

RULE NO.: R161-14.22

POSTING DATE: July 8, 2014

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after August 9, 2014.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at dana.mcgehee@austintexas.gov. To be considered, comments must be submitted before August 9, 2014, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before August 9, 2014 (the 32nd day after the date of this notice) or not after October 6, 2014 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before October 6, 2014, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

BRIEF EXPLANATION OF PROPOSED RULE

R161-14.22: Additions and revisions to the Environmental Criteria Manual Section 1.5 as follows:

Environmental Criteria Manual 1.5.0 – Stream Buffers

- **1.5.1 Introduction**
 - Explains the objectives and purpose of stream buffers.

- **1.5.2 Buffer Geometry**
 - Summarizes the requirements for waterway classifications and buffer widths from Sections 25-8-92 (*Critical Water Quality Zones Established*) and 25-8-93 (*Water Quality Transition Zones Established*) of the Land Development Code, including changes made by the Watershed Protection Ordinance.
 - Clarified that areas proposed for expansion as part of buffer averaging must be contiguous to the Critical Water Quality Zone and maintain a reasonable connection with the functions of the riparian zone and floodplain.

- **1.5.3 Development Allowed in the Critical Water Quality Zone**
 - Provides guidance on how to comply with the requirements of Sections 25-8-261 (*Critical Water Quality Zone Development*) and 25-8-262 (*Critical Water Quality Zone Street Crossings*) of the Land Development Code, including changes made by the Watershed Protection Ordinance
 - Additional criteria provided for open space, trails, sustainable urban agriculture, athletic fields, utility crossings, parallel utilities, green water quality controls, and street crossings.

- **1.5.4 Development Allowed in the Water Quality Transition Zone**
 - Summarizes the requirements for development within the Water Quality Transition Zone established by the Land Development code, including changes made by the Watershed Protection Ordinance.
 - Defines minor drainage facilities and minor water quality controls.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality control standards is established in Chapter 25-8 of the City Code.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-14.22, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director’s administrative authority.

REVIEW AND APPROVED

Victoria J. Li, P.E., Director
Watershed Protection Department

Date: _____

Karen Kennard
City Attorney

Date: _____

This Notice of Proposed Rule was posted on a central bulletin board at City Hall by the City Clerk. Date and time stamp is on the front of the notice.