



ENVIRONMENTAL COMMISSION MOTION 20221005-005

Date: October 5, 2022

Subject: Ordinance Amendment to Title 25 related to environmental protection, landscape requirements, and site plan requirements

Motion by: Perry Bedford

Seconded by: Rick Brimer

WHEREAS, the Environmental Commission has considered the ordinance amendments to Title 25 in a working group and is making additional recommendations related to environmental protection and landscape requirements and;

WHEREAS, the Environmental Commission recognizes this ordinance responds to Council Resolution No. 20220609-061, which initiated Land Development Code amendments related to environmental protection, drainage, and landscape requirements. The resolution directed staff to present most of the initiated amendments to Council for consideration and;

WHEREAS, the Environmental Commission recognizes that neighborhoods and residents east of I-35 have not shared the same environmental protections as those within the Edwards Aquifer Recharge Zones or where endangered species exist in West Austin and;

WHEREAS, the Environmental Commission recognizes Ordinance Amendment to Title 25 *has not* go through public review outside of Boards and Commissions;

THEREFORE, the Environmental Commission recommends the amendments to Title 25 with the following additional recommendations;

- **§ 25-2-1008 IRRIGATION REQUIREMENTS.**
 - Recommend that xeriscaping and drought-tolerant plants be part of the landscaping requirements to reduce the dependency on irrigation and increase the survivability of the plants installed in parking areas.
 - (F) Remove the administrative authority to grant a variance and include the Environmental Commission as the authority to grant variances.
- **Functional Green**
 - We recognize and support all functional green standards. Because this is a new area of the code the Environmental Commission requests presentations on the

projects utilizing Functional Green so we can learn more about its real-world application and support the growth of its use.

- **§ 25-8-42 ADMINISTRATIVE VARIANCES.**
 - Remove all additions to this section.
 - The additions go too far with administrative approvals and the removal of citizen oversight via public notices or review from boards and commissions.
 - Because the section removes all citizen oversight and public review it is not equitable.
- **§ 25-2-1179 ENVIRONMENTAL PROTECTION.**
 - The maintenance and repair of watercraft shall be performed in a manner that prevents discharge of fuel, oil, or other pollutants into the water.
 - **Add-** in the event of a leak or spill during maintenance, owner or repair service will contain the leak or spill and dispose of the hazardous material properly.
 - Require all fuels, oil, and hazardous materials be stored at least 25' outside of the 100-year flood plain.
- **§ 25-8-27 REDEVELOPMENT EXCEPTION IN THE WATER SUPPLY RURAL AND WATER SUPPLY SUBURBAN WATERSHEDS.**
 - Increase 50 feet to 75 feet for shoreline protection
 - Increase setbacks along wetlands to 50 feet
- **§ 25-8-232 DEDICATED FUND.**
 - Staff will give at least one presentation per fiscal year to the Environmental Commission on all aspects of the Dedicated Fund.
- **§ 25-8-92 CRITICAL WATER QUALITY ZONES ESTABLISHED.**
 - Include urban watersheds.
- **Equity Response, Summary, and Recommendations**
 - Require all administrative variances to be tracked and an annual report be presented to Environmental Commission and other relevant boards and commissions, and council.
- **§ 25-8-233 BARTON SPRINGS ZONE OPERATING PERMIT.**
 - Include commissions or public review.
 - This section removes all citizen oversight from boards and commissions.
- **Parking Lots.**
 - Require EV charging stations of at least 5% of the parking of the small projects and commercial usage
- **Small Projects- Missing- Middle:**
 - Clarify that the small project 3-11 unit program will only be allowed on SF3 or higher and not on SF1 or SF2.
 - We cannot support the removal of adjacent landowners and neighbors being removed from the notification process.
 - Require Development Services Department notify neighboring properties at a minimum in English and Spanish.
 - Recommend delaying the proposed development/redevelopment changes in response to small-scale missing middle housing projects **within the Desired Development Zone** and require the environmental staff to work with Austin's

Equity Office to address inequities created by different rules by the Desired Development Zone and Critical Water Quality Zones to ensure **all** residential projects are reviewed for all environmental/water quality regulations, which will minimize confusion about code applicability, address inconsistent enforcement, and poor environmental outcomes long subjected upon the residents in Central and East Austin and within the Desired Development Zone.

- Require Watershed Protection Department to complete the process of studying localized flooding in all the Austin areas. This process will ensure the equitable application of all stormwater, drainage, and flooding protections.
- Acknowledge that all creeks flowing from East Austin eventually either, independently or after emptying into the Colorado River, enter the Carrizo-Wilcox Aquifer groundwater supply.
 - These watersheds should have similar protections under the Drinking Water Protection Zones.
- Acknowledge the sensitivity of the alluvial aquifer surrounding the Colorado River that exist east of Longhorn Dam.
 - These areas should have similar protections under the Drinking Water Protection Zones.
 - These areas should also require greater setbacks.
 - Development in the alluvial plain surrounding the Colorado River should be follow similar standards set forth in the Save Our Springs initiatives.

VOTE 7-0

For: Aguirre, Bedford, Brimer, Schiera, Scott, Thompson, and Qureshi

Against: None

Abstain: Ramberg

Recuse: None

Absent: Barrett Bixler, Bristol, Nickells

Approved By:

A handwritten signature in black ink that reads "KEVIN RAMBERG". The signature is written in a cursive, slightly slanted style.

Kevin Ramberg, Environmental Commission Chair