

RESOLUTION NO. 20130627-075

WHEREAS, 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; and

WHEREAS, in 1945 the State of Texas granted to Austin its rights to all the land in the Colorado River within the City limits of Austin and certain rights to impound, divert, and use the waters of the Colorado River; and

WHEREAS, the City currently draws its drinking water from Lake Austin, which also is the sole water supply reservoir for many households and Municipal Utility Districts near Lake Austin; and

WHEREAS, the City has the authority to regulate a variety of commercial and other uses, activities, and development on and around Lake Austin for the health, safety, general order and welfare of the public as well as to promote environmental and natural resource conservation and sustainability; and

WHEREAS, on May 24, 2012, the Austin City Council created a Lake Austin Task Force (LATF) to address the impact that commercial, residential, and recreational activity has had on Lake Austin; and

WHEREAS, the ordinance that accompanied the May 2012 Council action required that requests for environmental variances under City Code Section 25-8-41 on behalf of a property abutting or within 500 feet of the shoreline of Lake Austin be heard by Planning Commission while the LATF did its work; and

WHEREAS, the LATF was directed to include in its recommendations whether the code changes made in the May 2012 ordinance regarding environmental variances should be repealed, amended, or left in place; and

WHEREAS, in 1940 the Austin City Council established a five-member Lake Austin Navigation Board to oversee local regulation of private and commercial watercraft operating on Lake Austin; and

WHEREAS, this responsibility was consistent with the Parks and Recreation Department's oversight of recreational activities; and

WHEREAS, the Navigation Board's role has evolved over time; and

WHEREAS, the Parks and Recreation Board exercises authority over certain development approvals on Lake Austin; and

WHEREAS, the LATF finalized its recommendations on June 3, 2013 but a report has not yet been completed and submitted to the City Council; and

WHEREAS, the LATF came to consensus in recommending:

- The Parks and Recreation Board should not decide development variance requests;
- The Lake Austin Residential District (LA) zoning category contains important environmental protections as befits property within the 1000-foot geographic designation from the shoreline, but these protections fall away when properties are rezoned. The City should address this issue;

- Staff should consider revising the process for variance review. The LATF further recommended that for the near future, requests for development variances should be determined by the Board of Adjustment rather than the Parks and Recreation Board, and all requests for environmental variances (including those from City Code Chapter 25-8 Critical Environmental Feature protections, shoreline relocation, lake fill, and construction on slopes) should be reviewed by the Environmental Board for a recommendation to the Zoning and Platting Commission; and

WHEREAS, when the LATF dissolved by operation of its enabling ordinance, temporary provisions regarding applicable variance review protocol for Lake Austin properties reverted back to the pre-May 2012 process; and

WHEREAS, the potential exists for projects to move forward in ways contrary to the process recommended by the diverse group of stakeholders who served on the LATF; **NOW, THEREFORE**,

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

The City Manager is directed to develop recommendations for preserving the environmental protections currently codified in the Lake Austin (LA) Residential District zoning for all properties within 1000 feet of the Lake Austin shoreline, regardless of the zoning for individual parcels, and to schedule these for Council action no later than September 1, 2013.

BE IT FURTHER RESOLVED:

Until such recommendations are codified, the City Manager is directed to either suspend rezoning properties from LA to a less-stringent zoning category, or to ensure that the environmental protections within the LA zoning are maintained in any proposed new zoning category.

BE IT FURTHER RESOLVED:

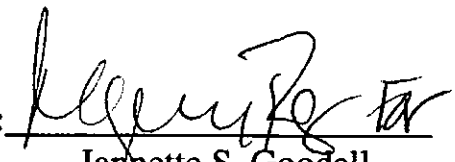
The City Manager is directed to consider a revision to the process for variance review requests from properties in proximity to Lake Austin whereby development variances be determined by the Board of Adjustment rather than the Parks and Recreation Board.

BE IT FURTHER RESOLVED:

For all properties within 1000 feet of Lake Austin shoreline, the Planning Commission shall act as the land use commission for dock, bulkhead, and shoreline variance requests granted under Chapter 25-2 (including Article 13) and environmental variance requests granted under Chapter 25-8 of the Land Development Code. If any code amendments or ordinance action be necessary to accomplish this direction, the City Manager is directed to initiate and present such items for Council action without delay.

ADOPTED: June 27, 2013

ATTEST:


Jannette S. Goodall
City Clerk