Austin Development Services
Staff Recommendations Concerning Required Findings

Project Name:	Bolm West Block 1 (SP-2025-0301C)
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-261 to allow biofiltration ponds to be placed in the 100-yr floodplain within the Critical Water Quality Zone in a Suburban watershed.

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements;

   Yes. Other similarly situated property with approximately contemporaneous development subject to similar code requirements along the Colorado River have been developed, including other sites that have been similarly previously heavily modified.

2. The variance:
   a. is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

      Yes. The design decision allows for development that reclaims the heavily disturbed topography of a former mining site, minimizes the need for fill in the floodplain, and provides native plant revegetation beyond what is required for reclamation.

   b. is the minimum deviation from the code requirement necessary to allow a reasonable use of the property; and

      Yes. The variance minimizes the amount of fill in the floodplain needed to reasonably develop the property by allowing the water quality pond to be located in the Critical Water Quality Zone.

c. Does not create a significant probability of harmful environmental consequences; and

Yes. The proposed water quality ponds are designed to current green water quality control standards, do not impact any Critical Environmental Features, and do not effect any heritage trees. The site will be revegetated and stabilized.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The site was previously used for mining. The proposed water quality pond is designed to current City of Austin green water quality control standards and has been approved by City of Austin water quality review staff. Native plant revegetation beyond what is required for reclamation will be provided.

The Land Use Commission may grant a variance from a requirement of Article 7, Division 1 (Critical Water Quality Zone Restrictions), after determining that:

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The criteria for granting a variance in Subsection (A) are met;

Yes, see above.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes. The property is undevelopable without water quality ponds. The pond is located in the Critical Water Zone to minimize fill in the floodplain. The requirement for which the variance is requested is necessary for the reasonable economic use of the entire property.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes. The reasonable economic use of the property is infeasible without the requested variance. The property is undevelopable without a water quality pond. Shifting the pond to another location will require more fill within the floodplain. This is the minimum deviation necessary to allow development of the property.

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

1. Stormwater discharges to the Colorado River must utilize protective works sufficient to prevent an erosive condition as determined by the Director of Watershed Protection.

2. Floodplain restoration must be provided at a 2:1 ratio as per ECM 1.7.5 in an area mutually agreed upon by staff and applicant. Restoration must include reforestation of canopy-deficient areas and invasive plant management.

3. Any exposed spoils must be removed within the project area.

4. Erosion control measures must be installed to prevent runoff or movement of spoils from any unreclaimed portions of the site into the project area.

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Environmental Policy Program Manager (DSD)	Mike McDougal	Date: 11/24/2026
Environmental Officer (WPD)	Liz Johnston	Date: 11/24/2026