



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Israel Ramirez, P.E.	John S. Lloyd
Street Address	2900 Jazz Rd	4111 Lakeplace Lane
City State ZIP Code	Round Rock 78664	Austin, Texas 78746
Work Phone	512-836-4793	
E-Mail Address	israelr@rj-eng.com	

Variance Case Information

Case Name	Forest Bluff Section 7	
Case Number	C8J-2019-0011	
Address or Location	FM 969 Rd	
Environmental Reviewer Name	Pamela Abee-Taulli	
Environmental Resource Management Reviewer Name		
Applicable Ordinance		
Watershed Name	Decker Creek	
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input 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 type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	Approximately 450 ft to Decker Creek centerline
Water and Waste Water service to be provided by	Hornsby Bend
Request	The variance request is as follows: LDC 25-8-341; LDC 25-8-342

Impervious cover	Existing	Proposed
square footage:	___0___	___432,550.8___
acreage:	___0___	___9.93___
percentage:	___0___	___51.5%___
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)	<p>Slope Range: 0-15%</p> <p>Elevation Range: 514-428</p> <p>Summary of Vegetation/Trees: Densely wooded rangeland intermixed with mesquite-grasslands</p> <p>Summary of Geology: Brown, light brown and tan clays</p> <p>Summary of CWQZ/WQTZ: Waterway Setback = 300 ft from centerline (outside of project limits)</p> <p>Summary of CEFs: No wetlands or other CEFs identified within Section 7 project limits.</p> <p>Summary of floodplain: Project is outside of FEMA 100-Yr Floodplain</p> <p>Summary of heritage trees: Project is in the ETJ – a tree survey not required for this preliminary plan</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The project proposes cut and fill greater than 8 feet to allow connections to the existing streets built with Forest Bluff Section 6 and to connect to underground utilities with proper depth of cover. The grading, streets, and utilities approved with Forest Bluff Section 6, which are now existing, have caused Section 7 to not comply with current code, creating the need for this variance.
---	--

FINDINGS OF FACT

As required in LDC Section 25-8-41, 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: Forest Bluff Section 7

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

☒ Yes/ No *The cut/fill is required to tie into the adjacent section of Forest Bluff. Section 7 was originally a part of the preliminary plan for Section 1-6, but this preliminary plan has expired. The road and water/wastewater utility layouts were designed under the original preliminary plan. Without the cut/fill excessive of 4 ft and up to 8 ft, the project is not constructible. Road tie-ins and utility service are not possible.*

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

☒ Yes/ No *The cut/fill will allow for water quality capture and treatment.*

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

☒ Yes/ No

The cut/fill is necessary for tie in with adjacent subdivision's roadway and provides cover over utilities. The cut and fill has been determined so that minimal amounts to provide the utility line cover depth and roadway tie in with the maximum cut/fill being 8'.

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

☒ Yes/ No

The cut/fill does not create a significant probability of environment consequences. The overall drainage pattern will remain consistent with existing conditions.

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

The cut and fill will allow more drainage area to be captured in the detention/water quality ponds.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

☒ Yes/ No

The project is not within a water supply suburban or water supply rural watershed. The project is not located over the South Edwards Aquifer recharge zone. The project site is outside of the water quality transition zone of Decker Creek (outside 300 ft buffer distance of the critical water zone).

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

☒ Yes/ No

Section 7, as planned in the approved in the original Forest Bluff Preliminary Plan, can not be built without the variance. A road tie at Diamond Leaf is not possible without the cut and utility lines cannot achieve proper cover without the fill.

January 9, 2019

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

☒ Yes

☐ No

The road tie in from existing Forest Bluff Section 6 requires cut at Diamondleaf Bend and fill at Wildleaf.

**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- 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.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- 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
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*if required by 25-8-121*)
- Applicant's variance request letter



**RANDALL JONES & ASSOCIATES
ENGINEERING INC.**

2900 JAZZ STREET • ROUND ROCK, TEXAS 78664

December 4, 2018

Travis County TNR
P.O. Box 1748
Austin, TX 78767

City of Austin
Development Services Department
505 Barton Springs Road
Austin, TX 78704

RE: Cut/Fill Administrative Variance Request
Forest Bluff Section 7
RJE Project # 1175

To Whom it May Concern:

I respectfully request an administrative variance be granted in accordance with Section 30-5-42(B)(6) of the Land Development Code, for the placement of proposed cut and fill in excess of 4 feet within the desired development zoned in conjunction with the construction activities proposed with the above-referenced subdivision construction plan.

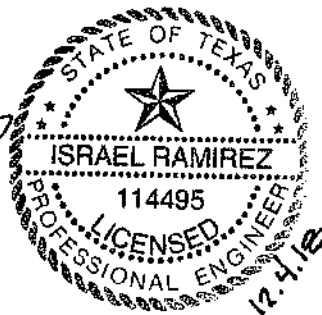
The variance is necessary in several locations, shown on the provided exhibit, for the following reasons:

- 1) To tie into the existing roadway at Diamond Leaf Bend and Siberian Elm Lane;
- 2) To tie into the existing roadway and wastewater line at Wideleaf Drive;
- 3) To provide depth of cover for utilities along Wideleaf Drive and Upland Willow Road;
- 4) To provide surface drainage for lots along Upland Willow Road; and
- 5) To provide surface drainage for lots along Siberian Elm Lane.

Thank you for your consideration of this variance request for the Forest Bluff Section 7 subdivision plan.

Sincerely,

Israel Ramirez, P.E.



(512) 836-4793 • FAX (512) 836-4817
TBPE REG No. F-9784





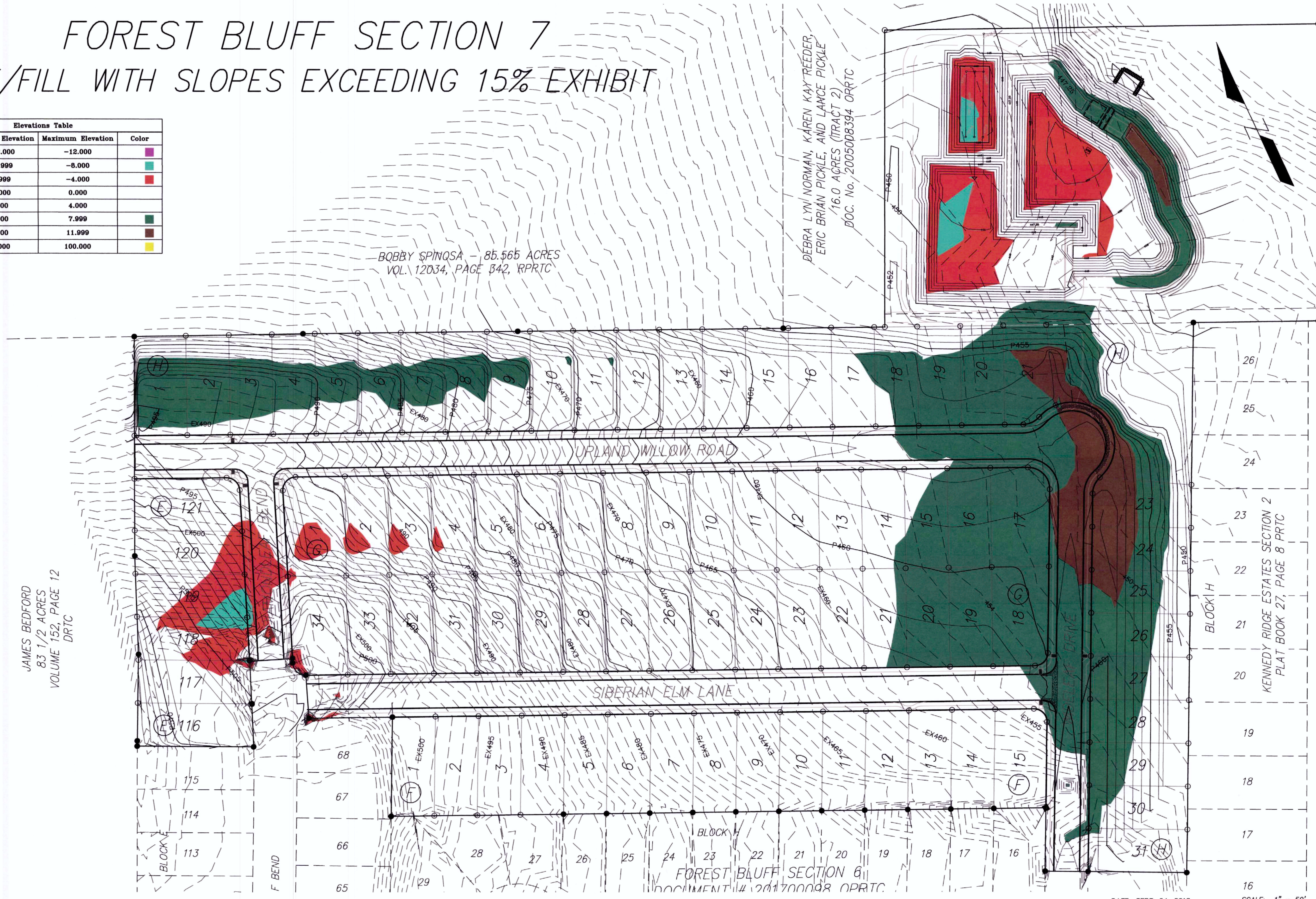
FOREST BLUFF SECTION 7 CUT/FILL WITH SLOPES EXCEEDING 15% EXHIBIT

Elevations Table			
Number	Minimum Elevation	Maximum Elevation	Color
1	-452.000	-12.000	
2	-11.999	-8.000	
3	-7.999	-4.000	
4	-4.000	0.000	
5	0.000	4.000	
6	4.000	7.999	
7	8.000	11.999	
8	12.000	100.000	

JAMES BEDFORD
83 1/2 ACRES
VOLUME 152, PAGE 12
DRTC

BOBBY SPINOSA - 85.565 ACRES
VOL. 12034, PAGE 342, RPRTC

DEBRA LYNN NORMAN, KAREN KAY REEDER,
ERIC BRIAN PICKLE, AND LANCE PICKLE
16.0 ACRES (TRACT 2)
DOC. No. 2005008394 ORRTC





Environmental Services, Inc.

Offices in
Texas,
Louisiana,
and Michigan

16 July 2003

**Environmental Assessment Information
City of Austin Land Development Code (Section 25-8-121)
Compliance Report**

**RE: 82-acre Forest Bluff Subdivision (formerly Oak Hollow) located at the terminus of Delta Post Road north of Farm-to-Market Road (FM) 969, Travis County, Texas
HJN 030111 EA**

1.0 INTRODUCTION

This report provides the results of an environmental assessment conducted by Horizon Environmental Services, Inc. (Horizon) on the above-referenced site. Horizon conducted the field reconnaissance on 23 May 2003. Horizon spent a minimum of 7 person hours in the field evaluating the site and surrounding area, and completed the assessment process by conducting a review of the existing literature.

2.0 ENVIRONMENTAL SETTING

2.1 LAND USE

The subject site is currently undeveloped rangeland with the following land uses bordering the subject site as follows:

North: undeveloped rangeland;
South: single-family residential;
East: single-family residential; and
West: undeveloped rangeland

2.2 VEGETATION

JBDI 004978

The subject site is characterized as densely wooded rangeland intermixed with mesquite-grasslands. Vegetation within the dense woods is dominated by cedar elm (*Ulmus crassifolia*) and post oak (*Quercus stellata*) with a few plateau live oak (*Quercus fusiformis*), Texas persimmon (*Diospyros texana*), and yaupon (*Ilex vomitoria*). The mesquite-grasslands are dominated by herbaceous vegetation including little bluestem (*Schizachyrium scoparium*), bermudagrass (*Cynodon dactylon*), croton (*Croton* sp.), and silver-leaf nightshade (*Solanum*

030111.ea ©

CORPORATE OFFICE:

P.O. Box 162017 • Austin, Texas 78716 • 2600 Dellana Lane, Suite 200 • Austin, Texas 78746
(512) 328-2430 • FAX (512) 328-1804 • www.horizon-esi.com

elaegnifolium) interspersed with numerous honey mesquite (*Prosopis glandulosa*). Other common species include Ashe juniper (*Juniperus ashei*), prickly pear (*Opuntia lindheimeri*), southern dewberry (*Rubus trivialis*), and cedar elm.

2.3 TOPOGRAPHY AND SURFACE WATER

This site is within the Decker Creek Watershed, a Suburban Watershed Zone, as classified by the City of Austin (COA) (COA, 1998). Topographically, the site ranges from approximately 450 to 510 feet above mean sea level. Drainage on the subject site occurs by overland sheet flow and 2 unnamed tributaries and several sub-tributaries that flow from west to east. The 2 tributaries merge at the eastern property boundary and flow east into Decker Creek. Additionally, a stock tank is located near the western boundary within the central portion of the site. The stock tank is located on 1 of the sub-tributaries.

None of the subject site is within the 100-year floodplain (FEMA, 1993). A review of the National Wetland Inventory (NWI) map (Manor Quad) indicated 1 potential wetland area on the subject site (FWS, 1993). This area is labeled as POWHh (palustrine, open water, permanent, diked/impounded), and it is mapped approximately where the on-site stock tank is located.

2.4 GEOLOGY

A review of existing literature shows the site is underlain by the Navarro Group (Kknm) (Proctor et al., 1995). Both the Corsicana and Kemp Formations are included in the Navarro Group. No faults were mapped on or immediately adjacent to the subject site.

The Corsicana Formation has a maximum thickness of approximately 120 feet. It is dark gray to blue-gray in color, and is poorly dispersed throughout the Austin area. Located at the base of this formation is admixed sand and phosphatic material (Garner and Young, 1981).

The Kemp Formation is montmorillonitic clay with calcareous intervals. It is dark gray or brown in color. Quartz siltstone is common between the Corsicana and the bottom of the Kemp Formation. The maximum thickness of the Kemp Formation is approximately 350 feet (Garner and Young, 1981).

The subject site is not found within the Edwards Aquifer Recharge, Transition, or Contributing Zones, as mapped by the COA Watershed Regulation Areas Map (COA, 1998) and the Texas Commission on Environmental Quality (TCEQ) Recharge Zone Boundary Maps (TCEQ, 1996).



2.5 SOILS

Soils on the subject site consist of the following soil types, (Werchan et al., 1974):

SOIL NAME	SOIL TYPE	SOIL DEPTH (FEET)	UNDERLYING MATERIAL	PERMEABILITY	AVAILABLE WATER CAPACITY	SHRINK-SWELL CAPACITY
Ferris-Heiden complex, 8 to 20% slopes (FhF3)	clay, silty clay	0.5 to 4.0	yellow silty clay	very slow	high	high
Heiden clay, 3 to 5% slopes eroded (HeC2)	clay	0 to 1.0	mottled yellow silty clay	very slow	high	high
Heiden clay, 5 to 8% slopes, eroded (HeD2)	clay	0 to 5.0	yellow silty clay	very slow	high	high
Houston Black clay, 3 to 5% slopes (HnC2)	clay	0 to 6.9	mottled clay	very slow	high	high
Houston Black gravelly clay, 2 to 8% slopes, eroded (HoD2)	gravelly clay	0 to 6.9	mottled clay	very slow	high	high
Travis gravelly soils, 1 to 8% slopes (TsD)	sandy clay loam or loamy sand	0 to 6.0	gravelly sandy clay loam	slow	high	low to moderate

2.6 WATER WELLS

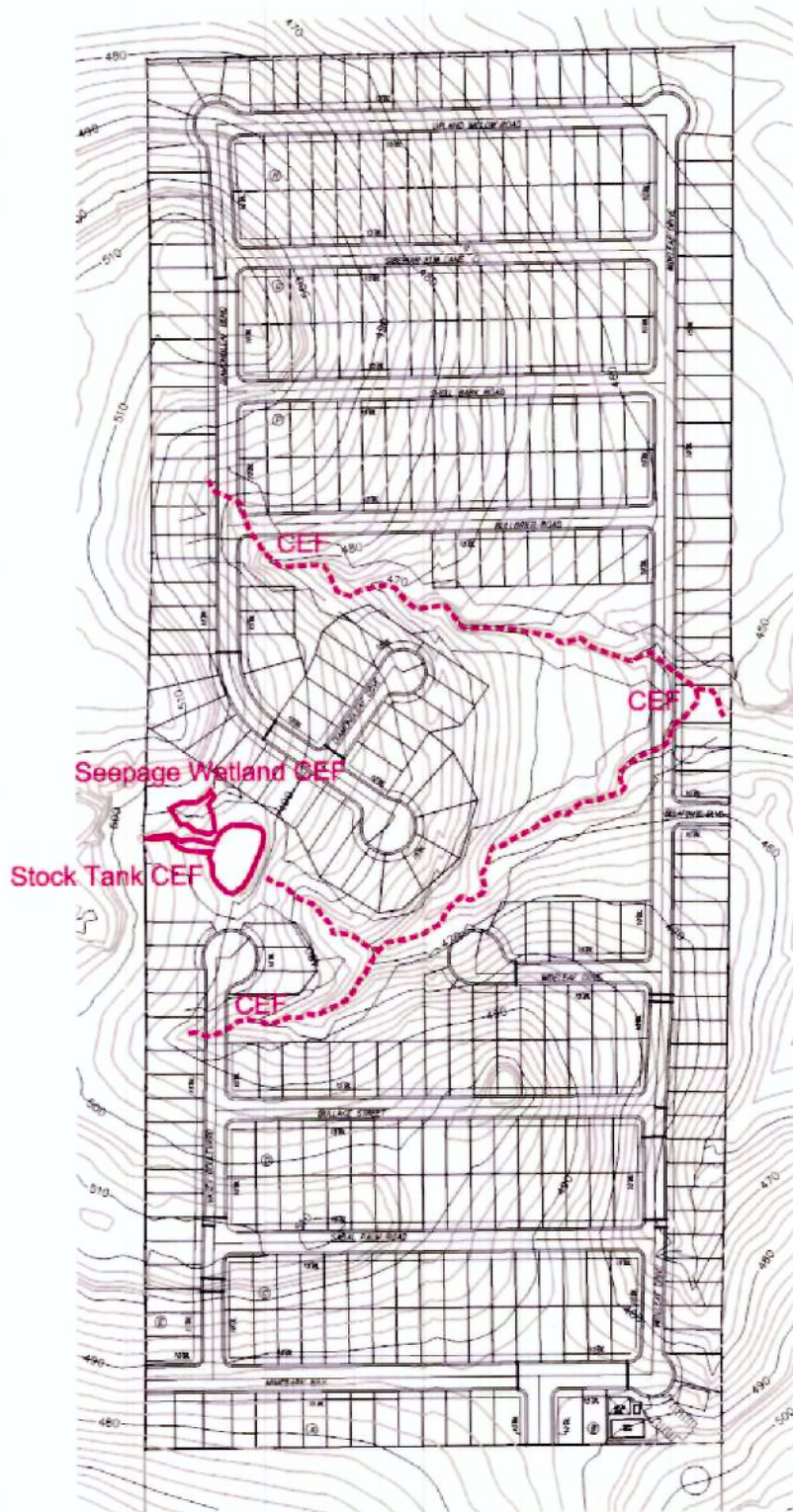
A search was made for water wells on and within 150 feet of the subject site. A review of the records of the TCEQ and the Texas Water Development Board (TWDB) revealed no water wells on or within 150 feet of the subject site (TWDB, 2003). Additionally, no evidence of water wells was present on the subject site. The results of this survey do not preclude the existence of an abandoned well.

All abandoned wells must be capped or properly abandoned according to the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code (TAC), Chapter 76, effective 3 January 1999. A plugging report must be submitted (by a licensed water well driller) to the Texas Department of Licensing and Regulation, Water Well Driller's Program, Austin, Texas. If a well is intended for use, it must comply with 16 TAC § 76.

3.0 CRITICAL ENVIRONMENTAL FEATURES

Critical environmental features (CEFs), as defined by the COA, include such features as springs, seeps, canyon rimrocks, bluffs, caves, sinkholes, wetlands, or water wells. Several wetland CEFs are located on the subject site (Figure 1).





JBDI 004981

MAP SOURCE: Client, 1069-PREL.dwg, July 2003.

0 200 400
SCALE IN FEET



FIGURE 1

CITY OF AUSTIN CRITICAL
ENVIRONMENTAL FEATURES
82-ACRE FOREST BLUFF SUBDIVISION
TRAVIS COUNTY, TEXAS
HJN 030111

The 2 main ephemeral tributaries traversing the subject site have numerous small wetland areas located along their lengths. For the most, part these areas are not contiguous, and are separated by areas of upland vegetation. These wetland areas lie within the stream channel or immediately adjacent to the stream channel. During the field investigation, both tributaries were not flowing.

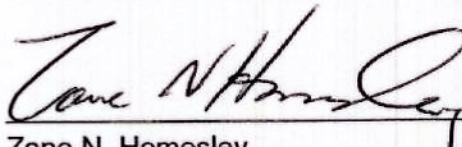
The stock tank located in the western portion of the subject site is also considered a wetland CEF. This area can be described as a small open water stock tank with a narrow band of hydric vegetation along its margins. The stock tank was created by impounding the ephemeral sub-tributary and has an overflow spillway on the southern side of the dike.

Another wetland area is located immediately northwest of the stock tank. This area can be characterized as a seepage wetland. No identifiable flow was noted during the field review; however, hydric species dominate this zone. Species include several rushes (*Juncus* spp.), sedge (*Carex* sp.), spikerush (*Eleocharis* sp.), and annual sumpweed (*Iva annua*).

No other CEFs as defined by the COA, were found on or within 150 feet of the subject site.

In a meeting with Mr. Mike Lyday (COA), Mr. Randall Jones (Engineer), and Horizon on 18 June 2003, Mr. Lyday concurred with the above-mentioned findings concerning wetland CEFs (e-mail letter attached). Mr. Lyday initially reviewed this property (formerly Oak Hollow) in December of 2000 (memo attached). With the exception of the tributaries flowing, the findings were very similar to how the site appeared during Horizon's field review.

For Horizon Environmental Services, Inc.


Zane N. Homesley
Principal/Senior Project Manager

16 July 2003
Date

Enclosures: E-mail and memo from Mr. Mike Lyday to Mr. Manuel Del Llano



4.0 REFERENCES

- (COA) City of Austin. *Austin Watershed Regulation Areas Map*. 30 January 1998.
- (FEMA) Federal Emergency Management Agency. Flood Insurance Rate Map, Travis County, Map No. 48453C0090, 16 June 1993.
- (FWS) US Department of the Interior, Fish and Wildlife Service. National Wetland Inventory, Manor, Texas, 1993.
- (Garner and Young) Garner, L. E., and K. P. Young. Environmental Geology of the Austin Area: An Aid to Urban Planning, *Report of Investigations* 86, The University of Texas at Austin, Bureau of Economic Geology, 1976, Reprinted 1981.
- (Procter et al.) Procter, C. V. Jr., T. E. Brown, J. H. McGowen, N. B. Waechter, and V. E. Barnes, Geologic Atlas of Texas, Austin Sheet, Francis Luther Whitney Memorial Edition. 1974; revised 1981; reprinted 1995.
- (TCEQ) Texas Commission on Environmental Quality. Edwards Aquifer Recharge Zone Boundary Maps. 1996.
- (TWDB) Texas Water Development Board. Water Well Drillers' Records. 2 July 2003.
- Werchan, Leroy E., A.C. Lowther, and Robert N. Ramsey. *Soil Survey of Travis County, Texas*. US Department of Agriculture, Soil Conservation Service, in cooperation with the Texas Agricultural Experiment Station, 1974.



Zane Homesley

From: mike.lyday@ci.austin.tx.us
Sent: Wednesday, June 18, 2003 3:34 PM
To: manuel.del-lano@ci.austin.tx.us
Cc: randallj@rj-eng.com; Zane Homesley
Subject: Forest Bluff Resubmittal



Oak Hollow, Forst
Bluff.doc (1...



Std. Specs. 609S
Applications....



Standard
Specifications 604S&6

6-18-03

Manuel,

I met with Randall Jones (engineering consultant) and Zane Homesley (environmental consultant) today regarding a resubmittal of Forest Bluff Subdivision (formerly Oak Hollow, see attachment). The project is located off Webberville Road, and you and I investigated it back in January of 2001. There are two unclassified tributaries that converge on the tract. The southern tributary supports a ponded wetland and fringe wetlands along the stream banks. The northern tributary is less significant and supported little or no fringe wetlands. Therefore, I have agreed to the following wetland buffers and concept for wetland mitigation: 1. A continuous buffer averaging 50' around the southern tributary and pond (buffer never to be less than 25' from the centerline or pond edge) 2. A continuous buffer averaging 50' (never less than 25') from the centerline of the northern tributary, extending upstream to about the 470' topographic contour line 3. The remainder of the northern tributary will be filled with lots in exchange for mitigation or replacement of value and function 4. Mitigation will be made by construction of a water quality wet pond, built to ECM specifications; and vegetating the detention pond with a native grassland per COA Standard Specification Manual 609S (see attachment for list of other 609S projects for applicant's information; also see attachment of latest revised version of 609S in legislative format) 5. Final approval of wetland buffers and mitigation to be made by ERM staff before City permit is issued

<<Oak Hollow, Forst Bluff.doc>> <<Std. Specs. 609S Applications.doc>>
<<Standard Specifications 604S&609S Latest Leg. Format.rtf>>

Manuel, a resubmittal of this project should be coming across your desk for completeness check in the near future. I wanted to let you know the applicant's consultants and I have been working together on the wetland issues in advance. Please call me at 974-2956 if you have any questions. I'll look forward to seeing the resubmittal of the preliminary after you release it to the review teams.

Mike Lyday



INTEROFFICE MEMORANDUM

TO: Manuel Dellano, Environmental Review and Inspection Division

FROM: Mike Lyday, Environmental Resource Management Division (ERM)

DATE: January 10, 2001

SUBJECT: Oak Hollow Wetland Review

On December 22, 2000 you and I investigated the above referenced project site for the presence of wetland Critical Environmental Features (CEFs). Several fringe wetlands and headwater wetland areas were identified along two tributaries in the northern end of the property. These two tributaries converge near the eastern property line. The south fork was fringed along much of its length with Spikerush (*Eleocharis* sp) and both tributaries had marshy seeps at their headwaters which were dominated by Spikerush plant communities as well. Both streams had measurable flow on the date of this investigation and are considered Waters of the United States. Although the streams are unclassified and do not have critical water quality zones, the wetlands do meet the Army Corps' technical criteria as wetlands since a Spikerush dominated plant community is Facultative-wet or Obligate and an abrupt boundary separates these communities from the upland plant communities. Hydrology was present (saturated to the surface or within one foot of the surface) and soils can be assumed within a facultative/obligate dominated plant community. Therefore, these wetland areas are considered CEFs and protected by Austin's Land Development Code, Section 25-8-282.

The standard setback for CEFs is 150 feet; however, I recommend that each of these tributaries receive a CEF buffer of 50 feet from the centerline of the waterway for their entire length instead of 150' setbacks around each small wetland. This modified setback will better protect the riparian woodlands and hydrology to and from the wetlands than the standard setback and be less intrusive to the development of the property. Water quality and drainage easement is proposed at the confluence of these tributaries and lot lines are proposed within the recommended setback. Lot lines should be pulled back 50' from the centerline. Water quality may be considered if wet ponds are proposed as mitigation for losses of CEFs and buffers; however, the wetpond should also receive a 50' native forested buffer. Road crossing may be allowed if trees are replaced, but intersections should be moved away from the recommended buffers and centerline of the streams (see southern fork at western headwaters for this intersection).

Manuel, thank you for including ERM in your assessment of resources on this proposed development site. Please let me know if you have questions or if the applicant would like to discuss these recommendations (phone 499-2956).

Mike Lyday, Wetland Biologist
Water Resources Evaluation Section, ERM
Watershed Protection Department

C: Ed Peacock