B-04 1 of 39

SITE PLAN REVIEW SHEET ENVIRONMENTAL VARIANCE REQUEST ONLY

<u>CASE</u>: SP-2020-0228D <u>ZAP COMMISSION DATE</u>: 01/05/2021

PROJECT NAME: Brushy Creek Regional Utility Authority Raw Water Pump Station

APPLICANT: Brushy Creek Regional Utility Authority **AGENT:** Karen Bondy

ADDRESS OF SITE: 9416 Lime Creek Road, Leander, TX 78641

COUNTY: Travis **AREA:** 1.65 acres

WATERSHED: Lake Travis

JURISDICTION: 2-Mile ETJ

EXISTING ZONING: N/A (2-Mile ETJ)

PROPOSED DEVELOPMENT: The applicant proposes a building, parking, water quality controls, and

construction staging area for raw water pump station.

DESCRIPTION OF VARIANCE:

The applicant requests the following:

- 1. Request to vary from LDC 25-8-301 to construct private driveways crossing slopes in excess of 15 percent gradient.
- 2. Request to vary from LDC 25-8-302(A) to construct a surface parking lot on slopes in excess of 15 percent gradient.
- 3. Request to vary from LDC 25-8-302(B) to construct a building on slopes in excess of 25 percent gradient, and exceed impervious cover allowance on slopes with a gradient of more than 15 percent.
- 4. Request to vary from LDC 25-8-342 to allow fill in excess of four feet in the Drinking Water Protection Zone.
- 5. Request to vary from LDC 25-8-453(D)(1) to allow impervious cover in excess of 20 percent Net Site Area.

STAFF RECOMMENDATION:

Staff recommends that the required findings of fact have been met.

ENVIRONMENTAL BOARD ACTION:

12/02/2020: The Environmental Board voted in (8) favor, (0) against, (0) absentia

ZONING AND PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner **PHONE:** 512-974-1665

CASE MANAGER: Robert Anderson **PHONE:** 512-974-3026

B-04 2 of 39



ENVIRONMENTAL COMMISSION MOTION 20201202 002a

Date: December 2, 2020

Subject: Brushy Creek Regional Utility Authority Raw Water Pump Station, SP-2020-0228D

Motion by: Katie Coyne Seconded by: Wendy Gordon

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is requesting five variances from code including:

- 1. Request to vary from LDC 25-8-301 to construct private driveways crossing slopes in excess of 15 percent gradient
- 2. Request to vary from LDC 25-8-302(A) to construct a surface parking lot on slopes in excess of 15 percent gradient
- 3. Request to vary from LDC 25-8-302(B) to construct a building on slopes in excess of 25 percent gradient and exceed impervious cover allowance on slopes with a gradient of more than 15 percent
- 4. Request to vary from LDC 25-8-342 to allow fill in excess of four feet in the Drinking Water Protection Zone
- 5. Request to vary from LDC 25-8-453(D)(1) to allow impervious cover in excess of 20 percent Net Site Area

WHEREAS, the Environmental Commission recognizes the site is located at 9416 Lime Creek Road, Leander, Texas in the City of Austin Extraterritorial Jurisdiction; and

WHEREAS, the Environmental Commission recognizes that staff recommends this variance (with conditions) having determined the required Findings of Fact have been met.

THEREFORE, the Environmental Commission recommends the variance request with the following;

Staff Condition:

- 1. Restoration of disturbed areas within the 40% Natural Area Buffer shall be subject to ECM Appendix A criteria
- 2. Provide robust temporary and permanent erosion and sedimentation controls downgradient of the proposed development beyond the minimum standard
- 3. Provide dense screening vegetation in compliance with ECM 2.9.0 for all pervious areas between the building and mechanical equipment and the right-of-way.

B-04 3 of 39

VOTE 8-0

For: Gordon, Neely, Bedford, Thompson, Smith, Guerrero, Coyne, Maceo

Against: None Abstain: None Recuse: Ramberg Absent: Creel, Nill

Approved By:

Linda Guerrero, Environmental Commission Chair

hindatt guerrero

B-04 4 of 39

Staff Findings of Fact

B-04 5 of 39



Development Services Department Staff Recommendations Concerning Required Findings

Project Name: Brushy Creek Regional Utility Authority Raw Water Pump

Station

Ordinance Standard: Watershed Protection Ordinance

Variance Request:

1. Request to vary from LDC 25-8-301 to construct private driveways crossing slopes in excess of 15 percent gradient.

2. Request to vary from LDC 25-8-302(A) to construct a surface parking lot on slopes in excess of 15 percent gradient.

- 3. Request to vary from LDC 25-8-302(B) to construct a building on slopes in excess of 25 percent gradient, and exceed impervious cover allowance on slopes with a gradient of more than 15 percent.
- 4. Request to vary from LDC 25-8-342 to allow fill in excess of four feet in the Drinking Water Protection Zone.
- 5. Request to vary from LDC 25-8-453(D)(1) to allow impervious cover in excess of 20 percent Net Site Area.

Include an explanation with each applicable finding of fact.

- 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. Brushy Creek Regional Utility Authority (BCRUA) is a non-profit local government corporation and a partnership of the cities of Cedar Park, Leander, and Round Rock that treats and distributes water from the Lower Colorado River Authority (LCRA) to residents and businesses of the partner cities. The Lower Colorado River Authority (LCRA) was the original owner of the property, and in planning the expansion of services, the subject property was the largest and least sloped property that LCRA would convey to BCRUA (see aerial exhibit, page 32). Due to the unique engineering and other features associated with treatment of raw water, the facility must be located within certain proximity to Lake Travis. There is not another available property along Lake Travis in this vicinity that is larger in area or flatter in topography that would allow the proposed raw water pump station to be relocated. Conversely, relocating the raw water pump station significantly away from Lake Travis to provide for larger site area and flatter topography would require more extensive engineering, a larger carbon footprint for operations, and tunneling that has

B-04 6 of 39

potential to cause greater overall environmental disturbance; both during construction and long-term operations and maintenance.

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. All the proposed construction on the site requiring the variances is necessitated by the scale of the property and the site constraints of the existing topography (see Overall Existing Conditions exhibit, page 33). The relative small area of the site is due to the parceling of the site by LCRA, and is the only property along Lake Travis that was conveyed to BCRUA for this facility.

Despite the topographic challenges of the property, the site plan provides for greater overall environmental protection by reducing the amount of parking spaces, drive/fire lanes, and fill to construct these features to only the minimum required for the functioning of the facility or that allowed by Travis County fire regulations (see Dimensioned Site Plan exhibit, page 34).

The location of the parking lot and the building take advantage of natural topography and are located on the least sloped areas of the site; maintaining natural drainage patterns to the best extent feasible and minimizing the total amount of fill required to provide a level construction area.

This facility will capture and treat rainwater from the building to add to the raw water processing, and all other impervious cover will be conveyed and treated in biofiltration media in the water quality ponds allowing for infiltration draw down of the water quality pond rather than only treatment and release into Lake Travis.

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

Yes. The pump station building, electric transformer yard, surface parking lot, two drive/fire lanes, and sidewalk are the minimum site construction features for the functioning of the facility. The raw water pipelines are located under the building and tunneled into the lake at an elevation about 200 feet below the shoreline of Lake Travis. The water quality and storm water detention controls are located on the site in a way that takes advantage of the natural topography for both overland drainage and outfall disbursement. The building will be constructed with stem walls that minimize the depth of backslope away from the building foundation to less than four feet.

The surface parking and drive/fire lanes are the only site features that require the excess fill material, to the extent as needed to satisfy the

B-04 7 of 39

maximum allowed gradient set by Travis County fire regulations (see Fill Exhibit, page 35). The surface parking lot and the building are sited on the least sloped areas of the site, and only propose the amount of square footage necessary for the functioning of the facility to meet the projected water demands and provide safe accommodations for the employees (see Slope Exhibit, page 36).

This property was the largest and least sloped property that LCRA would convey to BCRUA. Because the property is small and severely sloped, the Net Site Area calculation significantly reduces the available uplands for the purposes of calculating impervious cover. The size of the building is necessitated by the operational requirements of the proposed public water supply, and the parking lot and driveways are the minimum necessary for the number of employees required for the functioning of the facility.

However, with the construction of this project, three existing floating raw water intake structures on barges will be removed from Lake Travis, and the half-acre roof of the pump station will be used to capture rainwater that will be used in the processing of the raw water for the available public drinking water supply. If rainwater harvesting credits were allowed to offset the proposed impervious cover, the project's proposed impervious cover could be calculated as 34 percent Net Site Area rather than 90 percent Net Site Area. Additionally, with the construction of this project, an adjacent 2,500 s.f. portion of existing impervious cover on Lime Creek Road will be treated for water quality on-site rather than draining directly into Lake Travis untreated.

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

Yes. During construction of the site features, existing and proposed slopes will be structurally contained or restored to the extent feasible, and additional temporary and permanent erosion controls beyond the minimum requirement will be used. The site will treat adjacent untreated impervious cover from Lime Creek Road, the building roof runoff will be captured, treated, and included in the processing of the raw water for water supply, and the water quality pond proposes biofiltration media that provides for additional infiltration benefits.

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 proposed development will be treating stormwater runoff from the impervious cover on-site, providing permanent erosion and sedimentation controls to minimize or eliminate erosion downgradient of the proposed development from entering Lake Travis, and will be providing water quality treatment and detention for a 2,500 s.f. area of off-site impervious cover from Lime Creek Road. The site will comply with the 40 percent natural area buffer located in the uplands and downgradient of the proposed site construction. This

B-04 8 of 39

buffer preserves and/or restores natural vegetation, soils, and topography to serve receive overland drainage from the developed areas for water quality benefits, and provides a natural vegetative buffer and setting for the developed area to fit more naturally into the landscape and be screened from lake users (see Restoration Exhibit, page 37).

- B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (Water Supply Suburban Water Quality Transition Zone), Section 25-8-452 (Water Supply Rural Water Quality Transition Zone), Section 25-8-482 (Barton Springs Zone Water Quality Transition Zone), Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long), or Article 7, Division 1 (Critical Water Quality Zone Restrictions), after determining that::
 - 1. The criteria for granting a variance in Subsection (A) are met;

N/A.

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

N/A.

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

N/A.

<u>Staff Determination</u>: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

- 1. Restoration of disturbed areas within the 40% Natural Area Buffer shall be subject to ECM Appendix A criteria;
- 2. Provide robust temporary and permanent erosion and sedimentation controls downgradient of the proposed development beyond the minimum standard;
- 3. Provide water quality and detention for an area of offsite impervious cover such that the total amount of impervious cover treated is comparable to only having 20 percent impervious cover onsite
- 4. Provide dense screening vegetation in compliance with ECM 2.9.0 for all pervious areas between the building and mechanical equipment and the right-of-way.

Environmental Reviewer

(DSD)

Jonathan Garner

Date: 11/9/20

Environmental Review

Manager (DSD)

Date: 11/9/20

Environmental Officer (WPD)

Chris Herrington

Date: 11/10/20

B-04 9 of 39

Application Form Variance to LDC 25-8-301



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION Applicant Contact Inform	mation
Name of Applicant	Karen Bondy, General Manager
	Brushy Creek Regional Utility Authority
Street Address	221 E Main Street
City State ZIP Code	Round Rock, Texas 78664
Work Phone	512-215-9151
E-Mail Address	kbondy@bcrua.org
Variance Case Information	
Case Name	Brushy Creek Regional Utility Authority Raw Water Pump Station
Case Number	SP-2020-0228D
Address or Location	9416 Lime Creek Road, Leander, Texas 78641
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Michael Markowski
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Lake Travis
Watershed Classification	☐ Urban☐ Suburban☐ Water Supply Suburban☐ Barton Springs Zone

Edwards Aquifer Recharge Zone	 □ Barton Springs Segment □ Northern Edwards Segment ☑ Not in Edwards Aquifer Zones 	
Edwards Aquifer Contributing Zone	☐ Yes ☑ No	
Distance to Nearest Classified Waterway	The west property line is within 300 feet of the Elevation 681 contour of Lake Travis.	
Water and Waste Water service to be provided by	City of Cedar Park (water), No sanitary wastewater will be generated. Greywater from floor drains will be pumped from a holding tank.	
Request	The variance request is as follows (Cite code references): 25-8-301, to construct private driveways crossing slopes in excess of 15 percent gradient.	

Impervious cover	Existing	Proposed
square footage:	<u>1,100 s.f.</u>	<u>33,787 s.f</u>
acreage:	<u>0.025 ac</u>	<u>0.776 ac</u>
percentage:	<u>1.50 %</u>	<u>46.04 %</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)

BCRUA is a non-profit local government corporation that provides treated water to the cities of Cedar Park, Leander and Round Rock. The partnership between these three cities provides a regional water supply for the community. The Raw Water Pump Station (RWPS) site contains 1.685 acres and is located east of the Sandy Creek arm of Lake Travis on Lime Creek Road. This size is the largest and flattest area that LCRA would convey to BCRUA in 2014. By comparison, the proposed RWPS buildings occupy over 0.6 acres. Over 60% of the site is steeper than 15% slope and over 20% of the site is steeper than 35% slope. The elevation ranges from 792 at Lime Creek Road to 745 at the southwest corner of the site. The existing land use includes part of Travis County's Sandy Creek Park and PEC electric distribution lines and transformer. The adjacent site to the south contains the City of Cedar Park's water treatment plant. The vegetation is a mix of grasses, understory vegetation and mostly Ashe juniper trees with some live oak trees. None of the live oaks are heritage trees. The Upper Glen Rose limestone formation is exposed on the site. There are no CEFs on the site as determined by the Environmental Resource Inventory prepared last year. About 6% of the western edge of the site is within 300 feet of the Elevation 681 contour at Lake Travis and therefore is within the Water Quality Transition Zone. No part of the site is within the Critical Water Quality Zone.

Clearly indicate in what
way the proposed project
does not comply with
current Code (include
maps and exhibits)

§ 25-8-301 - CONSTRUCTION OF A ROADWAY OR DRIVEWAY

About 0.03 acres (1,260 s.f.) of fire lanes must be constructed on slopes greater than 15% on the north and south sides of the proposed RWPS building to comply with Travis County fire regulations.

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: Brushy Creek Regional Utility Authority Raw Water Pump Station

Ordinance: 25-8-301 - CONSTRUCTION OF A ROADWAY OR DRIVEWAY

- 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 BCRUA used its best efforts to locate and acquire a property larger in size with flatter terrain in 2014. This site is the largest and flattest site available that LCRA would convey to BCRUA. This project is a raw water pump station, which has unique engineering and other features and requires close proximity to Lake Travis. On behalf of the cities of Cedar Park, Leander and Round Rock, the BCRUA is working diligently with the LCRA to provide the community with water. Similarly situated property with flatter terrain would not be subject to the same limitations imposed by Section 25-8-301.

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;
 - <u>Yes</u> / No The variance is necessitated by the operational requirements of the proposed regional public water supply use.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
 - <u>Yes</u> / No The minimum extent of fire lanes which comply with Travis County fire regulations are proposed.
- c) Does not create a significant probability of harmful environmental consequences.
 - <u>Yes</u> / No All proposed slopes will be structurally contained or restored using permanent erosion control and soil retention blankets.
- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - <u>Yes</u> / No Structural water quality control (bio-filtration) is proposed for the site that complies with the City of Austin Environmental Criteria Manual.
- 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 25-8-368 (Restrictions on 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 No variances for Part B are requested.
 - 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
 - <u>Yes</u> / No No variances for Part B are requested.
 - 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
 - Yes / No variances for Part B are requested.

^{**}Variance approval requires all above affirmative findings.

B-04 14 of 39

Application Form Variance to LDC 25-8-302(A)



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION		
Applicant Contact Inform	mation	
Name of Applicant	Karen Bondy, General Manager	
	Brushy Creek Regional Utility Authority	
Street Address	221 E Main Street	
City State ZIP Code	Round Rock, Texas 78664	
Work Phone	512-215-9151	
E-Mail Address	kbondy@bcrua.org	
Variance Case Informati	on	
Case Name	Brushy Creek Regional Utility Authority Raw Water Pump Station	
Case Number	SP-2020-0228D	
Address or Location	9416 Lime Creek Road, Leander, Texas 78641	
Environmental Reviewer Name	Jonathan Garner	
Environmental Resource Management Reviewer Name	Michael Markowski	
Applicable Ordinance	Watershed Protection Ordinance	
Watershed Name	Lake Travis	
Watershed Classification	☐ Urban☐ Suburban☐ Water Supply Suburban☐ Barton Springs Zone	

Edwards Aquifer Recharge Zone	 □ Barton Springs Segment □ Northern Edwards Segment ☑ Not in Edwards Aquifer Zones 	
Edwards Aquifer Contributing Zone	☐ Yes ☑ No	
Distance to Nearest Classified Waterway	The west property line is within 300 feet of the Elevation 681 contour of Lake Travis.	
Water and Waste Water service to be provided by	City of Cedar Park (water), No sanitary wastewater will be generated. Greywater from floor drains will be pumped from holding tank.	
Request	The variance request is as follows (Cite code references): 25-8-302(A), to construct a surface parking lot on slopes in excess of 15 percent gradient.	

Impervious cover	Existing	Proposed
square footage:	<u>1,100 s.f.</u>	<u>33,787 s.f</u>
acreage:	<u>0.025 ac</u>	<u>0.776 ac</u>
percentage:	<u>1.50 %</u>	46.04 %

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)

BCRUA is a non-profit local government corporation that provides treated water to the cities of Cedar Park, Leander and Round Rock. The partnership between these three cities provides a regional water supply for the community. The Raw Water Pump Station (RWPS) site contains 1.685 acres and is located east of the Sandy Creek arm of Lake Travis on Lime Creek Road. This size is the largest and flattest area that LCRA would convey to BCRUA in 2014. By comparison, the proposed RWPS buildings occupy 0.63 acres. Over 60% of the site is steeper than 15% slope and over 20% of the site is steeper than 35% slope. The elevation ranges from 792 at Lime Creek Road to 745 at the southwest corner of the site. The existing land use includes part of Travis County's Sandy Creek Park and PEC electric distribution lines and transformer. The adjacent site to the south contains the City of Cedar Park's water treatment plant. The vegetation is a mix of grasses, understory vegetation and mostly Ashe juniper trees with some live oak trees. None of the live oaks are heritage trees. The Upper Glen Rose limestone formation is exposed on the site. There are no CEFs on the site as determined by the Environmental Resource Inventory prepared last year. About 6% of the western edge of the site is within 300 feet of the Elevation 681 contour at Lake Travis and therefore is within the Water Quality Transition Zone. No part of the site is within the Critical Water Quality Zone.

November 9, 2020

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits) § 25-8-302 - CONSTRUCTION OF A BUILDING OR PARKING AREA

- (A) A person may not construct:
- (1) a building or parking structure on a slope with a gradient of more than 25 percent;

A maximum depth of 32' along the west side of the main RWPS building must be constructed on slopes greater than 25%. This equals 0.16 acres, or about 27% of the main building area.

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: Brushy Creek Regional Utility Authority Raw Water Pump Station

Ordinance: 25-8-302 (A) - CONSTRUCTION OF A BUILDING OR PARKING AREA

- 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 BCRUA used its best efforts to locate and acquire a property larger in size with flatter terrain in 2014. This site is the largest and flattest site available that LCRA would convey to BCRUA. This project is a raw water pump station, which has unique engineering and other features and requires close proximity to Lake Travis. On behalf of the cities of Cedar Park, Leander and Round Rock, the BCRUA is working diligently with the LCRA to provide the community with water. Similarly situated property with flatter terrain would not be subject to the same limitations imposed by Section 25-8-302(A).

2. The variance:

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;

- <u>Yes</u> / No The variance is necessitated by the operational requirements of the proposed regional public water supply use.
- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
 - <u>Yes</u> / No The building is positioned as close to Lime Creek Road and away from the steepest slopes on the site as possible. Only six parking spaces and the approach for a truck loading dock are located between the building and the right of way of Lime Creek Road.
- c) Does not create a significant probability of harmful environmental consequences.
 - <u>Yes</u> / No The main RWPS building will be structurally contained adjacent to the slopes exceeding 15%.
- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - <u>Yes</u> / No All rainfall runoff from the roof of the main RWPS building will be harvested and pumped to the BCRUA water treatment plant.
- 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 25-8-368 (Restrictions on 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 variances for Part B are requested.
 - 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
 - **Yes** / No No variances for Part B are requested.
 - 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
 - **Yes** / No variances for Part B are requested.

^{**}Variance approval requires all above affirmative findings.

B-04 19 of 39

Application Form Variance to LDC 25-8-302(B)



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION Applicant Contact Inform	mation
Name of Applicant	Karen Bondy, General Manager
	Brushy Creek Regional Utility Authority
Street Address	221 E Main Street
City State ZIP Code	Round Rock, Texas 78664
Work Phone	512-215-9151
E-Mail Address	kbondy@bcrua.org
Variance Case Information	
Case Name	Brushy Creek Regional Utility Authority Raw Water Pump Station
Case Number	SP-2020-0228D
Address or Location	9416 Lime Creek Road, Leander, Texas 78641
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Michael Markowski
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Lake Travis
Watershed Classification	☐ Urban☐ Suburban☐ Water Supply Suburban☐ Barton Springs Zone

Edwards Aquifer Recharge Zone	 □ Barton Springs Segment □ Northern Edwards Segment ☑ Not in Edwards Aquifer Zones 	
Edwards Aquifer Contributing Zone	☐ Yes ☑ No	
Distance to Nearest Classified Waterway	The west property line is within 300 feet of the Elevation 681 contour of Lake Travis.	
Water and Waste Water service to be provided by	City of Cedar Park (water), No sanitary wastewater will be generated. Greywater from floor drains will be pumped from holding tank.	
Request	The variance request is as follows (Cite code references): 25-8-302(B), to construct a building on slopes in excess of 25 percent gradient, and exceed impervious cover allowance on slopes with a gradient of more than 15 percent.	

Impervious cover	Existing	Proposed
square footage:	<u>1,100 s.f.</u>	<u>33,787 s.f</u>
acreage:	<u>0.025 ac</u>	<u>0.776 ac</u>
percentage:	<u>1.50 %</u>	<u>46.04 %</u>
Provide general description of the	BCRUA is a non-profit local government cor to the cities of Cedar Park, Leander and Rou	and Rock. The partnership between

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)

these three cities provides a regional water supply for the community. The Raw Water Pump Station (RWPS) site contains 1.685 acres and is located east of the Sandy Creek arm of Lake Travis on Lime Creek Road. This size is the largest and flattest area that LCRA would convey to BCRUA in 2014. By comparison, the proposed RWPS buildings occupy 0.63 acres. Over 60% of the site is steeper than 15% slope and over 20% of the site is steeper than 35% slope. The elevation ranges from 792 at Lime Creek Road to 745 at the southwest corner of the site. The existing land use includes part of Travis County's Sandy Creek Park and PEC electric distribution lines and transformer. The adjacent site to the south contains the City of Cedar Park's water treatment plant. The vegetation is a mix of grasses, understory vegetation and mostly Ashe juniper trees with some live oak trees. None of the live oaks are heritage trees. The Upper Glen Rose limestone formation is exposed on the site. There are no CEFs on the site as determined by the Environmental Resource Inventory prepared last year. About 6% of the western edge of the site is within 300 feet of the Elevation 681 contour at Lake Travis and therefore is within the Water Quality Transition Zone. No part

of the site is within the Critical Water Quality Zone.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits) § 25-8-302 - CONSTRUCTION OF A BUILDING OR PARKING AREA

- (B) A person may construct a building or parking structure on a slope with a gradient of more than 15 percent and not more than 25 percent if the requirements of this subsection are met.
- (1) Impervious cover on slopes with a gradient of more than 15 percent may not exceed 10 percent of the total area of the slopes.

About 0.26 acres of the main RWPS building, or 54% of the main building area, must be constructed on slopes greater than 15%. Impervious cover on slopes steeper than 15% is 0.29 acres. Ten percent of the total area of the slopes is 0.025 acres.

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: Brushy Creek Regional Utility Authority Raw Water Pump Station

Ordinance: 25-8-302 - CONSTRUCTION OF A BUILDING OR PARKING AREA

- A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:
 - 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 BCRUA used its best efforts to locate and acquire a property larger in size with flatter terrain in 2014. This site is the largest and flattest site available that LCRA would convey to BCRUA. This project is a raw water pump station, which has unique engineering and other features and requires close proximity to Lake Travis. On behalf of the cities of Cedar Park, Leander and Round Rock, the BCRUA is working diligently with the LCRA to provide the community with water. Similarly situated property with flatter terrain would not be subject to the same limitations imposed by Section 25-8-302(B).

23 of 39

- 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;
 - <u>Yes</u> / No The variance is necessitated by the operational requirements of the proposed regional public water supply use.
 - b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
 - <u>Yes</u> / No The building is positioned as close to Lime Creek Road and away from the steepest slopes on the site as possible. Only six parking spaces and the approach for a truck loading dock are located between the building and the right of way of Lime Creek Road.
 - c) Does not create a significant probability of harmful environmental consequences.
 - <u>Yes</u> / No The main RWPS building will be structurally contained adjacent to the slopes exceeding 15%.
- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - <u>Yes</u> / No All rainfall runoff from the roof of the main RWPS building will be harvested and pumped to the BCRUA water treatment plant.
- 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 25-8-368 (Restrictions on 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 No variances for Part B are requested.
 - 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
 - **Yes** / No variances for Part B are requested.
 - 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
 - **Yes** / No variances for Part B are requested.

B-04 24 of 39

Applicant Exhibits Variance to LDC 25-8-342



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION	
Applicant Contact Inform	mation
Name of Applicant	Karen Bondy, General Manager
	Brushy Creek Regional Utility Authority
Street Address	221 E Main Street
City State ZIP Code	Round Rock, Texas 78664
Work Phone	512-215-9151
E-Mail Address	kbondy@bcrua.org
Variance Case Information	
Case Name	Brushy Creek Regional Utility Authority Raw Water Pump Station
Case Number	SP-2020-0228D
Address or Location	9416 Lime Creek Road, Leander, Texas 78641
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Michael Markowski
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Lake Travis
Watershed Classification	□ Urban □ Suburban □ Water Supply Suburban
watershed Classification	✓ Water Supply Rural ☐ Barton Springs Zone

Edwards Aquifer Recharge Zone	 □ Barton Springs Segment □ Northern Edwards Segment ☑ Not in Edwards Aquifer Zones 	
Edwards Aquifer Contributing Zone	☐ Yes	
Distance to Nearest Classified Waterway	The west property line is within 300 feet of the Elevation 681 contour of Lake Travis.	
Water and Waste Water service to be provided by	City of Cedar Park (water), No sanitary wastewater will be generated. Greywater from floor drains will be pumped from a holding tank.	
Request	The variance request is as follows (Cite code references): 25-8-342, to allow fill in excess of four feet in the Drinking Water Protection Zone.	

Impervious cover	Existing	Proposed
square footage:	<u>1,100 s.f.</u>	<u>33,787 s.f</u>
acreage:	<u>0.025 ac</u>	<u>0.776 ac</u>
percentage:	<u>1.50 %</u>	46.04 %

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)

BCRUA is a non-profit local government corporation that provides treated water to the cities of Cedar Park, Leander and Round Rock. The partnership between these three cities provides a regional water supply for the community. The Raw Water Pump Station (RWPS) site contains 1.685 acres and is located east of the Sandy Creek arm of Lake Travis on Lime Creek Road. This size is the largest and flattest area that LCRA would convey to BCRUA in 2014. By comparison, the proposed RWPS buildings occupy over 0.6 acres. Over 60% of the site is steeper than 15% slope and over 20% of the site is steeper than 35% slope. The elevation ranges from 792 at Lime Creek Road to 745 at the southwest corner of the site. The existing land use includes part of Travis County's Sandy Creek Park and PEC electric distribution lines and transformer. The adjacent site to the south contains the City of Cedar Park's water treatment plant. The vegetation is a mix of grasses, understory vegetation and mostly Ashe juniper trees with some live oak trees. None of the live oaks are heritage trees. The Upper Glen Rose limestone formation is exposed on the site. There are no CEFs on the site as determined by the Environmental Resource Inventory prepared last year. About 6% of the western edge of the site is within 300 feet of the Elevation 681 contour at Lake Travis and therefore is within the Water Quality Transition Zone. No part of the site is within the Critical Water Quality Zone.

Clearly indicate in what	§ 25-8-342 - FILL REQUIREMENTS
way the proposed project does not comply with current Code (include	(A) (A) Fill on a tract of land may not exceed four feet of depth.
maps and exhibits)	Most of the north fire lane and the west half of the south fire lane must exceed four feet of fill depth to comply with Travis County fire regulations. The area of fill greater than four feet of depth is 6,710 s.f.

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: Brushy Creek Regional Utility Authority Raw Water Pump Station

Ordinance: 25-8-342 - FILL REQUIREMENTS

- 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 BCRUA used its best efforts to locate and acquire a property larger in size with flatter terrain in 2014. This site is the largest and flattest site available that LCRA would convey to BCRUA. This project is a raw water pump station, which has unique engineering and other features and requires close proximity to Lake Travis. On behalf of the cities of Cedar Park, Leander and Round Rock, the BCRUA is working diligently with the LCRA to provide the community with water. Similarly situated property with flatter terrain would not be subject to the same limitations imposed by Section 25-8-342.
 - 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;
 - <u>Yes</u> / No The variance is necessitated by the operational requirements of the proposed regional public water supply use.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
 - <u>Yes</u> / No The gradient of the south fire lane will be at the maximum allowed by Travis County fire regulations and will be structurally contained on two sides to minimize the amount of fill required. The north fire lane will be structurally contained on three sides.
- c) Does not create a significant probability of harmful environmental consequences.
 - <u>Yes</u> / No All proposed slopes will be structurally contained or restored using permanent erosion control and soil retention blankets.
- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - <u>Yes</u> / No Structural water quality control (bio-filtration) is proposed for the site that complies with the City of Austin Environmental Criteria Manual.
- 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 25-8-368 (Restrictions on 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 variances for Part B are requested.
 - 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
 - **Yes / No** No variances for Part B are requested.
 - 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
 - **Yes** / No variances for Part B are requested.

^{**}Variance approval requires all above affirmative findings.

B-04 29 of 39

Applicant Exhibits

Variance to LDC 25-8-453(D)(1)



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION		
Applicant Contact Information		
Name of Applicant	Karen Bondy, General Manager	
	Brushy Creek Regional Utility Authority	
Street Address	221 E Main Street	
City State ZIP Code	Round Rock, Texas 78664	
Work Phone	512-215-9151	
E-Mail Address	kbondy@bcrua.org	
Variance Case Information		
Case Name	Brushy Creek Regional Utility Authority Raw Water Pump Station	
Case Number	SP-2020-0228D	
Address or Location	9416 Lime Creek Road, Leander, Texas 78641	
Environmental Reviewer Name	Jonathan Garner	
Environmental Resource Management Reviewer Name	Michael Markowski	
Applicable Ordinance	Watershed Protection Ordinance	
Watershed Name	Lake Travis	
Watershed Classification	☐ Urban☐ Suburban☐ Water Supply Suburban☐ Barton Springs Zone	

Edwards Aquifer Recharge Zone	 □ Barton Springs Segment □ Northern Edwards Segment ☑ Not in Edwards Aquifer Zones 	
Edwards Aquifer Contributing Zone	☐ Yes ☑ No	
Distance to Nearest Classified Waterway	The west property line is within 300 feet of the Elevation 681 contour of Lake Travis.	
Water and Waste Water service to be provided by	City of Cedar Park (water), No sanitary wastewater will be generated. Greywater from floor drains will be pumped from a holding tank.	
Request	The variance request is as follows (Cite code references): 25-8-453(D)(1), to allow impervious cover in excess of 20 percent Net Site Area.	

Impervious cover	Existing	Proposed
square footage:	<u>1,100 s.f.</u>	<u>33,787 s.f</u>
acreage:	<u>0.025 ac</u>	<u>0.776 ac</u>
percentage:	<u>1.50 %</u>	<u>46.04 %</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)

BCRUA is a non-profit local government corporation that provides treated water to the cities of Cedar Park, Leander and Round Rock. The partnership between these three cities provides a regional water supply for the community. The Raw Water Pump Station (RWPS) site contains 1.685 acres and is located east of the Sandy Creek arm of Lake Travis on Lime Creek Road. This size is the largest and flattest area that LCRA would convey to BCRUA in 2014. By comparison, the proposed RWPS buildings occupy over 0.6 acres. Over 60% of the site is steeper than 15% slope and over 20% of the site is steeper than 35% slope. The elevation ranges from 792 at Lime Creek Road to 745 at the southwest corner of the site. The existing land use includes part of Travis County's Sandy Creek Park and PEC electric distribution lines and transformer. The adjacent site to the south contains the City of Cedar Park's water treatment plant. The vegetation is a mix of grasses, understory vegetation and mostly Ashe juniper trees with some live oak trees. None of the live oaks are heritage trees. The Upper Glen Rose limestone formation is exposed on the site. There are no CEFs on the site as determined by the Environmental Resource Inventory prepared last year. About 6% of the western edge of the site is within 300 feet of the Elevation 681 contour at Lake Travis and therefore is within the Water Quality Transition Zone. No part of the site is within the Critical Water Quality Zone.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

§ 25-8-453 - UPLANDS ZONE

- (D) This subsection applies to a commercial, multifamily residential use, or mixed use.
 - (1) Impervious cover may not exceed:
 - (a) 20 percent

The RWPS site is proposing 90.92% impervious cover (0.776 acres) based on a net site area of 0.854 acres.

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: Brushy Creek Regional Utility Authority Raw Water Pump Station

Ordinance: 25-8-453 - UPLANDS ZONE

- A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:
 - 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 BCRUA attempted to acquire property larger in size with flatter terrain in 2014. BCRUA used its best efforts to locate and acquire a property larger in size with flatter terrain in 2014. This site is the largest and flattest site available that LCRA would convey to BCRUA. This project is a raw water pump station, which has unique engineering and other features and requires close proximity to Lake Travis. On behalf of the cities of Cedar Park, Leander and Round Rock, the BCRUA is working diligently with the LCRA to provide the community with water. Similarly situated property with flatter terrain would not be subject to the same limitations imposed by Section 25-8-453(D)(1).

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;

- <u>Yes</u> / No The variance is necessitated by the operational requirements of the proposed regional public water supply use.
- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
 - <u>Yes</u> / No Only six parking spaces and the minimum amount of fire lanes required by Travis County fire regulations are proposed. The size of the RWPS main building is necessitated by the operational requirements of the proposed regional public water supply use.
- c) Does not create a significant probability of harmful environmental consequences.
 - <u>Yes</u> / No All proposed slopes will be structurally contained or restored using permanent erosion control and soil retention blankets.
- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - <u>Yes</u> / No All rainfall runoff from the roof of the main RWPS building will be harvested and pumped to the BCRUA water treatment plant. Structural water quality control (bio-filtration) is proposed for the site that complies with the City of Austin Environmental Criteria Manual.
- 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 25-8-368 (Restrictions on 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** No variances for Part B are requested.
 - 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
 - **Yes** / No variances for Part B are requested.
 - 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
 - <u>Yes</u> / No No variances for Part B are requested.

^{**}Variance approval requires all above affirmative findings.









