

Austin Neighborhoods Council

Established 1973 • Strength Through Unity
Post Office Box 176 • Austin, Texas 78767

October 16, 2007

Re: Barton Springs Zone Redevelopment Ordinance

Dear Mayor, Council, and Members of our Citizen Boards,

Work has been done to propose a Barton Springs Zone Redevelopment Ordinance. This proposal would amend our current SOS water quality protection ordinance by relaxing impervious cover limits on 199 tracts of land in exchange for incorporating prescribed water quality protection and a formula for purchasing off-site mitigation land.

The Austin Neighborhoods Council shares the concerns raised by our local environmental advocacy groups: the Sierra Club, Save Barton Creek Association, and the Save Our Springs Alliance. Our Environmental Board has also reviewed the work. Their support is burdened with conditions that we believe should be addressed.

In particular, the ANC suggests that prior to adoption of a redevelopment ordinance, the question of whether a redevelopment ordinance will result in decreased pollution over the aquifer must be evaluated. It can be difficult to compare "green field" sites to redeveloped sites regarding environmental impacts. In some regards redeveloped sites can be more caustic because of unknown chemical and material content. Depending on the degree of redevelopment, site disturbance could be significant. There are also issues of secondary development in these environmentally sensitive areas that will be stimulated, increasing density and subsequent pollution loading. Some of these areas may not have the benefit of zoning controls to limit negative impacts.

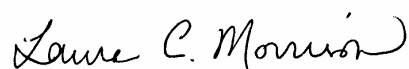
We also wish to reinforce the necessity of public review and strong support of projects that will impact our watershed. We strongly encourage the inclusion of language requiring a super-majority approval for projects that go to Council. There is also concern that many of these projects will not go through any public process but be administratively approved. Our community remains engaged in protecting our environment. It has placed a premium on this value, suffering abuse from the State Legislature and stepping out ahead of the federal government to address global warming issues.

In addition to these more general concerns, we have appended further, detailed comments to this letter.

The process to strengthen our current SOS ordinance and "heal" the community after the failure of the Charter amendment was begun in earnest to address the identified problems with language and process. ANC participated in that work with the Environmental Board subcommittee, City legal staff, and other task group members. We participated in the early meetings of the Leffingwell task force to help carry that work forward. It is with some disappointment that the early work by the Environmental Board subcommittee is not the product under current consideration. We would ask that this subcommittee's work also be reviewed in conjunction with the redevelopment ordinance.

The Austin Neighborhoods Council requests additional consideration of the concerns expressed by the Environmental Board, our community and its environmental advocates. We suggest the work be returned to the Environmental Board to take advantage of their expertise and history in providing answers to the outstanding issues that need resolution before further action is taken. The hope is this would provide the Planning Commission and Council a better, more fully resolved ordinance with fewer objections and unanswered issues.

Thank you for your consideration of these concerns, and for your service to our City.



Laura Morrison
President, Austin Neighborhoods Council

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Appendix: Further Detailed Concerns Raised In ANC Discussion of the Proposed Ordinance

1) Improving Construction Phase Pollution: We understand the Watershed Protection department is currently working on improving construction phase erosion and sedimentation controls. This issue is not addressed in the ordinance as currently written. The department agrees that a majority of pollution (as much as 90%) comes from the site during this phase. It is important that some language is included to address this concern specifically because it will directly impact environmentally sensitive areas. Additionally, a stronger enforcement policy with ramifications associated with failures needs to be implemented if we are to truly protect the watershed during this potential increase in redevelopment. Whether the ordinance can be delayed until the department finalizes this much needed improvement or language can be inserted that would acknowledge the new work, it is an important consideration.

2) Maintenance of Water Quality Facilities: With the creation of new water quality facilities where we had none before, there will be an added burden to the City to confirm these facilities are maintained and functioning properly. This weakness in the system is reflected in the high cost of retrofits and citizen identified failures of the existing facilities around the City. While we support the required inclusion of water quality facilities in all new redevelopment, we recognize they will only be of benefit when functioning properly. Exploration of a bonding mechanism and enforcement system to ensure the proper functioning of water quality facilities for the life of the development places the responsibility with the land developer and subsequent owner and relieves the City and her taxpayers from this burden. Redevelopment in these environmentally sensitive areas serves no one if our watershed becomes even more burdened with pollution.

3) Clarity of the Mitigation Land Process: The mitigation land process is currently unclear as to how it would function. What is the time schedule for these purchases? When are funds from a particular redevelopment collected and then expended? Is there a map/model that will allow us to measure our progress toward lowering our overall impervious cover in the watershed AND ensure water quality controls at each site we potentially have increased impervious cover at? It has been suggested by staff concerning past developments in the watershed, that we can successfully develop at increased impervious cover levels up to 40% and rely on water quality facilities to mitigate the pollution. Some of these tracts will have double or more impervious cover and it remains unclear how this will practically be accomplished safely when this was not allowed before.

4) Mitigation Land Funding Formula: There has also been additional discussion concerning the funding formula for purchasing mitigation land. Support for additional exploration into this aspect is encouraged to ensure adequate flexibility in the formula to react to the "current land price" through time.