

**RULE NO.: R161-13.25**

**NOTICE OF PROPOSED RULE**

**POSTING DATE: July 3, 2013**

The Director of the Planning and Development Review Department proposes to adopt the following rule after August 4, 2013.

Comments on the proposed rule are requested from the public. Comments should be submitted to Sylvia Arzola, 505 Barton Springs Road, Suite 500, (512), 974-6448. To be considered, comments must be submitted before August 4, 2013, 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 August 4, 2013 (the 32nd day after the date of this notice) or not after October 1, 2013 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before October 1, 2013, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.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:

Planning and Development Review Department, located at 505 Barton Springs Road, Suite 500; and

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

## **^BRIEF EXPLANATION OF PROPOSED RULE**

Rule R161-13.25 – This rule posting provides for modifications and additions to the Drainage Criteria Manual (DCM) to incorporate a definition of, and a technical guidance document for the delineation of, the Erosion Hazard Zone for use where establishment and analysis of the Erosion Hazard Zone is chosen by an applicant for Planned Unit Developments to comply with Tier One or Tier Two requirements. An erosion hazard zone is an area where erosion may potentially result in damage to a resource such as roads, buildings, fences, utilities, and other infrastructure. Erosion is ubiquitous in urban streams and the intent of providing guidance for the delineation of the Erosion Hazard Zone is to provide a boundary outside of which resources would not be threatened as a result of stream erosion. The proposed guidance document provides a step-wise process to delineate an Erosion Hazard Zone boundary inside of which placement of resources should be avoided to minimize the potential threat from stream erosion. The implementation of new rules and regulations specific to the Erosion Hazard Zone are not a part of this rules posting and the changes to the DCM only incorporate a definition of and guidance document for the establishment of the Erosion Hazard Zone.

## **AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate Planned Unit Development Tier One and Tier Two requirements is established in Chapter 25-2, Subchapter B, Article 2, Division 5, Subpart B of the City Code.

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule (R161- 13.25), 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**

  
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Greg Guernsey, Director  
Planning and Development Review Department

Date: 6/19/2013

  
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Karen M. Kennard  
City Attorney

Date: June 25, 2013