

ORDINANCE NO. 20120524-083

AN ORDINANCE CREATING THE LAKE AUSTIN TASK FORCE (“LATF”); DIRECTING THE CITY MANAGER TO WORK WITH LATF TO DEVELOP AND REPORT RECOMMENDATIONS FOR CHANGES RELEVANT TO LAKE AUSTIN; WAIVING CERTAIN REQUIREMENTS OF SECTION 25-1-502 RELATING TO AMENDMENTS OF TITLE 25; AND AMENDING THE CITY CODE TO PROHIBIT ENVIRONMENTAL ADMINISTRATIVE VARIANCES FOR DEVELOPMENT OF PROPERTIES ABUTTING OR WITHIN 500 FEET OF THE SHORELINE OF LAKE AUSTIN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

The City Council finds that:

- (1) Lake Austin is a reservoir on the Colorado River impounded by the Tom Miller Dam within the limits of the City of Austin with multiple governmental and quasi-governmental bodies having concurrent jurisdiction.
- (2) In 1945 the State of Texas granted its rights to all the land in the Colorado River within the City limits of Austin, including the bed, banks, and islands therein, to the City of Austin.
- (3) Via Certificates of Adjudication, the State of Texas has granted to the City certain rights to impound, divert, and use the waters of the Colorado River within the city limits of Austin.
- (4) As the recognized owner of certain rights to Lake Austin and under its police powers and home-rule authority, the City has authority to regulate a variety of commercial and other uses, activities, and development on, around, and affecting Lake Austin and its components and features for the public health, safety, general order and welfare, environmental and natural resource conservation and sustainability, and for other good and justified cause.
- (5) The City currently draws its drinking water from Lake Austin, which also is the sole water supply reservoir for many riparian households and Municipal Utility Districts authorized by the City to serve subdivisions within proximity of Lake Austin.
- (6) The City regulates land development in and around Lake Austin and approval of administrative variances is discretionary but available solely in

those cases where specific determinations are made by the City and findings support the administrative variance.

- (7) Numerous citizens have raised multiple concerns about impacts and unintended consequences related to commercial, residential, recreational, and other use, activity, and development on and near Lake Austin, including, but not limited to: reports of substantial shoreline erosion, degradation of water quality and natural geologic features, unpermitted construction, development exceeding the scope of approved variances or permits, and inadequate enforcement mechanisms and regulatory remedies to control for existing violations and to prevent or deter future problems.
- (8) In response to concerns identified, in 2010 the Parks and Recreation Board and the Waterfront Planning Advisory Board passed resolutions requesting City Council assemble a multi-disciplinary body or task force to recommend methods and policies to provide reasonable use of Lake Austin while protecting the public health, safety and welfare, and the value and integrity of this natural resource asset of the City and its inhabitants.

PART 2. The Lake Austin Task Force (“LATF”) is created to develop recommendations for future regulatory controls and enforcement mechanisms on and relevant to Lake Austin to promote, preserve, and protect this critical public asset. The LATF is directed to include in its recommendations whether the code changes made in this Ordinance regarding environmental variances should be repealed, amended, or left in place. The LATF expires upon the completion of its assigned task or one year after the effective date of this Ordinance, whichever is sooner.

PART 3. City Council directs the City Manager to provide necessary resources and technical assistance to the LATF.

PART 4. The LATF shall consist of 14 regular members and 3 ex-officio voting members to be appointed as follows:

- (1) Seven regular members from among the residents of the neighborhoods adjacent to and surrounding Lake Austin, one member appointed by each member of the Austin City Council;
- (2) Seven regular members appointed one by each member of the Austin City Council on the basis of the appointee’s knowledge or expertise in environmental design, environmental management, or related subject matter expertise relevant to Lake Austin;
- (3) Three ex-officio voting members consisting of one representative from the Parks and Recreation Board; Environmental Board; and Water and

Wastewater Commission, selected by the members of the respective Board;
and

- (4) Non-voting representatives invited by the City Manager from the Lower Colorado River Authority, the Texas Parks and Wildlife Department, and the Corps of Engineers.

PART 5. The City Manager is directed to report to the City Council LATF preliminary recommendations, anticipated additional needs, and timeline for finalizing recommendations not later than September 27, 2012.

PART 6. Section 25-1-46 (*Land Use Commission*) is amended to add a new subsection (F) to read:

§ 25-1-46 LAND USE COMMISSION.

- (F) The Planning Commission shall act as the land use commission for variances granted under Section 25-8-41(*Land Use Commission Variances*) if any portion of the property abuts or is within 500 feet of the shoreline of Lake Austin, measured horizontally.

PART 7. Section 25-8-42 (*Administrative Variances*) subsection (A) is amended to read:

§ 25-8-42 ADMINISTRATIVE VARIANCES.

- (A) A variance under this section may not vary the requirements of Article 12 (*Save Our Springs Initiative*) and may not be granted for development of a property if any portion of the property abuts or is within 500 feet of the shoreline of Lake Austin, measured horizontally.

PART 8. Section 25-8-281(Critical Environmental Features) subsection (D) is amended to read:

§ 25-8-281 CRITICAL ENVIRONMENTAL FEATURES.

- (D) The director may grant an administrative variance to a requirement unless any portion of the property that is the subject of the administrative variance abuts or is within 500 feet of the shoreline of Lake Austin, measured horizontally. An applicant for a variance must demonstrate that the proposed measures preserve all characteristics of the critical environmental feature.

PART 9. The Council waives the requirements of City Code section 25-1-502 (*Amendment; Review*) relating to processing of amendments to City Code Title 25.

PART 10. This ordinance takes effect on June 4, 2012.

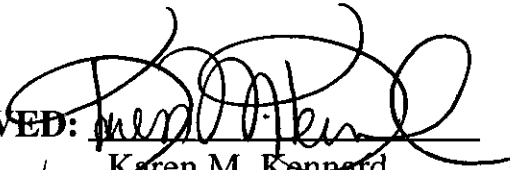
PASSED AND APPROVED

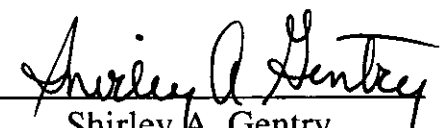
_____ May 24 _____, 2012

§
§
§



Lee Jeffingwell
Mayor

APPROVED: 
Karen M. Kennard
City Attorney

ATTEST: 
Shirley A. Gentry
City Clerk