

RESOLUTION NO.

1
2 **WHEREAS**, protecting our environment is the foundation for sustaining our
3 planet, community, and economy; and

4 **WHEREAS**, the City of Austin’s “State of Our Environment: 2020 Annual
5 Report,” showed that creeks in the Desired Development Zone scored on average
6 10 points lower than those in the Drinking Water Protection Zone; and

7 **WHEREAS**, the Drinking Water Protection Zone designation located on the
8 west side of Austin has restricted development through regulations creating
9 positive environmental outcomes, while the Desired Development Zone, located in
10 Central and East Austin, has more permissive regulations that have resulted in
11 some negative outcomes; and

12 **WHEREAS**, properties located in the Desired Development Zone have
13 more permissive development regulations with regard to the size of creek buffers,
14 impervious cover limits, cut and fill, and construction on slopes; and

15 **WHEREAS**, extensive empirical literature links exposure to nature with
16 better health, and creeks provide city-wide opportunities to experience nature; and

17 **WHEREAS**, current code allows for structures such as in-channel detention
18 basins and concrete wastewater manholes to be placed in creeks, which can cause
19 erosion and other severe, often long-lasting consequences that can be expensive to
20 reverse; and

21 **WHEREAS**, the City is faced with the existing and growing threat of
22 industrial discharges that can negatively impact creeks and communities located
23 primarily on the east side of the City of Austin; and

24 **WHEREAS**, there has been a steady increase in the amount of land area in
25 Austin covered by impervious surfaces and a corresponding steady decrease in the
26 amount of pervious land area capable of absorbing rainfall; and

27 **WHEREAS**, one result of the historically high rates of development is a rise
28 in the amount of runoff that flows off-site from developed properties and into
29 older, undersized stormwater drain systems, creeks, rivers, and lakes, contributing
30 to increases in flooding severity, damage to private property, loss of life, and water
31 pollution; and

32 **WHEREAS**, currently City Code allows redeveloped sites to use existing
33 impervious cover as a baseline for drainage calculations, resulting in increased
34 runoff and contributing to flooding and erosive flows downstream; and

35 **WHEREAS**, a U.S. Geological Survey study found that using green
36 stormwater infrastructure for water quality provided enhanced mitigation of peak
37 flows and run-off volumes compared to large, detention-based stormwater control
38 practices; and

39 **WHEREAS**, the Watershed Protection Department “Master Plan” [sic] of
40 2016 notes that green stormwater infrastructure controls such as rain gardens,
41 porous pavement, and rainwater harvesting help retain water in the soil before it
42 has a chance to run off into storm drains and creeks thus restoring, to the greatest
43 extent possible, natural hydrologic processes; and

44 **WHEREAS**, managing stormwater in this manner can provide multiple
45 benefits to a watershed; and

46 **WHEREAS**, using green stormwater infrastructure practices such as
47 bioswales, rain gardens, and permeable pavement can reduce stormwater pollution

48 while also reducing the burden and demand on existing infrastructure by capturing
49 rainfall onsite; and

50 **WHEREAS**, onsite infiltration is key to reducing the amount of stormwater
51 flowing to the storm sewers, and using parking lot islands for rainfall capture
52 would allow a code-required element to serve multiple purposes; and

53 **WHEREAS**, buildings, roads, and parking lots absorb and retain heat
54 causing a “heat island effect” that can pose serious problems for our health and
55 environment; and

56 **WHEREAS**, employing strategies to create cool spaces in areas with high
57 impervious cover helps to mitigate the heat island effect and to cool the urban core;
58 and

59 **WHEREAS**, current City Code landscape requirements are based on the
60 land within a commercial property not covered by a building, leaving projects with
61 80% or more impervious cover with few requirements for greenspace; and

62 **WHEREAS**, rainwater harvesting and storage offer the potential for
63 significant cumulative benefits across watersheds, including reducing the burden
64 on and thus extending the utility life of existing stormwater infrastructure,
65 improving water quality, and extending our potable water supply; and

66 **WHEREAS**, current City Code provisions require cisterns used for water
67 quality to release harvested water after 72 hours to prepare for the next storm
68 event, though calculations for a successful non-potable rainwater irrigation system
69 rely on keeping all rain captured to be able to have water for dryer months; and

70 **WHEREAS**, wetlands help to stabilize the shoreline against heavy rains and
71 floods; and

73 **WHEREAS**, current City Code provisions do not protect wetlands bounded
74 by Interstate 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and
75 15th Street, though Lady Bird Lake experiences extreme periodic flooding; and

76 **WHEREAS**, Resolution No. 20170615-071 directed the City Manager to
77 assess the City’s progress toward achieving the vision, goals, policies, and actions
78 relating to green infrastructure, as defined in the Imagine Austin Comprehensive
79 Plan, and to evaluate opportunities to further expand the City’s green
80 infrastructure-related programs and projects; and

81 **WHEREAS**, City staff’s recommended updates and clarifications to
82 portions of Chapters 25-7 (*Drainage*) and 25-8 (*Environment*) that relate to
83 watershed protection did not move forward due to termination of the Land
84 Development Code revision process; and

85 **WHEREAS**, staff across several departments spent considerable effort
86 developing draft ordinances for Planning Commission and Council consideration
87 to further the City’s goals of substantially increasing infiltration of stormwater on-
88 site, including ordinances in the last proposed revision of the Land Development
89 Code such as:

- 90 1. requiring green infrastructure in urban settings where traditional landscape
91 requirements are not possible (“Functional Green” 23-3D-3110);
- 92 2. requiring surface parking lots to include tree islands, landscaped medians,
93 and perimeter landscapes and require that pavement be graded to allow
94 runoff to enter planting areas (23-3D-3050, 3060 and 3070);
- 95 3. removing an exception to flood mitigation requirements for redevelopments
96 that are not increasing impervious cover (23-9E-3010); and

- 97 4. requiring all subdivisions and site plans in Urban Watersheds meet steep
98 slope protections (23-4D-8030); **NOW, THEREFORE,**

99 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

100 The City Council directs the City Manager to address the equitable
101 protection of the environment throughout the City of Austin as part of the
102 Watershed Protection Strategic Plan, with emphasis on the protection of Blackland
103 Prairie. Regulations related to cut and fill and creek protection shall be among the
104 considerations. The City Council directs the City Manager to provide a plan to
105 achieve this direction on or before November 1, 2022.

106 **BE IT FURTHER RESOLVED:**

107 The City Council directs the City Manager to create procedures that achieve:

- 108 1. an appropriate monitoring approach that would assess potential watershed
109 threats from higher risk facilities such as quarterly sampling of creeks
110 located immediately downstream from semiconductor manufacturing plants,
111 concrete batch plants, automobile manufacturers, battery manufacturing
112 plants, fuel storage tanks, and other industrial businesses staff would
113 recommend for inclusion; and
- 114 2. a documented and transparent process that would address high levels of
115 communication with the Austin Water Utility when high levels of E.coli are
116 found in particular creeks so that Austin Water can investigate and repair
117 any leaking wastewater pipes located within creeks in a timely manner.

118 The City Council directs the City Manager to create these procedures on or before
119 September 15, 2022.

120 **BE IT FURTHER RESOLVED:**

121 The City Council initiates code amendments, including amendments to Title 25,
122 that:

- 123
124 1. Establish criteria that prioritize when green stormwater methods should be
125 required or incentivized over conventional stormwater controls;
- 126 2. Require surface parking lot stormwater to enter pervious parking lot islands,
127 landscaped medians, and perimeter landscapes as a method of water quality
128 and require that pavement be graded to allow runoff to enter planting areas;
- 129 3. Implement Functional Green requirements for properties with more than
130 80% allowable impervious cover;
- 131 4. Require that all subdivisions and site plans in Urban Watersheds meet steep
132 slope protections;
- 133 5. Allow cisterns to be sized beyond the required storm capture amount and
134 remove requirement for stormwater release so that they can supply irrigation
135 needs throughout the year;
- 136 6. Require new and redeveloped projects to use greenfield conditions as a
137 baseline when calculating drainage requirements;
- 138 7. Prohibit in-channel detention ponds, except for capital projects or
139 private/public partnerships where no other alternative is feasible;
- 140 8. Require projects to relocate replaced or upsized wastewater pipes outside of
141 the inner half of the critical water quality zone;
- 142 9. Provide wetland protections and buffers equally along Lady Bird Lake to
143 help to stabilize and prevent erosion along the shoreline;
- 144 10. Require utility easements to meet the same standards as utility pipes within
145 the creeks and creek buffers; and

146 11. Address current environmental code inconsistencies and other minor code
147 revisions in Chapters 25-7 and 25-8 that staff have previously identified and
148 reviewed as part of the Code Next and the Land Development Code revision
149 processes.

150 The City Council expects that these code amendments will use the previous
151 staff work and, where appropriate, adhere as closely as possible to the language
152 and intent of the ordinances previously drafted and reviewed through the proposed
153 revision of the Land Development Code.

154 The City Manager shall present these code amendments for Council
155 consideration no later than September 15, 2022.

156 **BE IT FURTHER RESOLVED:**

157 The City Council directs the City Manager to evaluate the effectiveness of
158 existing Critical Water Quality Zone and Erosion Hazard Zone buffers on the
159 Colorado River downstream of the Longhorn Dam and to propose protections that
160 will provide adequate protections to the river that will ensure a healthy riparian
161 corridor to stabilize the riverbank and protect property from erosion.

162 **BE IT FURTHER RESOLVED:**

163 The City Council directs the City Manager to conduct an Affordability
164 Impact Analysis and a Fiscal Impact Analysis for each proposed code or process
165 change resulting from this resolution. Additionally, the City Council directs the
166 City Manager to address the estimated costs of doing nothing to further protect
167 against water pollution, localized flooding, and the heat island effect; of stabilizing
168 creeks and shorelines after scouring and erosive floods; mitigating algae and
169 bacteria in creeks and lakes; and increasing stormwater infrastructure throughout
170 the City.

ADOPTED: _____, 2022 ATTEST: _____

Myrna Rios
City Clerk

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