

## **STAKEHOLDER COMMITTEE MEETING MINUTES - draft**

A meeting of the Stakeholder committee was held as follows:

### **MEETING INFORMATION**

Meeting Date and Time: **Wednesday, February 23, 2005, at 6:00 pm**

Meeting Location: **ACC Pinnacle Campus**, located at 7748 Hwy 290 West, Austin, Texas 78736, on the north side of Hwy 290, west of the Y in Oak Hill, and opposite to the entrance to the Oak Hill United Methodist Church, in Travis County, Texas.

### **ATTENDEES**

| <b>Present</b> | <b>Member</b>                   | <b>Present</b> | <b>Member</b>            |
|----------------|---------------------------------|----------------|--------------------------|
| <b>X</b>       | Andrew Backus                   |                | Bryan Jordan             |
| <b>X</b>       | Jon Beall                       | <b>X</b>       | Gene Lowenthal           |
| <b>X</b>       | Alan Bojorquez                  | <b>X</b>       | Nancy McClintock         |
| <b>X</b>       | Robert (Robbie) Botto           |                | Charles O' Dell          |
| <b>X</b>       | Henry Brooks                    | <b>X</b>       | Jim Phillips             |
|                | S. Tim Casey                    |                | Randy Robinson           |
| <b>X</b>       | Colin Clark                     | <b>X</b>       | Hank Smith               |
| <b>X</b>       | Joe C. Day                      | <b>X</b>       | J. T. Stewart            |
| <b>X</b>       | Karen Ford                      | <b>X</b>       | Donna Tiemann            |
| <b>X</b>       | David Fowler                    |                | David Venhuizen          |
| <b>X</b>       | Mark Gentle                     |                | Michael Waite            |
| <b>X</b>       | Karen Hadden                    | <b>X</b>       | Hugh Winkler             |
|                | Rebecca Hudson                  | <b>X</b>       | Ira Yates                |
| <b>X</b>       | Charles Johnson                 |                |                          |
| <b>Present</b> | <b>Alternate</b>                | <b>Present</b> | <b>Alternate</b>         |
|                | Jack Goodman                    |                | Chris Risher             |
| <b>X</b>       | Dana Blanton                    | <b>X</b>       | S.H. (Tary) Snyder       |
| <b>X</b>       | Carlotta McLean                 | <b>X</b>       | Randall Thomas           |
| <b>X</b>       | Bret Raymis                     |                |                          |
| <b>Present</b> | <b>Staff/Consultants</b>        | <b>Present</b> | <b>Staff/Consultants</b> |
| <b>X</b>       | Terry Tull – Executive Director | <b>X</b>       | Tom Brown – NEI          |
| <b>X</b>       | Grant Jackson – NEI             | <b>X</b>       | David Fusilier – NEI     |

**[TABLE BELOW IS FROM 2/23/05 MEETING AGENDA DOCUMENT]**

**AGENDA - for the February 23, 2005 Stakeholder Committee Meeting:**

| <b>Time</b> | <b>Activity</b>   |
|-------------|---|
| 6:00 pm     | Convene Stakeholder Committee Meeting, Opening Remarks, Roll Call – Terry Tull.   |
| 6:05 pm     | Open Public Comment.  |
| 6:10 pm     | Discussion and Action to approve Minutes of the February 2, 2005 Stakeholder Committee Meeting – Terry Tull <b>(See attachment 1)</b> .   |
| 6:15 pm     | Review, Discuss and Approve Updated Project Schedule and Milestones – Terry Tull/NEI <b>(See attachment 2)</b>  |
| 6:20 pm     | Review and Discuss Illustrative Case – NEI <b>(See attachment 3)</b> .  |
| 7:15 pm     | Break   |
| 7:25 pm     | Discuss the <b>revised</b> Table 10 - Recommended Maximum Impervious Cover Limits Table and provide input to the Consulting Team <b>(See attachment 4)</b>  |
| 8:25 pm     | Break   |
| 8:35 pm     | Identify remaining SHC “Showstopper” issues and “Important” issues as they relate to the 5 <sup>th</sup> Draft of the Regional Water Quality Protection Plan, and provide input to the Consulting Team. |
| 9:25 pm     | Other Business (next meeting agenda, etc...)  |
| 9:30 pm     | Adjourn   |

## **CALL TO ORDER**

Executive Director Terry Tull served as Coordinator. Coordinator Tull called the meeting to order at approximately 6:00 p.m. Mr. Tull performed a roll call of members present, as outlined in the table above.

### **1. Open Public Comment Period.**

No public comments.

### **2. Discussion and Approval of Meeting Minutes from the February 2, 2005 Stakeholder Committee Meeting (Meeting Attachment No. 1).**

Coordinator Tull stated that the minutes from the February 2, 2005 SHC meeting had been posted on the web site and that he had received no comments from the SHC members. Coordinator Tull asked if anyone had any comments on the minutes, and hearing none, the minutes were approved by consensus.

### **3. Review, Discuss and Approve Updated Project Schedule and Milestones (Meeting Attachment No. 2).**

Coordinator Tull and Grant Jackson/NEI presented the latest Project Schedule that showed the tentative dates of the remaining meetings. Coordinator Tull also passed out a document showing completion milestones left for the planning process (titled “Outline of Milestones to Finish Water Quality Protection Plan – 2<sup>nd</sup> Draft February 23, 2005). The current schedule has the SHC meeting on the next two Wednesday nights, March 2 and 9. Additional meetings, if necessary, would have to be scheduled as necessary.

### **Coordinator Tull stated that the Executive and Core Committee meeting to present the plan had been set for Monday, March 21, 2005.**

Coordinator Tull also stated that in accordance with the contract between the City of Dripping Springs and the Texas Water Development Board (TWDB), a draft version of the plan must be submitted to the TWDB by March 31, 2005. The current schedule presented is based on this deadline.

Coordinator Tull also mentioned that the TWDB had a 30-day comment period and based on their comments, the plan may need to be revised, with a submittal deadline for the final report of May 31, 2005.

Some SHC members expressed concern with the process of finalizing The Plan, and the possibility of a lack of SHC input into changes proposed to The Plan during the revision process.

### **4. Review and Discussion of Illustrative Case #1. (Meeting Attachment No. 3).**

Grant Jackson/NEI began the discussion with a presentation titled “Resolution of Outstanding Issues” (presentation is included on the project’s web site as a meeting summary document). The presentation included the following topics:

- “Showstopper” issues from SHC members;
- On-going Work by the NEI Team;

- Illustrative Case #1;
- Illustrative Case #2;
- Graph showing “Estimated Additional Cost to Typical Residential Lot” as the result of The Plan;
- Updated, revised Table 10 from the 5<sup>th</sup> Draft of The Plan (Recommended Impervious Cover Limits).

Grant Jackson presented the Illustrative Case #1. This imaginary case involves the development of approximately 218 acres of Hill Country property. Mr. Jackson showed the layout of the illustrative case in both the existing and proposed conditions. He stated that the intent of the illustrative case was to show people what can be designed under the requirements of the proposed plan. The proposed conditions result in an impervious cover of approximately 14.85%.

Mr. Jackson also presented an outline of Illustrative Case #2. This imaginary case involves the development of approximately 4.0 acres in a “preferred development area”.

The discussion of the illustrative cases generated the following comments:

- The net site area should be shown for comparison purposes.
- Grant Jackson/NEI: The two most common methods for setting aside property used for TDRs would be:
  - (1) Fee simple transfer of property used for TDRs to an entity that will manage this property, or ensure its management (preferred method);
  - (2) easement dedication of the property.
- Taxing Implications:
  - Assume you had 100 acres of “raw”, undeveloped property:
    - You “sold” 20 ac of the 100 acres for TDRs (but still retained ownership);
      - The 100 acres now consists of the following:
        - “Development Interest” Property = 80 acres (100 ac – 20 ac sold for TDRs)
        - “Surface-Interest” Property = 20 acres (the 20 ac TDRs that can no longer be developed.
      - How is the entire 100 acres taxed?
        - 80 acres at one rate + 20 acres at a different rate (reduced?)?
        - 100 acres at the same rate?
        - Will the difference in land value, between the 80 acres and the 20 acres, be recognized by the taxing authority?

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- The TDR transfer example needs to be simplified, or explained in more detail.
- It is very difficult to give an accurate opinion of the affect The Plan may have on property values at this time (The Plan may actually increase the value of undeveloped land due to the TDR implications).
- As an example of real-life tax implications – one recent case resulted in a landowner donating an endowment to maintain a conservation easement, resulting in an approx. \$1 million dollar annual tax savings.
- We do not need to re-invent the wheel with respect to TDRs. Let's look at existing model programs and get input from existing experts.
- Small businesses couldn't afford to acquire enough TDRs to develop the 4 acre site shown in Illustrative Case #2.
- TDRs allow someone to buy a small piece of property and acquire TDRs on cheaper property, instead of having to buy a larger, contiguous piece of property to begin with.

**5. Presentation and discussion of Revised Table 10 (Recommended Maximum Impervious Cover Limits) of the 5<sup>th</sup> Draft of the Regional Water Quality Protection Plan (Meeting Attachments No. 6).**

Grant Jackson/NEI presented the following revised Table 10 from the 5<sup>th</sup> Draft of The Plan:

**Table 10 - Recommended Maximum Impervious Cover Limits**

| Location  | (1)<br>No BMPs <sup>1</sup><br>No TDRs | (2)<br>Sec. (LID)<br>BMPS <sup>2</sup> only | (3)<br>Prim.<br>BMPs & no<br>TDRs <sup>3</sup> | (4)<br>Sec. (LID)<br>BMPs &<br>TDRs <sup>4</sup> | (5)<br>Prim.<br>BMPs &<br>TDRs <sup>5</sup> |
|---|--|---|--|--|---|
| Recharge Zone   | 7.5                                    | 10  | 15   | 15   | 15  |
| Contributing Zone,<br>outside “preferred<br>growth areas” (PGAs) <sup>6</sup> | 10                                     | 15  | 20   | 25   | 25  |
| Contributing Zone,<br>Residential inside<br>PGAs                              | 10                                     | 15  | 20   | 25   | 30  |
| Contributing Zone,<br>Commercial inside<br>PGAs                               | 10                                     | 20  | 25   | 30   | None <sup>7</sup>                           |

<sup>1</sup> Includes a restriction to limit contiguous impervious cover to blocks less than 50,000 sf, with non-concentrated discharge flow.

<sup>2</sup> Includes demonstration of “no net increase” and comprehensive site design using Low Impact Design (LID) measures, including non-contiguous impervious cover, and the use of secondary BMPs (as described in the Plan) which do not require an operation component (vegetated buffer strips, grassy swales, etc)

<sup>3</sup> Includes demonstration of “no net increase” and comprehensive site design relying mostly on primary BMPs, as defined in the Plan).

<sup>4</sup> TDRs assume the maximum impervious cover, including the additional development rights is 15%.

<sup>5</sup> Includes demonstration of “no net increase” and comprehensive site design using a combination of primary and secondary BMPs, in conjunction with TDRs.

<sup>6</sup> Preferred Growth Areas as used in this Plan are areas defined by local governmental jurisdiction(s) through the comprehensive planning process (in accordance with the Texas Local Government Code, Chapter 213) as areas where higher concentrations of development should be directed, provided they are located within municipal boundaries.

<sup>7</sup> Building roof runoff requires rainwater harvesting with fourteen (14) days storage capacity.

The discussion of the revised, updated Table 10 generated the following comments:

- The table is too complicated. Why do we need column 1, why not just use column 2?
- Column 1 (No BMPs + No TDRs) would allow too much development. At 10% impervious cover you could make a significant impact on water quality.
- We need to allow an option to not have to provide calculations to prove the “no net increase” requirement. Column 1 gives us this option. Supports the inclusion of Column 1 in the table.

- Column 1 is a loophole. Violates the intent of what we want to accomplish.
- What if we simplify the table? We could define what the removal efficiencies are for a variety of BMPs.
- What exactly is meant by an LID BMPs? [Grant Jackson/NEI – a BMP WITHOUT an “operating” element (e.g., a re-irrigation pump, a sand filter, etc...)].
- Arrange the table, by columns, from low to high impervious cover, and explain what the requirements are to reach each level of impervious cover.
- Could we set a minimum lot size requirement.
- Column 1 should still have the “no net increase” requirement.
- Set some design standards for Column 1.
- The following table was drawn on the board and represented the input from some of the SHC members present (table was a working draft and was generated to promote discussion):

**Table 10 - Recommended Maximum Impervious Cover Limits**

| Location   | Review Streamlined + Low Imp. Cov.? | No TDRs  | w/ TDRs |
|--|-------------------------------------|----------|---------|
| Recharge Zone  | ?                                   | 10       | 15      |
| Contributing Zone  | ?                                   | 15       | 25      |
| Contributing Zone - inside PGA                                     | ?                                   | 15 (20?) | 30      |
| Contributing Zone - Commercial inside PGAs “designated urban core” | ?                                   | 35       | 45      |

Other general comments received during the discussion on impervious cover limits included:

- Designated transportation corridors should be considered to be inside the designated “Preferred Growth Area”.
- We should encourage clustering of developments. PGAs should not be extended to the transportation corridors.
- We should include in The Plan the emphasis that the impervious cover table was the negotiated upper limit and the impervious cover numbers should not be increased beyond what is shown in the table.
- We should encourage development of a comprehensive plan for each project.
- Recommend limiting the designated PGAs to no more than 10% of the entire planning region.

## **6. Discussion of Remaining Issues Relating to the 5<sup>th</sup> Draft of the Regional Water Quality Protection Plan.**

Grant Jackson/NEI led the discussion of remaining issues relating to the 5<sup>th</sup> Draft of The Plan. The following are general comments received from the individual SHC members in attendance at the meeting:

### **General Comments**

- The current cost impact analysis included in the plan is not very good, or at least, is incomplete. This cost impact analysis does not currently account for the benefits of The Plan.
- The impact of The Plan on some properties could be next to zero. Please show the illustrative cases before The Plan (w/ TCEQ, USFWS requirements) and after The Plan.

### **Comments from members of the Technical Review Group**

[The following comments are a summary of comments received from various TRG members that were in attendance at the meeting.]

- Recommend using prescriptive criteria for BMP treatment capabilities (i.e., % removal).
- Some design standards need to be set even for low density, low impervious cover developments.
- Against performance-based standards (monitoring of each BMP). The Table 10 – Recommended Impervious Cover Limits introduced by Grant Jackson tonight include good numbers. Numbers significantly higher than what have been proposed will result in degradation.
- With respect to erosive flow control – volume control has not been addressed by the current plan.
- No net increase is a good idea.
- Yes to use of gross site area.
- Recommend looking at the “what ifs” with respect to build-out of the watershed (using a variety of scenarios).
- Wastewater issues have not been adequately addressed by the current version of The Plan.



## **NEW BUSINESS ITEMS**

### **1. Proposed March 2, 2005 Stakeholder Committee Meeting.**

Coordinator Tull stated that based on the current schedule and SHC input, the next SHC meeting would be held on Wednesday, March 2, 2005. Based on a show of hands, the SHC preferred holding the meeting at the ACC Pinnacle Campus.

## **ADJOURNMENT**

The meeting was adjourned at approximately 10:00 pm.

## **APPROVAL**

These minutes were approved, with no changes, at the Stakeholder Committee meeting on \_\_\_\_\_.