

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2021-008

Description:

Amend certain provisions to the City Code relating to cut and fill requirements and critical water quality zone development regulations as applied to Urban Trails.

- Allow cut and fill of up to 8 feet for a public trail if the cut and/or fill is not located on a slope of more than 15% or within 100 feet of a classified waterway and the trail is designed in accordance with the Environmental Criteria Manual.
- Clarify the language to formalize current code interpretation making clear that a trail within the critical water quality zone is limited to 12 feet plus one foot compacted sub grade shoulders on each side.

The draft ordinance is attached.

Staff Recommendation:

Staff recommends approval of this amendment.

Board and Commission Actions

Codes and Ordinances Joint Committee recommended to full Planning Commission on a 6-0 vote on September, 15, 2021.

Environmental Commission recommended amendment on a 7-0 vote on August 18, 2021.

City Council Action

City Council initiated code amendments per resolution no. 20210610-041 on June 10, 2021.

Ordinance Number: NA

City Staff: Katie Wettick

Phone: 512-974-3529

Email: Katie.Wettick@AustinTexas.gov

DRAFT ORDINANCE

Subsection (B) of City Code Section 25-8-261 (*Critical Water Quality Zone Development*) is amended to read as follows:

- (B) Open space is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection Department, subject to the conditions in this Subsection.
- (1) In a water supply rural watershed, water supply suburban, or the Barton Springs Zone, open space is limited to sustainable urban agriculture or a community garden if the requirements in subsection (B)(4) are met, multi-use trails, picnic facilities, and outdoor facilities, excluding stables, corrals for animals and athletic fields.
 - (2) A master planned park that is approved by the council may include recreational development other than that described in Subsection (B)(1).
 - (3) A hard surfaced trail may cross the critical water quality zone pursuant to Section 25-8-262 (*Critical Water Quality Zone Street Crossings*). A hard surfaced trail that does not cross the critical water quality zone may be located within the critical water quality zone only if:
 - (a) designed in accordance with the Environmental Criteria Manual;
 - (b) located outside the erosion hazard zone unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (c) limited to 12 feet in width plus one-foot compacted sub-grade shoulders, unless a wider trail is designated in a Council-adopted plan [~~the Urban Trails Master Plan adopted by Council~~];
 - (d) located not less than 25 feet from the centerline of a waterway if within an urban watershed;
 - (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed;

- (f) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92; and
 - (g) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam.
- (4) Open space may include sustainable urban agriculture or a community garden only if:
 - (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (b) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92;
 - (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (d) designed in accordance with the Environmental Criteria Manual; and
 - (e) limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.
- (5) In a suburban or urban watershed, open space may include an athletic field only if:
 - (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a suburban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (b) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;

- (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam; and
- (d) the owner of the athletic field submits to the Watershed Protection Department a maintenance plan to keep the athletic field well vegetated and minimize compaction, as prescribed in the Environmental Criteria Manual.

Subsection (A) of City Code Section 25-8-341 (*Cut Requirements*) is amended to read as follows:

- (A) Cuts on a tract of land may not exceed four feet of depth, except:
 - (1) in an urban watershed;
 - (2) in a roadway right-of-way;
 - (3) for construction of a building foundation or swimming pool;
 - (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of cut over four feet;
 - (b) the cut is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (5) for utility construction or a wastewater drain field, if the area is restored to natural grade;
 - (6) in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:
 - (a) the cut is not in a critical water quality zone;
 - (b) the cut does not alter a 100-year floodplain;
 - (c) the landfill or excavation has an erosion and restoration plan approved by the City; and

- (d) all other applicable City Code provisions are met; ~~or~~[-]
- (7) for cut associated with construction of a multi-use trail, if:
 - (a) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (b) the cut is limited to no more than eight feet in depth;
 - (c) the cut is located in a public right-of-way or public easement;
and
 - (d) the trail is designed in accordance with the Environmental Criteria Manual.

Subsection (A) of City Code Section 25-8-342 (*Fill Requirements*) is amended to read as follows:

- (A) Fill on a tract of land may not exceed four feet of depth, except:
 - (1) in an urban watershed;
 - (2) in a roadway right-of-way;
 - (3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;
 - (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of fill over four feet;
 - (b) the fill is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (5) for utility construction or a wastewater drain field; ~~or~~[-]
 - (6) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:

- (a) the fill is derived from the landfill operation;
- (b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
- (c) the landfill operation has an erosion and restoration plan approved by the City; and
- (d) all other applicable City Code provisions are met; or [-]

(7) for fill associated with construction of a multi-use trail, if:

- (a) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (b) the fill is limited to no more than eight feet in depth;
- (c) the fill is located in a public right-of-way or public easement; and
- (d) the trail is designed in accordance with the Environmental Criteria Manual.

Plain Language Summary

Description	Type of Change	Current Status/Concern	Proposed Improvement	Advantage	Disadvantage
25-8-341 Cut Requirements and 25-8-341 Fill Requirements	Policy	Cut and fill for a trail located in a suburban watershed is currently limited to 4 ft or an administrative variance is required. While administrative variances are typically granted, construction of roadways in public right-of-way has no cut or fill limit.	Allow cut and fill of up to 8 ft for a public trail if the cut or fill is not located on a slope of more than 15% or within 100 ft of a classified waterway and the trail is designed in accordance with the Environmental Criteria Manual.	Streamlines review process.	None
25-8-261 Criteria for hard surfaced trails located within the critical water quality zone	Clarify	A hard surface trail within the critical water quality zone is limited to 12 feet in width, unless a wider trail is designated in a Council adopted plan. Current language does not make clear if that is surface width or if it includes the sub-grade shoulders that extend beyond the usable width of the trail. Current interpretation is that the 12 ft width refers to the usable width of the trail.	Clarify the language to formalize current interpretation making clear that a trail within the critical water quality zone is limited to 12 feet plus one foot compacted sub grade shoulders on each side.	Formalizes internal policy.	None



ENVIRONMENTAL COMMISSION MOTION 20210818 004b

Date: August 18, 2021

Subject: Proposed changes to the Land Development Code for urban trails

Motion by: Kevin Ramberg

Seconded by: Rachel Scott

RATIONALE:

WHEREAS, the Environmental Commission recognizes the City staff are requesting changes to Land Development Code for urban trails specifically requesting:

- (1) An amendment to LDC 25-8-341 and 25-8-342 to cut and fill requirements to allow cut and fill of up to 8 feet for a public trail if the cut or fill is not located on a slope of more than 15% or within 100 feet of a classified waterway and the trail is constructed in accordance with the Environmental Criteria Manual and
- (2) An amendment to LDC 25-8-261 to clarify the language to formalize the current interpretation making clear that a trail within the critical water quality zone is limited to 12 feet plus one foot compacted subgrade shoulders on each side.

THEREFORE, the Environmental Commission recommends the above noted changes to the Land Development Code.

VOTE 7-0

For: Qureshi, Brimer, Scott, Thompson, Barrett Bixler, Ramberg, and Coyne

Against: None

Abstain: None

Recuse: None

Absent: Bedford, Bristol, Guerrero

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive style with a long horizontal line extending to the right.

Linda Guerrero, Environmental Commission Chair

Urban Trail Proposed Code Amendments

OCTOBER 12, 2021



PUBLIC WORKS

*Well-Built
Well-Maintained
Well-Being For All*



Agenda 10.12.2021

- I. Background
- II. Proposed Code Amendments
 - I. LDC 25-8-341/342
 - II. LDC 25-1-261(B)(3)(c)
- III. Q&A



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

The City Council directs the City Manager to create an urban trails stakeholder group to examine the administrative processes and requirements associated with the design and permitting of urban trails on public land, public easements, or rights-of-way.

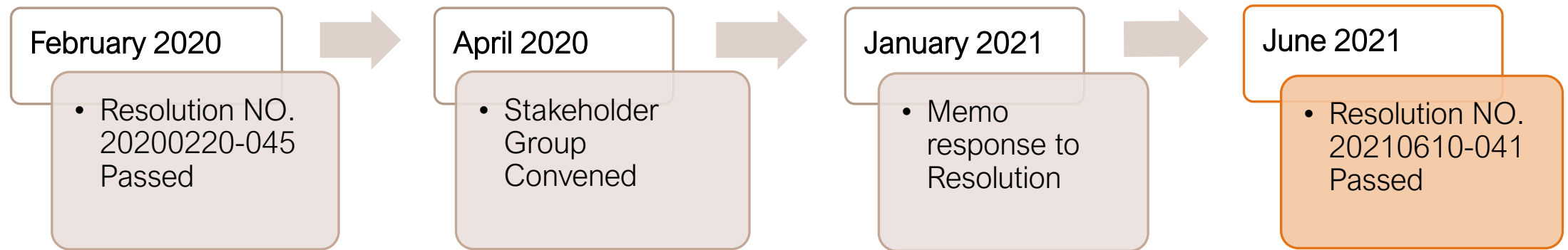
BE IT FURTHER RESOLVED:

The City Council directs the City Manager to include in the urban trails stakeholder group the relevant city departmental staff, representatives from relevant boards and commissions, and leaders of community organizations that are directly involved in building urban trails. The City Council encourages the City Manager to include representatives from Austin Energy, Austin Water, Austin Transportation Department, Development Services Department, Parks and Recreation Department, Public Works Department, Watershed Protection Department, Shoal Creek Conservancy, Hill Country Conservancy, The Trail Foundation, Waterloo Greenway Conservancy, Environmental Commission, Parks and Recreation Board, and Urban Transportation Commission in the stakeholder group.

Background

Resolution
NO. 20200220-045]

Background



Resolution NO. 20210610-041

“(2) Council initiates the following amendments to the Land Development Code, as recommended by PWD and WPD in Appendix B of the January 4, 2021 memo from PWD, and asks that they be brought back to Council by August 26, 2021:

(a) Amend Land Development Code 25-8-341 and 25-8-342 to grant urban trails projects greater cut and fill allowances under specific environmental circumstances.

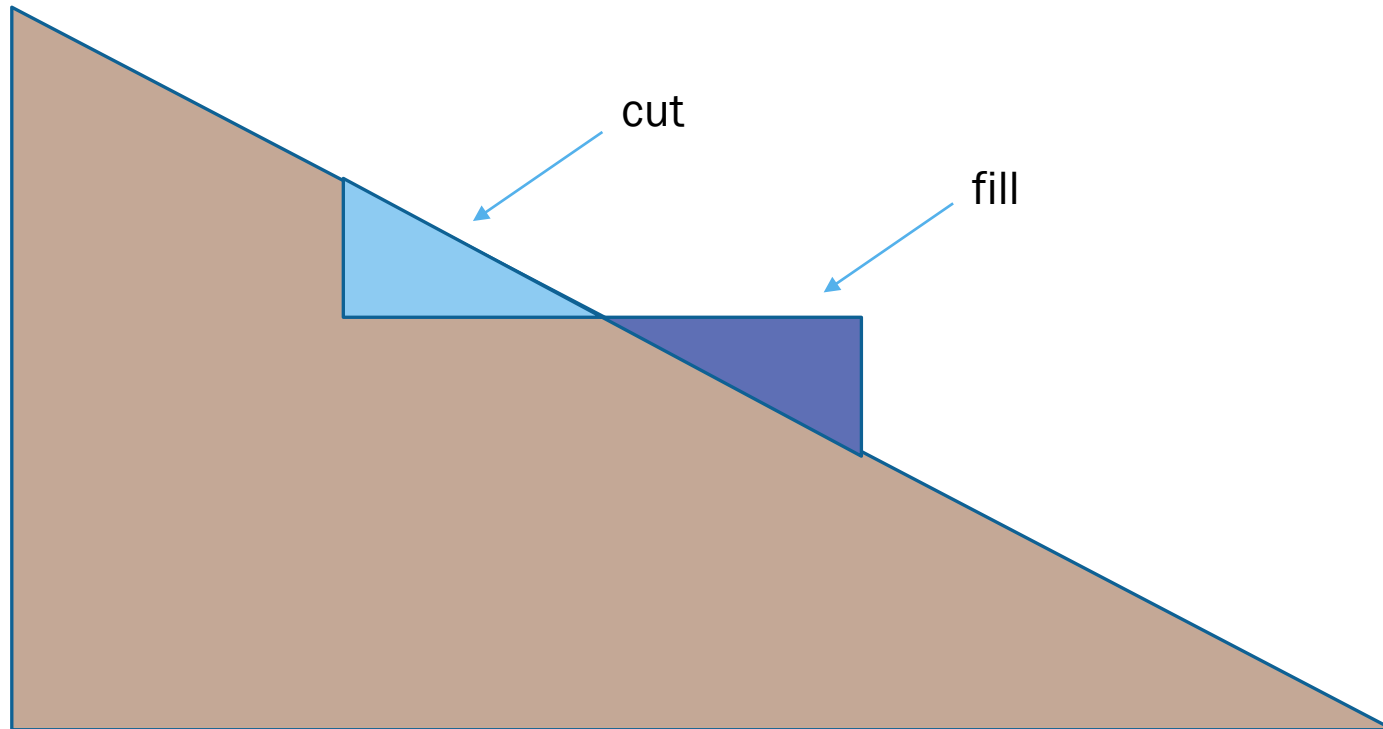
(b) Amend Land Development Code 25-8-261(B)(3)(c) to reflect current policy that trails within the critical water quality zone be limited to 12 feet in surface width plus one-foot shoulders on each side.

PURPOSE

- Streamline review process
- Create transparency
- Formalize internal policy



What is Cut + Fill?



LDC 25-8-341 & 25-8-342: Cut and Fill

Current Status:

- Cut and/or fill in a suburban watershed is limited to 4 ft in depth
- Administrative variance typically granted to allow up to 8 ft, with certain conditions
- Construction of roadways in public right-of-way has no cut or fill limit

Proposed Improvement

- Allow cut and/or fill of up to 8 ft for a public trail if:
 - The cut or fill is not located on a slope of more than 15%
 - The cut or fill is not located within 100 ft of a classified waterway; and
 - The trail is designed in accordance with the Environmental Criteria Manual.

NORTHERN WALNUT CREEK TRAIL

Northern Walnut Creek Trail Phase 2A

- Construction beginning November 2021
- Granted admin variance from cut and fill requirements



LDC 25-8-261: Critical Water Quality Zone Development

Current Status:

- A hard surface trail within the critical water quality zone is limited to 12 feet in width, unless a wider trail is designated in a Council adopted plan.
- Current language does not make clear if the 12 ft refers to the surface width or if it includes the sub-grade shoulders that extend beyond the usable width of the trail.

Proposed Improvement

- Clarify the language to formalize the current interpretation to make clear that a trail within the critical water quality zone is limited to 12 ft plus one ft compacted sub grade shoulders on each side



CURRENT EXAMPLE

- Lower Boggy Creek Trail

UPCOMING PROJECTS:

- Country Club Creek Trail
- Northern Walnut Creek Trail



Questions?

Katie Wettick, AICP
Urban Trails Program Manager
Public Works Department
Katie.Wettick@austintexas.gov



LDC 25-8-341 – Cut Requirements

(A) Cuts on a tract of land may not exceed four feet of depth, except:

- (1) in an urban watershed;
- (2) in a roadway right-of-way;
- (3) for construction of a building foundation or swimming pool;
- (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of cut over four feet;
 - (b) the cut is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (5) for utility construction or a wastewater drain field, if the area is restored to natural grade;

(6) in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:

- (a) the cut is not in a critical water quality zone;
- (b) the cut does not alter a 100-year floodplain;
- (c) the landfill or excavation has an erosion and restoration plan approved by the City; and
- (d) all other applicable City Code provisions are met.

(7) for cut associated with construction of a multi-use trail, if:

- (a) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (b) the cut is limited to no more than eight feet in depth;
- (c) the cut is located in a public right-of-way or public easement; and
- (d) the trail is designed in accordance with the Environmental Criteria Manual.

LDC 25-8-341 – Fill Requirements

(A) Fill on a tract of land may not exceed four feet of depth, except:

- (1) in an urban watershed;
- (2) in a roadway right-of-way;
- (3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;
- (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of fill over four feet;
 - (b) the fill is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (5) for utility construction or a wastewater drain field; or

(6) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:

- (a) the fill is derived from the landfill operation;
- (b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
- (c) the landfill operation has an erosion and restoration plan approved by the City; and
- (d) all other applicable City Code provisions are met.

(7) for fill associated with construction of a multi-use trail, if:

- (a) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (b) the fill is limited to no more than eight feet in depth;
- (c) the fill is located in a public right-of-way or public easement; and
- (d) the trail is designed in accordance with the Environmental Criteria Manual.

LDC 25-8-261: Critical Water Quality Zone Development

A hard surfaced trail may cross the critical water quality zone pursuant to Section 25-8-262 (*Critical Water Quality Zone Street Crossings*). A hard surfaced trail that does not cross the critical water quality zone may be located within the critical water quality zone only if:

- (a) designed in accordance with the Environmental Criteria Manual;
- (b) located outside the erosion hazard zone unless protective works are provided as prescribed in the Drainage Criteria Manual;
- (c) limited to 12 feet in **surface** width **plus one-foot compacted sub-grade shoulders**, unless a wider trail is designated in a Council-adopted plan;
- (d) located not less than 25 feet from the centerline of a waterway if within an urban watershed;
- (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed;
- (f) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92; and
- (g) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam.