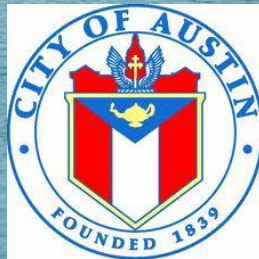


Lake Austin Development

Presented to:
Environmental Commission
October 2016

Liz Johnston, Watershed Protection Department



Finding the Balance

- **Drinking Water**
- **Flood Control**
- Residential
- Boating/Marina
- Parks/Swimming
- Fishing
- Connection to Nature



Lake Shoreline Development

The overwhelming weight of scientific evidence, including local studies, strongly correlates development and increasing impervious cover with:

- Degraded water quality
- Increased runoff exacerbating flooding and erosion
- Decreased water infiltration to soils
- Loss of sensitive organisms
- Increased heat island effects

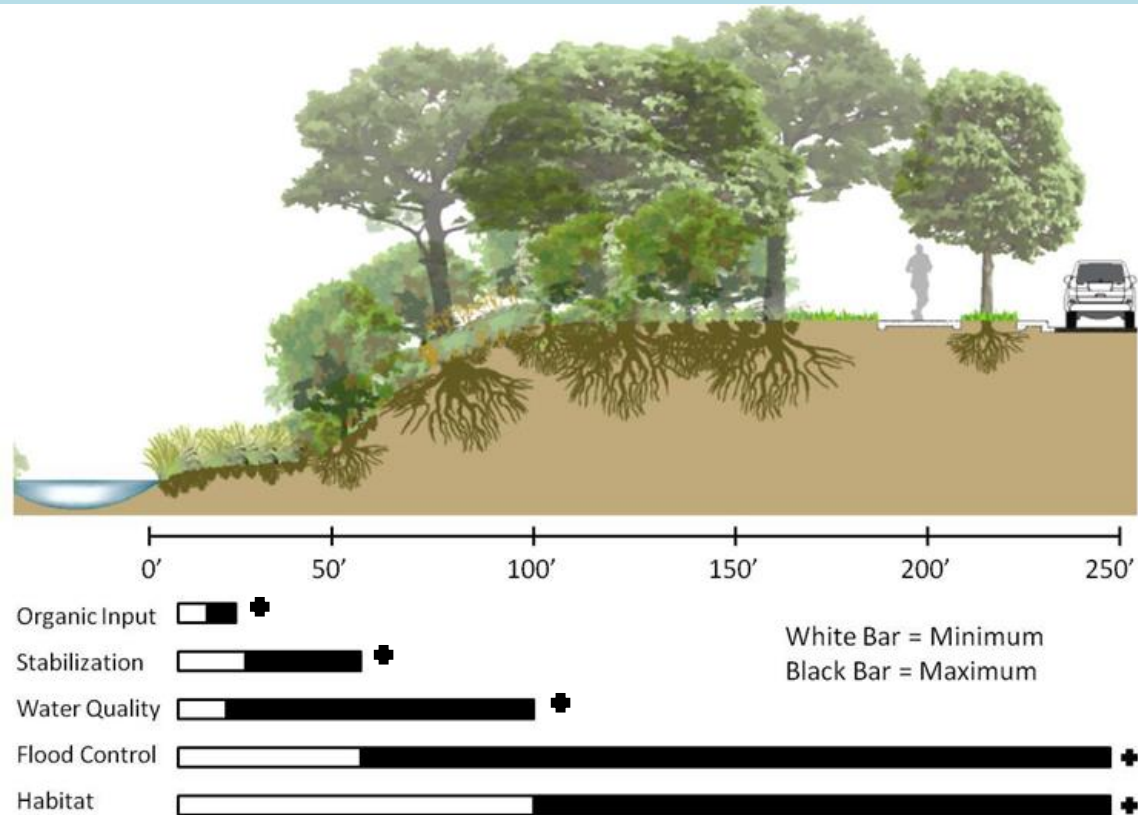
“Poor Lakeshore habitat condition imparts a significant stress on lakes and suggests the need for stronger management of shoreline development, especially as development pressures on lakes keep steadily growing.” (National Lakes Assessment, EPA 2009)

“Of the stressors included in the NLA, poor lakeshore habitat is the biggest problem in the nation’s lakes; over one-third exhibit poor shoreline habitat condition.” (National Lakes Assessment, EPA 2009)

Watersheds with 10% or more impervious cover are degraded. (EPA 2002)



Riparian Zone Functions



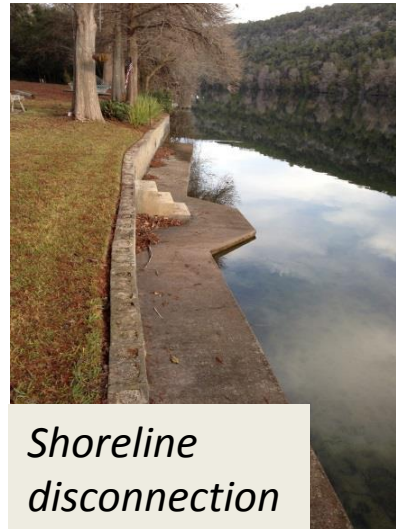
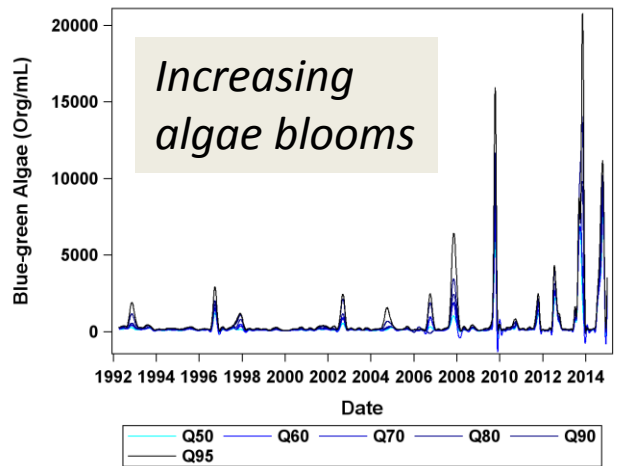
<http://austintexas.gov/departments/riparian-restoration>

A robust shoreline vegetative community improves water quality, prevents erosion, and aids in flood control.

Encroachment into Riparian Areas Impairs Lake Function

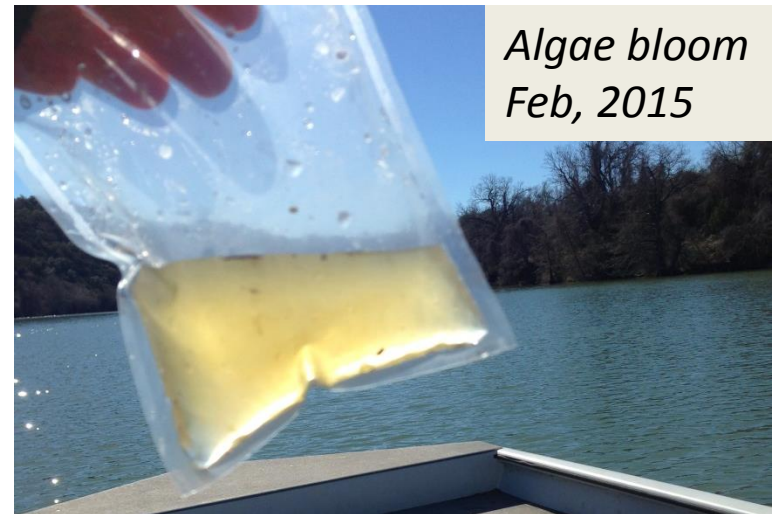
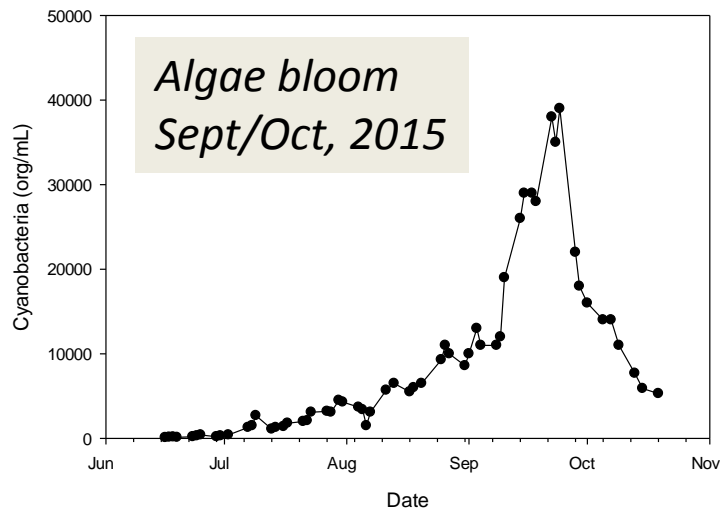


Lake Austin Issues



Costs of Degraded Water Quality

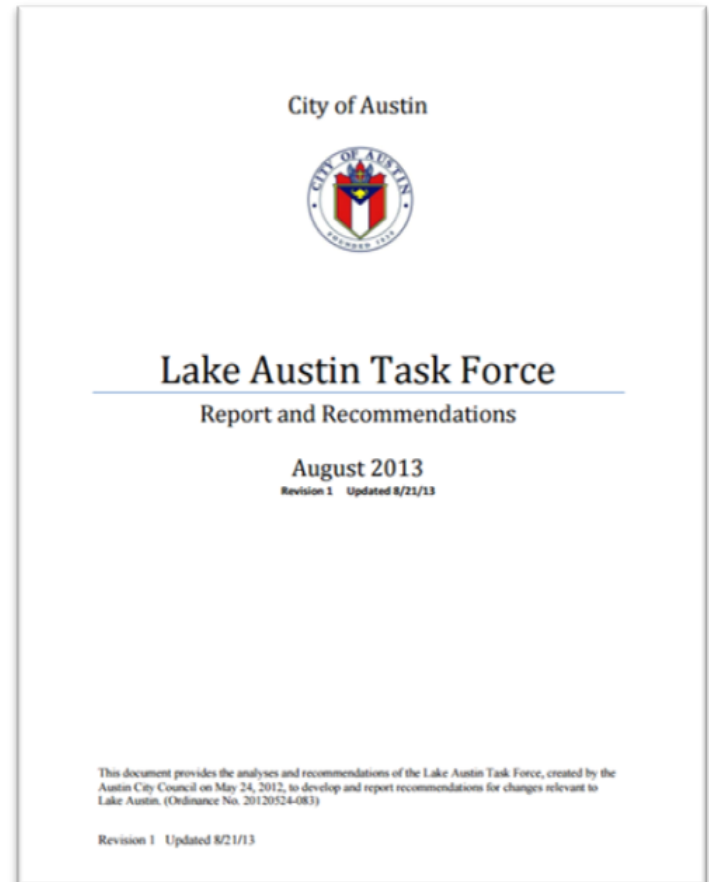
- Increased water treatment costs
- Loss of native aquatic habitat
- Increase of invasive species (ex: *Hydrilla*)
- Decrease in recreational opportunities (bass fishing)
- Decreased aesthetic value



Lake Austin Task Force

Created by City Council after from Parks and Recreation Board and Waterfront Advisory Board Resolutions

- 12-months, 17 members, 2012-2013
- LATF consensus recommendations related to:
 - hydrilla management
 - sound/noise
 - water quality and monitoring
 - **erosion**
 - commercial activities
 - funding
 - traffic
 - **boat dock/bulkhead permitting**
 - boat dock registration
 - **variance processing**
 - public outreach & education
 - coordination
 - **boat lifts**
 - marine toilets
 - wildfire
 - **upzoning**
 - septic systems



Lake Austin Task Force

LATF Report:

Council Resolution 20130829-078 directed staff to implement many LATF recommendations, including:

- Create a Lake Austin zoning overlay,
- Process code amendments for shoreline and boat dock development and present ordinance for Council consideration,
- Evaluate boat ramp and parking fees, draft potential budget amendments and present recommendations,
- Present No Wake Zone ordinance for Council consideration,
- Develop and recommend to Council an approach for coordinated lake management,
- Develop marine toilet administration and enforcement process and brief Public Health and Human Services Committee,
- Develop process to enforce boat dock identification and registration requirements and report to Council,
- Process code amendments, if needed, for boat dock identification/registration and present ordinance to Council.



Recent Lake Austin Code Amendments

- **October, 2013: Approval authority of lakefront development changed from Parks Board to Land Use Commission**
 - Affected waivers/variances to dredging, shoreline modifications, dock setbacks.
- **In October, 2013: Watershed Protection Ordinance**
 - floodplain modifications can be approved administratively within Critical Water Quality Zones, with certain conditions.
- **On June 26, 2014, Austin City Council approved two new ordinances:**
 - Revised shoreline development, variance authority, Lake Austin Zoning District regulations, and boat dock regulations (20140626-113)
 - Created a new Lake Austin District Zoning Overlay (20140626-114)
- **October, 2016: Lakefront Development Clean-up Ordinance**
 - Corrections, clarifications, and fixes to unintended consequences.

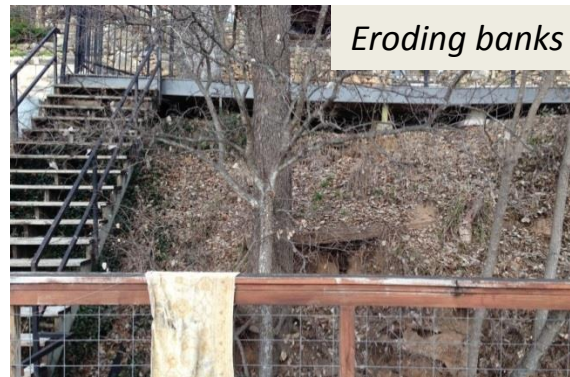
Zoning Requirements (BoA)

25-2 Article 13 Docks, Bulkheads, and Shoreline Access

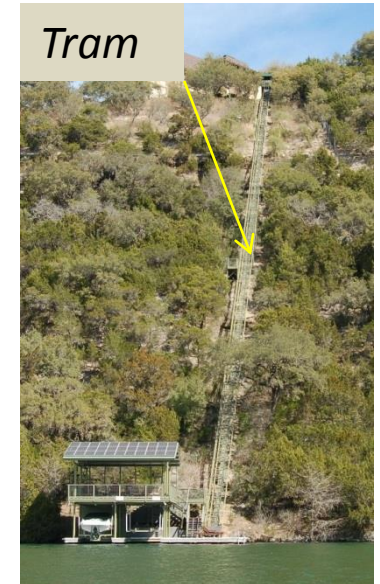
- Provides definitions of dock, bulkhead, etc.
- Clarifies permitting, structural, lighting and electrical requirements
- § 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES
 - 30' length extension into Lake Austin or 20% of channel width,
 - 20% of the shoreline frontage, with a minimum allowance of 14',
 - 1,200 s.f. maximum for a residential dock, 600 s.f. per multifamily unit,
 - 30 feet in height max,
 - Closet size limited to 48 square feet
 - No more than 2 motorboats at a residential dock
- § 25-2-1179 - ENVIRONMENTAL PROTECTION.
 - A retaining wall, bulkhead, or other erosion protection device must be designed and constructed to minimize wave return and wave action in accordance with the Environmental Criteria Manual,
 - Maintenance, refueling requirements, hazardous chemical storage.

§ 25-8-261 CWQZ DEVELOPMENT

- Docks, public boat ramps, bulkheads, marinas, and **necessary** access and appurtenances, are permitted in a critical water quality zone,
- For a single family residential use, necessary access may not exceed the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock.
- Why restrict shoreline access?



Types of Shoreline Access



§ 25-8-281(C)

CRITICAL ENVIRONMENTAL FEATURES

(C) This subsection prescribes the requirements for critical environmental feature buffer zones.

(1) A buffer zone is established around each critical environmental feature described in this subchapter.

(a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.

(b) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the critical environmental feature is:

(i) not less than 150 feet;

(ii) not more than 300 feet; and

(iii) calculated in accordance with the Environmental Criteria Manual.

(2) Within a buffer zone described in this subsection:

(a) the natural vegetative cover must be retained to the maximum extent practicable;

(b) construction is prohibited; and

(c) wastewater disposal or irrigation is prohibited.



COMMON LAKE AUSTIN

CRITICAL ENVIRONMENTAL FEATURES



Canyon Rimrock



Wetland



Seep



Spring

CEF BUFFER



Canyon Rimrock and 150' CEF buffer

WETLANDS PROTECT SHORELINES



*Wetland vegetation
stabilizes shoreline*

*Mowed lawn
experiencing erosion*

25-8 Division 7. Shoreline Relocation and Fill

- Dredging is prohibited, but staff may approve up to 25 cubic yards of dredge administratively,
- Placing fill in a lake is prohibited,
- No capture or recapturing of land unless to restore the shoreline back to the previous location no more than 10 years previously.



Eroding bank



Shallow depth



Cut-in Slip

LAND USE COMMISSION VARIANCES

§ 25-8

§ 25-8-41 LAND USE COMMISSION VARIANCES.

- Applicant's burden to demonstrate findings have been met
- Code section will deprive the applicant of a privilege given to owners of other similarly situated properties
- Variance not a result of a method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection
- Minimum change necessary to allow a reasonable use of the property
- No probability of harmful environmental consequences
- No harm to water quality
- Additional findings for Critical Water Quality Zone variances:
 - Code prevents a reasonable, economic use of the entire property;
 - The variance is the minimum change necessary to allow a reasonable, economic use of the entire property

ADMINISTRATIVE VARIANCES

§ 25-8-42

§ 25-8-42 - ADMINISTRATIVE VARIANCES.

- Not allowable for parcels located within 500 feet of the shoreline of Lake Austin
- All Lake Austin environmental variances must be approved by the Land Use Commission, with recommendation from the Environmental Commission.



BOA AND EV COMMISSION VARIANCE COMPARISON

Board of Adjustment	Land Use Commission
Chapter 25-2 Zoning Example: navigation, setbacks, height, shoreline setbacks, impervious cover, construction on slopes (LA)	Chapter 25-8 Environment Example: CEF, CWQZ, dredging, land capture, cut/fill, heritage tree, shoreline vegetation, fill in Lake Austin
3 FINDINGS	5-7 FINDINGS
No other commission recommendation	Environmental Commission recommends
No staff presentation	Staff presentation and recommendation
Reconsiderations allowed	Final, not appealable
May be requested prior to site plan submittal	Site plan review must be substantially complete prior to hearing
Special exceptions allowed	Administrative variances not allowed

EV VARIANCES WITH POTENTIAL BOA IMPACT

- Dredging greater than 25 cy Versus Extending the dock greater than 30'
 - EV Commission reviews impact of dredging on water quality
 - BoA reviews hardship, reasonable use, and area character of dock extension (and navigation safety
- Construction in a CEF buffer Versus Mechanized access on slopes greater than 35% or in LA shoreline setback
 - EV Commission reviews impact of construction on CEF only
 - BoA can consider area character in addition to hardship and reasonable use



Questions?

