

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

A meeting of the Stakeholder committee was held as follows:

### **MEETING INFORMATION**

Meeting Date and Time: **Wednesday, January 19, 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	<b>X</b>	Gene Lowenthal
<b>X</b>	Jon Beall	<b>X</b>	Nancy McClintock
	Alan Bojorquez	<b>X</b>	Charles O' Dell
<b>X</b>	Robert (Robbie) Botto	<b>X</b>	Jim Phillips
<b>X</b>	Henry Brooks		Randy Robinson
<b>X</b>	S. Tim Casey	<b>X</b>	Hank Smith
<b>X</b>	Colin Clark		Tom (Smitty) Smith
<b>X</b>	Joe C. Day		J. T. Stewart
<b>X</b>	Karen Ford		Jon Thompson
<b>X</b>	David Fowler	<b>X</b>	David Venhuizen
<b>X</b>	Mark Gentle	<b>X</b>	Michael Waite
<b>X</b>	Karen Hadden	<b>X</b>	Hugh Winkler
<b>X</b>	Rebecca Hudson	<b>X</b>	Ira Yates
<b>X</b>	Bryan Jordan		
<b>Present</b>	<b>Alternate</b>	<b>Present</b>	<b>Alternate</b>
<b>X</b>	Jack Goodman	<b>X</b>	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>X</b>	Donna Tiemann
<b>Present</b>	<b>Staff/Consultants</b>	<b>Present</b>	<b>Staff/Consultants</b>
<b>X</b>	Terry Tull – Executive Director	<b>X</b>	David Fusilier – NEI
<b>X</b>	Grant Jackson – NEI	<b>X</b>	Steve Dickman – KHH

## **CALL TO ORDER**

Executive Director Terry Tull served as Coordinator. Coordinator Tull called the meeting to order at approximately 6:05 p.m. Mr. Tull performed a roll call of members present, as outlined in the table above.

## **AGENDA - for the January 19, 2005 Stakeholder Committee Meeting:**

1. 6:00 PM - Assemble in the Student Common, Room 108 on the ground floor, for roll call and task and room assignments.
2. 6:15 PM - The SHC will divide into two groups and then proceed to the assigned rooms and work on the assigned tasks. The aim is to reach agreement within each group about the Plan's recommendations regarding the specific topic assigned. Success will require that you stay focused on your topic and work productively. If a group fails to reach a conclusion in the available time, it will be asked to set a time for a follow-on meeting to finish the task BEFORE the SHC meeting on Jan 26.

The tasks assigned to the two groups are:

- a. **GROUP 1: Where are the measures to be applied?** (This is the part of the agenda that we did not cover in our meeting on Jan 11<sup>th</sup>) Consider:
  - Basis for recommendation in Plan?
  - New Development only or include Retrofit?
  - Mitigation as a form of Retrofit?
  - Recharge vs. Contributing Zones?
  - Basin Specific?
- b. **GROUP 2: Do we accept the standards in the Plan regarding IMPERVIOUS COVER LIMITS, BUFFERS and MITIGATION OFFSETS FOR HIGHER DENSITY?**  
Consider:
  - Basis for recommendation in the Plan
  - Specific recommendations for changes, with justification
  - Scientific, legal, cost and fairness considerations

After a period of time, if we are making satisfactory progress, individuals MAY be given the opportunity to change groups and to participate in the activities of the other group.

When each group has finished its task, it may depart.

The results will be reported to the full SHC the following day (or as soon as possible) for consideration and discussion at the next SHC meeting on Jan 26.

3. 9:50 PM – all must depart the ACC building.

## **Meeting Summary:**

### **1. Group 1 Discussion Summary.**

**GROUP 1: Where are the measures to be applied?** (This is the part of the agenda that we did not cover in our meeting on Jan 11<sup>th</sup>) Consider:

- Basis for recommendation in Plan?
- New Development only or include Retrofit?
- Mitigation as a form of Retrofit?
- Recharge vs. Contributing Zones?
- Basin Specific?

### **Group 1 Discussion Results:**

The following is a summary of the Group 1 discussion:

#### **New Development Only or Include Retrofit?**

- By consensus, the Group agreed that the water quality control measures should be applied not only to new development but also to existing development so that, in the interest of fairness to all, everyone who enjoys the benefits of living in the planning area should also share the burden of protecting the planning area.
- The Group recognized the legal, financial and practical problems with imposing new requirements on existing development; therefore the Group believed that the goal should be to develop a broad-based source of funding for mitigation land and for retrofits in appropriate cases, rather than imposing the full cost of retrofits or mitigation on existing development.

#### **Mitigation as a Form of Retrofit?**

- In many cases, retrofits will be wholly impracticable and so acquisition of mitigation land (either in fee simple or as conservation easements) should also be pursued.
- The Group discussed several different forms of funding such as: (1) a large scale Public Improvement District (PID) that could impose financial assessments on everyone within the PID to finance the cost of creating greenbelts and parklands that could serve as water quality control measures; (2) a coordinated, multi-jurisdictional bond issuance. For example, all political subdivisions with bonding authority would issue "water quality control improvement" bonds to finance the creation and funding of a Mitigation Bank.

**Recharge vs. Contributing Zone? Basin Specific?**

- The Mitigation bank would be responsible for deciding whether to spend its funds on retrofits in those cases where retrofits are necessary and appropriate, or on mitigation tracts.
- Where retrofits are constructed, a certain amount of Mitigation Bank funding should be set aside for O&M of the retrofit.
- Where mitigation tracts are acquired, the Mitigation Bank should attempt first to acquire like-kind mitigation tracts (e.g., impairments of critical WQ protection zones or in one stream basin should be offset by mitigation acreage in the same critical area or same stream basin).
- However, the Mitigation Bank should have the flexibility to "trade-off" by securing larger mitigation tracts in less critical areas for water quality impairments in more critical areas. The Mitigation Bank should determine these ratios in advance through sound scientific analysis of all lands within the planning area. If the setting of such ratios cannot be done in advance, then the Mitigation Bank should have authority to set the ratios on an ad hoc basis.

**Group 1 Discussion Summary:**

The following is a summary of the ideas and issues that Group 1 developed and discussed at the January 19, 2005 SHC Meeting (this is a summation of the flip-chart bullet points):

**1 – Retrofitting Existing Development**

- Rate existing developments based on the existing or potential water quality impact and determine which developments need to provide treatment.
- Retrofits are expensive.
- For existing developments – public education and awareness on ways to protect water quality (less expensive than structural BMPs or mitigation through land acquisition).
- If existing development comes to a local authority for revision/addition/modification to any existing permits for that development, make them upgrade their facilities to comply with the existing water quality rules.
- Require retrofits of existing development when they make a request for new or additional surface water.
- Installation of structural BMP retrofits, due to expense/difficulty, may/should be delayed (40-50 yrs?). They can be installed when it is determined that they are needed to protect water quality.
- Retrofit costs should be shared by everyone that lives in the area.
- “Existing” needs to be defined.
- Employ a “grace” period to provide “assistance” to help existing development come into compliance with the new requirements.
- Define “retrofit”.
- Topography within the planning region can make retrofitting expensive.
- Apply The Plan to existing developments [consensus was reached on this item, although the specifics of “how” and “what” to apply to the existing developments was not developed, and would affect the way people feel about this issue]
- “Mitigation Bank” could also include retrofits.

## **2 – Mitigation**

- Prioritize land acquisitions.
- “Mitigation Bank” would determine where and how much land would need to be acquired for mitigation.
- Look at what “activities” can be allowed on land acquired for mitigation (bike trails, parks, etc...).
- Mitigation land should be based on site specific conditions/evaluations.
- Base mitigation land requirements on proximity to land to be “mitigated”.
- “Advisory Board” would determine how much mitigation is required.
- Mitigation should be in the same basin if it is “reasonable”.

## **3 – Funding**

- If you do retrofit – funding source? [other than the private landowners].
- Funding source of retrofits – charge a fee for new development that can be “pooled”.
- Are federal funds available for funding retrofits (due to the Endangered Species affected)? [it was stated that we were not aware of any]
- Public Improvement District (create this across the planning region).
- Create a “Multi-jurisdictional coordinated board”.
- Real estate transfer tax (buyer pays). [Negatives: (1) requires State law; (2) not everybody “shares” the cost, or “pays”.]
- Create a “Mitigation Bank”.
- Pay a fee or acquire land (at option of landowner/developer).

## **2. Group 2 Discussion Summary.**

### **GROUP 2: Do we accept the standards in the Plan regarding IMPERVIOUS COVER LIMITS, BUFFERS and MITIGATION OFFSETS FOR HIGHER DENSITY? Consider:**

- Basis for recommendation in the Plan
- Specific recommendations for changes, with justification
- Scientific, legal, cost and fairness considerations

### **Group 2 Discussion Results:**

The following is a summary of the topics/issues on which Group 2 was able to reach consensus:

- Stream buffer zone set backs should be determined from the stream centerline (instead of the bank as the Draft 3 of The Plan currently states).

The following is a summary of the topics/issues on which Group 2 was **not** able to reach consensus:

- The use of Net Site Area vs. Gross Site Area for impervious cover calculations;
- Whether to require all development to meet a “10% net”, or allow the recommended 20% RZ, 25% CZ Inside City Limits (ICL), 15% RZ/20% CZ Outside City Limits (OCL), with no mitigation;
- Defining stream buffer zones as the 100-year floodplain or as prescribed, and the Net Site Area (NSA) vs. Gross Site Area (GSA) issues as it applies to buffer zones.

### **Group 2 Discussion Summary:**

The following is a summary of the ideas and issues that Group 2 developed and discussed at the January 19, 2005 SHC Meeting (this is a summation of the flip-chart bullet points):

- Provide a greater buffer zone at steep slopes.
- Have a problem with deducting slopes in Net Site Area calculations.
- Minimum drainage area for establishing a stream centerline should be 64 acres.
- Allow buffer zones for water quality credit.
- BMPs alone won't get us to “no net increase” – buffer zones are a safety factor.
- Not all buffer zones are equal – depends on the characterization of the vegetation in the buffer zone.
- When establishing stream buffer zones, the measurement of the set back should be from the centerline of the creek or the 100-yr floodplain (these are not arbitrary).
- Some activities should be allowed in the buffer zones.
- Net site area calculations should include subtracting the stream buffer zone areas.

Meeting Summary – Wednesday, January 19 2005 Stakeholder Committee Meeting  
Development of a Regional Water Quality Protection Plan for the Barton Springs Segment of the Edwards Aquifer and its Contributing Zone

- Differentiation between slopes and vegetation.
- Can channelized flow be discharged in buffer zone?
- Center for Watershed Protection – buffer zones add value to property and provide safety factor.
- Risk and compensation for shifting risk.
- Impacts on small properties.
- Performance vs. prescriptive design standards.
- Classification of buffer zone soils & slopes.
- Type of pollutants mitigated by BMPs – density bonuses.
- Floodplains as buffer zones – areas outside of riparian.
- Support 10% impervious cover limit for all mitigation.
- Bigger buffer zones, net site for whole.
- There is an exponential impact for mitigation.
- Risk model – allows trades. Definition of preferred growth areas. Needs to address economics.
- Can't believe we set the 10% impervious cover limit based on studies conducted outside our project area.
- The net site area issue, impervious cover limits, and the concept of “no net increase” proposed in the plan continue an erosion of property rights.
- Using Net Site Area double-dips the impervious cover.
- Have an issue with baseflow and impervious cover limits for the recharge zone.
- Support performance-based standards.
- Economic impact – look at cost of implementation.
- Preferred development areas vs. non-preferred development areas – start same place.

## **NEW BUSINESS ITEMS**

### **1. Proposed January 24, 2005 “Group 2” Meeting.**

After their discussion on impervious cover limitations, buffer zones, and mitigation, the Group 2 was unable to reach a consensus on the issues. Coordinator Tull asked the SHC to vote on when they would like to meet again (prior to the next scheduled SHC meeting on Wednesday, January 26, 2005) in an attempt to reach consensus on the outstanding issues. After a vote, a meeting date of Monday, January 24, 2005 was set.

## **ADJOURNMENT**

The meeting was adjourned at approximately 9:55 pm.

## **APPROVAL**

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