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ENERGY

Approval would strengthen Save Our Spring Ordinance

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To supporters, Proposition 2 is about far more than saving Barton Springs. To them, it's about saving Austin's soul.

Supporters say it would protect environmental treasures enjoyed by local residents and businesses, and put some teeth into a broadly supported effort of directing growth away from Southwest Austin.

Specifically, the proposed amendment to the City of Austin's charter asks voters to keep development outside the Barton Springs recharge zone through a number of measures, including:

- Limiting the city's ability to make public investments in roads, utilities and other infrastructure in the recharge

zone.

- Refraining from entering any incentive deals that effectively subsidize private development.
- Making all "grandfathering" decisions subject to City Council approval.

Although opponents argue the measure is an extreme, misguided attempt to stop a project that can't be stopped, supporters say it's a necessary response to community leaders' passivity regarding Advanced Micro Devices Inc.'s proposed 875,000-square-foot, \$200 million-plus corporate campus in Southwest Austin.

"The silence of the mayor, City Council, other elected officials as well as private sector officials -- in the face of AMD ignoring the science and 30 years of city planning, abandoning the Desired Development Zone and moving into the Barton Springs watershed -- played a significant role in spurring Proposition 2," says Bill Bunch, executive director of the Save Our Springs Alliance.

For Bunch, the AMD situation was "a turning point" -- and a big enough one to cause him and others to take matters into their own hands. The SOS Alliance helped draft Propositions 1 and 2 and spearheaded the drive to collect 20,000 voter signatures to put the amendments on the May 13 ballot.

"If it is OK for AMD, then it would be OK for other companies to move into the Barton Springs watershed," Bunch says. "The science tells us that Barton Springs and the aquifer cannot survive this scale of urbanization."

Despite acknowledging that the proposition wouldn't legally halt the AMD project, Bunch says the chipmaker's leadership "couldn't take the public heat" sure to be generated by passage of Proposition 2.

AMD representatives steadfastly deny that assertion.

Beyond AMD, Bunch dismisses claims that the measure would stifle economic development. Rather, it would have

the opposite effect, he says.

"They said the same thing about the Save Our Springs Ordinance in 1992. It was false then, and it's false now," Bunch says.

The SOS Ordinance limits impervious cover levels in the Barton Springs recharge zone to 15 percent to 25 percent, depending on the level of environmental sensitivity. But some of the ordinance's punch has been knocked out through the passage of a state law recognizing "grandfathering" rights. Those rights dictate that developments can be built to densities specified in place when plans initially were approved by a municipality -- and that the municipality can't alter those density specifications later.

AMD, for example, is building its campus on land that has such rights.

"Saving Barton Springs is essential for long-term, sustainable development in Austin," Bunch says. "It's the most immediate measure of whether we are building sustainability or whether we are killing the golden goose."

Many worry about effects on city's economic development

Opponents of Proposition 2 characterize the proposal as an ill-fated and bitter attempt to make the entire community suffer for the perceived sins of a few.

They argue that the proposal would fail to stop Advanced Micro Devices Inc.'s planned 875,000-square-foot, \$200 million-plus campus in Southwest Austin. The project spurred the placement of Proposition 2 on Austin's May 13 ballot.

Opponents fear the proposition would spawn a number of "unintended consequences," such as hampering economic development agreements, propelling expensive lawsuits and hurting Austin's environmental movement.

At odds over the measure are longtime adversaries: hard-line environmentalists and pro-business groups. But the proposition also is pitting some environmentalists against each other.

Although foes say they share a sense of discontent over the AMD project, they don't share the belief that Proposition 2 is the best way to deal with that concern.

The City of Austin's current policy already prohibits economic development deals in the Barton Creek zone. Proposition 2 takes that philosophy a step further by requiring companies to pay back all economic incentives if they or any subsidiary, parent, spinoff or affiliate put a major employment center in the Barton Springs zone.

Assistant City Attorney Holly Noelke says corporations might consider the stipulation a "poison pill" because it would represent a "contingent liability for their parent company or any affiliate company to carry on their books."

For example, AMD spinoff Spansion Inc. wouldn't be able to seek receive tax abatements for the spinoff's Southeast Austin operations because of AMD's activities over the aquifer in Southwest Austin, Bill Bunch, executive director of the Save Our Springs Alliance, noted at a recent debate.

"It seems like, in essence, I'm holding the children accountable for the sins of the parent," says Carl Ritchie, vice chairman of the government relations committee for the Greater Austin Chamber of Commerce and a partner at law firm Gardere Wynn Sewell LLP.

In addition, opponents fear the City of Austin would have to spend a great deal of time and money defending lawsuits spawned by a poorly crafted amendment.

"We don't need to be spending a bunch of money on a bunch of lawsuits to retry issues that are already settled," says Ritchie, referring to battles over "grandfathering" rights covering the AMD property and other land.

Passage of Proposition 2 likely would prompt opponents to ask the Texas Legislature for relief, perhaps leading to strengthening of grandfathering rights, says Ted Siff, an a member of the Save Our Springs Alliance and treasurer of the EDUCATE political action committee. Such legislative action would cause environmental initiatives to get "further behind, not further ahead," Siff says.

EDUCATE, or Environmentalists and Democrats United for Charter Amendment Truth and Education, opposes the proposition.

Politicos are worried that whether the measure fails or passes, the local environmental movement will be harmed by the battle over Proposition 2.

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