



MEMORANDUM

TO: Members of the Environmental Commission

FROM: Liz Johnston, Environmental Program Coordinator
Watershed Protection Department

DATE: April 27, 2016

SUBJECT: Proposed Code Amendment related to Development along Austin's Lakes

On the May 4, 2016 Environmental Commission agenda is a proposed code amendment intended to fix typos, clarify code language, and remove apparent conflicts within the Land Development Code (LDC) related to construction along Austin's lakes. The proposed amendment will affect Chapters 25-2 "Zoning" and 25-8 "Environment", as well as revise Title 30 to coincide with the proposed changes to Title 25.

Background

A comprehensive overhaul of the development code related to boat docks and other lake-related development went into effect on July 7, 2014. This code change was requested by City Council (Resolution No 20130829-078) following the Lake Austin Task Force's consensus recommendation that city staff update and modernize the code relating to boat docks. The resulting code amendment was the first substantive rewrite of existing code related to boat docks and shoreline development. Review times for basic boat docks that do not trigger environmental variances have decreased by approximately three weeks since the passage of the 2014 ordinance. However, there have been new issues within the LDC that need additional revision in order to streamline the review process further and remove barriers from the ability of a homeowner to seek environmental variances for certain activities.

In addition to the July 7, 2014 amendment, the Watershed Protection Ordinance was also passed in October of 2013, which resulted in changes to floodplain modification rules and provided a tool for staff to assess floodplain modifications using a Functional Assessment. These changes to floodplain modification regulations currently apply throughout the City of Austin's regulatory jurisdiction; however, they have particular impact to homeowners along the Lakes due to the number of residences that have shoreline frontage. However, due to the management of the reservoir, the location of the floodplain is not always relevant to the types of erosion that homeowners face along the lakes, particularly Lake Austin. Therefore staff proposes to modify the LDC in order to facilitate a holistic review of the banks along the lakes, regardless of whether or not the bank is located in the 100-year-floodplain or not.

Summary of Proposed Code Amendments

The following revisions to the Land Development Code are intended to provide clarity to existing rules, to remove apparent conflicts between different sections of the LDC, and to provide the ability for citizens

to request variances for certain activities not otherwise allowed by the LDC (e.g. placing fill in a lake, or dredging greater than 25 cubic yards). The numbers below reference current sections of the LDC. The two chapters of the LDC that will be affected by the proposed ordinance are LDC 25-2 Zoning and LDC 25-8 Environment.

25-2-551 Lake Austin District Zoning

- Clarify that fences are allowed in the LA setback. *Note: This does not negate floodplain and building permit rules related to fences in LDC 25-7-3 and 25-12-3.*
- Fix typo related to distinctions between slope categories for the purposes of determining the amount of allowable impervious cover.
- Fix typo within the subsection heading.

25-2-1172 Definitions

- Provide a definition for “Shoreline Frontage” in order to clarify how to measure the percentage of allowable development along the lake shoreline.

25-2-1175 Lighting and Electrical Requirements

- Fix ambiguities in language related to the distance along the shoreline versus length of extension into the lake.

25-2-1176 Site Development Regulations for Docks, Marinas, and Other Lakefront Uses

- Clarify how to measure “20% of a channel width” in order to determine how far a dock can extend into a channel.
- Clarify calculation of percent openness and allow for insect screening.
- Allow construction of public (municipal) boat ramps.

25-8-261 Critical Water Quality Zone Development

- Clarify how to determine “restored to a natural condition”.
- Clarify the size and species of woody vegetation required to remain within the LA setback.
- Clarify “necessary access” within a critical water quality zone.
- Allow the restoration of eroding banks located outside the 100-year-floodplain along the shoreline of a lake within a Critical Water Quality Zone using the existing Functional Assessment methods. [ECM Appendix X]
- Remove apparent conflicts between development allowed along lake shorelines and development allowed in a Critical Water Quality Zone.

25-8-364 Floodplain Modification

- Remove apparent conflicts between development allowed along a lake shoreline and development allowed through floodplain modification rules.

25-8-652 Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long

- Current code allows dredging **less than** 25 cubic yards. Revise to allow dredging **up to** 25 cubic yards.
- Provide a process for applicants to request variances to place fill in a lake or dredge greater than 25 cubic yards by moving from 25-8 Subchapter B to 25-8 Subchapter A.

Title 30 Austin/Travis County Subdivision Regulations, Chapter 30-5 Environment

- Update Title 30-5 to include the same language as LDC Chapter 25-8.

Additional Considerations from Stakeholders

At a stakeholder meeting conducted on April 26, 2016, some stakeholders expressed concerns about the lack of regulations related to “touchless boat covers”, which are canvas boat curtains that entirely surround boats within a dock. Homeowners have expressed concerns about the decrease in visibility and enjoyment of the lake resulting from the opaque material and a potential resultant lowered property values. Watershed Protection Staff do not feel that this particular issue has been properly vetted within the Lake Austin homeowner community and do not have a recommendation about this issue at this time.

Some stakeholders have also expressed concerns about the floodplain modification requirements to restore the shoreline with trees due to the potential presence of existing septic fields adjacent to small lots along Rivercrest Dr and other similar areas. Their concern is that they will not be able to meet the requirements to provide sufficient trees to avoid environmental variances when functional assessments are required. Staff believes that functional assessment criteria are purposefully flexible and the likelihood of environmental variances will be low for the vast majority of the lake property owners using functional assessments. However, if a site has existing conditions that make it difficult to meet code requirements, the variance process would allow staff to take such conditions into consideration when drafting staff recommendations for variances.

Request

Staff requests that the Environmental Commission consider and make a recommendation for the proposed code amendment related to development along Austin’s lakes.