributaries to Bull Creek, occur within the site and 150 foot buffer boundaries. Additionally, one drainage feature with no defined bed or banks occurs within the site and 150 foot buffer boundaries. Seventeen seeps were noted within the intermittent and ephemeral streams during the field investigation. These features are shown on Figure 5.

List surface geologic units below:

Geologic Units Exposed at Surface		
Group	Formation	Member
Edwards	Walnut	-
Trinity	Glen Rose	Upper

Brief description of site geology *(Attach additional sheets if needed):*

See Attached

Wells – Identify all recorded and unrecorded wells on site (test holes, monitoring, water, oil, unplugged, capped and/or abandoned wells, etc.):

There are $\frac{0}{0}$ (#) wells present on the project site and the locations are shown and labeled
 $\frac{0}{0}$ (#s)The wells are not in use and have been properly abandoned.
 $\frac{0}{0}$ (#s)The wells are not in use and will be properly abandoned.
 $\frac{0}{0}$ (#s)The wells are in use and comply with 16 TAC Chapter 76.
 There are $\frac{0}{0}$ (#s) wells that are off-site and within 150 feet of this site.

11. **THE VEGETATION REPORT** – Provide the information requested below:

Brief description of site plant communities (*Attach additional sheets if needed*):

See Attached

There is woodland community on site YES NO (*Check one*).

If yes, list the dominant species below:

Woodland species	
Common Name	Scientific Name
Ashe Juniper	Juniperus asheii
Texas Oak	Quercus buckleyi
Plateau Live Oak	Quercus fusiformis
Possumhaw	Ilex decidua
Heavenly bamboo	Nandina domestica

There is grassland/prairie/savanna on site..... YES NO (*Check one*).

If yes, list the dominant species below:

Grassland/prairie/savanna species	
Common Name	Scientific Name
NA	

There is hydrophytic vegetation on site YES NO (*Check one*).

If yes, list the dominant species in table below (*next page*):

Hydrophytic plant species		
Common Name	Scientific Name	Wetland Indicator Status
Southern maidenhair fern	Adiantum capillus-veneris	FACW
Long-spur columbine	Aquilegia longissima	FACW

A tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level has been completed on the site.

YES NO (Check one).

12. WASTEWATER REPORT – Provide the information requested below.

Wastewater for the site will be treated by (Check of that Apply):

- On-site system(s)
- City of Austin Centralized sewage collection system
- Other Centralized collection system

Note: All sites that receive water or wastewater service from the Austin Water Utility must comply with City Code Chapter 15-12 and wells must be registered with the City of Austin

The site sewage collection system is designed and will be constructed to in accordance to all State, County and City standard specifications.

YES NO (Check one).

Calculations of the size of the drainfield or wastewater irrigation area(s) are attached at the end of this report or shown on the site plan.

YES NO Not Applicable (Check one).

Wastewater lines are proposed within the Critical Water Quality Zone?

YES NO (Check one). If yes, then provide justification below:

No wastewater elements are proposed within the project.

Is the project site is over the Edwards Aquifer?

YES NO (Check one).

If yes, then describe the wastewater disposal systems proposed for the site, its treatment level and effects on receiving watercourses or the Edwards Aquifer.

No wastewater elements are proposed within the project.

13. One (1) hard copy and one (1) electronic copy of the completed assessment have been provided.

Date(s) ERI Field Assessment was performed: 6/23/15 and 6/25/15
Date(s)

My signature certifies that to the best of my knowledge, the responses on this form accurately reflect all information requested.

Robert F Huch, P.G., CPESC

512-478-0858

Print Name

Telephone



rhuch@hicksenv.com

Signature

Email Address

Hicks & Company

7/14/2015

Name of Company

Date

For project sites within the Edwards Aquifer Recharge Zone, my signature and seal also certifies that I am a licensed Professional Geoscientist in the State of Texas as defined by ECM 1.12.3(A).



City of Austin Environmental Resource Inventory - Critical Environmental Feature Worksheet

1	Project Name:	Milligan Residential Tract
2	Project Address:	6608 Cuesta Court, Austin, Texas, 78703
3	Site Visit Date:	6/23/15 and 6/25/15
4	Environmental Resource Inventory Date:	7/9/15

5	Primary Contact Name:	Bob Huch
6	Phone Number:	512-478-0858
7	Prepared By:	Hicks & Company
8	Email Address:	rhuch@hicksenv.com

9	FEATURE TYPE (Wetland, Rimrock, Bluffs, Recharge Feature, Spring)	FEATURE ID (eg S-1)	FEATURE LONGITUDE (WGS 1984 in Meters)		FEATURE LATITUDE (WGS 1984 in Meters)		WETLAND DIMENSIONS (ft)		RIMROCK/BLUFF DIMENSIONS (ft)		RECHARGE FEATURE DIMENSIONS			Springs Est. Discharge cfs
			coordinate	notation	coordinate	notation	X	Y	Length	Avg Height	X	Y	Z	
	Seep	S-1	-97.816710	DD	30.379055	DD								0.002
	Seep	S-2	-97.818155	DD	30.379459	DD								0.002
	Seep	S-3	-97.818358	DD	30.379061	DD								0.002
	Seep	S-4	-97.818404	DD	30.379030	DD								0.002
	Seep	S-5	-97.818424	DD	30.379021	DD								0.002
	Seep	S-6	-97.818431	DD	30.378960	DD								0.002
	Seep	S-7	-97.818169	DD	30.378877	DD								0.002
	Seep	S-8	-97.818141	DD	30.378854	DD								0.002
	Seep	S-9	-97.818145	DD	30.378760	DD								0.002
	Seep	S-10	-97.818089	DD	30.378704	DD								0.002
	Seep	S-11	-97.818033	DD	30.378660	DD								0.002
	Seep	S-12	-97.818507	DD	30.379945	DD								0.002
	Seep	S-13	-97.818765	DD	30.378708	DD								0.002
	Seep	S-14	-97.818645	DD	30.378842	DD								0.002
	Seep	S-15	-97.818554	DD	30.378819	DD								0.002
	Seep	S-16	-97.817760	DD	30.380249	DD								0.002
	Seep	S-17	-97.817062	DD	30.379494	DD								0.002

City of Austin Use Only
CASE NUMBER:

Please state the method of coordinate data collection and the approximate precision and accuracy of the points and the unit of measurement.

- Method
- GPS sub-meter
 Surveyed meter
 Other > 1 meter
- Accuracy
- Professional geologist's approval below

For rimrock, locate the midpoint of the segment that describes the feature.

For wetlands, locate the approximate centroid of the feature and the estimated area.

For a spring or seep, locate the source of groundwater that feeds a pool or stream.



Robert F. Huch
7/14/2015

Brief Description of Site Plant Communities

Vegetation communities on the site consist primarily of oak-juniper woodlands. Canopy cover is approximately 80-90 percent. The average tree height is approximately 25 feet in upland areas and 40-50 feet along the canyon tributaries. The trees range from approximately 3 to 18 inches diameter at breast height (dbh) with an average of 6-12 inches. Dominant tree species include Ashe juniper (*Juniperus asheii*), Texas oak (*Quercus buckleyi*), Plateau live oak (*Quercus fusiformis*), boxelder (*Acer negundo*) and green ash (*Fraxinus pennsylvanica*). The understory is relatively open with dominant species consisting of young Ashe Juniper, possumhaw (*Ilex decidua*), heavenly bamboo (*Nandina domestica*), beautyberry (*Callicarpa americana*), agarita (*Mahonia trifoliolata*), Virginia creeper (*Parthenocissus quinquefolia*), green briar (*Smilax bonanox*), devil's shoestring (*Nolina lindheimeriana*), twistleaf yucca (*Yucca rupicola*) and cedar sage (*Salvia roemeriana*).

Protected riparian areas are areas that have a minimum canopy cover of 0.5 acre, voids in the tree canopy comprise less than 30 percent of the total area, and at least 50 percent of all trees have diameters of eight inches or greater measured at 4½ feet above ground (dbh), and are comprised of at least three riparian tree species. Riparian tree species include trees such as pecan (*Carya illinoensis*), American elm (*Ulmus americana*), American walnut (*Juglans major*), bald cypress (*Taxodium distichum*), black walnut (*Juglans nigra*), bur oak (*Quercus macrocarpa*), cedar elm (*Ulmus crassifolia*), little walnut (*Juglans microcarpa*), green ash, Texas sugarberry (*Celtis laevigata*), American sycamore (*Platanus occidentalis*), eastern cottonwood (*Populus deltoids*) and black willow (*Salix nigra*). The woodland vegetation community described above does not fit the criteria for protected riparian areas due to the lack of this community being comprised of at least three riparian tree species.

Brief Description of Site Geology

The site is located within the Edwards Plateau. In this general area, the relatively thin Edwards Group, which is made up of Edwards Limestone underlain by the Walnut formation, lies on the Trinity Group, specifically, the Upper Member of the Glen Rose formation. Erosion of the horizontal bedding planes of the less-erosive Edwards Group and the subsequent erosion of the Upper Member of the Glen Rose formation has formed canyons with relatively steep slopes along drainages and stream cuts leaving the Edwards Group perched on the top of many of the hills and ridges in the area.

In the project area, the Edwards Limestone has been weathered away except in the southeast portion of the project survey buffer area leaving only surface exposures of the Walnut formation and the Upper Glen Rose formation on the property (**Figure 2**). The Walnut formation is exposed in the higher elevations in the eastern half of the property and along the southern survey buffer area. The Walnut formation generally consists of a mix of limestone, marl, and marly limestone, gray to tan in color. Across the lower elevations of the site, the Upper Glen Rose consists of thin-bedded, fine-grained porous dolomite and dolomitic limestone and is estimated to be about 300 feet thick with the actual thickness varying with the surface elevation. Rock outcrops generally consist of horizontal bedding planes exposed along the relatively steeper slopes of the project area along the upper portions of the tributary canyons.

A major portion of the property is positioned on a west slope of a small canyon. The field survey was conducted on June 23 and 25, 2015, by Robert F. Huch, P.G., CPESC (State of Texas Board of Professional Geoscientist [Geology] License Number 4256) with Julie LeClair. There had been recent rain prior to the site visits.

Twenty-one critical environmental features (CEFs) were identified during the field surveys consisting of 17 seeps and four occurrences of rimrock. Eight CEFs are located within the property and the remaining 13 CEFs are located within the 150 foot site buffer area (**Figure 5** and **Photos 8** through **24**). The CEFs are described below. Standard 150 foot buffers are illustrated around the identified CEFs in **Figure 5**.

The seeps are located along one intermittent and several ephemeral tributaries that cross the western and center portions of the subject property. Flow rate at the seeps were estimated to be less than one gallon per minute. The presence of hydrophytic plant species and flowstone suggests a relatively steady water supply. Along the streams, the seeps flow immediately along but below the surface between bedding planes and likely represent the low-flow conditions of the intermittent and ephemeral streams.

A small cave, approximately 7 feet by 2 feet by 3 feet was identified within a tributary associated with seep 8 (**Photo 15**). The cave was investigated and is not a recharge feature. The cave appears to have been formed by an additive process of flowstone draping from overhanging rock and is not solution feature or a CEF.

Canyon rimrock is defined at an abrupt vertical rock outcrop of more than 60% slope (31 degrees), greater than 4 feet vertically, and a horizontal extent equal or greater than 50 feet. Four occurrences of rimrock meeting this definition were located within the property and survey buffer area (**Figure 5**) and are described in the CEF worksheet. Generally, these rimrock

Brief Description of Site Geology

features all have an average height of about 5 feet and are comprised of several bedding planes of exposed rock of variable thickness exhibiting differential weathering (**Photos 25 through 28**).

One occurrence of rimrock (Feature ID R-1) is located south of the property within the survey buffer area immediately north of a residence adjacent to the property. Three occurrences of rimrock (Feature IDs R-2 through R-4) were identified within, or extending into the property. Features R-1, R-3, and R-4 are outcrops of the Walnut formation. Feature R-1 is an outcrop of the Upper Glen Rose formation.

A north-facing exposure of the Walnut formation is located north of the fenced backyard of the property's residence (**Photo 29**). The clearing north of the rock face suggest that this 10 to 12 foot high exposure is likely man-made and therefore, not considered a CEF.

Bluffs are defined as abrupt vertical change in topography of more than 40 feet with an average slope steeper than four feet of rise for one foot of horizontal travel (400% or 76 degrees). No bluffs were identified at the site.

Animal burrows and small depressions from trees falling down slope were identified throughout the site and were evaluated for any vertical component and potential for recharge. No vertical components or potential recharge features were identified during the field investigation. No point recharge features were identified on the subject property or buffer area.

No faults were mapped in the project area. The nearest major fault, the Balcones fault, lies approximately 4 miles east of the project area.

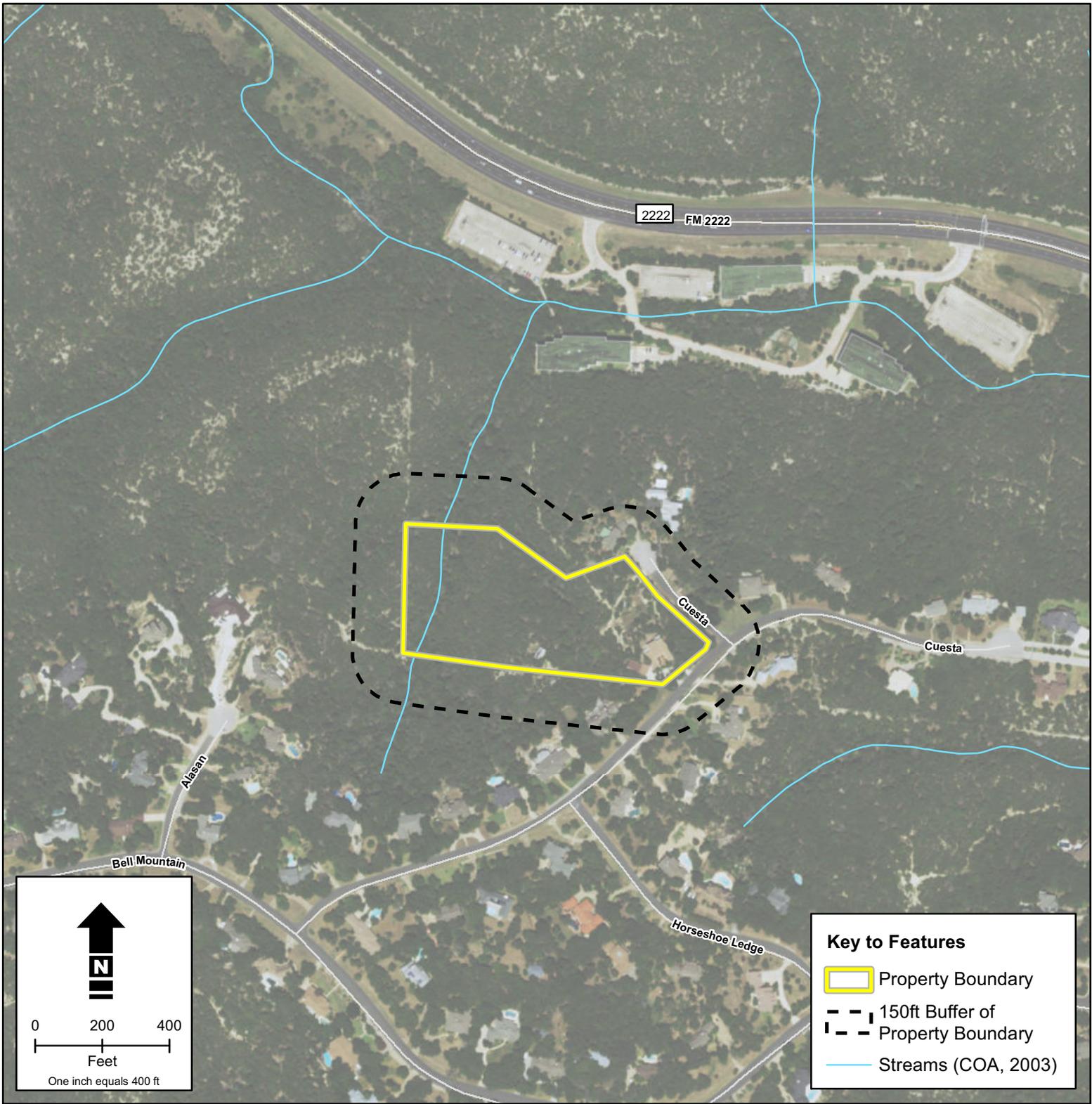
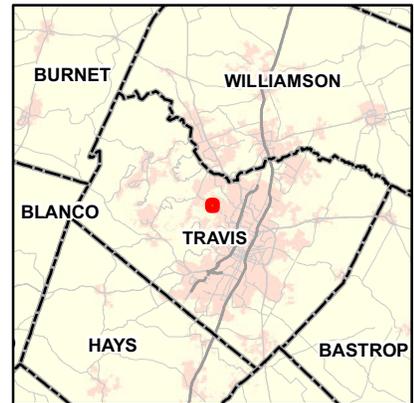


Figure 1
Project Location
Milligan Residential Tract



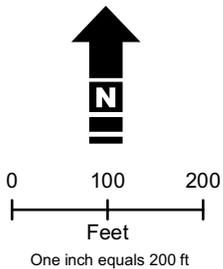
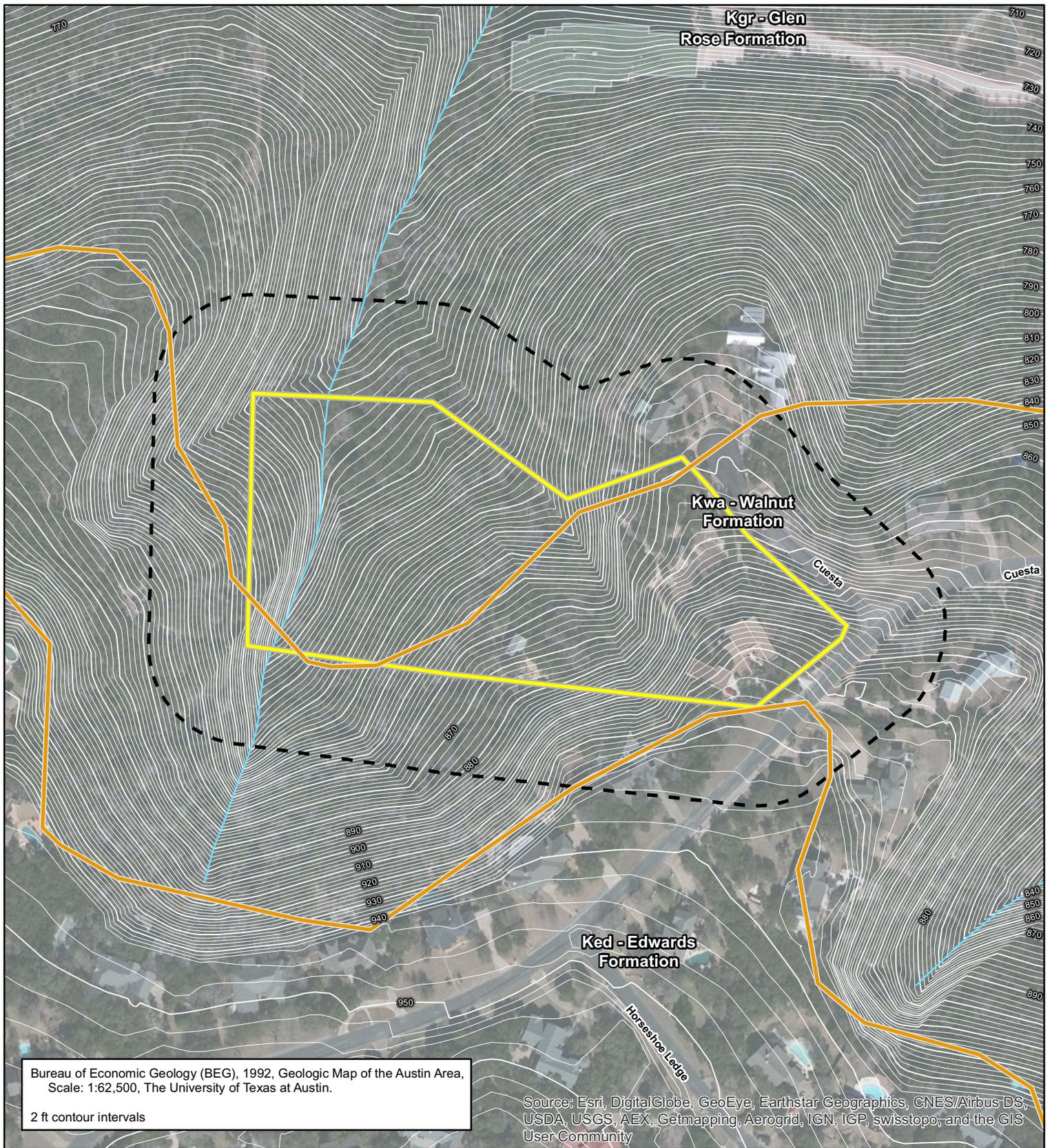
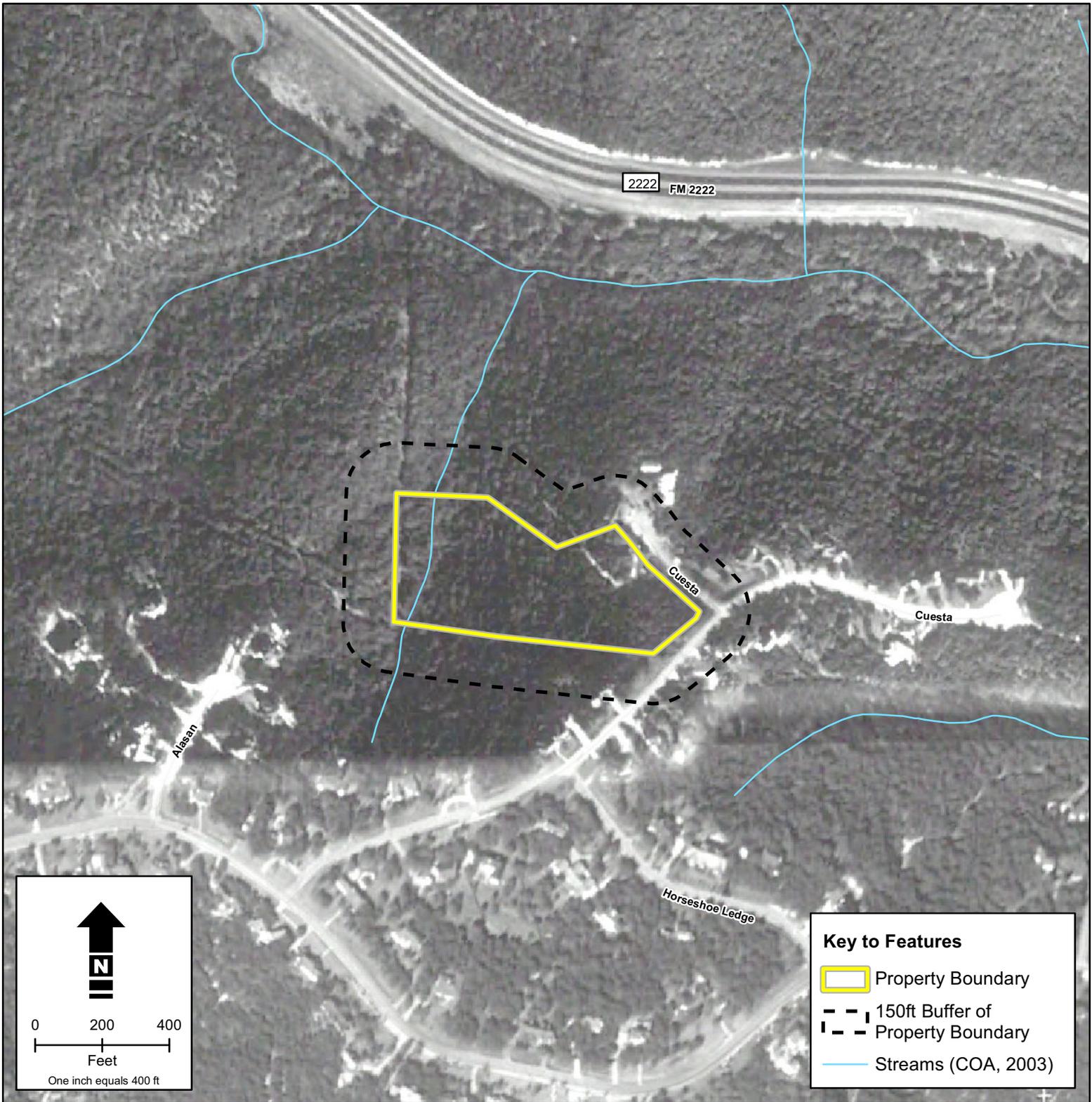


Figure 2
Geology
Milligan Residential Tract

Key to Features

-  Geologic Formations
-  150ft Buffer of Property Boundary
-  Property Boundary
-  Streams (COA, 2003)



Aerial Source: Google Earth, 1995

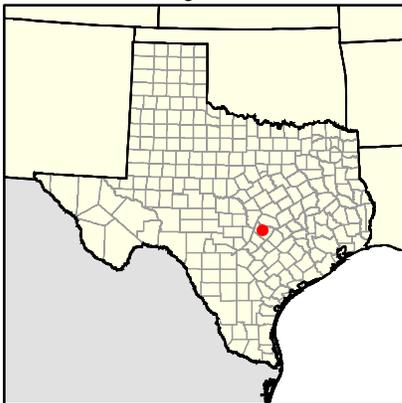
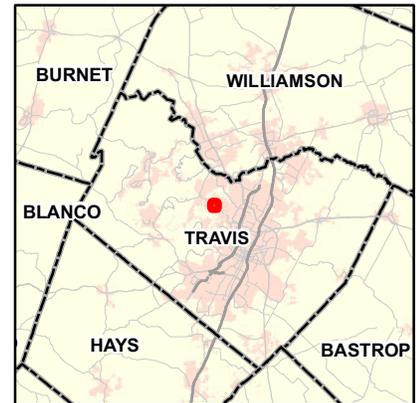


Figure 3
1995 Historic Aerial Photography
Milligan Residential Tract



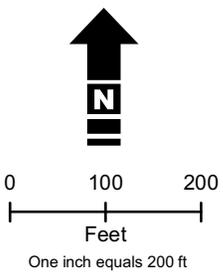
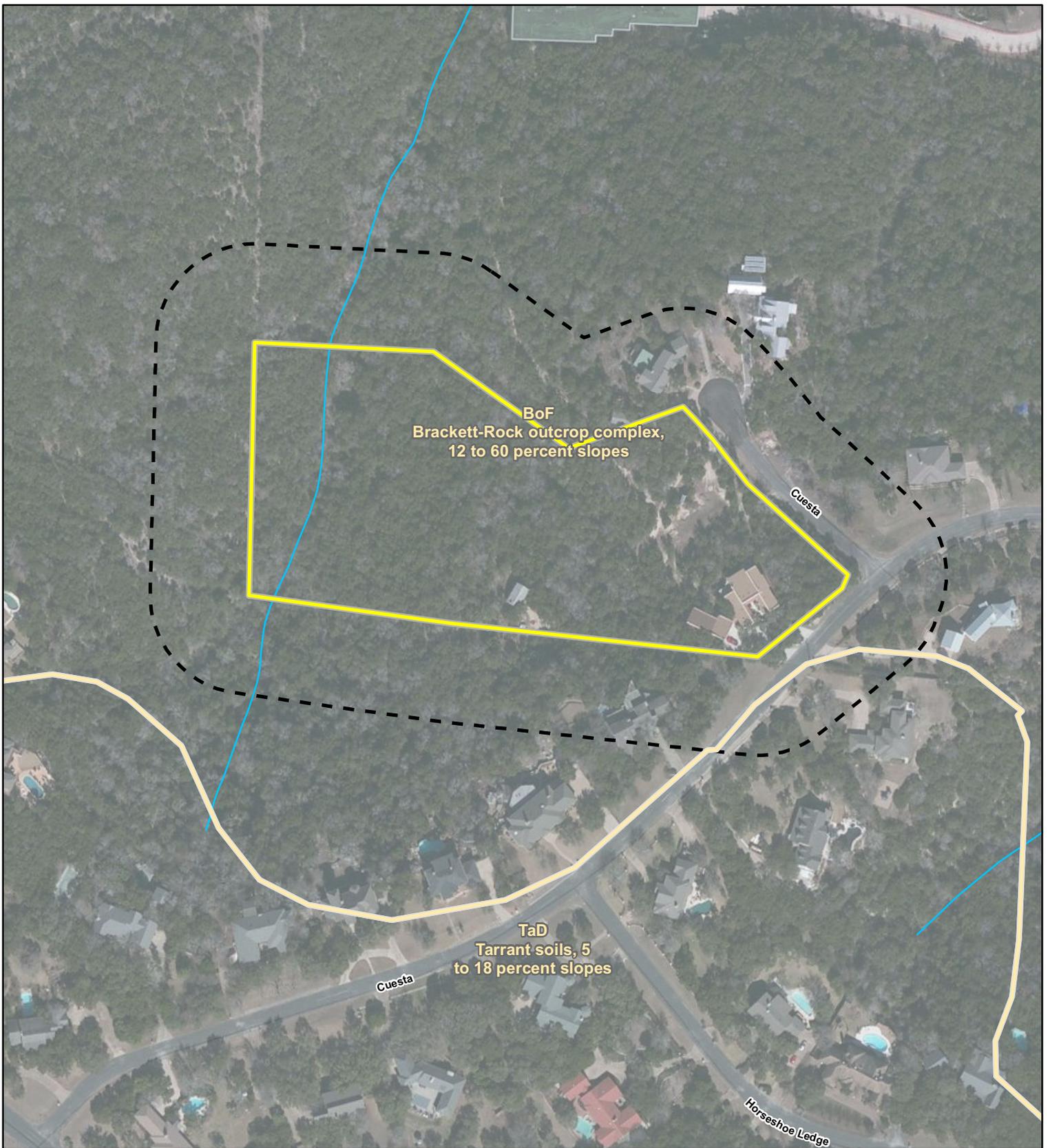


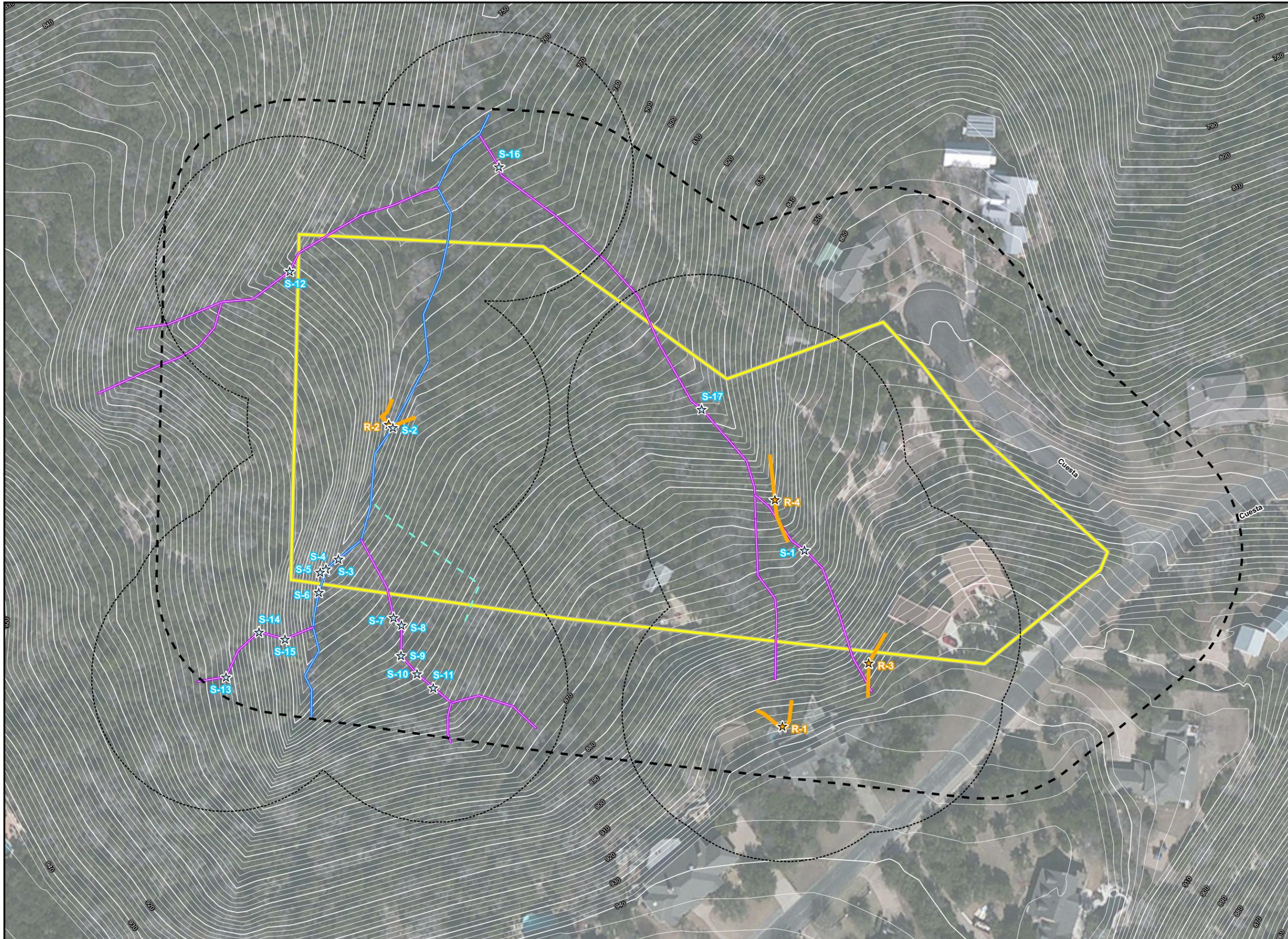
Figure 4
Soil Series
Milligan Residential Tract

Key to Features

-  Soil Series
-  150ft Buffer of Property Boundary
-  Property Boundary
-  Streams (COA, 2003)

CRITICAL ENVIRONMENTAL FEATURES

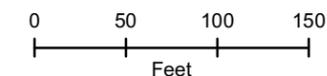
MILLIGAN RESIDENTIAL ERI



Key to Features

- Property Boundary
- 150ft Buffer of Property Boundary
- 150ft CEF Buffer
- Rimrock
- Seeps
- Rimrock Midpoint
- Delineated Tributaries**
- Drainage Feature
- Ephemeral Tributary
- Intermittent Tributary

2 ft Contour Intervals



One inch equals 100 ft

FIGURE 5

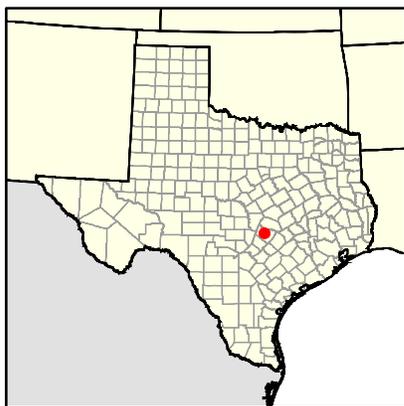
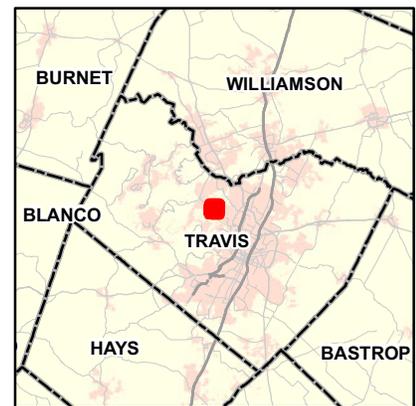


Figure 6
Edwards Aquifer Zones
Milligan Residential Tract



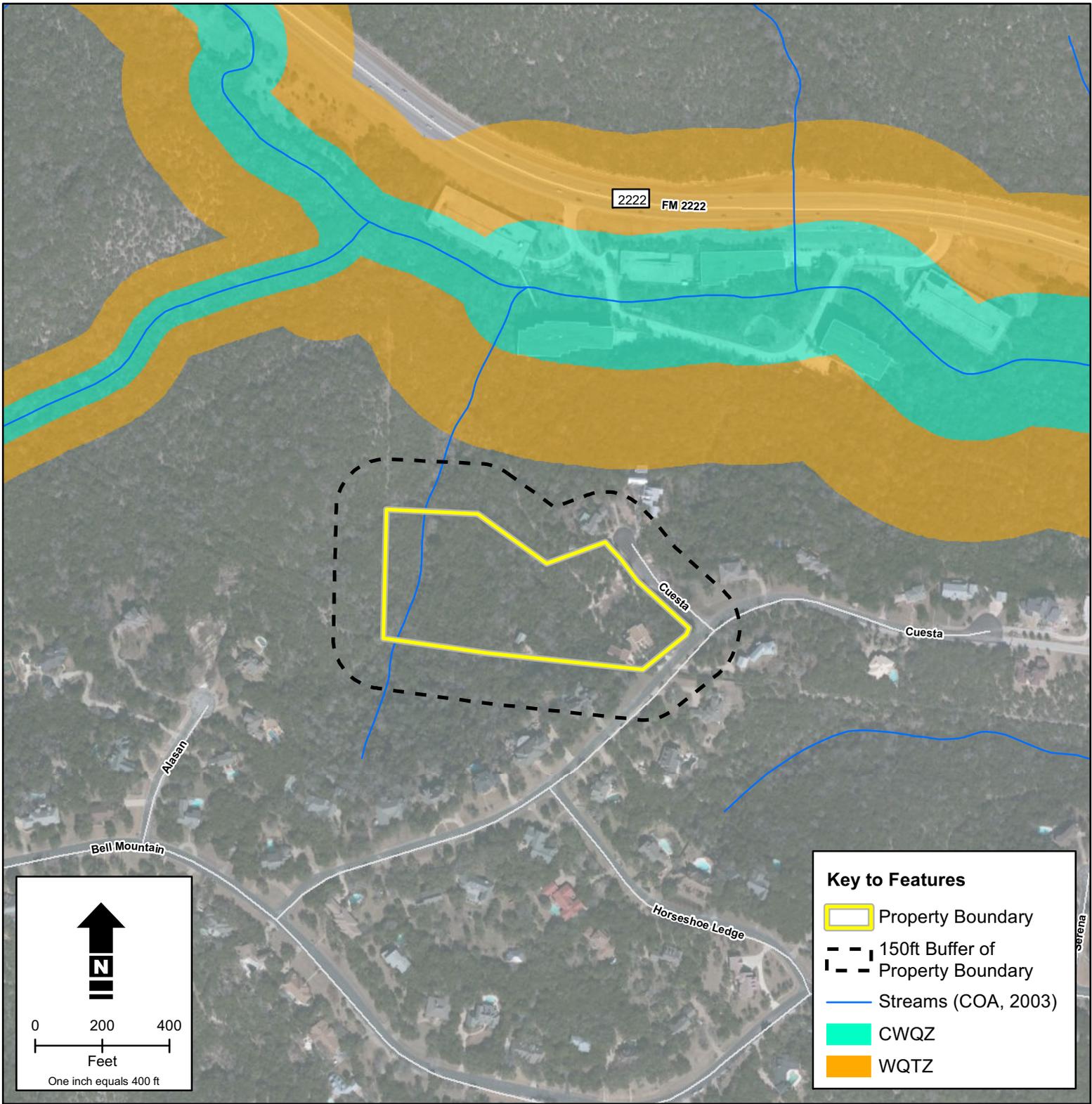


Figure 7
 Water Quality Zones
 Milligan Residential Tract

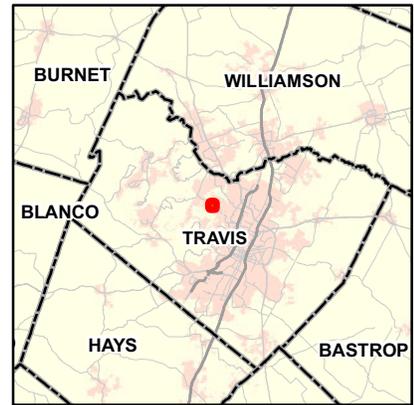




Photo 1. General view of oak-juniper woodland vegetation, northwest of residence, looking south.



Photo 2. General view of oak-juniper woodland vegetation, northwest of residence, looking north.



Photo 3. Intermittent tributary near confluence with easternmost ephemeral tributary, looking southwest upstream.



Photo 4. Easternmost ephemeral tributary near confluence with intermittent tributary, looking southeast upstream.



Photo 5. South central ephemeral tributary near confluence with intermittent tributary, looking south upstream.

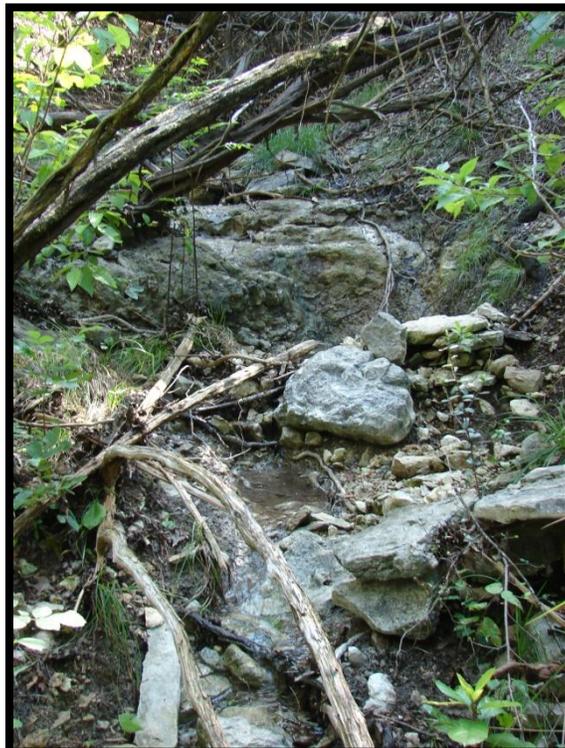


Photo 6. Southwestern ephemeral tributary, looking southwest upstream towards Seep 13.



Photo 7. Northwest ephemeral tributary near, looking northeast downstream.



Photo 8. Seep 1, looking southeast.

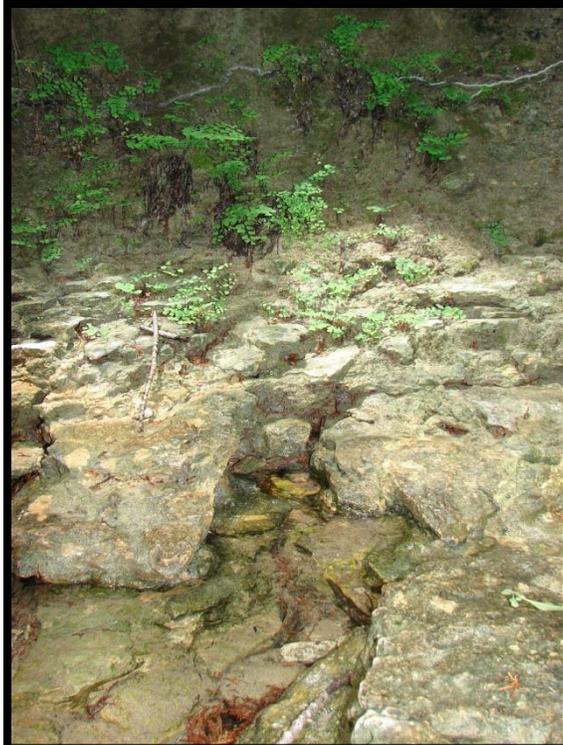


Photo 9. Seep 2, looking south.



Photo 10. Seep 3, looking southwest.



Photo 11. Seep 4, looking southwest.



Photo 12. Seep 5, looking west.



Photo 13. Seep 6, looking south.



Photo 14. Seep 7, looking south.

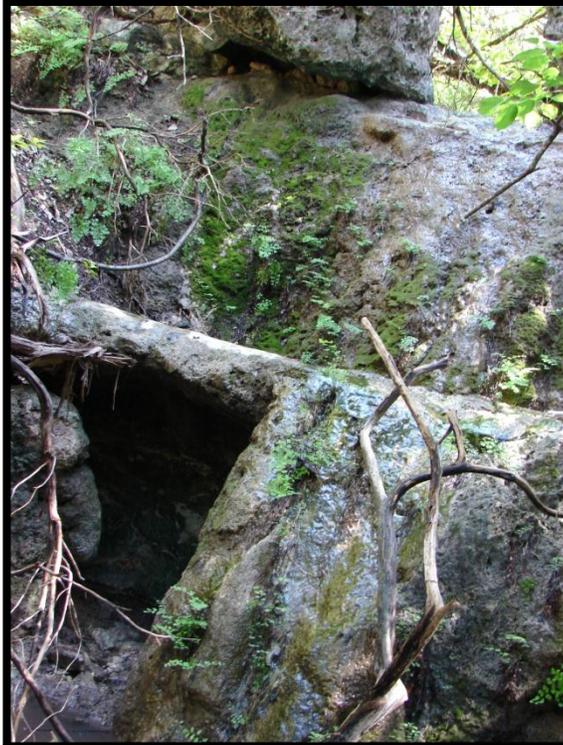


Photo 15. Seep 8 and cave, looking southeast.



Photo 16. Seep 9, looking south.



Photo 17. Seep 10, looking southeast.



Photo 18. Seep 11, looking southeast.



Photo 19. Seep 12, looking southwest.



Photo 20. Seep 13, looking southwest.



Photo 21. Seep 14, looking west.



Photo 22. Seep 15, looking west.



Photo 23. Seep 16, looking southeast.



Photo 24. Seep 17, looking east.



Photo 25. Rim rock 1, looking east.



Photo 26. Rim rock 2, looking south.



Photo 27. Rimrock 1 and backside of Rim rock 3, looking east.



Photo 28. Rim rock 4, looking southeast.



Photo 29. Rock face below the main residence near Cuesta Court, looking southwest. This feature is likely a man-made cut.



**EXHIBIT 2-
SITE PHOTO- TYPICAL OF SITE**

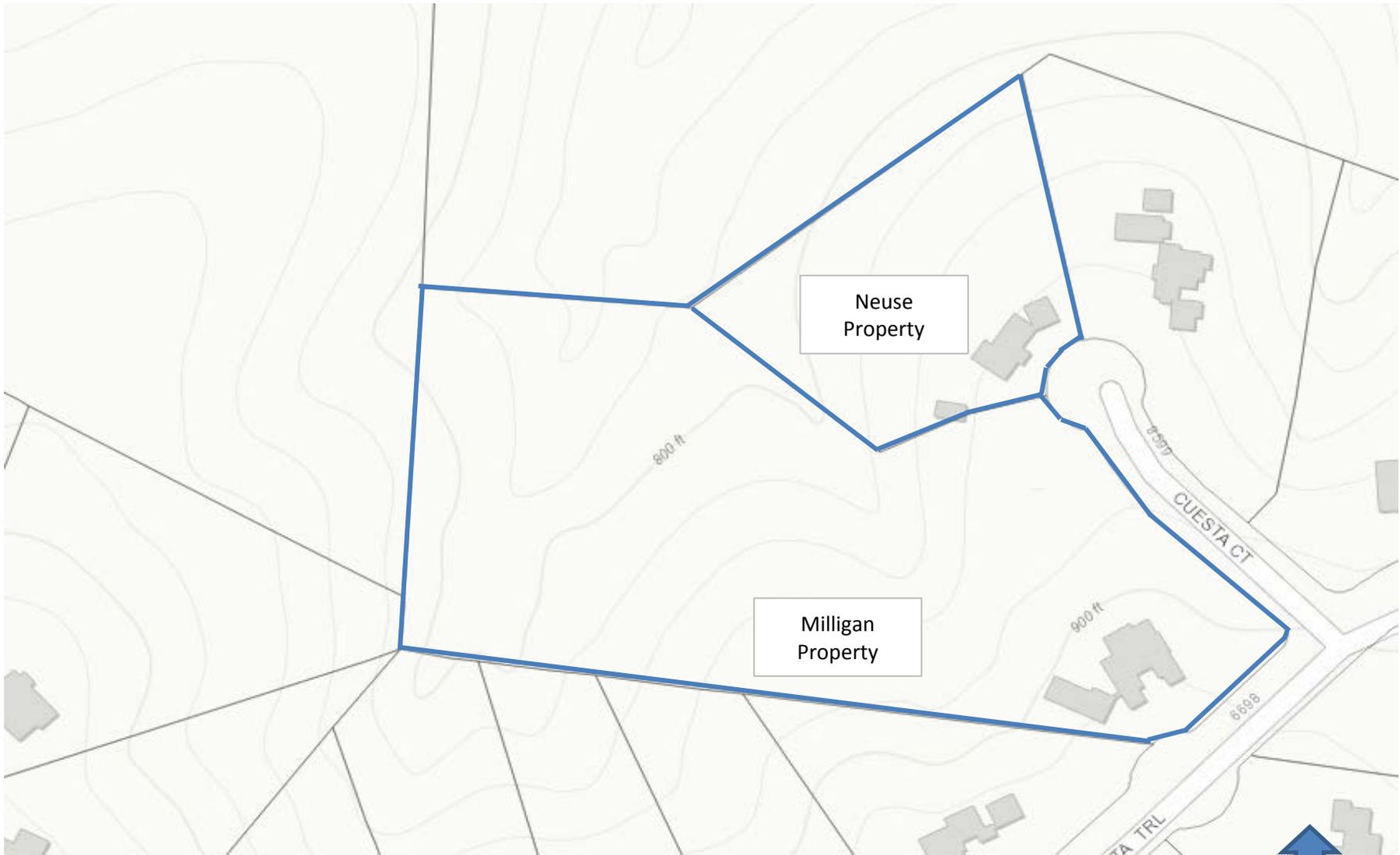


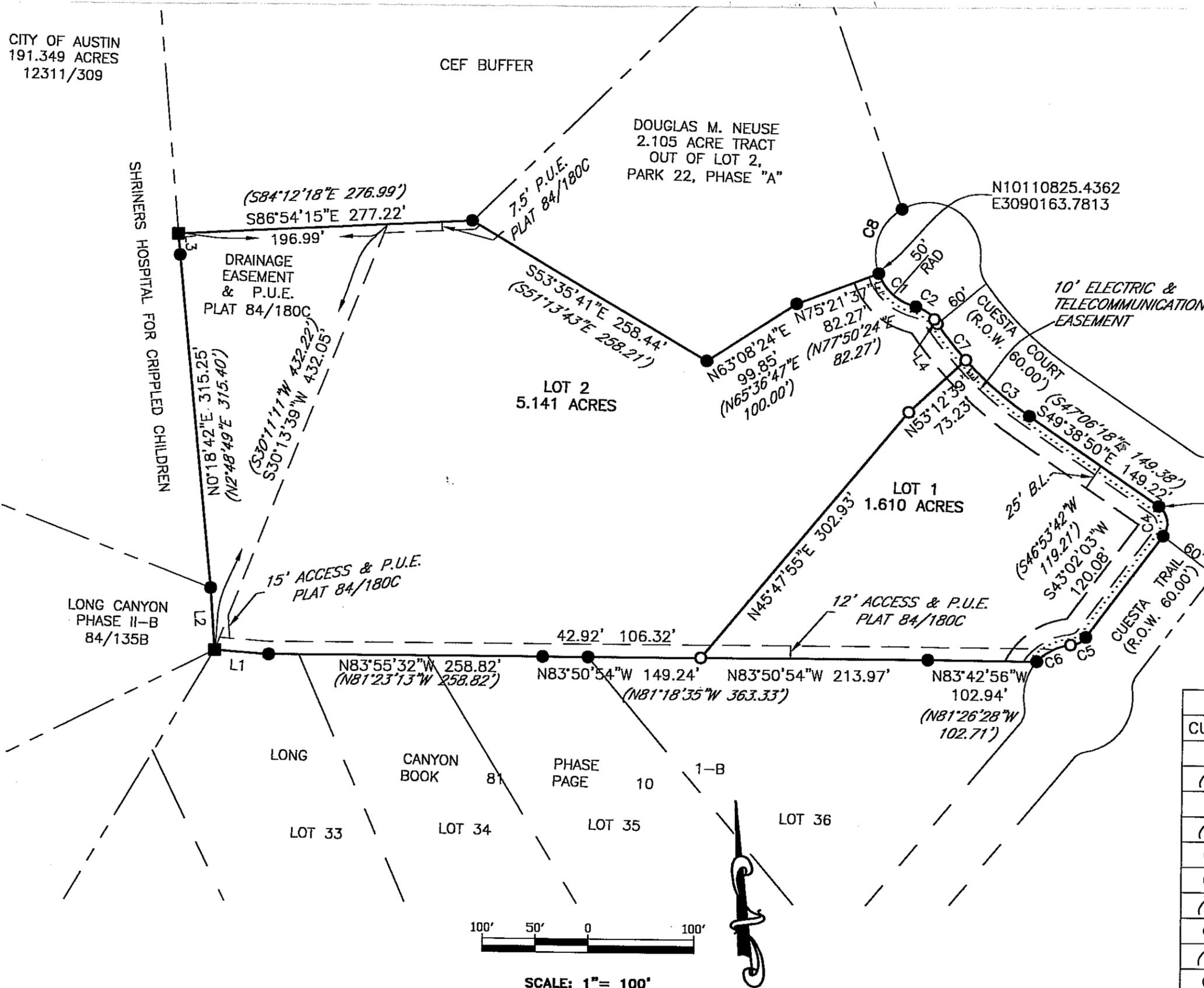
Exhibit 4 - Existing Lot Layout

Not to Scale

North

CITY OF AUSTIN
191.349 ACRES
12311/309

■ CONCRETE MONUMENT FOUND
 PROPOSED SIDEWALK
 S1 SEEP, TYPICAL
 R1 RIMROCK, TYPICAL



EXISTING LOT SIZE		
LOT	SQ.FT.	ACRES
1	70,139.01	1.610
2	223,718.49	5.136
TOTAL	293,857.50	6.746

LINE TABLE		
Line	Bearing	Distance
L1	N79°36'17"W	51.32'
(L1)	(N77°03'58"W)	(51.32')
L2	N1°59'16"E	58.55'
(L2)	(N4°31'35"E)	(58.70')
L3	N0°58'55"E	20.00'
(L3)	(N3°31'14"E)	(20.00')
L4	S29°26'53"E	5.08'
(L4)	(S27°06'18"E)	(5.08')

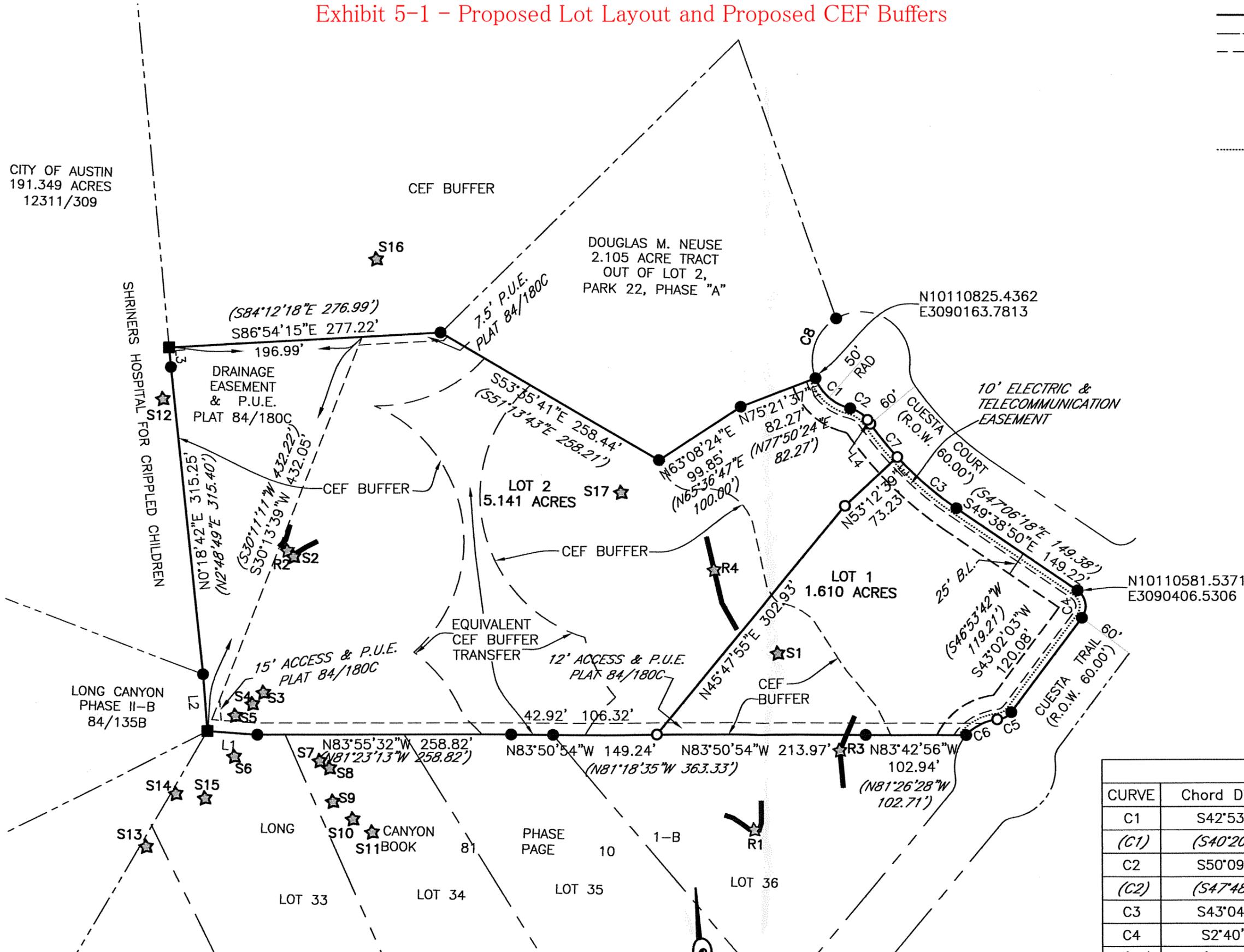
CURVE TABLE				
CURVE	Chord Direction	Chord Distance	Radius	Length
C1	S42°53'16"E	46.87'	50.00	48.78'
(C1)	(S40°20'14"E)	(47.22')	(50.00)	(49.18')
C2	S50°09'10"E	21.21'	30.00	21.68'
(C2)	(S47°48'35"E)	(21.21')	(30.00)	(21.68')
C3	S43°04'29"E	79.91'	353.28	80.09'
C4	S2°40'29"E	28.27'	20.00	31.39'
(C4)	(S0°06'18"E)	(29.25')	(20.00)	(32.81')
C5	S69°01'46"W	16.09'	20.00	16.56'
(C5)	(S69°06'10"W)	(15.12')	(20.00)	(15.51')
C6	S69°29'41"W	35.65'	50.00	36.46'
(C6)	(S70°26'11"W)	(35.63')	(50.00)	(36.43')
C7	S33°02'32"E	43.61'	353.28	43.63'
C8	S31°17'38"W	71.42'	50.00	79.55'
(C8)	(S27°56'48"W)	(64.42')	(50.00)	(70.00')

Exhibit 4 - Proposed Lot Layout

MILLIGAN SUBDIVISION

A Resubdivision of Lot 1 & 2, Park 22 Phase A Final Plat

Exhibit 5-1 - Proposed Lot Layout and Proposed CEF Buffers



LEGEND

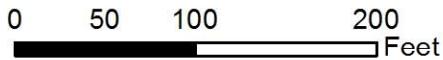
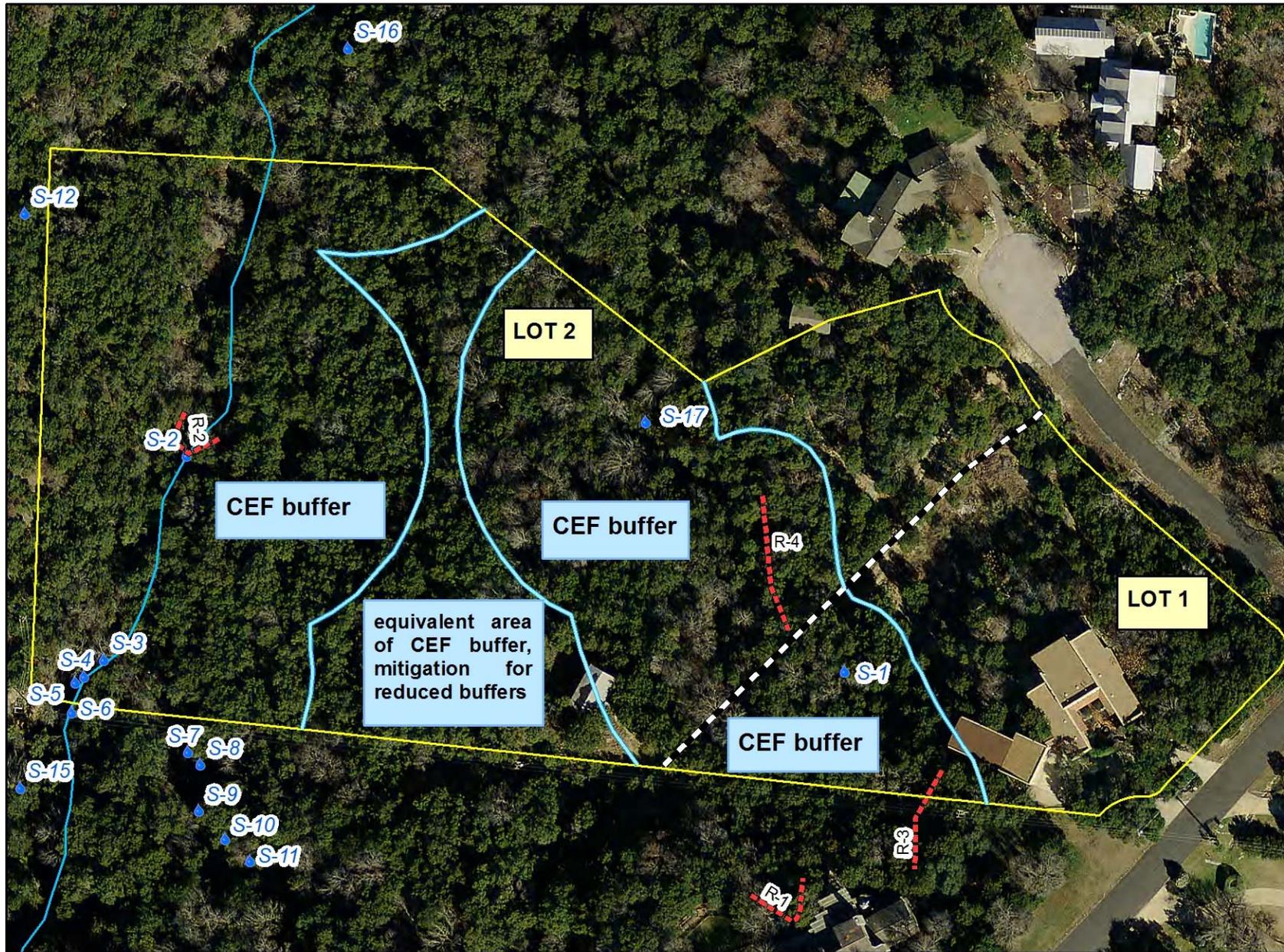
- BOUNDARY LINE
- OTHER PROPERTY LINES
- EXISTING EASEMENT
- (xxx) PER RECORD
- PROPERTY CORNER FOUND
- PROPERTY CORNER SET
- CONCRETE MONUMENT FOUND
- PROPOSED SIDEWALK
- S1 SEEP, TYPICAL
- R1 RIMROCK, TYPICAL

EXISTING LOT SIZE		
LOT	SQ.FT.	ACRES
1	70,139.01	1.610
2	223,718.49	5.136
TOTAL	293,857.50	6.746

LINE TABLE		
Line	Bearing	Distance
L1	N79°36'17"W	51.32'
(L1)	(N77°03'58"W)	(51.32')
L2	N1°59'16"E	58.55'
(L2)	(N4°31'35"E)	(58.70')
L3	N0°58'55"E	20.00'
(L3)	(N3°31'14"E)	(20.00')
L4	S29°26'53"E	5.08'
(L4)	(S27°06'18"E)	(5.08')

CURVE TABLE				
CURVE	Chord Direction	Chord Distance	Radius	Length
C1	S42°53'16"E	46.87'	50.00	48.78'
(C1)	(S40°20'14"E)	(47.22')	(50.00)	(49.18')
C2	S50°09'10"E	21.21'	30.00	21.68'
(C2)	(S47°48'35"E)	(21.21')	(30.00)	(21.68')
C3	S43°04'29"E	79.91'	353.28	80.09'
C4	S2°40'29"E	28.27'	20.00	31.39'

Milligan Subdivision, Lots 1 and 2, Case No. C8J-2015-0176.0A



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property

Legend

- - - Rock Outcrops
- Springs
- Creek Centerlines



Exhibit 5-2 - Proposed Lot Layout and Proposed CEF Buffers (prepared by staff)

MILLIGAN SUBDIVISION

6608 CUESTA TRAIL

C8J-2015-0176.0A

Mike McDougal

Environmental Review Specialist Senior

Development Services Department

MILLIGAN SUBDIVISION

6608 CUESTA TRAIL

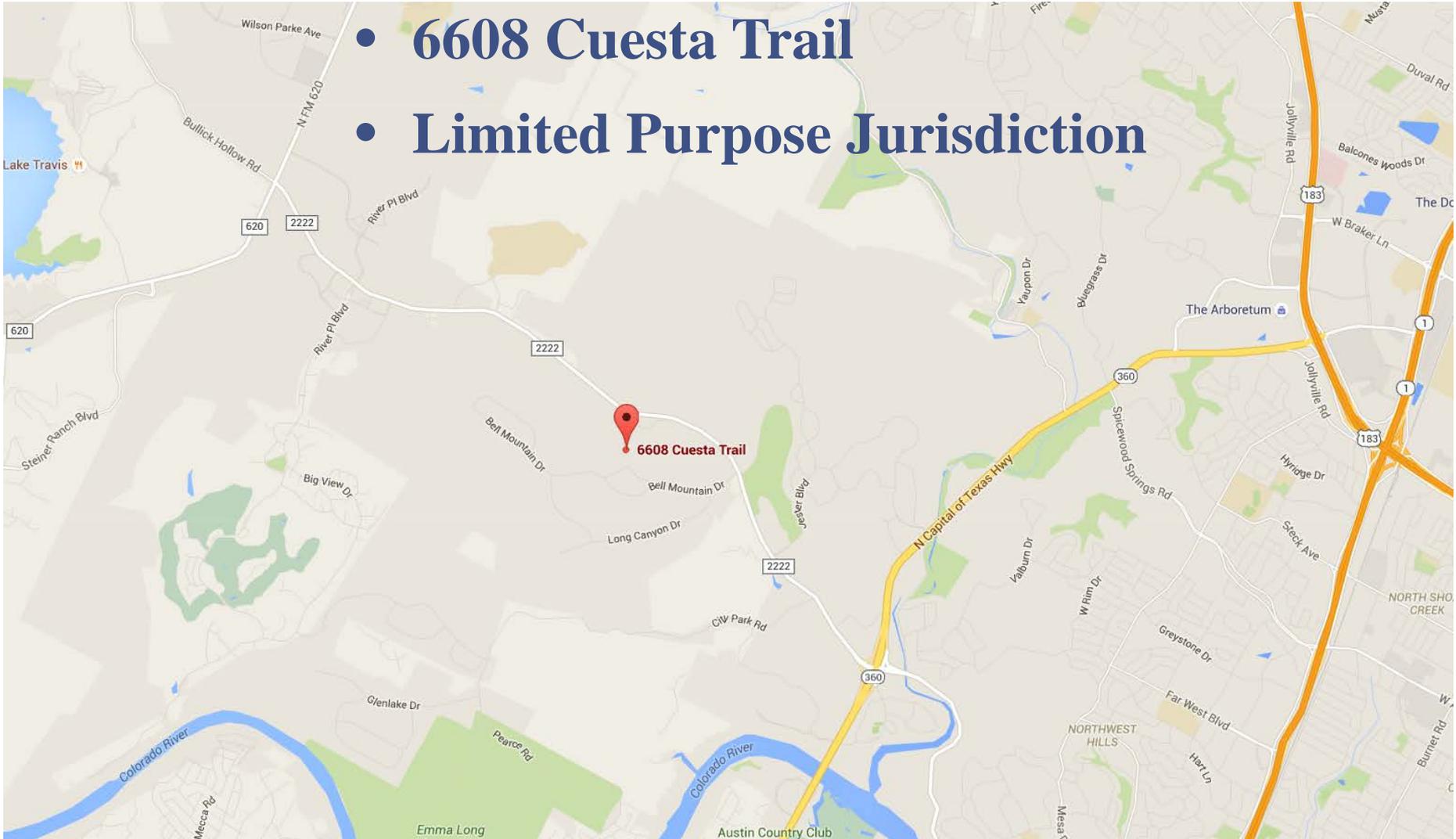
C8J-2015-0176.0A

Sylvia Pope, PG

Hydrogeologist

Watershed Protection Department

- **6608 Cuesta Trail**
- **Limited Purpose Jurisdiction**



NTS



Adjacent Land Use:

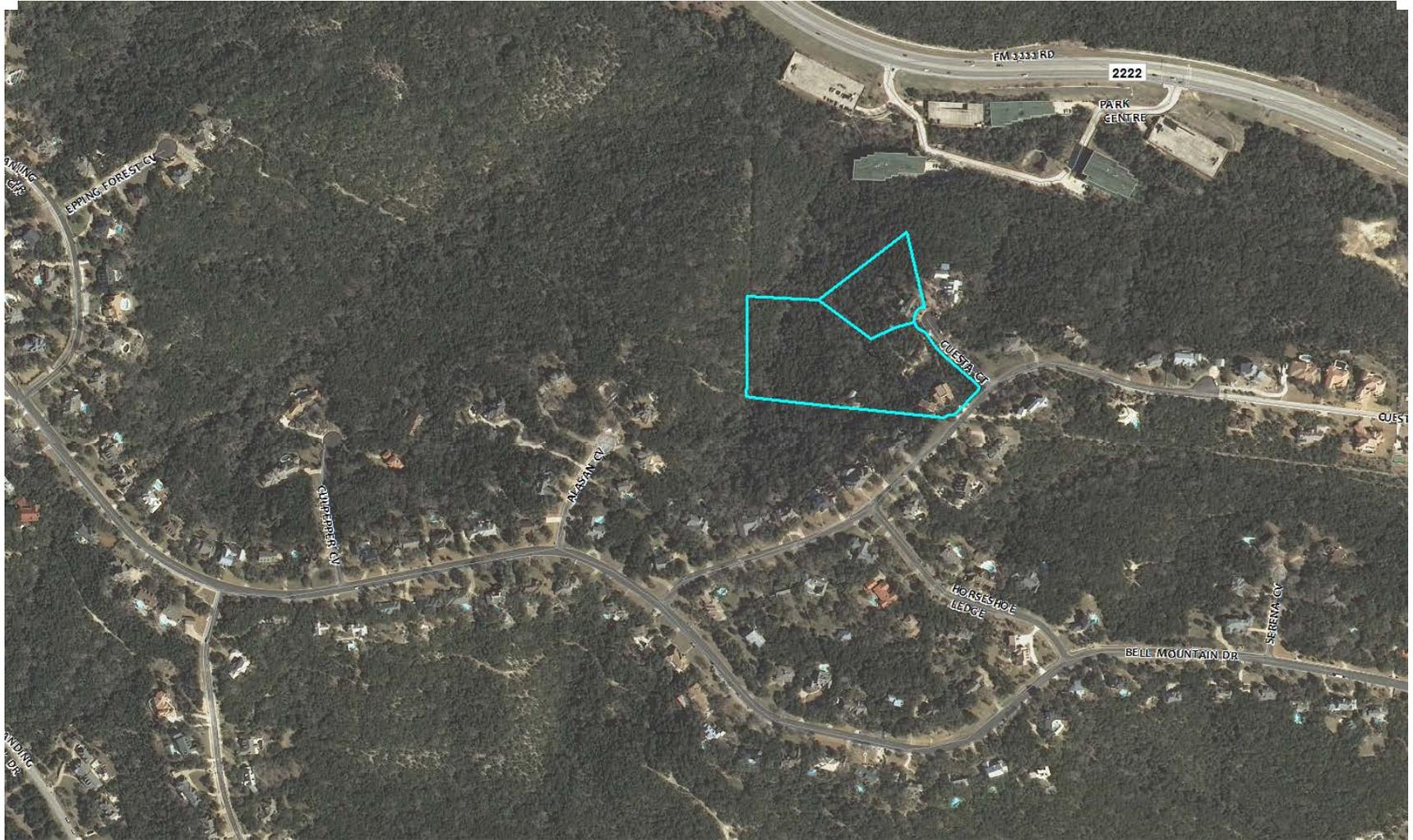
- SF
- Office
- COA Undeveloped Land



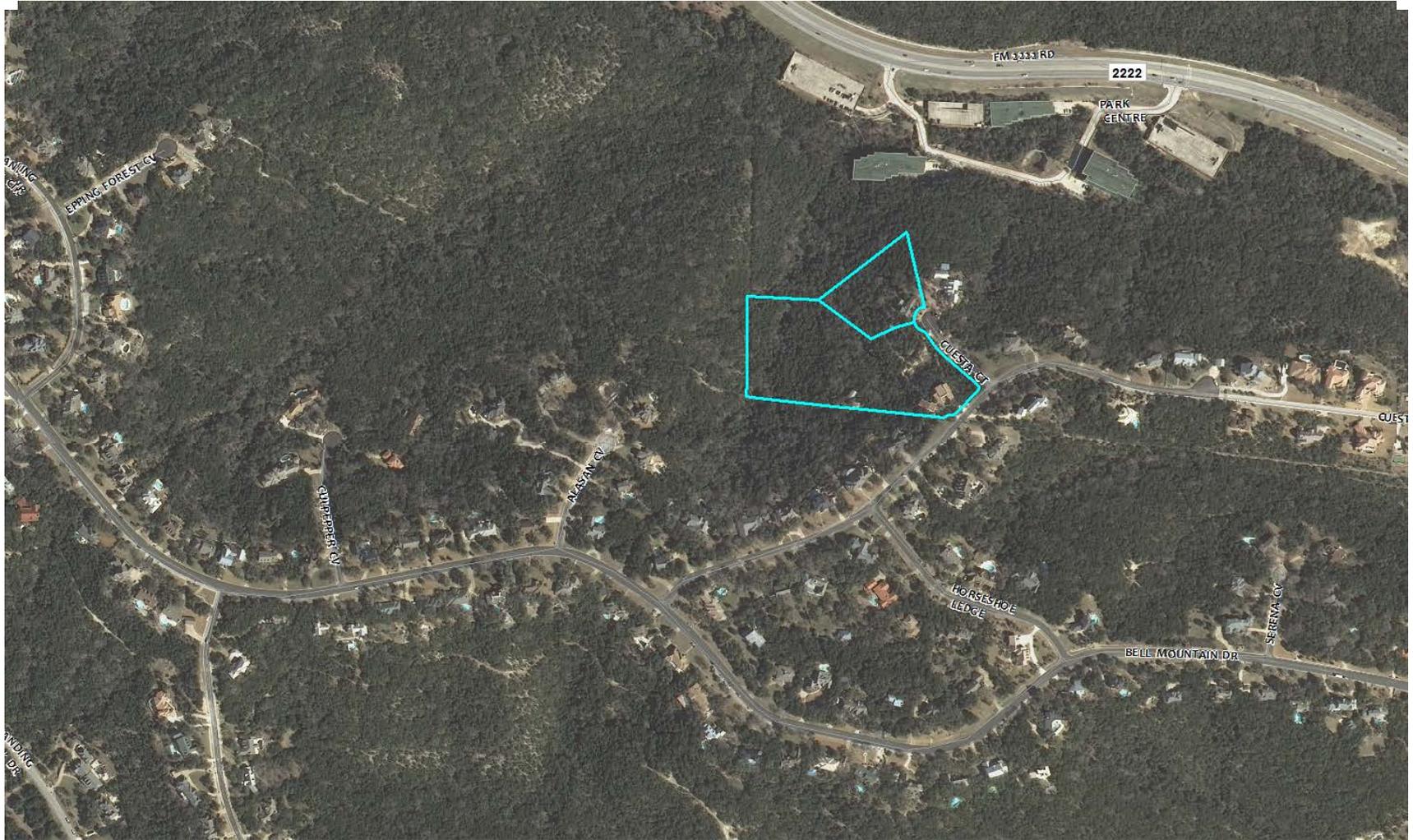
NTS



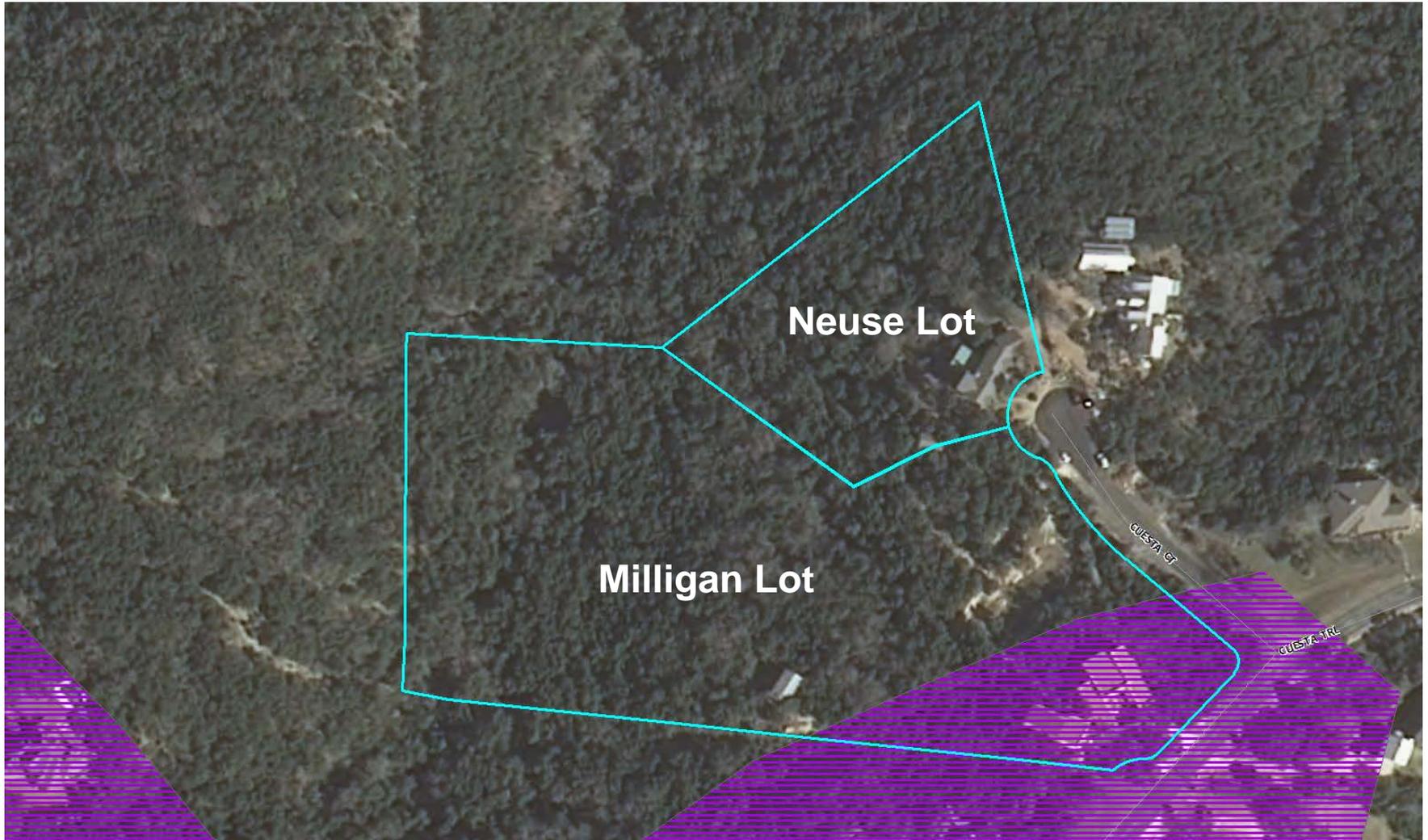
- Located in the West Bull Creek Watershed



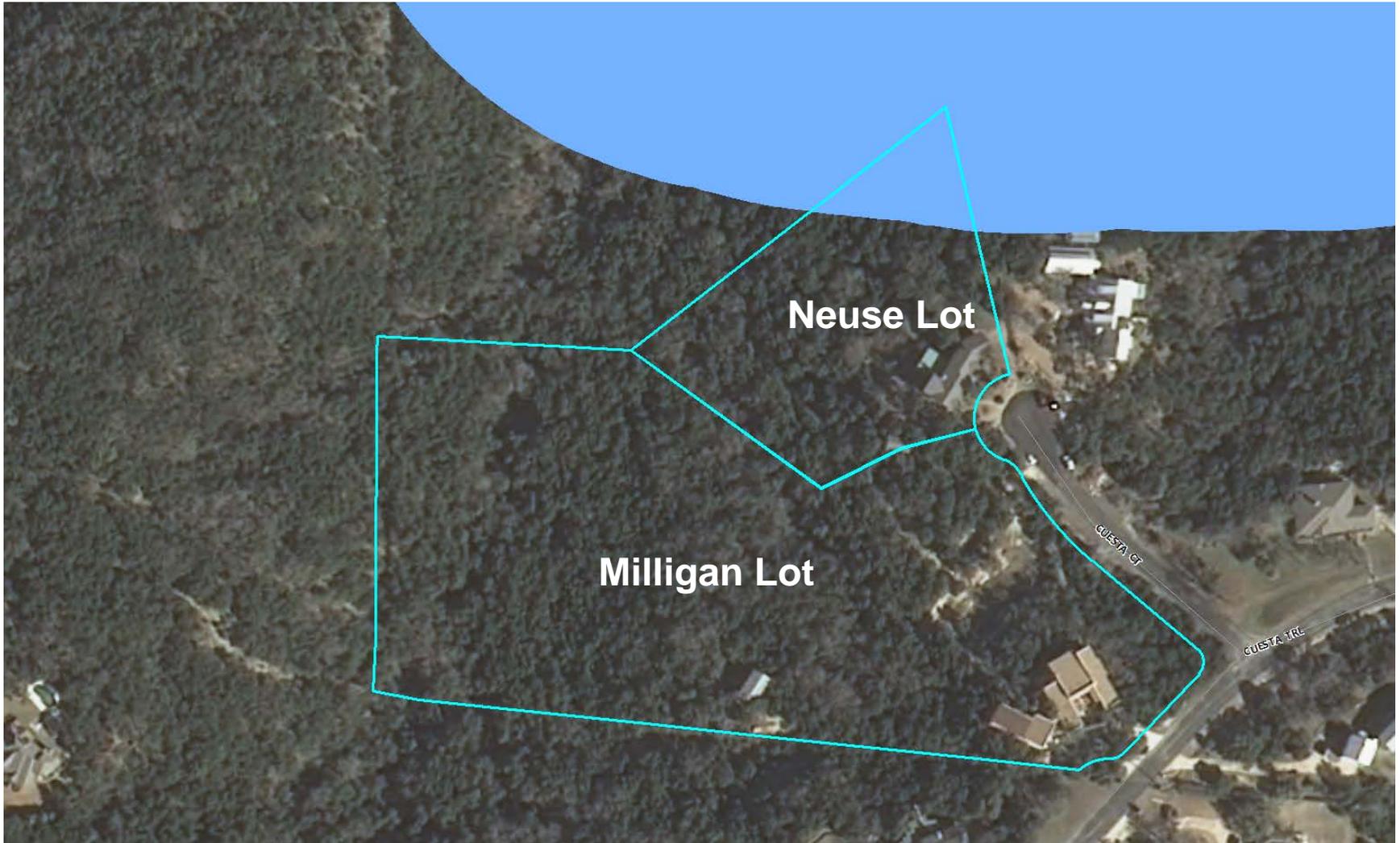
- **Water Supply Suburban Watershed**



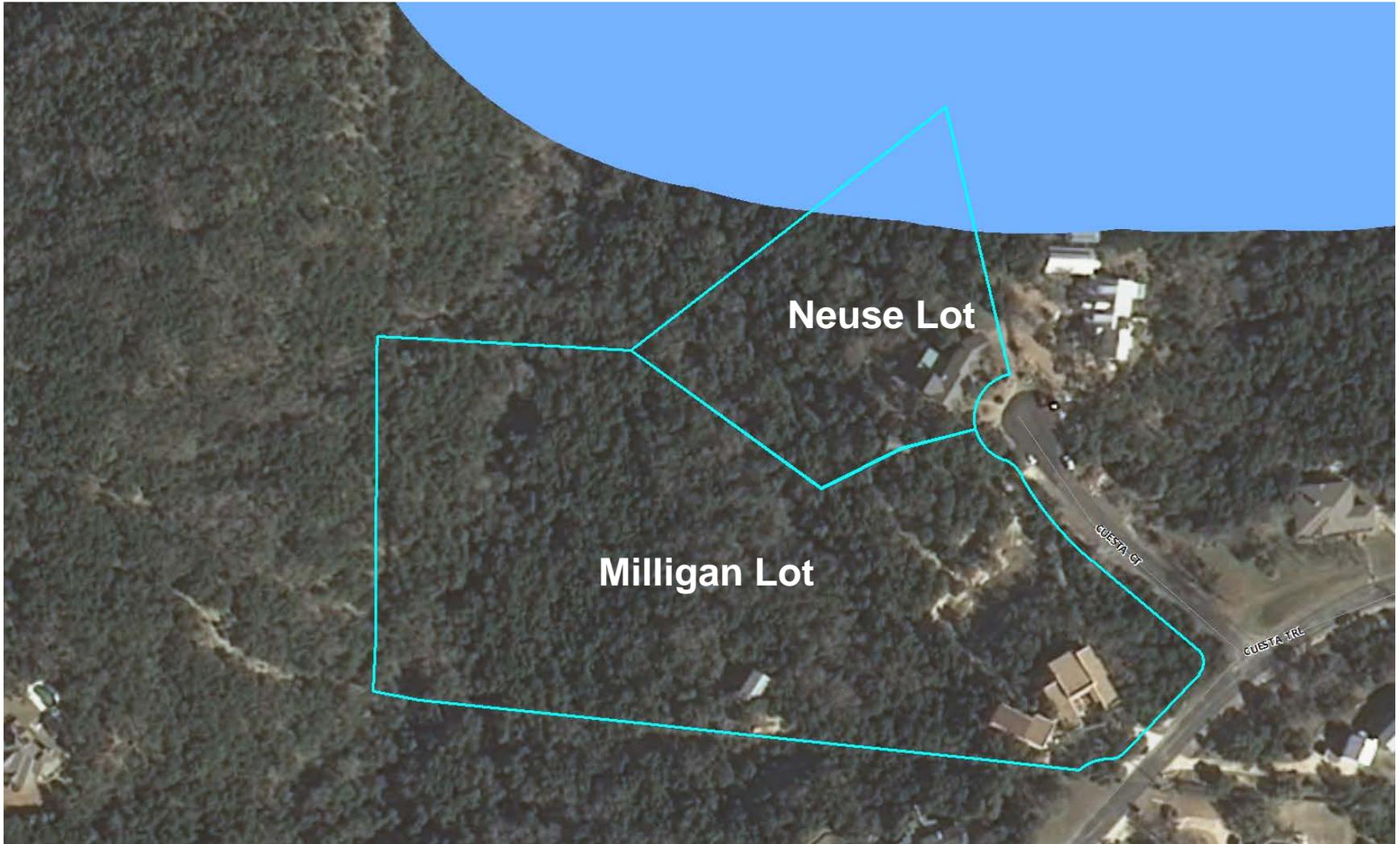
- **Partially Located within the Edwards Aquifer Recharge Zone**



- **Water Quality Transition Zone located on a portion of the site**



- **Balance of the site is in the uplands zone**



BACKGROUND AND PROPOSED DEVELOPMENT

- 8.8 acre property
- Currently exists as two SF lots
 - 2.1 acre Neuse lot
 - 6.7 acre Milligan lot
- Applicant seeks to resubdivide

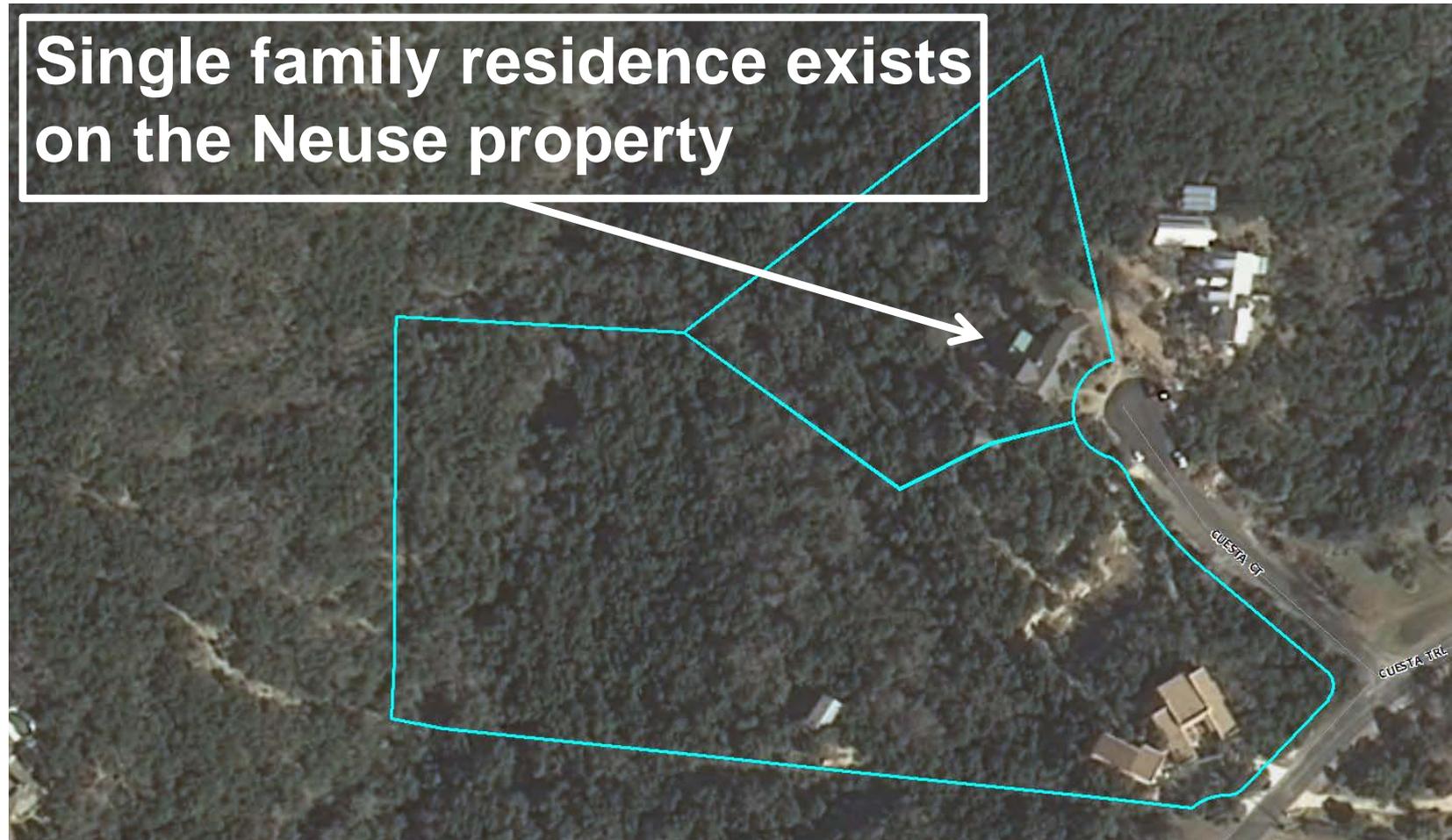
BACKGROUND AND PROPOSED DEVELOPMENT

- Shift existing lot lines between Neuse and Milligan
- Create 2 lots out of the Milligan lot
- Neuse lot to remain as one lot

BACKGROUND AND PROPOSED DEVELOPMENT

- Two SF lots currently; three total SF lots proposed:
 - Milligan to become a 1.6 acre lot and a 5.1 acre lot
 - Neuse to remain as one lot

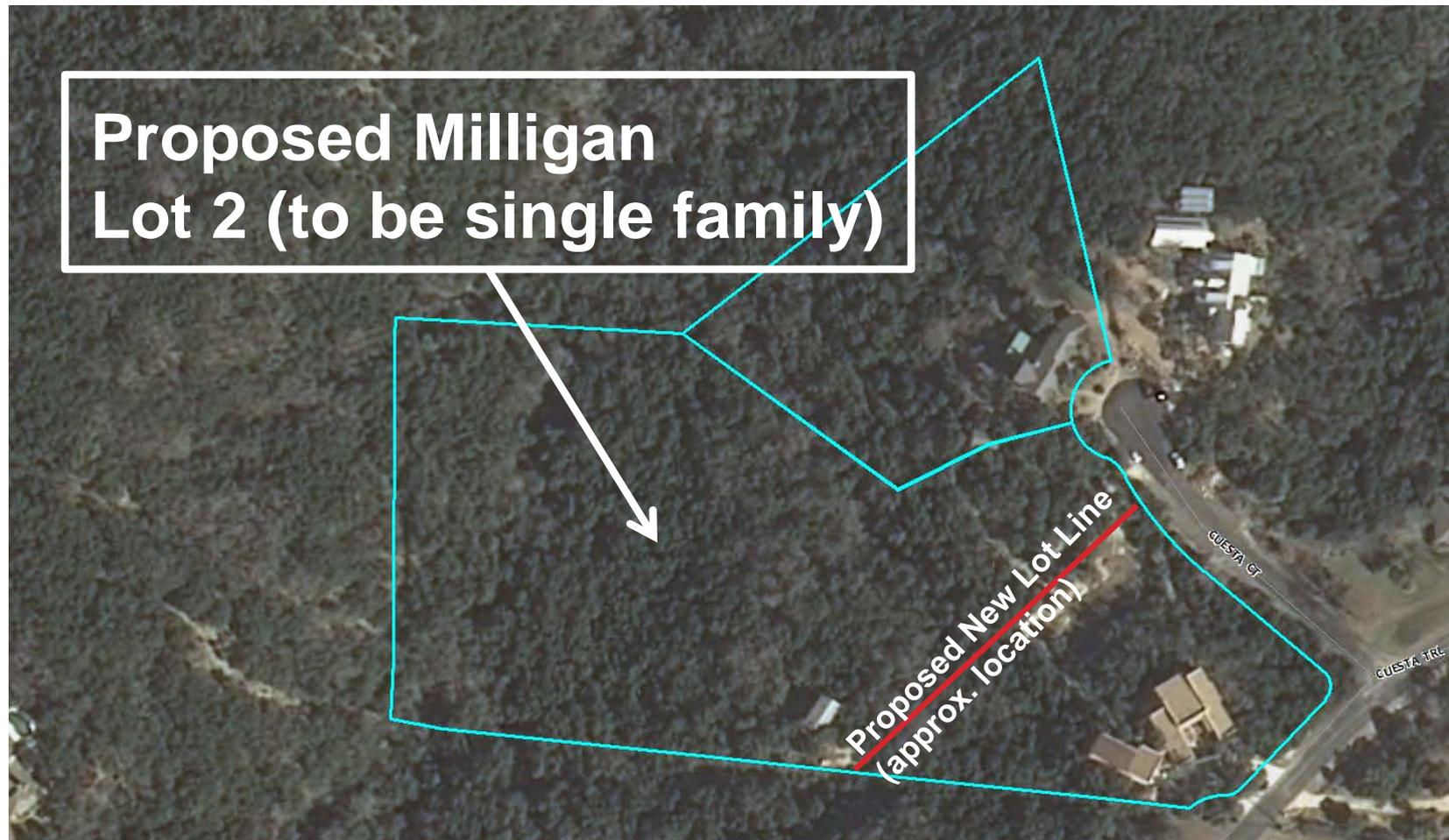
BACKGROUND AND PROPOSED DEVELOPMENT

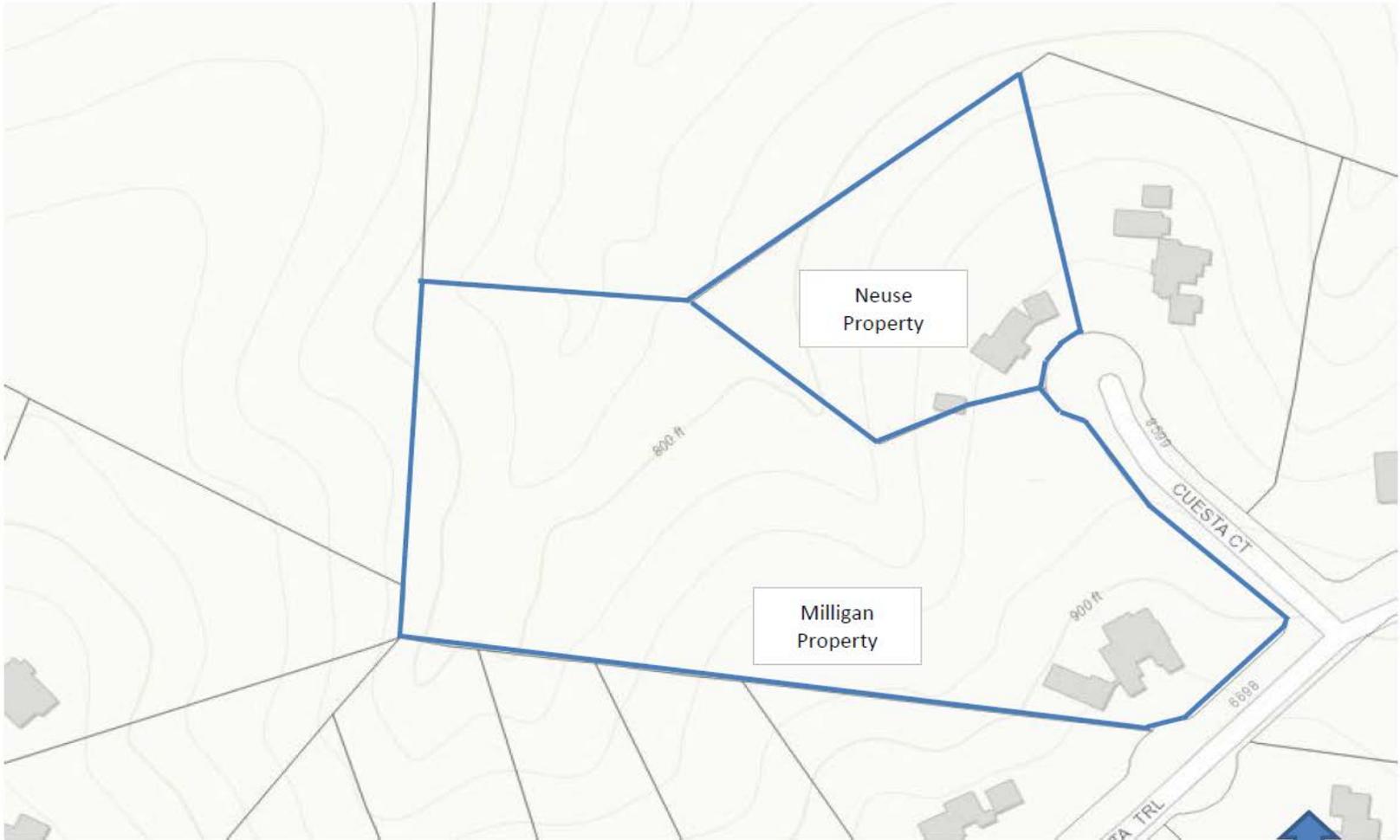


BACKGROUND AND PROPOSED DEVELOPMENT



BACKGROUND AND PROPOSED DEVELOPMENT





Existing Lot Layout

Not to Scale

North

CITY OF AUSTIN
191.349 ACRES
12311/309

CEF BUFFER

DOUGLAS M. NEUSE
2.105 ACRE TRACT
OUT OF LOT 2,
PARK 22, PHASE "A"

N10110825.4362
E3090163.7813

SHRINERS HOSPITAL FOR CRIPPLED CHILDREN

DRAINAGE
EASEMENT
& P.U.E.
PLAT 84/180C

(S84°12'18"E 276.99')
S86°54'15"E 277.22'

7.5' P.U.E.
PLAT 84/180C

S53°35'41"E 258.44'
(S57°13'43"E 288.21')

LOT 2
5.141 ACRES

N75°21'31" 82.27'
N63°08'24"E 82.27'
(N65°36'47"E 100.00')

10' ELECTRIC &
TELECOMMUNICATION
EASEMENT

CUESTA COURT
(R.O.W. 60.00')

LOT 1
1.610 ACRES

N10110581.5371
E3090406.5306

LONG CANYON
PHASE II-B
84/135B

15' ACCESS & P.U.E.
PLAT 84/180C

N0°18'42"E 315.25'
(N2°48'49"E 315.40')
S30°11'11"W 432.22'
S30°13'39"W 432.05'

12' ACCESS & P.U.E.
PLAT 84/180C

25' B.L.
(S46°53'42"W 118.21')
S43°02'03"W 120.08'

CUESTA TRAIL 60'
(R.O.W. 60.00')

42.92' 106.32'
N83°55'32"W 258.82'
(N81°23'13"W 258.82')
N83°50'54"W 149.24'
(N81°18'35"W 363.33')
N83°50'54"W 213.97'
N83°42'56"W 102.94'
(N81°26'28"W 102.71')

LONG CANYON BOOK 81
PHASE PAGE 10
LOT 33 LOT 34 LOT 35 LOT 36



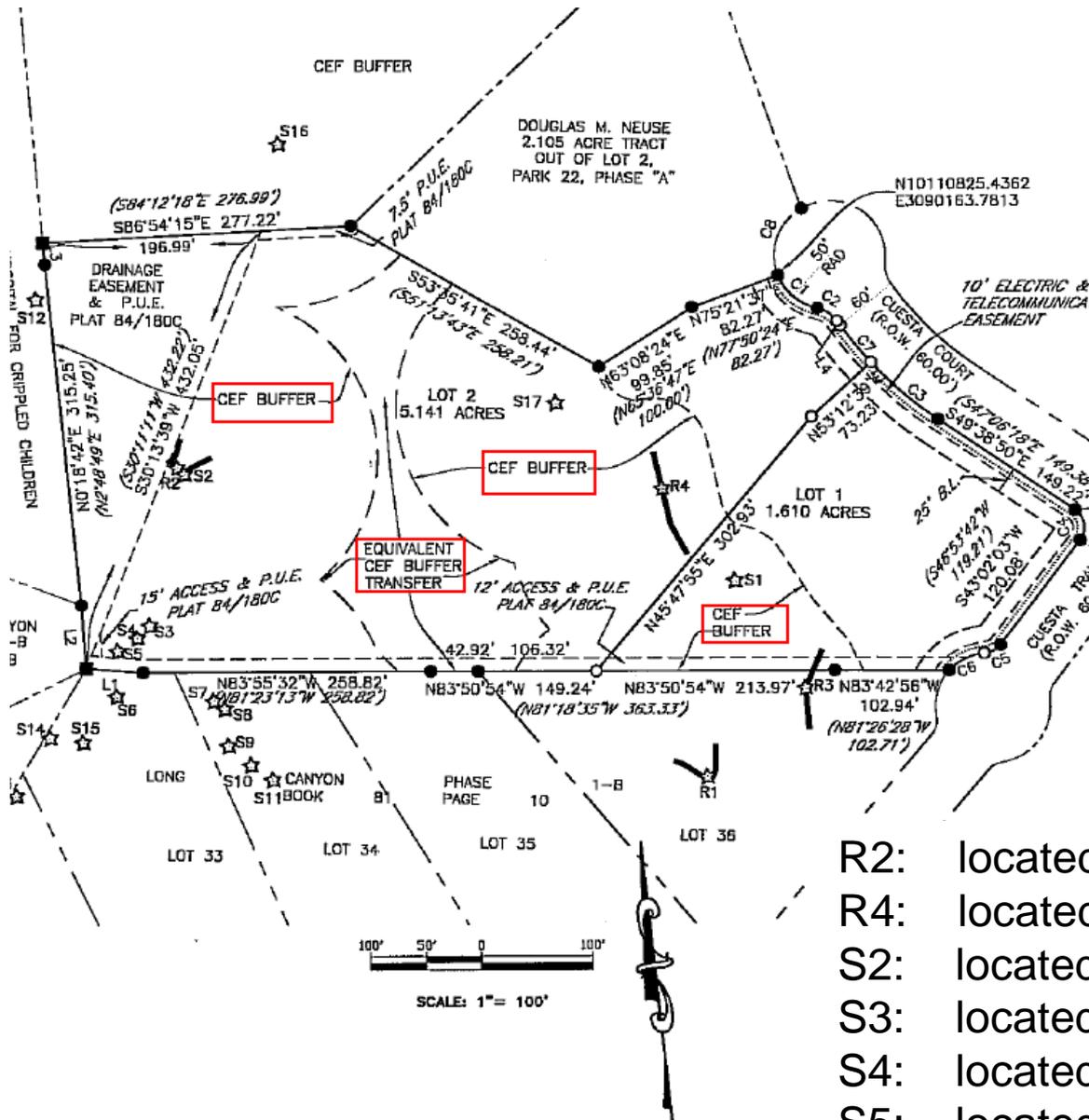
Proposed Lot Layout

CEF REQUIREMENTS PER LDC

- Based on the CEFs, there are two LDC provisions that apply to the proposed SF lot.

CEF REQUIREMENTS PER LDC NUMBER 1

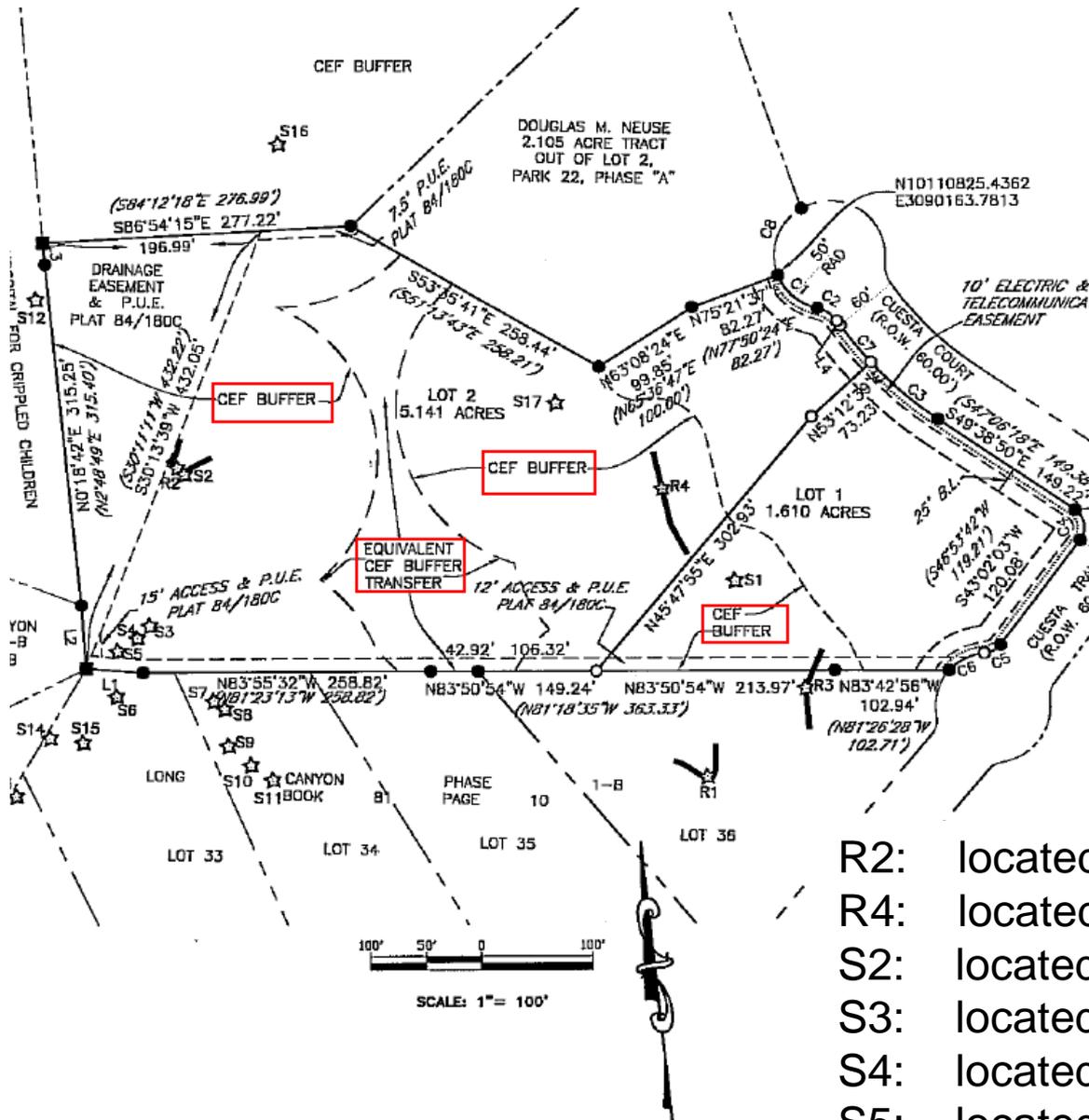
- LDC 30-5-281(B) does not allow CEFs to be located on single family lots.
- *Seven CEFs are located on the proposed Milligan Lot 2.*



- R2: located on proposed Lot 2; rimrock
- R4: located on proposed Lot 2; rimrock
- S2: located on proposed Lot 2; seep
- S3: located on proposed Lot 2; seep
- S4: located on proposed Lot 2; seep
- S5: located on proposed Lot 2; seep
- S17: located on proposed Lot 2; seep

CEF REQUIREMENTS PER LDC NUMBER 2

- LDC 30-5-281(C)(1)(a) requires a standard 150 foot radius CEF buffer.
- *Applicant proposes to reduce the CEF buffer to from 150 feet to 50 feet on the proposed Milligan Lot 2.*



- R2: located on proposed Lot 2; rimrock
- R4: located on proposed Lot 2; rimrock
- S2: located on proposed Lot 2; seep
- S3: located on proposed Lot 2; seep
- S4: located on proposed Lot 2; seep
- S5: located on proposed Lot 2; seep
- S17: located on proposed Lot 2; seep

VARIANCE REQUESTS

- 1 – To allow seven CEFs to be located within a single family residential lot [LDC 30-5-281(B)];
and
- 2 – To reduce two CEF buffers (R4 and S17) to a 50 foot radius [LDC 30-5-281(C)(1)(a)] from the standard 150 foot radius.

VARIANCE RECOMMENDATION

The findings of fact have been met.

Staff recommends approval of the variances with the following conditions:

VARIANCE RECOMMENDATION - CONTINUED

Staff recommends approval of the above variances provided that:

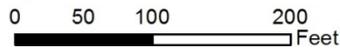
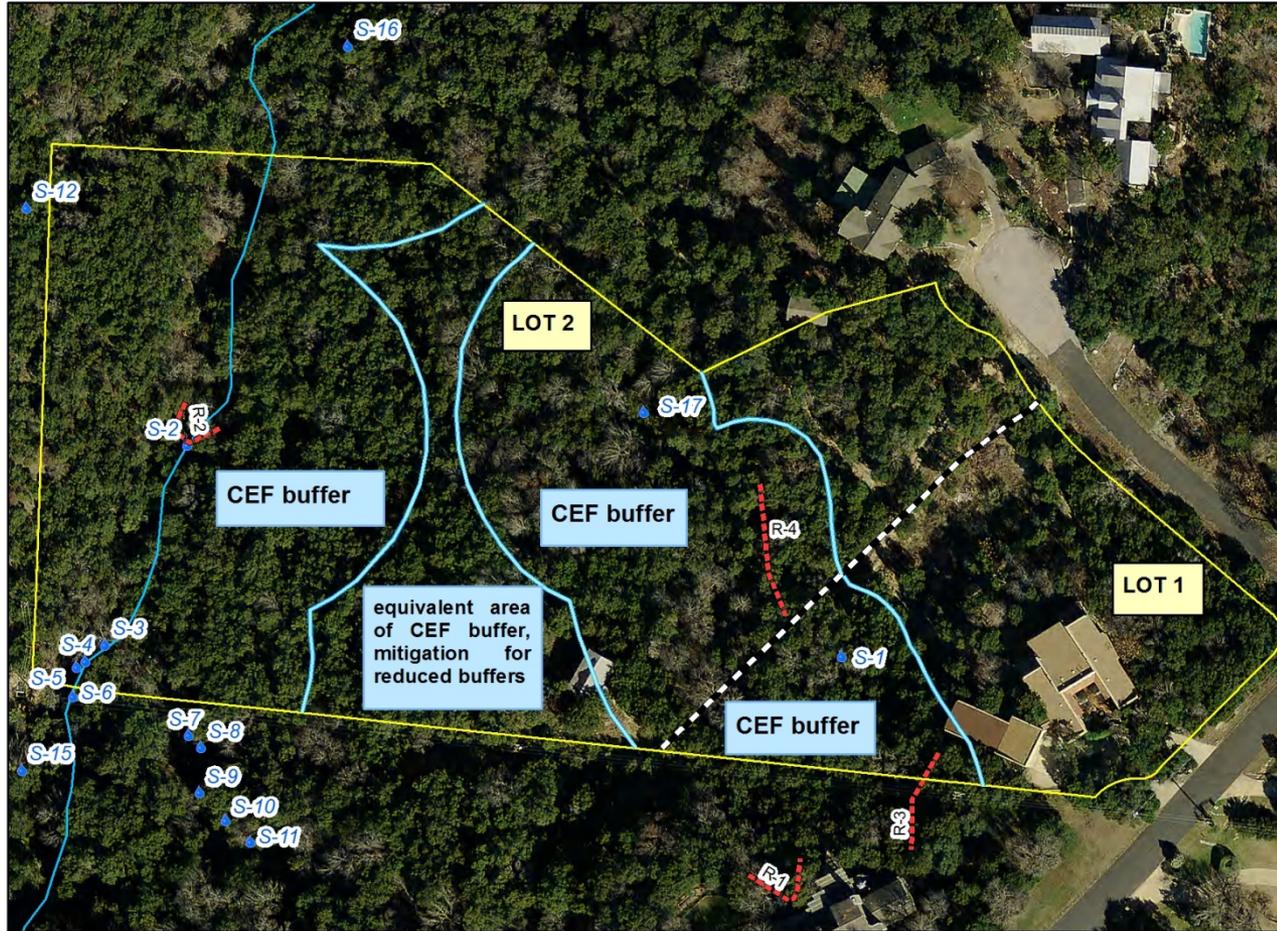
1. An area equal to or greater than the area of reduced from a standard 150-foot radius CEF buffer be dedicated as CEF buffer in the central portion of Lot 2. The mitigation area will provide an equivalent area for water quantity and quality to sustain baseflow to springs and unclassified tributaries of West Bull Creek.

VARIANCE RECOMMENDATION - CONTINUED

Staff recommends approval of the above variances provided that:

2. The existing structure located within the CEF buffer mitigation area will be demolished and removed and the area restored with native grasses and plants.

Milligan Subdivision, Lots 1 and 2, Case No. C8J-2015-0176.0A



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property

Legend

- - - Rock Outcrops
- Springs
- Creek Centerlines



Critical Environmental Features on Milligan, Lot 2



Photo 24. Seep 17, looking east.

Variance request to reduce buffers to 50-foot radius for these CEFs



Photo 28. Rim rock 4, looking southeast.



S-1



R-2



S-3



S-4

Five other CEFs on Lot 2

S-2 is located at the base of R-2



S-5

Photo credit: Robert Huch, Hicks Environmental, ERI report

PROJECT DESCRIPTION

The subdivision is required to establish legal lot status for this tract. Concurrently, two lots are being created. Lot 1 contains an existing single family residence and associated structures. A single family residence may be constructed on Lot 2 if two variances are granted.

A variance is required to allow a single family residential lot (Lot 2) to contain seven Critical Environmental Features (CEFs) and a second variance is required to reduce the CEF buffers of a canyon rimrock (R-4) and a seep (S-17) to 50 feet.

APPLICABLE CODE

LDC 30-5-281(B)

A single family residential lot may not contain Critical Environmental Features (CEFs) .

LDC 30-5-281(C)(1)(a)

Prescribes a 150-foot width/radius for a Critical Environmental Feature (CEF) buffer.

VARIANCE REQUEST

To allow a single family residential lot to seven Critical Environmental Feature buffers (Canyon Rimrocks, Seeps), and

To reduce the buffer to 50 feet in radius for 2 Critical Environmental Features (Canyon Rimrock R-4 and Seep S-17).

Similar Cases

Yes, a recent variance was granted to reduce CEF buffers to 50 feet in radius on the Caswell subdivision, Case No. C8-2014-0134.0A. There were existing structures (home, driveway and garage) within the standard 150-foot width CEF buffer.

VARIANCE RECOMMENDATION

Staff Recommendation: Recommend Approval

Reasons for Recommendation:

The findings of fact have been met.

QUESTIONS AND APPLICANT PRESENTATION