



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Christopher Herrington, P.E., Acting Environmental Officer  
Watershed Protection Department

**DATE:** August 27, 2018

**SUBJECT:** Live Oak Springs Critical Water Quality Zone Variance (C8J-2016-0228)

The purpose of this memo is to provide the environmental staff recommendation on the Live Oak Springs (C8J-2016-0228) variance request. The applicant is requesting a variance from City of Austin Land Development Code [30-5-262\(B\)\(1\)](#) (*Critical Water Quality Zone Street Crossings*) to allow the crossing of a major waterway critical water quality zone by a street that is not an arterial and not identified in the Transportation Plan. Environmental staff cannot recommend approval of the variance. The necessary Findings of Fact for the variance as required by Land Development Code [30-5-41](#) (*Land Use Commission Variances*) have not been met.

The site is located in the Slaughter Creek Watershed, in the Drinking Water Protection Zone, and in the Edwards Aquifer Contributing Zone. The applicant is seeking a second access road for a proposed single-family subdivision that would cross the Critical Water Quality Zone of Slaughter Creek, a major waterway. In this setting, only arterial streets (defined generally by the Transportation Criteria Manual Section [1.2.2](#) as links between major activity centers within the urban area) within the Transportation Plan are allowed to cross the critical water quality zone of a major waterway. The second access road is not an arterial street and not in the Transportation Plan.

The second access road is necessitated by the number of units chosen by the applicant in the proposed subdivision. Subdivisions with more than 30 units require a second access. The applicant is proposing 82 units in the subdivision. The higher density is a discretionary decision by the applicant driving the need for this variance. Without the variance, the applicant would still be able to construct a single-family subdivision with up to 30 units.

Existing street crossings of Slaughter Creek are few, and generally limited to major arterial roadways including US 290, FM 1826, MoPac, Escarpment, and Brodie Lane. The limitation on critical water quality zone crossings does not deprive this applicant of a privilege available to owners of similarly situated property. Granting of this variance could establish a new precedent

to allow more non-arterial roadway crossings of creeks and thus more development density in environmentally-sensitive areas.

This variance request was considered by the Environmental Commission on June 20, 2018, but the Environmental Commission failed to reach a quorum vote on a recommendation. The Zoning and Platting Commission denied the variance request at their August 7, 2018, meeting. If you have any further questions, please contact me at 512-974-2840 or [chris.herrington@austintexas.gov](mailto:chris.herrington@austintexas.gov) or Atha Phillips at 512-974-2132 or [Atha.Phillips@austintexas.gov](mailto:Atha.Phillips@austintexas.gov).

Attachment: Maps

cc: Spencer Cronk, City Manager  
Joseph G. Pantalion, P.E., Interim Assistant City Manager  
Michael L. Personett, Interim Director, Watershed Protection Department

**Attachment 1. Maps.**

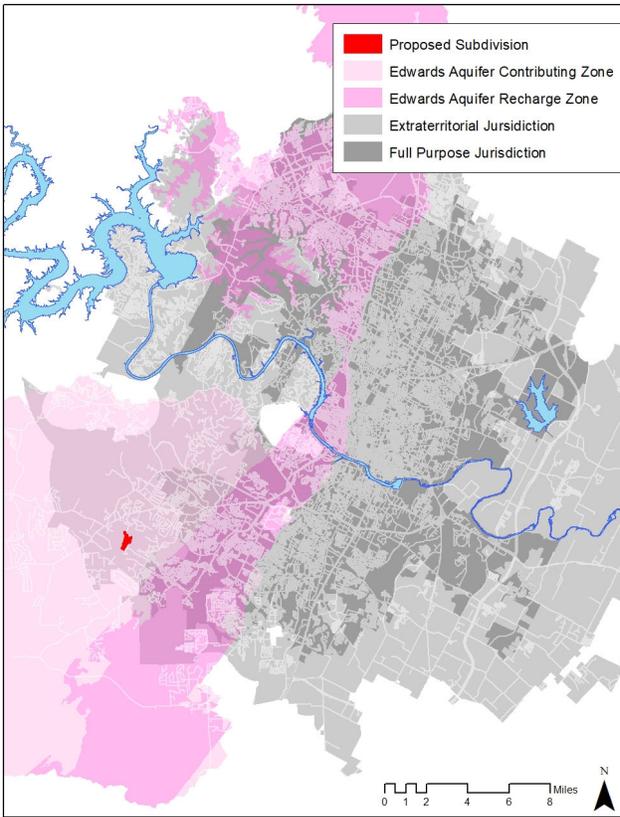


Figure 1. Location of proposed subdivision near Derecho Drive outside of the urban area.

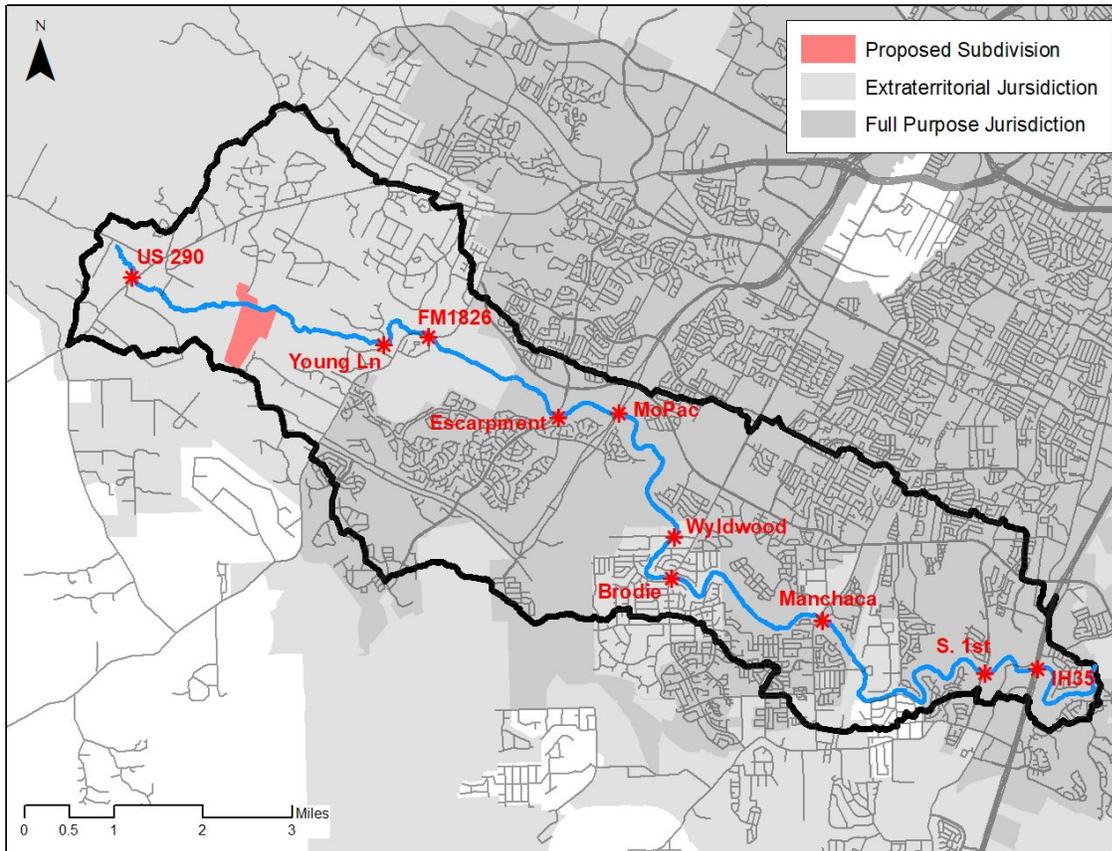


Figure 2. Existing public roads crossing the mainstem of Slaughter Creek are generally limited to major arterials. Young Lane is from a 1983 subdivision.