

Watershed Protection Ordinance (WPO) Stakeholder Meeting:

Draft Phase 1 Ordinance

June 14, 2013

Meeting Objectives

- Review new changes and additions since last ordinance drafts
- Review new Floodplain Modification Criteria (in Environmental Criteria Manual)
- Review schedule for Boards, Commissions & Council

Meeting Agenda

11:00- 11:10
[10 min.]

Arrivals & Introductions

11:10- 12:00
[50 min]

Review New Code Changes

12:00- 12:10
[10 min.]

Break

12:10- 12:55
[45 min.]

Review New Floodplain Modification Criteria

12:55- 1:00
[5 min.]

Discuss Schedule for Phase 1

25-2 Tier 2 PUD Options

- Waterway and/or critical environmental feature setback increase
- Rainwater harvesting for 50% of landscaping irrigation
- Community garden/urban farm option
- (Moved porous pavement and trail/greenway options)

25-7 Drainage

- Erosion Hazard Zone definition: add “protective works” reference
- Add “waterway” definition
- 25-7-93, 94, 95, 96 Minor reorganizing, wordsmithing
- 25-7-153 Subsurface detention basin:
Require maintenance plan & annual report from P.E.

25-8-1 Definitions

- Barton Springs definition
- Open Space definition reworded to stress park functions
- Barton Springs Zone definition clarified to include Barton Creek watershed
- Edwards Aquifer definition cleanup

25-8-23 Urban Exemptions

- Urban Exemptions section deleted
 - Was old remnant of 1991 Urban Watersheds Ordinance
 - No longer needed
 - Please give us feedback

25-8 Redevelopment Exception

- 25-8-25 New Redevelopment Exception applicability section/clarification
- Barton Springs Zone Redevelopment Exception 25-8-27
 - Extend to all but single-family residential land uses
 - Allow 25 additional multifamily units without Council Approval
 - OK to treat the “redeveloped area or an equivalent area” of development (not “entire site”)
- **New Water Supply Watersheds option 25-8-28**
- Original 25-8-26 exception limited to Urban & Suburban watersheds only; added Erosion Hazard/no additional non-compliance protections

25-8-42 Administrative Variances in Critical Water Quality Zone

- Can receive if protect public health & safety
- Or if provides a significant, demonstrable environmental benefit
 - Functional assessment of floodplain health
 - Environmental Criteria Manual guidelines

25-8-63 Impervious Cover (IC)

- Clarify sidewalk IC excluded in public ROW and public easement
- Clarify IC above subsurface water quality & detention still counts

25-8-65 Commercial Impervious Cover (IC)

- New section
- Clarifies must account for impervious cover limits on commercial subdivisions
- Grants small-project exception for road projects less than 5,000 square feet in size
 - For bike lanes, intersection improvements, etc.
 - Matches threshold size for water quality control requirement (see also 25-8-211)
 - Includes Barton Springs Zone (see also 25-8-516)

25-8-92 Existing Roadway Exception to Critical Water Quality Zone

- Clarifies CWQZ setbacks are not required for roadway drainageways that cannot reasonably be restored to natural & traditional character

25-8-211 Water Quality Controls

- All new projects proposing more than 5,000 square feet of impervious cover required to provide water quality controls
 - Previous draft proposed 8,000 square feet
 - Changed to 5,000 to match TCEQ Edwards Rules
- Grants small-project exception for road projects in Barton Springs Zone less than 5,000 square feet in size

25-8-261 Critical Water Quality Zones

- Sustainable urban agriculture/community gardens
 - option for Barton Springs Zone & Water Supply Rural
 - 25 foot buffer in Urban Watersheds (not 50+)
 - Storage structures < 500 square feet OK
- Hard-surfaced trails out of erosion hazard zone
- Utility lines include storm drains

25-8-261 Critical Water Quality Zones

- Urban Watershed buffers
 - 50 foot setback for parallel utilities
 - 50 foot setback for green water quality controls
- Floodplain modification exceptions
 - necessary to protect the public health and safety
 - provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health per Environmental Criteria Manual
 - development permitted in CWQZ (crossings, etc.)

25-8-364 Floodplain Modification

- Functional assessment provisions
- Added option to allow mitigation when restoration is infeasible
- Mitigation land may be:
 - On-site or off-site
 - Dedicated to City or another entity approved by City
 - Protected fee simple or by other instrument (e.g., conservation easement, restrictive covenant)

25-8-392 Impervious Cover (IC) for Suburban Mixed Use Development

- Based on ratio of ground floor land multifamily residential vs. commercial.
 - Same method as in Environmental Criteria Manual
 - Example: ground floor has $\frac{1}{2}$ comm. and $\frac{1}{2}$ multifamily; max. commercial IC = 80% and max. MFR IC = 65%; thus mixed use max. IC = $80\% \times \frac{1}{2} + 65\% \times \frac{1}{2} = 72.5\%$ IC
 - Will reevaluate during Imagine Austin code revisions
- No difference between multifamily & commercial IC limits in other watersheds
 - So mixed use just uses the common IC limit
 - Does not apply to Urban Watersheds (zoning IC only)

25-8-393, 424 & 545: Transfers of Development Intensity

- Typically done by dedicating land “fee simple” to City
- Added option to allow “restrictions” (e.g., conservation easement, restrictive covenant)
- Can be done by another entity approved by City

25-8B Endangered Species

- Add Salamander Section 25-8-695
 - matches equivalent Bird & Plant and Cave Species sections

Minor Adjustments

- 25-7-153 Subsurface Detention Basin Inspections
- 25-8-42 Interbasin Transfers (administrative)
- 25-8-185 Overland Flow
- 25-8-232 Dedicated Fund
- 25-8-262 Critical WQ Zone Street Crossings
- 25-8-361 Wastewater Restrictions: no irrigation on trunks of trees; no 2-yr floodplain evaluation
- 25-8-514 SOS Pollutants: remove Biochemical Oxygen Demand (BOD)

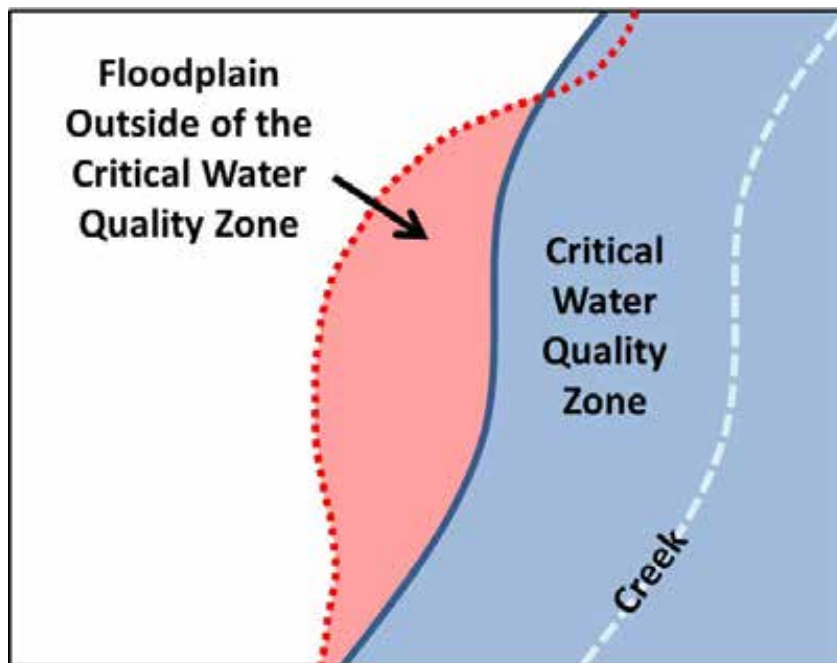
25-8 Miscellaneous WPD Director Approval Assignments

- 25-8-23 Right of Way Condemnation
- 25-8-42 Administrative Variances (Env. Officer)
- 25-8-63 Subsurface garage IC discounts
- 25-8-121 Environmental Resource Inventory
- 25-8-214 Payment-in-lieu of WQ controls
- 25-8-231 WQ control maintenance & inspection
- 25-8-232 Dedicated fund (WQ controls)
- 25-8-261 & 262 Barton Springs Zone utility and road crossings
- 25-8-282 Wetland Protection
- 25-8-393, 424 & 454 Transfers to Other Entities

Floodplain Modification Criteria

Draft Floodplain Modification Criteria

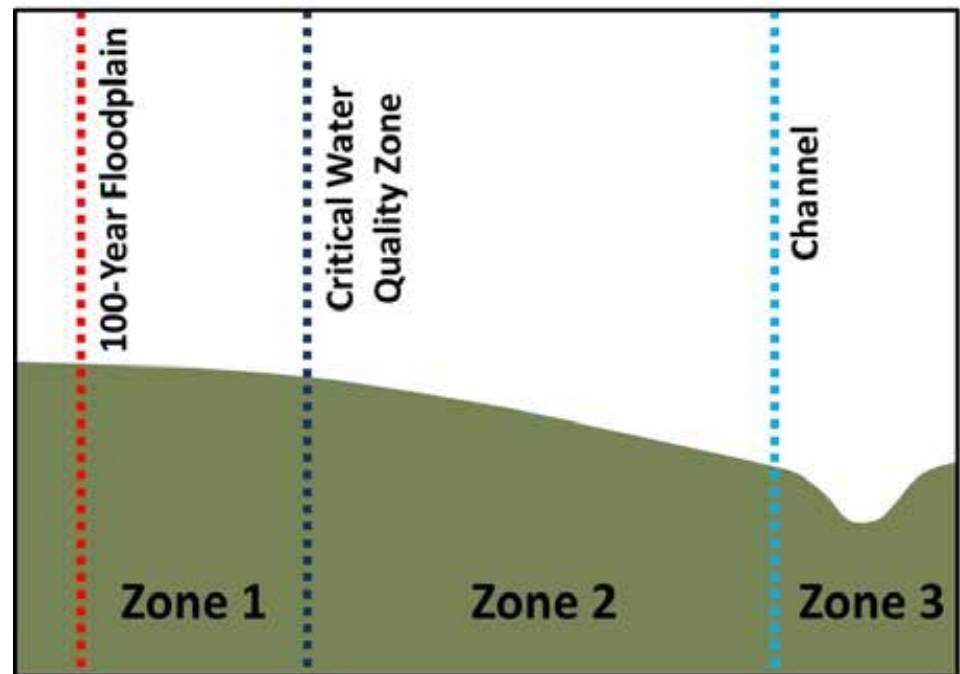
- Apply to modifications proposed within the 100-year floodplain, both inside and outside of the Critical Water Quality Zone



- Provide guidance for the requirements of sections 25-8-364 (*Floodplain Modification*) and 25-8-261 (*Critical Water Quality Zone Development*) of the Land Development Code

Draft Floodplain Modification Criteria

- Functional Assessment for Floodplain Health
 - Quantitative tool designed to measure the health of the floodplain
 - Three zones that potentially will be assessed, depending on the type of proposal
 - Methodology and scoring for functional assessment will be developed before adoption of emergency rule



Draft Floodplain Modification Criteria

- Functional Assessment for Floodplain Health
 - **Zone 1:** Assess the current condition of the floodplain outside of the CWQZ (poor/fair/good) to determine if floodplain modification is allowed.
 - **Zone 2:** Assess the current condition of the riparian zone (poor/fair/good) to determine which restoration techniques (if any) should be applied.
 - **Zone 3:** Assessed if the applicant is proposing modification of the channel. WPD staff will evaluate both the existing stream function and estimate future stream function based on the proposed design of the applicant.

Draft Floodplain Modification Criteria

- Restoration
 - Where possible, the required restoration shall always be located within the CWQZ adjacent to the proposed area of modification
 - Shall be proportionate to the amount of area within the existing floodplain that is proposed to be modified (ratio table provided)
 - Should focus on a passive approach that promotes managed succession and a minimal need for ongoing management
 - Further guidance on restoration strategies and plant palettes will be developed before adoption of emergency rule

Draft Floodplain Modification Criteria

- Mitigation
 - If the applicant does not own the adjacent CWQZ or the CWQZ is already in good condition, then mitigation can be provided off-site
 - Shall be proportionate to the amount of area within the existing floodplain that is proposed to be modified (ratio table provided)
 - Options to pay into Riparian Mitigation Fund or dedicate/restrict land off-site

Phase 1 WPO Adoption Schedule

Council Resolution	January 2011
Stakeholder Meetings: Input	Sep. 2011 – April 2012
Staff develops Draft Ordinance	April – November
Stakeholder Meetings: Phase 1 Draft Ordinance	Dec. '12 – May '13
Stakeholder Meeting: Review Draft Ordinance	June 14
Planning Commission: Codes & Ordinances (Briefing)	June 18
Environmental Board	June 19
Planning Commission: Codes & Ordinances (Action)	July 16
Planning Commission	July 23
City Council	August 22
Travis County Commissioner's Court (Title 30)	Fall

Contact Information

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<http://www.austintexas.gov/page/watershed-protection-ordinance-0>