

# **Watershed Protection Ordinance (WPO): History, Challenges & Potential Strategies**

**August 26, 2011**

# Rationale for Ordinance

- Comprehensive Watershed Ordinance 1986
- Austin an early US leader in watershed protection
- Complex current code & criteria
- Better understanding of watershed management
- Unique challenges in eastern watersheds
- Some development patterns leading to property loss, unsustainable public & private expense
- Imagine Austin Comprehensive Plan alignment

# Council Resolution

1. Creek Protection
2. Floodplain Protection
3. Development Patterns and Greenways
4. Improved Stormwater Controls
5. Mitigation Options
6. Simplify Regulations and Maintain Opportunity
7. Coordinate with Regional Partners

**Stakeholder Input**

# Anticipated Benefits

- Bring best of watershed science into code
- Improved stream buffers, especially in east
- Restoration of natural floodplain function
- Sustainable maintenance of waterways
- Complements trail & greenway system
- Mitigation system for activity centers
- Simpler buffer & site rules
- Majority of properties maintain existing development potential & increase flexibility



## 1. Creek Protection

- Small, headwaters creeks are not currently protected in all parts of town.
- Small creeks are being straightened, narrowed, and channelized.
- Development & infrastructure is being placed too close to small creeks.



## 1. Creek Protection

- Extend creek buffers into headwaters areas citywide, not just in west.
- Establish buffer widths sufficient to cover Erosion Hazard Zones.
- Design for passive, affordable maintenance of channels.



## 2. Floodplain Protection

- Historic land practices have cleared vegetation to water's edge, resulting in erosion & water quality problems.
- Floodplain reduction & alteration impair protective habitat & stormwater infiltration, and can increase downstream erosion and pollution.





## 2. Floodplain Protection

- Restrict floodplain modifications within creek setback areas.
- Not only preserve healthy waterways, but enable and encourage the recovery of degraded ones.





## 3. Development Patterns and Greenways

- Erosion threatens to public & private property
- Loss of opportunities for greenway and trail connectivity.



## 3. Development Patterns and Greenways

- Facilitate sustainable, publicly accessible trails within creek setback areas.
- Encourage dedication and permanent protection of floodplain and riparian areas.





## 4. Improved Stormwater Controls

- Many developments are using structural controls that are large, unattractive, single-purpose, and/or subsurface.
- Some sites can build extensive amounts of impervious cover without treatment.





## 4. Improved Stormwater Controls

- Improve ability to inspect, maintain subsurface controls.
- Require water quality controls based on square feet of impervious cover instead of a percentage.
- Provide incentives to use innovative water quality and flood controls.



## 5. Mitigation Options (Desired Development Zone)

- No standard process for mitigating high-intensity developments.
- Current transfer of development rights system is seldom used and provides limited benefits.





## 5. Mitigation Options (Desired Development Zone)

- Make existing transfers of development intensity more attractive.
- Explore other US models that use mitigation to balance development rights and creek protection.



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<http://www.panoramio.com/photo/3650843>



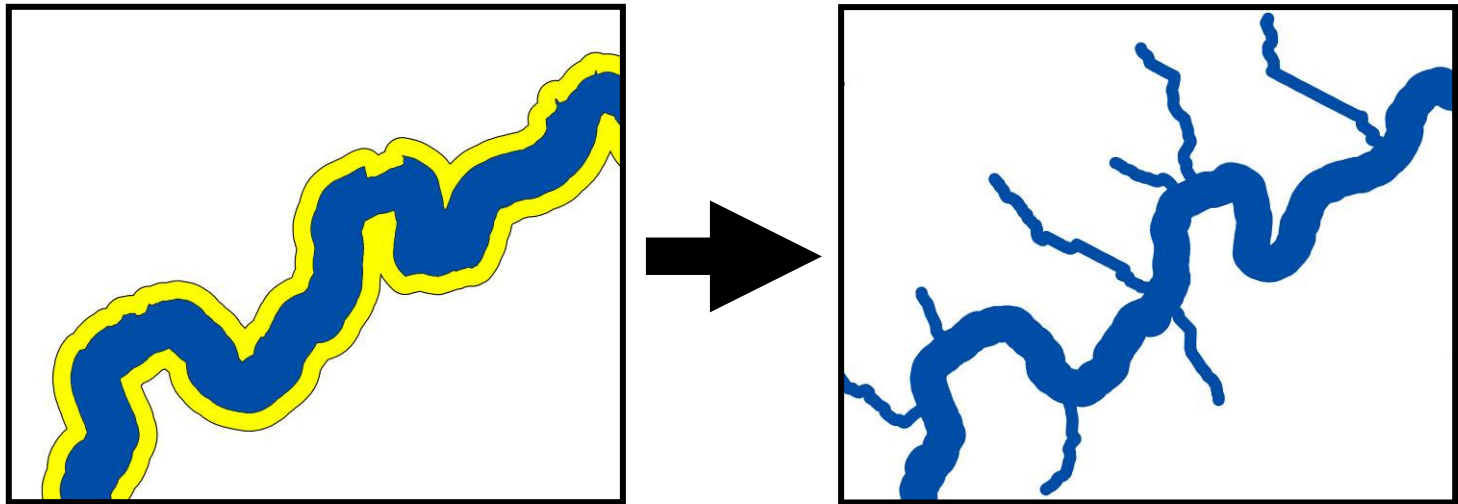
## 6. Simplify Regulations and Maintain Opportunity

- Complex regulations (partially result of 30 years of ordinance development).
- Increased creek & floodplain protections will potentially limit development opportunity if not counterbalanced.

| REGULATORY CATEGORY      | ZONE  | DESIRED DEVELOPMENT ZONE                              |                                     |                             | DRINKING WATER PROTECTION ZONE |                             |   |
|--------------------------|---|---|-------------------------------------|-----------------------------|--------------------------------|-----------------------------|---|
|                          |   | Urban   | Suburban City Limits                | Suburban N. Edwards/ ETJ    | Water Supply Suburban          | Water Supply Rural          | Barton Springs Zone                       |
| Impervious Cover         | <b>Calculation Basis</b>                    | Gross Site Area                                       | Net Site Area                       | Net Site Area               | Net Site Area                  | Net Site Area               | Net Site Area                             |
|                          | <b>Uplands</b>                              |   |                                     |                             |                                |                             |   |
|                          | Single-Family                               | Zoning IC Limits Only                                 | 50 – 60%                            | 45 – 60%                    | 30 – 40%                       | 1 unit per 1-2 ac.          | R / BC / C *                              |
|                          | Multi-Family                                | Zoning IC Limits Only                                 | 60 – 70%                            | 60 – 65%                    | 40 – 55%                       | 20 – 25%                    | 15% / 20% / 25%                           |
|                          | Commercial                                  | Zoning IC Limits Only                                 | 80 – 90%                            | 65 – 70%                    | 40 – 55%                       | 20 – 25%                    | for all uses                              |
|                          | <b>Water Quality Transition Zone (WQTZ)</b> | N/A (No WQTZ in Urban)                                | 30%                                 | 30%                         | 18%                            | 1 SF unit / 3 acres         | 1 SF unit / 3 acres<br>None over recharge |
| Waterway Classifications | <b>Critical Water Quality Zone (CWQZ)</b>   | No IC except road crossings; exception in downtown*** | No IC except limited road crossings | No IC except road crossings | No IC except road crossings    | No IC except road crossings | No IC except road crossings               |
|                          | <b>Transfers Allowed</b>                    | No  | Yes                                 | Yes                         | Yes                            | Yes                         | No  |
|                          | Minor                                       | 64 acres  | 320 – 640 acres                     | 320 – 640 acres             | 128 – 320 acres                | 64 – 320 acres              | 64 – 320 acres**                          |
|                          | Intermediate                                | 64 acres  | 640 – 1280 acres                    | 640 – 1280 acres            | 320 – 640 acres                | 320 – 640 acres             | 320 – 640 acres                           |
| Waterway Setbacks        | Major                                       | 64 acres  | over 1280 acres                     | over 1280 acres             | over 640 acres                 | over 640 acres              | over 640 acres                            |
|                          | <b>Critical Water Quality Zone</b>          |   |                                     |                             |                                |                             |   |
|                          | Minor                                       | 50 – 400 ft.***                                       | 50 – 100 ft.                        | 50 – 100 ft.                | 50 – 100 ft.                   | 50 – 100 ft.                | 50 – 100 ft.                              |
|                          | Intermediate                                | 50 – 400 ft.***                                       | 100 – 200 ft.                       | 100 – 200 ft.               | 100 – 200 ft.                  | 100 – 200 ft.               | 100 – 200 ft.                             |
|                          | Major                                       | 50 – 400 ft.***                                       | 200 – 400 ft.                       | 200 – 400 ft.               | 200 – 400 ft.                  | 200 – 400 ft.               | 200 – 400 ft.<br>(Barton main 400 ft.)    |
|                          | <b>Water Quality Transition Zone</b>        |   |                                     |                             |                                |                             |   |
|                          | Minor                                       | Not Required  | 100 ft.                             | 100 ft.                     | 100 ft.                        | 100 ft.                     | 100 ft.                                   |
|                          | Intermediate                                | Not Required  | 200 ft.                             | 200 ft.                     | 200 ft.                        | 200 ft.                     | 200 ft.                                   |
|                          | Major                                       | Not Required  | 300 ft.                             | 300 ft.                     | 300 ft.                        | 300 ft.                     | 300 ft.                                   |

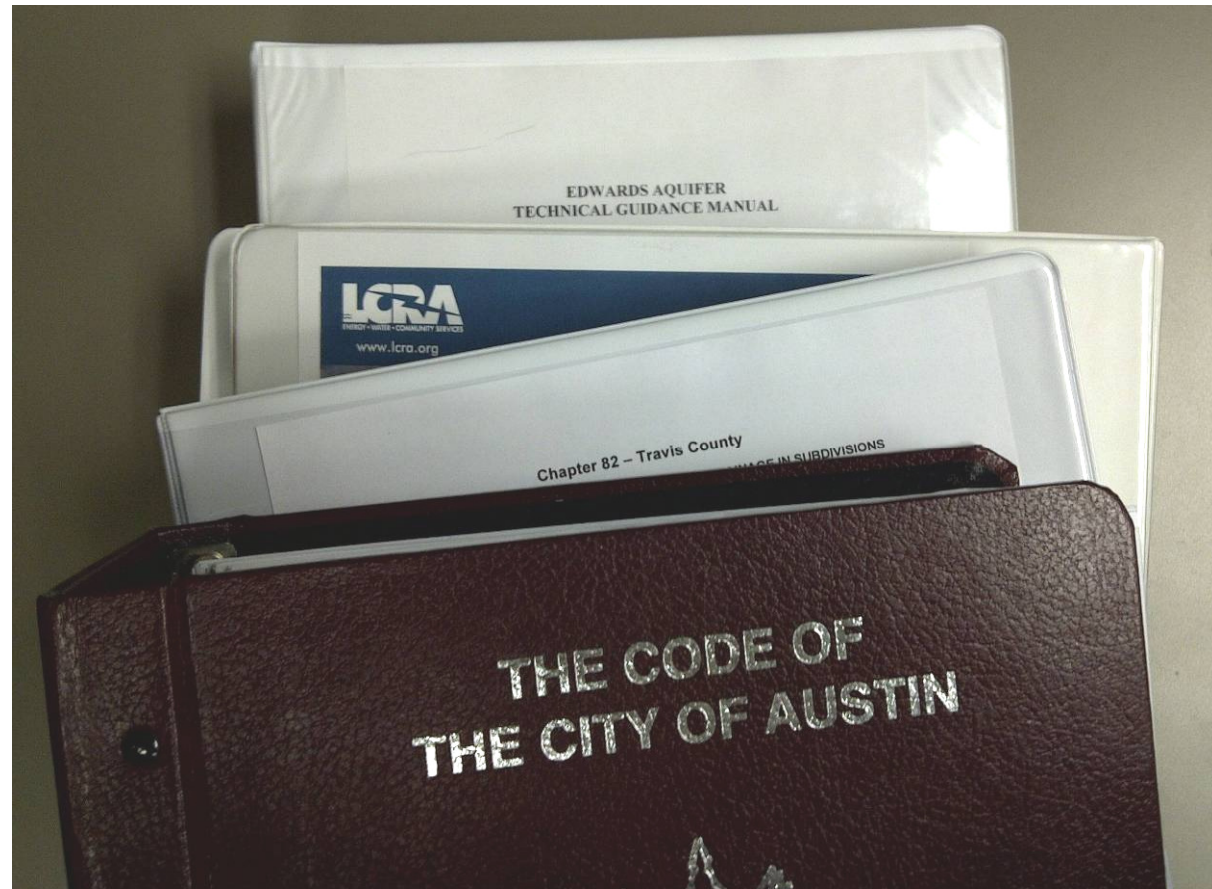
## 6. Simplify Regulations and Maintain Opportunity

- Streamline and simplify Code wherever possible.
- Use simpler buffer system citywide.
  - Eliminate Water Quality Transition Zone (DDZ)
  - Extend to Headwaters
- Eliminate Net Site Area (DDZ).



## 7. Coordinate with Regional Partners

- If uncoordinated, new rules would create an additional layer of complexity across jurisdictions.





## 7. Coordinate with Regional Partners

- Coordinate regulations with new Travis County Water Quality Rules and Title 30.
- Align regulations with other jurisdictions where possible.



This is Travis County, Texas. | [Home](#) > [TNR](#) > [Stormwater Management Program](#) > Requested Input Swmp

### On This Site

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### Travis County Seeks Your Input on Environmental Quality Rule Making

**Please send comments on second round of documents by May 20, 2011.**

#### Amendment drafts

Travis County is developing rules that control the water quality of storm water runoff from urban development in areas outside municipal corporate boundaries. This process is mandated by federal law as part of the County's Storm Water Management Program (SWMP). The [Texas Commission on Environmental Quality](#) (TCEQ) has approved the SWMP, which sets a deadline of August 11, 2011 for the County to update its regulations.

# Adoption Schedule

## **Stakeholder Meetings**

Sep 2011 – April 2012  
(Meetings every two weeks)

1. Creek Protection
2. Floodplain Protection
3. Development Patterns & Greenways
4. Improved Stormwater Controls
5. Simplify & Clarify Regulations/Maintain Opportunity
6. Mitigation Options (Desired Development Zone)
7. Draft Ordinance

## **Boards & Commissions**

May – June 2012

## **City Council**

August 2012

## **Travis County Commissioner's Court**

Fall 2012

# Stakeholder Participation

- Facilitated meetings every two weeks with stakeholder representatives
- Council Resolution goals to be discussed individually, each as follows:
  - Current City & regional regulations
  - Challenges & draft recommendations
  - Discussion and stakeholder feedback
- Review draft ordinance



# Staying Involved

- Email distribution list and meeting support materials prior to each meeting
- Ordinance website with meeting summaries, videos, presentations, documents and schedule
- Briefings to Environmental Board
- Public Hearings: Boards, Commissions, Council

# Contact Information

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**City of Austin**

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**[www.austintexas.gov/watershed/  
ordinances2.htm](http://www.austintexas.gov/watershed/ordinances2.htm)**