

ORDINANCE NO. 20230831-102

AN ORDINANCE AMENDING CITY CODE SECTION 25-8-514 AND GRANTING VARIANCES TO CITY CODE SECTIONS 25-8-263, 25-8-341, 25-8-342, AND 25-8-482 TO ALLOW CONSTRUCTION OF THE LITTLE BEAR CREEK RECHARGE ENHANCEMENT PROJECT TO ALLOW DEVELOPMENT IN THE CRITICAL WATER QUALITY ZONE AND TO EXCEED CUT AND FILL LIMITATIONS, TO MODIFY THE FLOODPLAIN, AND TO ALLOW CONSTRUCTION IN THE WATER QUALITY TRANSITION ZONE; ESTABLISHING CONDITIONS FOR THE PROJECT; AND WAIVING REQUIREMENTS OF CITY CODE SECTION 25-8-41.

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

PART 1. This ordinance grants a code amendment and specific variances necessary to allow construction of the Little Bear Creek Recharge Enhancement Project located at 15950 Oak Arbor Trail, subject to Site Plan Number SP-2022-0462D.

PART 2. CRITICAL WATER QUALITY ZONE.

City Code Section 25-8-514 (*Pollution Prevention Required*) is amended to allow development in the critical water quality zone of a watershed contributing to Barton Springs (Little Bear Creek).

PART 3. FLOODPLAIN MODIFICATION.

A variance is granted from City Code Section 25-8-263 (*Floodplain Modification*) to allow modification of the floodplain in the critical water quality zone of Little Bear Creek.

PART 4. CUT AND FILL.

- (A) A variance is granted from City Code Section 25-8-341 (*Cut Requirements*) to allow for cut in excess of 4 feet.

- (B) A variance is granted from City Code Section 25-8-342 (*Fill Requirements*) to allow for fill in excess of 4 feet.

PART 5. CONSTRUCTION IN THE WATER QUALITY TRANSITION ZONE.

A variance is granted from City Code Section 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 of Little Bear Creek.

PART 6. CONDITIONS.

Construction of the Little Bear Creek Recharge Enhancement Project (the “project”) authorized by this ordinance must adhere to the following conditions:

- (A) The project will provide compliant SOS non-degradation water quality treatment for all new and reconstructed impervious cover or equivalent area with innovative management practices in accordance with City Code Section 25-8-151 (*Innovative Management Practices*).
- (B) The new impervious cover proposed by the project will be limited to an unimproved road with gated and restricted access for use by City staff in maintenance, land management and educational activities.
- (C) The project will provide three acres of floodplain restoration which is approximately 140% of the required mitigation for the proposed floodplain modification in a critical water quality zone.
- (D) The project will provide 5.23 acres of upland restoration.
- (E) The project will pay into the Urban Forest Replenishment Fund in lieu of providing tree mitigation on site.

PART 7. Council waives the requirements of City Code Section 25-8-41 (*Land Use Commission Variances*) regarding the processing and granting of a variance for the variances granted in this ordinance.

PART 8. This ordinance takes effect on September 11, 2023.

PASSED AND APPROVED

_____, August 31, 2023

APPROVED:



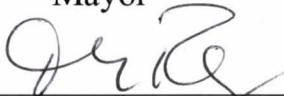
Anne L. Morgan
City Attorney

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Kirk Watson
Mayor

ATTEST:



Myrna Rios
City Clerk