

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2023-009 Site Specific SOS amendment and related variances

**Description:** Amends Land Development Code (LDC) 25-8 Article 13 Save Our Springs Initiative and related variances to Chapter 25-8 Subchapters A (Water Quality) of the Land Development Code as necessary to construct the Little Bear Creek Recharge Enhancement Facility, SP-2022-0462D.

**Proposed Language:** Consider an ordinance granting a site-specific amendment to LDC 25-8-514 (Pollution Prevention Required) of the Save Our Springs Initiative as it relates to development in the Critical Water Quality Zone, granting variances to LDC 25-8-263 (Floodplain Modification), LDC 25-8-341 (Cut), LDC 25-8-342 (Fill), and LDC 25-8-482 (Water Quality Transition Zone) to allow construction of the Little Bear Recharge Enhancement Project (C20-2023-0009). This project is located within the Barton Springs Zone.

### **Summary of proposed code amendment**

The amendment under consideration is related to an enhancement project for the Edwards Aquifer currently under review that is located within the Edwards Aquifer portion of the Barton Springs Zone. A portion of the proposed diversion channel described in SP-2022-0462D is within the Critical Water Quality Zone (CWQZ) of the site. The SOS Ordinance prohibits development in the CWQZ for areas within the Barton Springs Zone and would not permit the construction of this facility.

Because 25-8-515 prohibits variances from the SOS Ordinance, a site-specific amendment to the SOS Ordinance approved by a supermajority of the City Council is necessary to allow construction of the Little Bear Creek Recharge Enhancement Facility.

Four variances are also necessary to complete the site development permitting process:

- 25-8-263 (*Floodplain Modification*) to allow floodplain modification within a CWQZ.
- 25-8-341 (*Cut*) and 25-8-342 (*Fill*) to allow cut and fill in excess of 4 feet.
- 25-8-482 (*Water Quality Transition Zone*) to allow development in a water quality transition zone that lies over the Edwards Aquifer recharge zone in the Barton Springs Zone.

Construction of the Little Bear Creek Recharge Enhancement Facility will require floodplain modification within the CWQZ and development in the WQTZ to construct and connect the diversion channel from Little Bear Creek to the quarry and allow for the diversion of flood waters as proposed. The grading associated with the channel construction also requires cut and fill in excess of 4 feet. Mitigation for impacts associated with the development will be provided in excess of minimum code requirements.

**Background:** Initiated by City Council Resolution 20230420-026

On April 20, 2023, City Council approved Resolution No.20230420-026 to initiate variances and amendments to the Land Development Code, including site-specific amendments to Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as necessary to allow for the completion of the Little Bear Aquifer Recharge Enhancement Project, an aquifer recharge project at Stoneledge Quarry within the Barton Springs Segment of the Edwards Aquifer.

The Edwards Aquifer is a federally-designated, sole-source aquifer, which serves as a primary source of drinking water for tens of thousands of people and is a vital resource to the general economy and welfare of the City of Austin and the State of Texas.

Through land purchases and conservation easements, the City of Austin now protects over 33,000 acres of land in the recharge and contributing zones of the Aquifer to benefit water quality and quantity. In 2002, the City of Austin used Open Space Bond Funds to purchase an 86.4 acre tract within the Edwards Aquifer Recharge Zone (“Wenzel Tract”) in northern Hays County that includes the 18 acre Stoneledge Quarry. The purchase of the abandoned Stoneledge Quarry was in partnership with the Hill Country Conservancy for the purpose of constructing the recharge enhancement facility.

The Little Bear Creek Recharge Enhancement project proposes to divert a portion (30% to 50%) of the flood flows above 50 cubic feet per second from Little Bear Creek through a diversion channel into Stoneledge Quarry, where the water will slowly recharge the Aquifer thereby increasing aquifer storage and enhancing flows at Barton Springs; Exhibit 2.

The upstream drainage area to the proposed diversion channel is approximately 7,000 acres, of which 42% (approximately 2,900 acres) is protected from future development by fee simple and Conservation Easement purchases and includes the Ashmun, Nester, Hays County Ranch and Cypress Water Quality Protection Lands.

**Staff Recommendation:**

Staff recommends approval of the proposed amendment and associated variances for the following reasons:

- The project will provide SOS non-degradation water quality treatment for all new and reconstructed impervious cover, or equivalent area, with innovative management practices in accordance with LDC 25-8-151.
- The new impervious cover proposed by the project is limited to an unimproved road with gated and restricted access for use by City of Austin staff in maintenance, land management and educational activities.
- The project will provide 3 acres of floodplain restoration which is ~140% of the required mitigation for the proposed floodplain modification in a CWQZ.
- The project will provide 5.23 acres of upland restoration.
- The project will pay into the Tree Fund in lieu of providing mitigation for tree removals.

**Board and Commission Actions**

**June 21<sup>st</sup>, 2023:** Approved by the Codes and Ordinances Joint Committee, 6-0.

**July 5<sup>th</sup>, 2023:** Approved by the Environmental Commission, 10-0.

**July 25<sup>th</sup>, 2023:** A public hearing will be held by the Planning Commission.

**Council Action**

**August 31<sup>st</sup>, 2023:** A public hearing will be scheduled.

**Ordinance Number:** TBD

**City Staff:** Scott Heirs     **Phone:** (512) 974-1916     **Email:** [scott.heirs@austintexas.gov](mailto:scott.heirs@austintexas.gov)

**City Staff:** Leslie Lilly     **Phone:** (512) 535-8914     **Email:** [Leslie.lilly@austintexas.gov](mailto:Leslie.lilly@austintexas.gov)








**HOUSING &  
PLANNING**

## Affordability Impact Statement

*Little Bear Aquifer Recharge Enhancement Site Specific SOS Amendment*  
*Initiated by: Resolution No. 20230420-026*  
 7/14/2023

**Proposed Regulation**

Site-specific amendments to Title 25, including Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as necessary to allow for completion of the Little Bear Aquifer Recharge Enhancement Project, located within the Barton Springs Zone. The proposed change will allow for the construction of recharge enhancement project.

The Council approves site-specific amendments and amendments to Land Development code, including site-specific amendments to City Code Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as minimally required to allow for the construction of the Little Bear Recharge Enhancement Project (Capitol Improvement Project No. 6660.024). Amendments and variances include:

- 25-8-261 Construction in the Critical Water Quality Zone;
- 25-8-341 Cut Requirements;
- 25-8-342 Fill Requirements;
- 25-8-364 Floodplain Modification.

**Land Use/Zoning Impacts  
on Housing Costs**

☐ Positive ☐ Negative ☒ Neutral

The proposed amendments do not impact housing costs.

**Impact on Development  
Cost**

☐ Positive ☐ Negative ☒ Neutral

The proposed amendments do not impact development costs.

**Impact on Affordable  
Housing**

☐ Positive ☐ Negative ☒ Neutral

The proposed amendments do not impact affordable housing.

Manager's Signature

*Marla Torrado*



## MEMORANDUM

**TO:** Kevin Ramberg, Chair and Commissioners  
Environmental Commission

**FROM:** Katie Coyne, Environmental Officer  
Watershed Protection

**DATE:** June 06, 2023

**SUBJECT:** SOS and Other Code Amendments for Little Bear Creek Recharge Enhancement Facility  
SP-2022-0462D

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On the July 5th, 2023, Environmental Commission agenda is a proposed amendment to the City's Save Our Springs ordinance and related variances to Chapter 25-8 of the Land Development Code. The ordinance is being brought forward to enable the Watershed Protection Department (WPD) to construct, operate, and maintain the Little Bear Creek Recharge Enhancement Project, an aquifer recharge project at Stoneledge Quarry within the Barton Springs Segment of the Edwards Aquifer (the "Aquifer").

### **Project Description and Background**

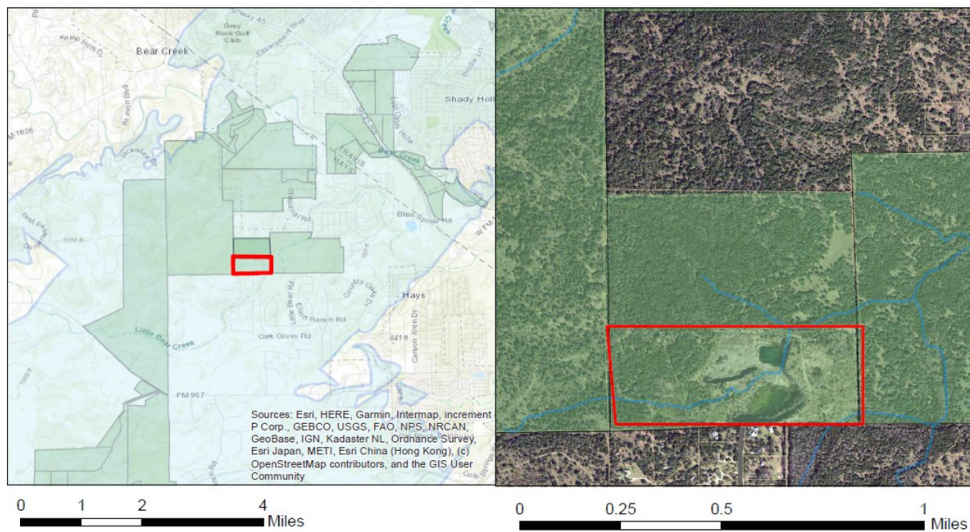
The Aquifer is a federally-designated, sole-source aquifer, which serves as a primary source of drinking water for tens of thousands of people and is a vital resource to the general economy and welfare of the City of Austin and the State of Texas.

Through land purchases and conservation easements, the City of Austin now protects over 33,000 acres of land in the recharge and contributing zones of the Aquifer to benefit water quality and quantity. In 2002, the City of Austin used Open Space Bond Funds to purchase an 86.4 acre tract within the Edwards Aquifer Recharge Zone ("Wenzel Tract") in northern Hays County that includes the 18 acre Stoneledge Quarry; *Exhibit 1*.

The purchase of the abandoned Stoneledge Quarry was in partnership with the Hill Country Conservancy for the purpose of constructing the recharge enhancement facility.



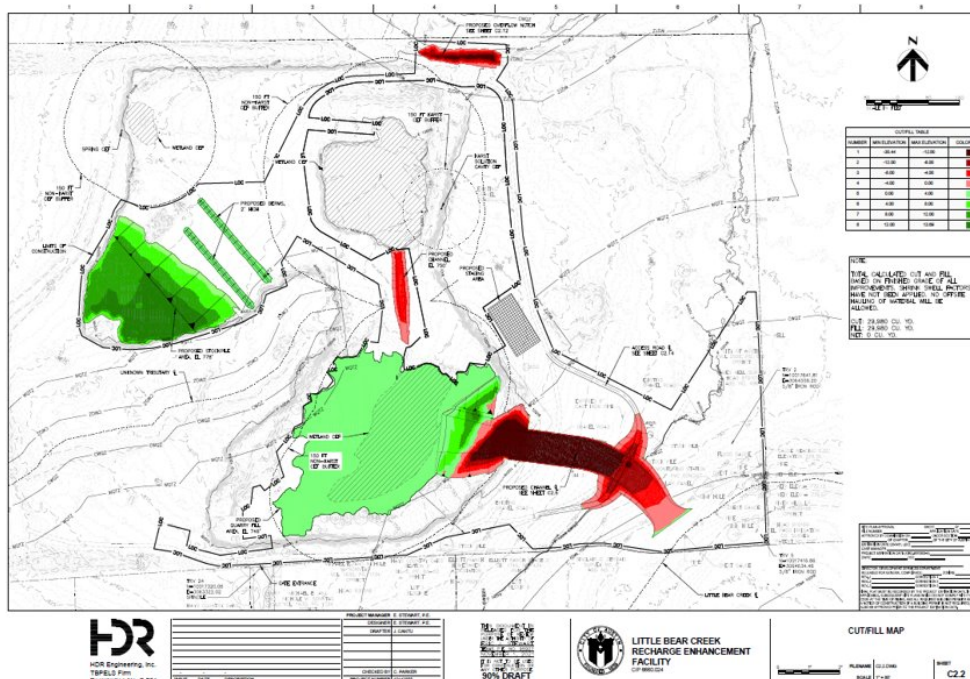
## Exhibit 2. Site Location



The Little Bear Creek Recharge Enhancement project proposes to divert a portion (30% to 50%) of the flood flows above 50 cubic feet per second from Little Bear Creek through a diversion channel into Stoneledge Quarry, where the water will slowly recharge the Aquifer thereby increasing Aquifer storage and enhancing flows at Barton Springs; *Exhibit 2.*

The upstream drainage area to the proposed diversion channel is approximately 7,000 acres of which 42% (approximately 2,900 ac) is protected from future development by fee simple and Conservation Easement purchases and includes the Ashmun, Nester, Hays County Ranch and Cypress Water Quality Protection Lands.

## Exhibit 2. Little Bear Creek Recharge Enhancement Facility





### Code Amendment and Variance

A portion of the proposed diversion channel described in SP-2022-0462D is within the Critical Water Quality Zone (CWQZ) of the site. The SOS Ordinance prohibits development in the CWQZ for areas within the Barton Springs Zone and would not permit the construction of this facility. Also, because 25-8-515 prohibits variances from the SOS Ordinance, a site-specific amendment to the SOS Ordinance approved by a supermajority of the City Council is necessary to allow construction of the Little Bear Creek Recharge Enhancement Facility.

Four variances are also necessary to complete the site development permit application process:

- 25-8-263 (*Floodplain Modification*) to allow floodplain modification within a CWQZ
- 25-8-341 (*Cut*) and 25-8-342 (*Fill*) to allow cut and fill in excess of 4 feet.
- 25-8-422 (*Water Quality Transition Zone*) to allow development in a water quality transition zone that lies over the South Edwards Aquifer recharge zone

Construction of the Little Bear Creek Recharge Enhancement Facility will require floodplain modification within the CWQZ and development in the WQTZ to construct and connect the diversion channel from Little Bear Creek to the quarry and allow for the diversion of flood waters as proposed. The grading associated with the channel construction also requires cut and fill in excess of 4 feet. Mitigation for impacts associated with the development will be provided in excess of minimum code requirements.

Stormwater modelling by WPD engineer staff will demonstrate SOS non-degradation water quality requirements will be met by allowing runoff to natural vegetated filter strips and infiltration areas in compliance with 25-8-151 (*Innovative Management Practices*). The project will also provide 3 acres of floodplain restoration, which is ~140% of the required mitigation for the proposed floodplain modification in a CWQZ, and an additional 5.23 acres of upland restoration.

The proposed site-specific ordinance will authorize the SOS amendment and the four variances minimally required to construct the project, which will improve the quality and quantity of recharge to the Aquifer, meet SOS non-degradation requirements for surface water treatment, and provide extensive onsite restoration.

### Project Review

WPD is the project sponsor and has developed the design in consultation with engineering staff. WPD is pursuing development of the Little Bear Creek Recharge Enhancement Facility Project under a site plan permit. Staff from Development Services and other City of Austin departments have completed at least one round of review of the site plan application.

### Recommendation

Staff recommends approval of the proposed amendment and associated variances for the following reasons:

- The project will provide SOS non-degradation water quality treatment for all new and reconstructed impervious cover, or equivalent area, with innovative management practices in accordance with LDC 25-8-151.
- The new impervious cover proposed by the project is limited to an unimproved road with gated and restricted access for use by City of Austin staff in maintenance, land management and educational activities.

- The project will provide 3 acres of floodplain restoration which is ~140% of the required mitigation for the proposed floodplain modification in a CWQZ.
- The project will provide 5.23 acres of upland restoration.
- The project will pay into the Tree Fund in lieu of providing mitigation for tree removals.



## ENVIRONMENTAL COMMISSION RECOMMENDATION 20230705-007

**Date:** July 5, 2023

**Subject:** SOS Code Amendments for Little Bear Creek Recharge Enhancement Facility  
SP-2022-0462D

**Motion by:** Jennifer L. Bristol

**Seconded by:** Perry Bedford

**WHEREAS**, the Watershed Protection Department (WPD) will construct, operate, and maintain the Little Bear Creek Recharge Enhancement Project within the recharge project at Stoneledge Quarry within the Barton Springs Segment of the Edwards Aquifer; and

**WHEREAS**, four variances are necessary to complete the site development permit application process:

- 25-8-263 (*Floodplain Modification*) to allow floodplain modification within a CWQZ
- 25-8-341 (*Cut*)
- 25-8-342 (*Fill*) to allow cut and fill in excess of 4 feet.
- 25-8-422 (*Water Quality Transition Zone*) to allow development in a water quality transition zone that lies over the South Edwards Aquifer recharge zone

**WHEREAS**, staff recommends approval of the proposed amendment and associated variances for the following reasons:

1. The project will provide SOS non-degradation water quality treatment for all new and reconstructed impervious cover, or equivalent area, with innovative management practices in accordance with LDC 25-8-151.
2. The new impervious cover proposed by the project is limited to an unimproved road with gated and restricted access for use by City of Austin staff in maintenance, land management and educational activities.
3. The project will provide 3 acres of floodplain restoration which is 140% of the required mitigation for the proposed floodplain modification in a CWQZ.
4. The project will provide 5.23 acres of upland restoration.
5. The project will pay into the Tree Fund in lieu of providing mitigation for tree removals.

**THEREFORE**, the Environmental Commission recommends approval of the amendments.

**VOTE: 10-0**

For: Kevin Ramberg, Perry Bedford, Jennifer Bristol, Richard Brimer, Hanna Cofer, Mariana Krueger, Colin Nickells, Haris Qureshi, Melinda Schiera, David Sullivan

Against: none  
Abstain: none  
Recuse: none  
Absent: Peter Einhorn

Attest:

A handwritten signature in black ink that reads "KEVIN RAMBERG". The letters are slightly slanted and connected in a cursive-like fashion.

Kevin Ramberg, Environmental Commission Chair