

Environmental Services Report

AESA22-0002/Exeter Westpark 3

City Council District #3

AESA REQUEST:

The applicant, Trey Braswell of Kimley-Horn & Associates on behalf of Exeter Masch Branch Land LP, has requested an Alternative Environmentally Sensitive Areas (AESA) Plan to allow for the disturbance of 0.47 acres of Riparian Buffer Environmentally Sensitive Area (ESA). The applicant is proposing to disturb the Riparian Buffer ESA for the placement of two stormwater outfalls and restore and uplift the ecological functions offered by the Riparian Buffer ESA through the application of native vegetation within and adjacent to the area disturbed.

Within the City of Denton certain areas with ecological value are designated as Environmentally Sensitive Areas (ESAs). These areas are subject to regulations that limit land-disturbing activities to protect water quality, provide habitat, and provide critical wildlife corridors. Areas identified on the official ESA map are assessed as part of the development process.

Approval of an AESA Plan must first be obtained if a property owner wishes to deviate from protection requirements of an ESA. Approval of an AESA Plan requires two public hearings, the first at the Planning and Zoning Commission for a recommendation and the second at the City Council for ultimate approval.

RIPARIAN BUFFER ESA:

An ESA Field Assessment (ESA21-0011) was performed by a third-party consultant in October of 2021 and confirmed there is an Undeveloped Floodplain ESA and a riparian system with supporting vegetation along a tributary of Dry Fork of Hickory Creek, Stream DF-2. A more detailed description of the ESAs are provided in the Denton Exeter Addition No. 3 AESA Plan (Exhibit 3).

UNDEVELOPED FLOODPLAIN ESA:

The main stem of Stream DF-2 is supported by floodplain that remains in its natural state and, as such, is designated as Undeveloped Floodplain ESA. Land disturbances within the Undeveloped Floodplain to place storm drain infrastructure is a permitted activity in accordance with DDC 7.4.6B.1.c. Therefore, disturbances and restoration activities of the Undeveloped Floodplain are described in this plan to provide context, however, are not a part of this request.

AESA22-0002 Exeter Westpark 3 Environmentally Sensitive Areas

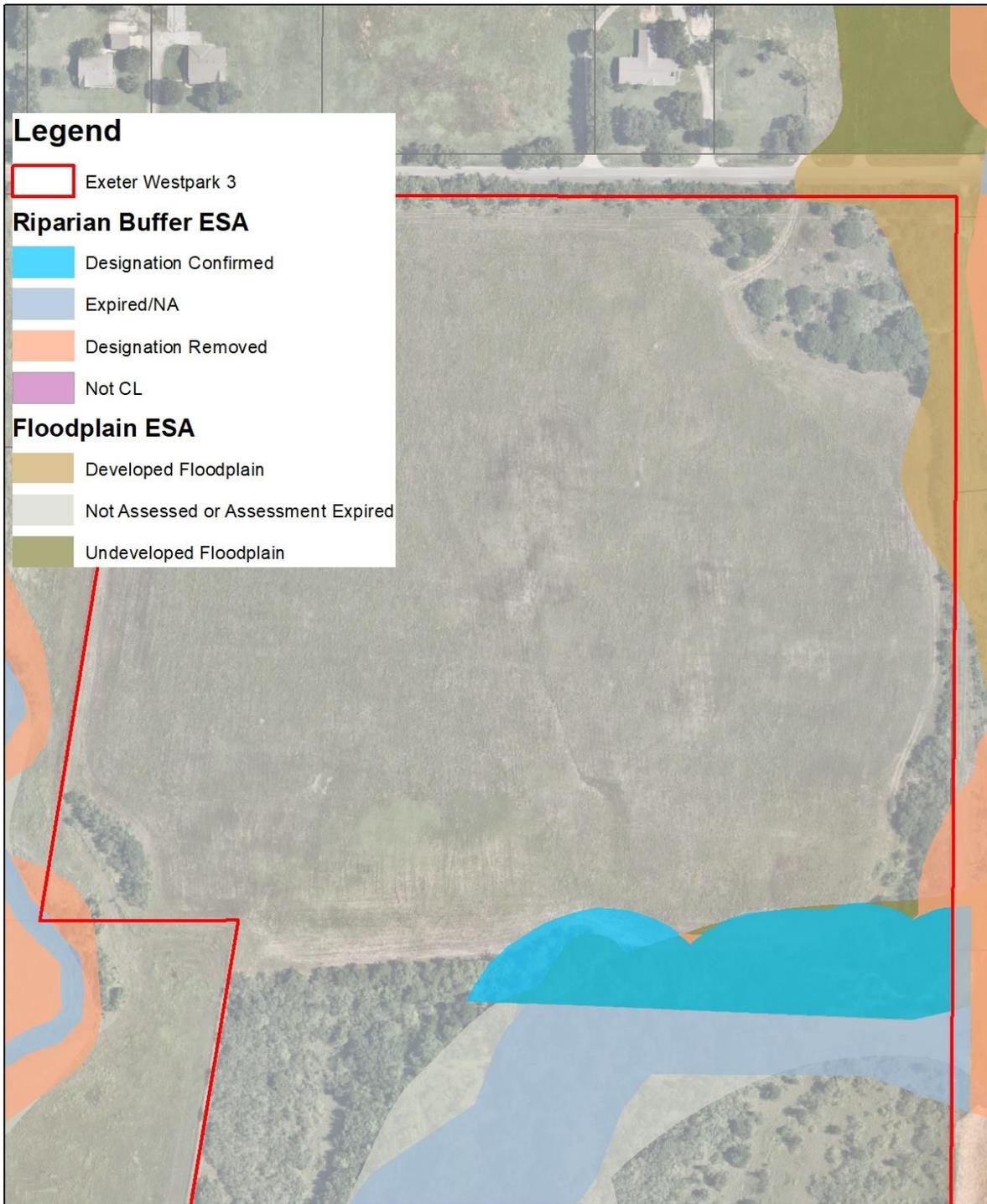


Figure 1: Environmentally Sensitive Areas located on the Denton Exeter No. 3 property

AESA PROPOSAL:

For disturbance of the 0.47 acres of Riparian Buffer ESA, the applicant is proposing the following strategy to replace and preserve existing habitat conditions:

- A combination of native vegetation seed mixes that are adapted to low-lying areas and drainfield corridors will be applied to disturbed areas within the Riparian Buffer ESA and Undeveloped Floodplain ESA adjacent to the disturbances, for a total of 3.81 acres of

vegetation uplift, following the completion of the stormwater channels. This vegetation will be monitored and re-vegetated as needed to create a healthy habitat environment.

AESA22-0002 Exeter Westpark 3 Impacts and Restoration

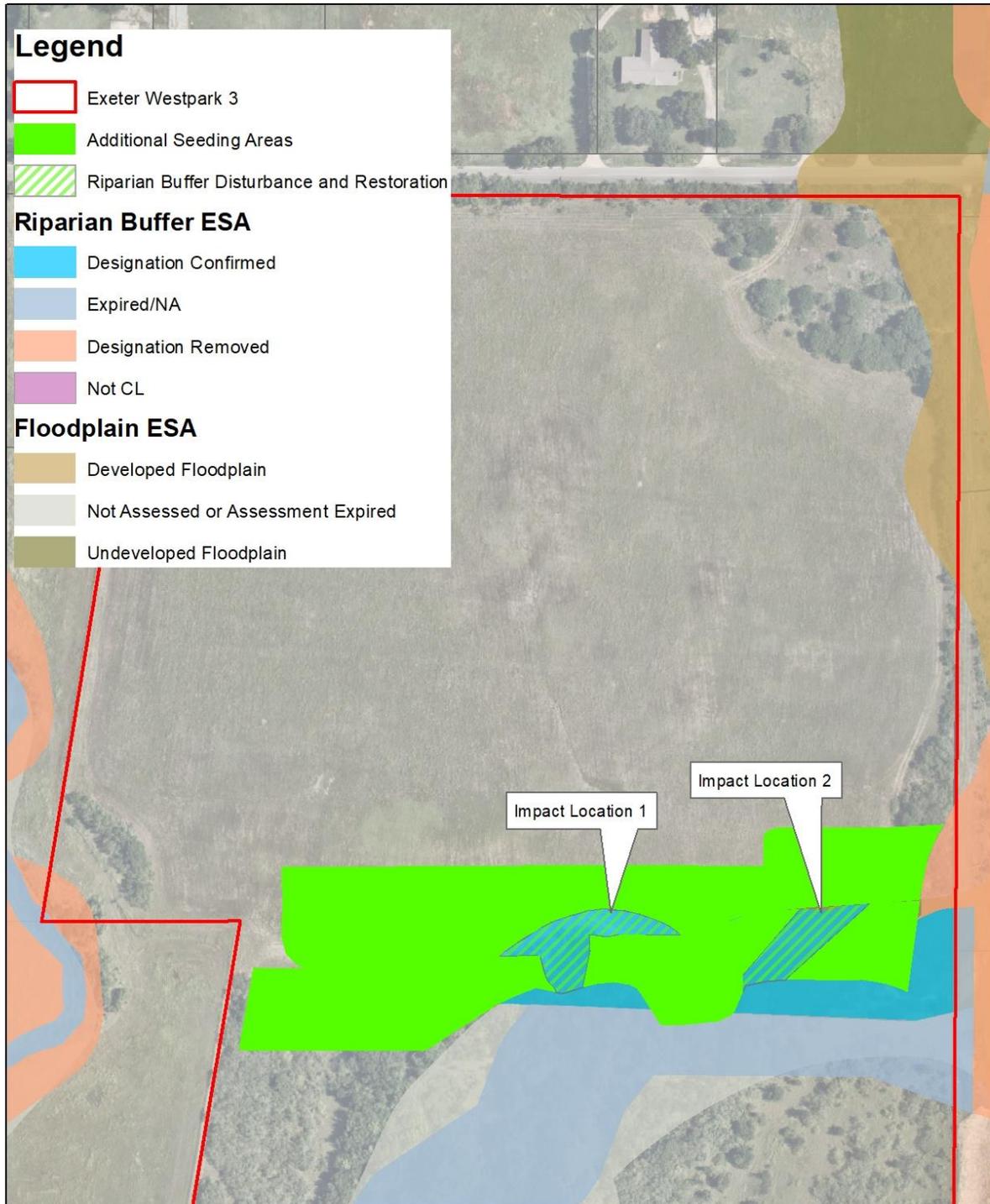


Figure 2: Proposed AESA Plan

CONSIDERATIONS:

Section 2.8.4 of the DDC outlines the criteria for approval of an Alternative ESA Plan. These criteria are as follows:

Criteria for Approval	Applicable to Project	Strategy to Meet Criteria
Mitigation goals are obtained by creating, expanding, and/or improving environmentally sensitive areas.	Yes	The mitigation strategy will improve the Riparian Buffer ESA by re-introducing a variety of native vegetation to this stream segment that have been not found in the area in recent years, resulting in improved biodiversity. The mitigation area includes a total of 3.81 acres of Riparian Buffer and Undeveloped Floodplain ESA, compared to the proposed 0.47 acres of Riparian Buffer impact.
Mitigation goals are obtained by preserving environmentally sensitive areas above the minimum requirements, exchanges between different types of ESAs, installing pollution prevention controls, and/or implementing best management practices or any other approaches that result in the improvement of the environment being impacted.	Yes	Stormwater Pollution Prevention measures will be implemented during construction to minimize construction activities and disturbances downstream of the construction work in the riparian area.
Areas offered as mitigation are linked to existing or planned open space or conserved areas to provide an overall open space system.	Yes	Upon completion of the mitigation this area and surrounding preserved ESAs will result in an expanse of preserved natural space.
Development is arranged for maximizing access and utilization of the environmentally sensitive areas by citizens.	No	Mitigation areas offered by this AESA will remain on private property.

<p>Areas offered as mitigation are placed either in a lot or lots that incorporate a permanent conservation easement, a preserved habitat, restrictive covenants, or such other legal mechanism to allow for the long-term conservation of said areas. Such legal mechanisms shall limit any future land disturbing activity or construction within the ESAs, shall run with the land and shall be binding upon all successors and assigns of the current owner.</p>	<p>Yes</p>	<p>The mitigation area and the remaining floodplain will be placed in a drainage easement.</p>
<p>The Alternative ESA Plan shall demonstrate that the developer's alternative proposal results in a high-quality development meeting the intent of the standards in the DDC.</p>	<p>Yes</p>	<p>The proposed development meets the criteria for approval for an Alternative ESA Plan.</p>

RECOMMENDATION:

Staff recommended **approval** of the request with the following conditions.

1. Land disturbances within the Riparian Buffer ESA are limited to approximately 0.47 acres, as described and depicted in **Exhibits_**
2. Within 14 days following the construction of the stormwater infrastructure the applicant shall apply a vegetative cover of the stormwater infrastructure, as described in **Exhibit_**.
3. Vegetation established as a part of the approved revegetation plan are to be seeded and maintained across a 3.81-acre area by the Property owner/developer for a period of three (3) years following installation. Any plants that are removed, destroyed, or die within that three (3) year period are required to be replaced by the Property owner/developer to achieve a minimum 90% land cover rate.
4. Following the installation and inspection of the revegetation, the Property owner shall submit an annual report to the Environmental Services Director during the first three (3) years describing the cumulative mitigation work performed and the survivability of the plantings for staff review and inspection. Within 30 days of approval of the report by staff, the applicant shall replace any plants that were identified in the report as removed, destroyed, or dead.
5. The Property owner retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the AESA Property, and the responsibility to implement and enforce the requirements of the Alternative ESA Plan, and cure any defaults of the Alternative ESA Plan.