

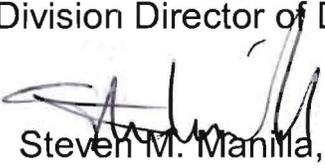


Travis County Commissioners Court Agenda Request

Meeting Date: January 21, 2014

Prepared By: Anna Bowlin, Division Director of Development Services and Long Range Planning

Phone #: (512) 854-7561

Division Director/Manager:  Steven M. Manilla, P.E., County Executive-TNR

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: County Judge Samuel T. Biscoe

AGENDA LANGUAGE: Receive comments regarding the proposed Watershed Protection Amendments to Title 30.

BACKGROUND/SUMMARY OF REQUEST:

On October 17, 2013 the Austin City Council passed a comprehensive amendment to the Watershed Protection Ordinance that is in effect inside the city limits. The City of Austin is requesting similar watershed protection amendments to Title 30 the combined Travis County and City of Austin code in the ETJ. The purpose of the watershed protection amendments is to improve creek and floodplain protection, prevent unsustainable public expense on drainage systems, simplify development regulations where possible, and minimize the impact of any changes on individual and collective abilities to develop land.

The Summary of Proposed Regulations:

Creek Protection:

One major cornerstone of the new amendment is the extension of the Critical Water Quality Zone (CWQZ) buffer to headwaters streams with 64 acres of drainage in the city's ETJ. This change will be most significant in the eastern suburban watersheds, which currently only protects streams up to 320 acres of drainage. In addition, a number of western watersheds currently only protect streams up to 128 acres of drainage. Another fundamental part of the amendment is the establishment of the erosion hazard zone and the prohibition on development within this setback. Additional provisions ensure that improvements within the CWQZ, such as parks and trails, minimize disturbance to existing vegetation and drainage patterns.

Floodplain Protection:

Another major revision of the amendment is to adjust the approach to protecting and enabling the recovery of degraded waterways by strengthening rules for floodplain design and modification. The proposed development will need to plan for fully

vegetated natural floodplains rather than altered mowed floodplains. The floodplain modification will be prohibited within the CWQZ, except for public health and safety, significant environmental benefits, and developments already permitted (e.g., road crossings). In addition to these exceptions, floodplain modification will be allowed outside of the CWQZ if a functional assessment of floodplain health determines the area to be in poor or in fair condition. The modification must be offset through on-site restoration or off-site mitigation where restoration is infeasible.

Improved Stormwater Controls:

To improve structural stormwater controls, the amendment will revise the current threshold for water quality controls from 20 percent of net site area to 8,000 square feet, and require controls to be accessible for maintenance and inspection, also requires maintenance plans, and third-party inspections for subsurface controls. In addition, the amendment will remove the requirement for isolating the water quality volume from larger flood flows.

Mitigation Options:

The amendment will improve the existing, limited transfers of development rights sections within the code to allow for increased flexibility and protection of additional environmental resources (e.g., floodplains).

Simplifying Regulations and Maintaining Opportunity:

One of the purposes of the amendments is to simplify development regulations where possible and minimize the impact of any changes on individual and collective abilities to develop land. In order to offset impacts from the new core protections of this amendment, a number of trade-off provisions are proposed for the eastern suburban watersheds, including:

- Using gross site area instead of net site area to calculate impervious cover.
- Eliminating the Water Quality Transition Zone.
- Allowing "buffer averaging" to reduce the width of buffers by up to 1/2 of the overall amount of area protected remains the same.
- Allowing additional uses within the upper half of the CWQZ, including green stormwater controls and utilities.

In addition to these offsets, a large number of clarifications and corrections of the existing code and policy interpretations are proposed as well.

STAFF RECOMMENDATIONS:

The City of Austin has conducted an extensive stakeholder process to discuss this proposed code amendment. Travis County, along with a diverse group of over 200 stakeholders have been a part of the 2 year stakeholder process. The City of Austin has worked closely with Travis County during the development of the proposed ordinance to align with the county's water quality regulations whenever possible. The

proposed code amendments must be approved by both Travis County and the City of Austin prior to being included in Title 30. TNR recommends this item.

ISSUES AND OPPORTUNITIES:

Notice of this public hearing was placed in the newspaper and on the Transportation and Natural Resources website.

FISCAL IMPACT AND SOURCE OF FUNDING:

None

ATTACHMENTS/EXHIBITS:

Proposed Watershed Protection Amendments to Title 30
 Takings Impact Analysis
 Order

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Tom Nuckols	County District Attorney Division Director	County Attorney's Office	(512) 854-9415

CC:

Julie Joe	Attorney IV	County Attorney's Office	(512) 854-9415
Tom Weber	Environmental Program Manager	TNR	(512) 854-4629
Jon White	Natural Resources Environmental Quality Division Director	TNR	(512) 854-7212
Matt Hollon	COA	City of Austin	(512) 974-2212

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1101 - Development Services Long Range Planning - Title 30 Code Amendment