

RULE NO.: R161-12.02

POSTING DATE: January 5, 2012

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after February 6, 2012.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at dana.mcgehee@ci.austin.tx.us. To be considered, comments must be submitted before February 6, 2012, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before February 6, 2012 (the 32nd day after the date of this notice) or not after April 5, 2012 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before April 5, 2012, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

BRIEF EXPLANATION OF PROPOSED RULE

R161-12.02: Proposed revisions to the Environmental Criteria Manual, Section 1.4, *Erosion and Sedimentation Control Criteria*, Section 1.6, *General Design Guidelines*, and Appendices P, V, and Glossary, as follows:

Environmental Criteria Manual Section 1 - Water Quality Management

- **1.8.1 Calculations:** Updates the impervious cover calculations and assumptions for single-family or duplex lots to align with the Land Development Code.

Environmental Criteria Manual Section 2 – Landscape

- **2.1.0 General:** Clarifies that projects funded by the City of Austin must comply with all landscaping requirements. Adds a description of the new Commercial Landscape Ordinance and Section 2.4.9 of the ECM. Updates the department name reference.
- **2.3.2 Not Clarified by Code:** Eliminates the reference to the Administrative Criteria Manual, which no longer exists.
- **2.4.0 Basic Requirements:** Updates the reference to the Tree and Natural Area Preservation section of the ECM.
- **2.4.1 Street Yard:** Updates the name of Appendix F. Changes the standard for measuring the caliper of newly-planted trees.
- **2.4.2 Landscape in Parking Lots:** Updates the name of Appendix F.
- **2.4.5 Soil Conditioning and Mulching:** Allows inorganic mulch to be used in biofiltration ponds and rain gardens in accordance with ECM Section 1.6.3 (Maintenance and Construction Requirements). Changes the minimum depth of soil to 6 inches to be consistent with ECM Section 1.4.7 (Vegetative Practices). Changes the soil specifications to Standard Specification 601S.
- **2.4.6 Irrigation of Landscape Areas:** Adds new language to explain the irrigation requirements of the Commercial Landscape Ordinance. Provides criteria for allowing newly-planted landscaping with no permanent supplemental irrigation. Clarifies that sites smaller than 0.5 acres can still rely solely on a hose attachment for permanent supplemental irrigation.
- **2.4.9 Innovative Water Management for Commercial Landscaping:** Summarizes the Commercial Landscape Ordinance and the intent of the new section of the ECM.

- **2.4.9.1 Required Landscaped Area:** Defines how to calculate the required landscaped area for purposes of complying with the new ordinance. Provides formulas and example calculations. Clarifies which landscaping on site can be used for compliance.
- **2.4.9.2 Design Requirements:** Explains the methods of conveyance and outlines additional design considerations. Defines a minimum drainage area for landscaped areas receiving stormwater runoff. Discusses site plan notation and shows an example. Provides additional guidance on landscaping adjacent to pedestrian areas, sites with the potential for highly contaminated runoff, and sites located over the Edwards Aquifer Recharge Zone.
- **2.4.9.3 Undisturbed Natural Areas and Undisturbed Existing Trees:** Explains how to receive credit under the Commercial Landscape Ordinance by leaving natural areas and existing trees undisturbed.
- **2.4.9.4 Administrative Variance:** Describes the administrative variance process, including examples of situations that may qualify.
- **2.5.0 Alternative Compliance:** Updates the department name references.
- **2.6.1 Fiscal Posting:** Adjusts the method of calculating fiscal for a Developer's Agreement to use a contractor estimate.
- **2.7.2 Design Criteria:** Updates the department name references. Adjusts the method of calculating fiscal for a Developer's Agreement to use a contractor estimate.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality control standards is established in Section 25-8-213.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-12.02, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEW AND APPROVED

Victoria J. Li, P.E., Director
Department

Date: _____

Karen Kennard
City Attorney

Date: _____