



Travis County Commissioners Court Agenda Request

Meeting Date: October 8, 2013

Prepared By: Stacey Scheffel, Permit Program Manager **Phone #:** (512) 854-7565

Division Director/Manager: Anna Bowlin, Division Director of Development Services and Long Range Planning

Carol B. Joseph Ave
Department Head/Title: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Gomez, Precinct Four

AGENDA LANGUAGE:

Consider and take appropriate action on the following requests in Precinct Four:

- A) A variance to Chapter 64.121(11)(B) , Travis County Regulations for Floodplain Management, to alter a floodplain prior to receiving a Conditional Letter of Map Revision from the Federal Emergency Management Agency for Addison Section 1 Subdivision; and
- B) The use of a Cash Security Agreement for the fiscal posting for Addison, Section 1.

BACKGROUND/SUMMARY OF REQUEST:

Floodplain: Portions of the proposed construction of Annalise Drive and detention water/quality pond for Addison Section 1 Subdivision are within the regulatory floodplain Cottonmouth Creek. The developer would like to start construction of these improvements prior to receiving a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The portion of floodplain is a backwater condition caused by the US 183 crossing. It is off-line from the main channel flow and is a man-made condition created a old borrow pit on the property. The developer has applied for the CLOMR and has agreed to maintain floodplain storage. In addition they have agreed to post fiscal surety in the amount of \$125,000 for the restoration and revegetation of the floodplain in the case the outcome of CLOMR is not favorable. The developer will follow up with a Letter of Map Revision prior to final acceptance of the street. Due to the backwater condition, staff believes that the CLOMR as represented by the developer will be approved by FEMA. The developer also requests to post cash for the fiscal posting. To post cash the developer must enter into a Cash Security Agreement with Travis County.

STAFF RECOMMENDATIONS:

The request has been reviewed by TNR staff which find the use of the subject agreements meets all Travis County standards. As such, TNR staff recommends the approval of the proposed motions.

ISSUES AND OPPORTUNITIES:

A CLOMR is not required by FEMA prior to construction. It is a method that is available to the county and developers in order to get FEMA’s input on a project prior to the alteration of a FEMA floodplain. It takes approximately six months to obtain a CLOMR from FEMA.

FISCAL IMPACT AND SOURCE OF FUNDING:

The developers of Addison Section 1 Subdivision have posted \$125,000.00 in fiscal surety with the county for restoration and revegetation of the floodplain in the form of a Cash Security Agreement. The cost estimate for the work is \$100,000.00.

EXHIBITS/ATTACHMENTS:

- COA Email
- Estimate
- Cash Security Agreement
- Maps

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Anna Bowlin	Division Director of Development Services and Long Range Planning	TNR	(512)-854-7561

CC:

AB:SM:ps

1101 - Development Services Long Range Planning- Addison, Section 1



September 27, 2013

Stacey Scheffel, CFM
Travis County TNR
700 Lavaca Street, 5th Floor
Austin, Texas 78767

Re: Addison Section 1 Subdivision Variance Request – TC Code Chapter 64.121(11)(B)

Ms. Scheffel,

Please accept this letter as our formal request for a variance from Travis County Code Chapter 64.121(11)(B), which requires Federal Emergency Management Agency (FEMA) approval of a Conditional Letter of Map Revision (CLOMR) prior to the County permitting any new construction within zones A, AE, or AO of the County's flood insurance rate maps.

For Addison Subdivision Section 1, portions of the new construction of Annalise Drive and Pond B are within the Cottonmouth Creek FEMA floodplain zone AE. We are requesting a variance to allow the release of the Construction Documents and the approval of the Section 1 Final Plat prior to the CLOMR approval for the follow reasons:

- 1) **Backwater Condition:** The new development is located in a portion of the Cottonmouth Creek floodplain that is a backwater condition caused by the US 183 crossing. This area of floodplain is off-line from the main channel flow of Cottonmouth Creek. The main channel flow of Cottonmouth is not adversely impacted by this construction. See Exhibit 1.
- 2) **Man-made Condition:** This area of floodplain is a man-made condition created by what is most likely a borrow pit used for prior construction activity. The attached letter from our Geotechnical Engineer documents that the area of the backwater is man-made and not the natural and traditional character of the area. See Exhibit 2.
- 3) **H&H Modeling Shows No Adverse Impacts:** We have modeled the pre- and post- development flows in this area and provided these models to the County Floodplain Administrator. The models show that the proposed construction will have no adverse impacts.
- 4) **CLOMR Submitted and Accepted by FEMA:** The CLOMR for the build-out of all phases of the Addison Subdivision has been prepared, submitted, and accepted by FEMA for review/approval. See Exhibit 3.

- 5) **Environmental Variances Granted Administratively:** The proposed improvements in the floodplain are within the City of Austin Critical Water Quality Zone (CWQZ). The City's environmental staff has determined that these encroachments can be approved under the administrative variance process (no Environmental Board approval) because the areas of encroachment are limited to required access and ponds, and the area in question is man-made and not natural and traditional. See Exhibit 4.
- 6) **Cash Security:** The owner of the property will post Cash Security to allow the County to restore the site to its original condition if necessary. The Cash Security will be \$125,000.00, which represents approximately 125% of the estimated cost to restore the site to its original condition.
- 7) **Compensatory Storage:** At the completion of the full build out of the Addison Subdivision, a hydraulically equivalent volume of excavation will be provided to offset any authorized fill in the floodplain. The required excavation is generally planned to be accommodated at the future extension of Kara Drive over Cottonmouth Creek.

Thank you in advance for your consideration of this request.

Sincerely,



Judd T. Willmann, P.E.

EXHIBIT 4

From: McDougal, Mike <Mike.McDougal@austintexas.gov>
Sent: Monday, September 23, 2013 12:51 PM
To: Calkins, Teresa
Cc: Peggy Carrasquillo
Subject: Addison C8J-2012-0161 C8J-2012-0161.1A C8J-2012-0161.1B

Teresa,

The applicant needed administrative variances for: (1) cut / fill from 4 to 8 feet; (2) cut / fill over 4 feet for water quality / detention pond construction; and (3) construction of a roadway across the Critical Water Quality Zone. Based on the site conditions and engineering requirements, I have granted all 3 administrative variances. There are no Land Use Commission variances associated with the Addison preliminary, final, or construction plans.

Please let me know if you have any questions.

Thanks!
Mike

Mike McDougal
Environmental Review Specialist Senior
Land Use Review Division
City of Austin
512-974-6380

Paul Scoggins

From: Judd Willmann <judd.willmann@pelotonland.com>
Sent: Tuesday, September 24, 2013 5:55 PM
To: Anna Bowlin; Stacey Scheffel; Teresa Calkins
Cc: Chad Matheson; Peggy Carrasquillo
Subject: Fiscal Estimate for CLOMR Variance - Addison Section 1 (C8J-2012-0161)

Teresa/Stacey-

For the cash security posting on our CLOMR variance request, we estimated the cost to demo the entry road and reconstruct the borrow pit to be roughly \$100k. See our estimate below. Please provide your concurrence of this amount, so we can post the fiscal.

Entry Road Demo & Reconstruction of Borrow Pit

Item No.	Item Description	Quantity	Unit	Unit Cost	Total Cost
1	Mobilization	1.0	LS	\$ 5,000.00	\$ 5,000.00
2	Silt Fence	500	LF	\$ 2.25	\$ 1,125.00
3	Demo and Haul Entry Rd	21,000	SF	\$ 3.50	\$ 73,500.00
4	Excavation	2,000	CY	\$ 3.00	\$ 6,000.00
5	Embankment	1,500	CY	\$ 2.00	\$ 3,000.00
6	Revegetation	5,000	SY	\$ 2.00	\$ 10,000.00
Total					\$ 98,625.00

Thanks,

-Judd



Judd T. Willmann, P.E. | 512-831-7700(o) | 512-789-7110(c)
110 Wild Basin Road, Suite 200A
Austin, Texas 78746

judd.willmann@pelotonland.com

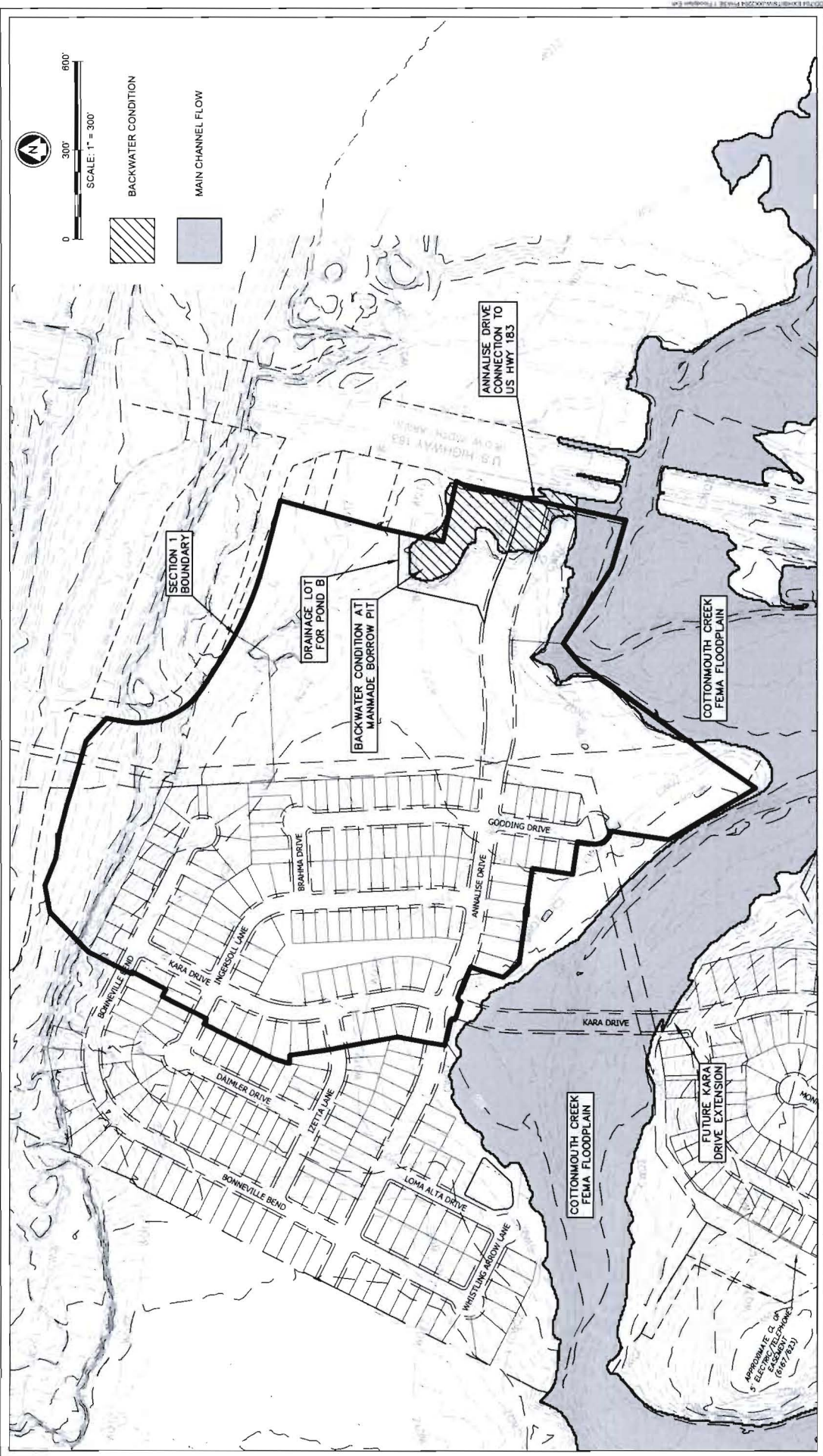


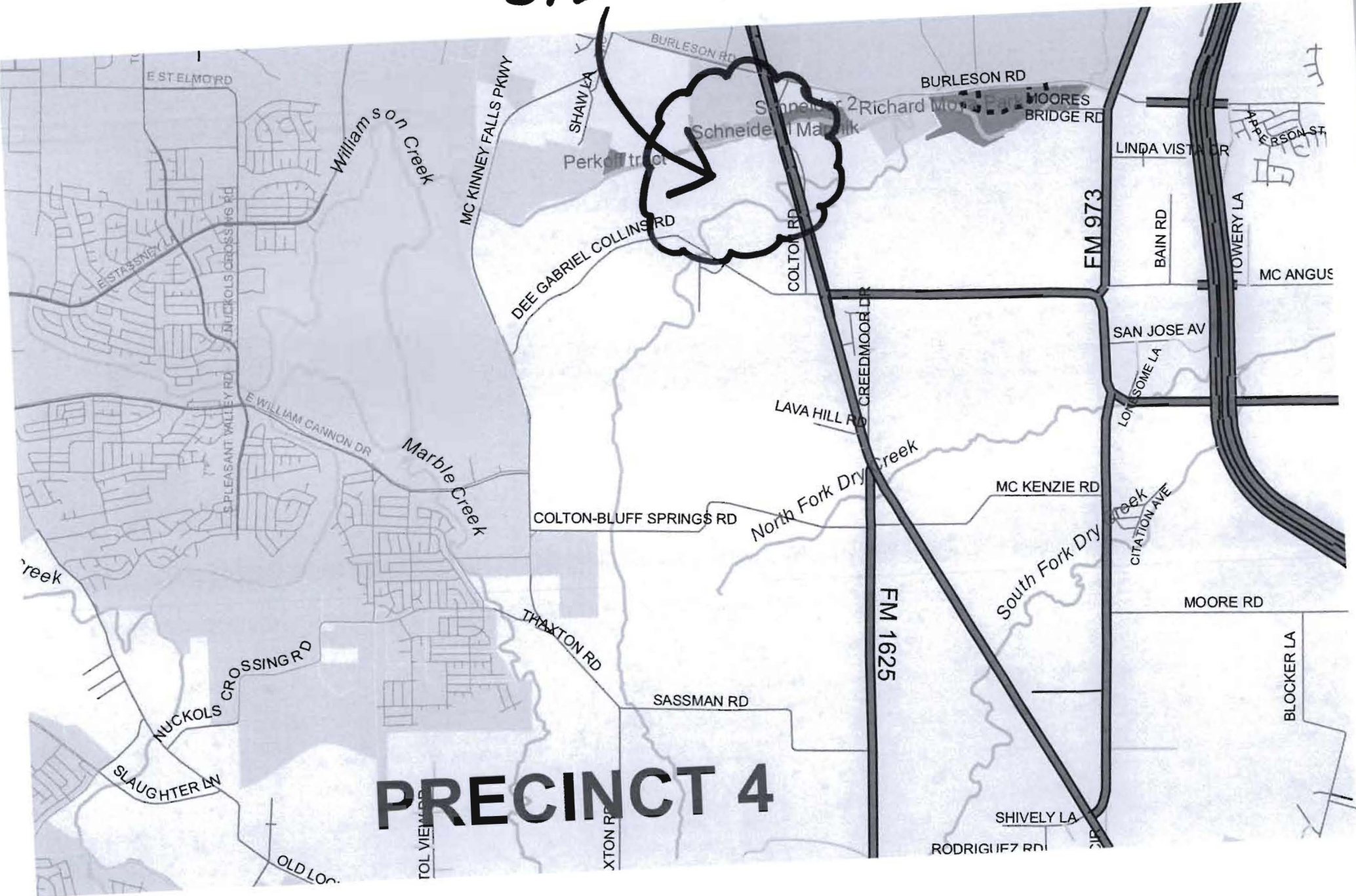
EXHIBIT 1

ADDISON SECTION 1 VARIANCE REQUEST

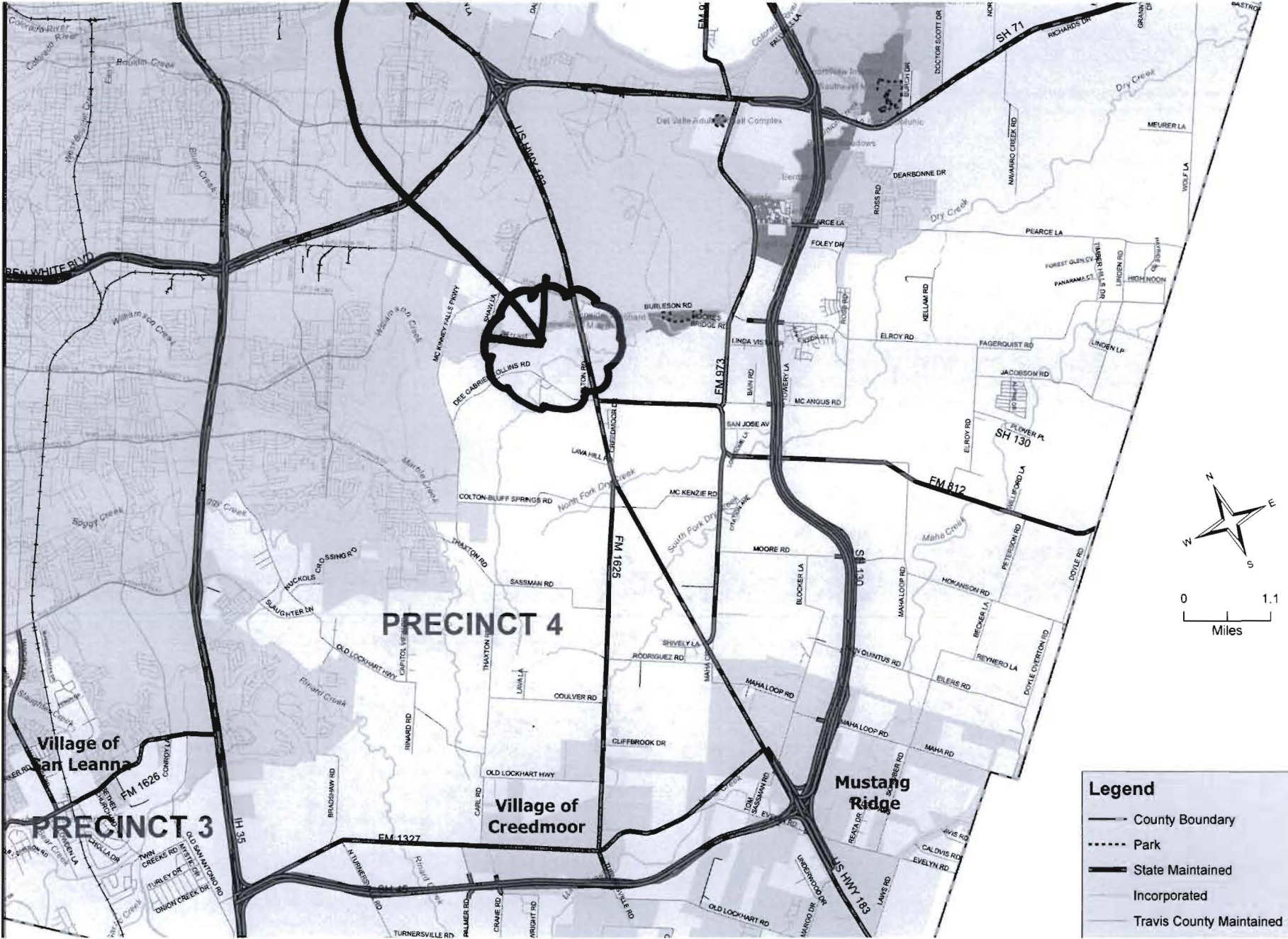
PELTON
LAND SOLUTIONS

18100 Dallas Rd, Ste 200, Austin, TX 78748 (512) 837-7788

Site Area



Site Area



§ EXHIBIT 82.401 (C)

CASH SECURITY AGREEMENT – FLOODPLAIN IMPROVEMENTS

TO: Travis County, Texas
DEVELOPER: Carma Properties Westport LLC
ESCROW AGENT: Travis County Treasurer
AMOUNT OF SECURITY: \$125,000.00
SUBDIVISION: Addison Section 1 (C8J-2012-0161.1A)
DATE OF POSTING: _____, 2013
EXPIRATION DATE: Three Years from Date of Posting

The ESCROW AGENT shall duly honor all drafts drawn and presented in accordance with this Agreement. Travis County may draw on the account of the DEVELOPER up to the aggregate AMOUNT OF SECURITY upon presentation of a draft signed by the County Judge that the following condition exists:

The County considers such a drawing on this Security necessary to complete all or part of the SUBDIVISION Floodplain Improvements to current Travis County Standards for the Construction of Roads and Drainage in Subdivision (the "Standards"). No further substantiation of the necessity of the draw is required by this Agreement.

This Agreement is conditioned on the performance of the duties of the DEVELOPER prior to the Expiration Date to provide for the construction and completion of the Floodplain Improvements in the SUBDIVISION to current Travis County Standards for the Construction of Roads and Drainage in the Subdivision (the "Standards"), so that the Floodplain Improvements are performing to the Standards upon the approval of the construction of the Floodplain Improvements and the acceptance of the public Floodplain Improvements by the Executive Manager of TNR or his designated representative and at the end of the one-year public Improvement construction performance period, which commences upon the acceptance.

Partial drafts and reductions in the amount of Security are permitted. Upon the acceptance of the Floodplain Improvements, the Security will be reduced to ten percent of the cost of the public Floodplain Improvements. Drafts will be honored within five calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Floodplain Improvements. This Agreement may be revoked only by the written consent of the DEVELOPER and the County.

DEVELOPER:

Carma Properties Westport LLC

ADDRESS OF DEVELOPER:

BY: _____

9737 Great Hill Trail _____

NAME: _____

Suite 260 _____

TITLE: _____

Austin, Texas 78759 _____

DATE: _____

APPROVED BY THE TRAVIS COUNTY COMMISSIONERS COURT: _____
Date

COUNTY JUDGE, TRAVIS COUNTY, TEXAS