

ORDINANCE NO. _____

AN ORDINANCE CREATING THE LAKE AUSTIN TASK FORCE (“LATF”); DIRECTING THE CITY MANAGER TO WORK WITH LATF TO DEVELOP AND REPORT RECOMMENDATIONS FOR CHANGES RELEVANT TO LAKE AUSTIN; WAIVING CERTAIN REQUIREMENTS OF SECTION 25-1-502 RELATING TO AMENDMENTS OF TITLE 25; AND AMENDING THE CITY CODE TO PROHIBIT ENVIRONMENTAL ADMINISTRATIVE VARIANCES FOR DEVELOPMENT OF PROPERTIES ABUTTING OR WITHIN 100 FEET OF THE SHORELINE OF LAKE AUSTIN.

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

PART 1. FINDINGS.

The City Council finds that:

- (1) Lake Austin is a reservoir on the Colorado River impounded by the Tom Miller Dam within the limits of the City of Austin with multiple governmental and quasi-governmental bodies having concurrent jurisdiction.
- (2) In 1945 the State of Texas granted its rights to all the land in the Colorado River within the City limits of Austin, including the bed, banks, and islands therein, to the City of Austin.
- (3) Via Certificates of Adjudication, the State of Texas has granted to the City certain rights to impound, divert, and use the waters of the Colorado River within the city limits of Austin.
- (4) As the recognized owner of certain rights to Lake Austin and under its police powers and home-rule authority, the City has authority to regulate a variety of commercial and other uses, activities, and development on, around, and affecting Lake Austin and its components and features for the public health, safety, general order and welfare, environmental and natural resource conservation and sustainability, and for other good and justified cause.
- (5) The City currently draws its drinking water from Lake Austin, which also is the sole water supply reservoir for many riparian households and Municipal Utility Districts authorized by the City to serve subdivisions within proximity of Lake Austin.

- 1 (6) The City regulates land development in and around Lake Austin and
2 approval of administrative variances is discretionary but available solely in
3 those cases where specific determinations are made by the City and findings
4 support the administrative variance.
- 5 (7) Numerous citizens have raised multiple concerns about impacts and
6 unintended consequences related to commercial, residential, recreational,
7 and other use, activity, and development on and near Lake Austin, including,
8 but not limited to: reports of substantial shoreline erosion, degradation of
9 water quality and natural geologic features, unpermitted construction,
10 development exceeding the scope of approved variances or permits, and
11 inadequate enforcement mechanisms and regulatory remedies to control for
12 existing violations and to prevent or deter future problems.
- 13 (8) In response to concerns identified, in 2010 the Parks and Recreation Board
14 and the Waterfront Planning Advisory Board passed resolutions
15 (Attachments A and B) requesting City Council assemble a multi-
16 disciplinary body or task force to recommend methods and policies to
17 provide reasonable use of Lake Austin while protecting the public health,
18 safety and welfare, and the value and integrity of this natural resource asset
19 of the City and its inhabitants.

20 **PART 2.** The Lake Austin Task Force (“LATF”) is created to develop
21 recommendations for future regulatory controls and enforcement mechanisms on and
22 relevant to Lake Austin to promote, preserve, and protect this critical public asset.

23 **PART 3.** City Council directs the City Manager to provide necessary resources and
24 technical assistance to the LATF.

25 **PART 4.** The LATF shall consist of 14 regular members and 3 ex-officio voting
26 members to be appointed as follows:

- 27 (1) Seven regular members from among the residents of the neighborhoods
28 adjacent to and surrounding Lake Austin, one member appointed by each
29 member of the Austin City Council;
- 30 (2) Seven regular members appointed one by each member of the Austin City
31 Council on the basis of the appointee’s knowledge or expertise in
32 environmental design, environmental management, or related subject matter
33 expertise relevant to Lake Austin;
- 34 (3) Three ex-officio voting members consisting of one representative from the
35 Parks and Recreation Board; Environmental Board; and Water and

1 Wastewater Commission, selected by the members of the respective Board;
2 and

- 3
4 (4) Non-voting representatives invited by the City Manager from the Lower
5 Colorado River Authority, the Texas Parks and Wildlife Department, and the
6 Corps of Engineers.
7

8 **PART 5.** The City Manager is directed to report to the City Council LATF
9 preliminary recommendations, anticipated additional needs, and timeline for finalizing
10 recommendations not later than September 27, 2012.
11

12 **PART 6.** Section 25-8-42 (*Administrative Variances*) subsection (A) is amended to
13 read:

14 **§ 25-8-42 ADMINISTRATIVE VARIANCES.**

- 15 (A) A variance under this section may not vary the requirements of Article 12
16 (*Save Our Springs Initiative*) and may not be granted for development of
17 properties abutting or within 100 feet of the shoreline of Lake Austin.

18 **PART 7.** Section 25-8-281(Critical Environmental Features) subsection (D) is
19 amended to read:

20 **§ 25-8-281 CRITICAL ENVIRONMENTAL FEATURES.**

- 21 (D) The director may grant an administrative variance to a requirement unless the
22 property that is the subject of the administrative variance abuts or is located
23 within 100 feet of the shoreline of Lake Austin. An applicant for a variance
24 must demonstrate that the proposed measures preserve all characteristics of
25 the critical environmental feature.

26 **PART 8.** The Council waives the requirements of City Code section 25-1-502
27 (*Amendment; Review*) relating to processing of amendments to City Code Title 25.
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PART 9. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

_____, 2012 § _____
§
§
§
Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard Shirley A. Gentry
City Attorney City Clerk