

RULE NO.: R161-14.23

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If a proposed rule is not adopted on or before October 6, 2014, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.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

R161-14.23: Additions and revisions to the Environmental Criteria Manual Appendices Q1 - Q7 as follows:

Environmental Criteria Manual Appendix Q1 – Net Site Area

- Revised table to improve clarity and reflect changes made to the Land Development Code by the Watershed Protection Ordinance.
- Note: Existing table is deleted in its entirety and replaced.

Environmental Criteria Manual Appendix Q2 – Impervious Cover

- Revised table to improve clarity and reflect changes made to the Land Development Code by the Watershed Protection Ordinance, including creating a separate table for Suburban watersheds and clarifying that the Water Quality Transition Zone calculations should exclude the 100-year floodplain.
- Note: Existing table is deleted in its entirety and replaced.

Environmental Criteria Manual Appendix Q3 – Transfers of Development Intensity

- Revised to improve clarity and reflect changes made to the Land Development Code by the Watershed Protection Ordinance, including new options for transfers and transfer mechanisms.
- Note: Existing chart is deleted in its entirety and replaced.

Environmental Criteria Manual Appendix Q4 – Redevelopment Exception in the Barton Springs Zone

- Revised to improve clarity, reflect changes made to the Land Development Code by the Watershed Protection Ordinance, and extend the fee table to additional years.

Environmental Criteria Manual Appendix Q5 – Vertical Mixed Use Allowable Impervious Cover

- Revised to improve clarity and reflect changes made to the Land Development Code by the Watershed Protection Ordinance.

Environmental Criteria Manual Appendix Q6 – Redevelopment Exception in Water Supply Rural and Water Supply Suburban Watersheds

- New appendix created to provide guidance on how to use the Redevelopment Exception established by the Watershed Protection Ordinance for Water Supply Rural and Water Supply Suburban watersheds.
- Similar format to the existing Appendix Q4 (Redevelopment Exception in the Barton Springs Zone) with Option 1 worksheet for paying into the Mitigation Fund and Option 2 worksheet for dedicating or transferring land.

Environmental Criteria Manual Appendix Q7 – Riparian Zone Mitigation

- New appendix created to provide guidance on how to comply with requirements for riparian zone mitigation established by the Watershed Protection Ordinance

for floodplain modification and parallel utilities within the Critical Water Quality Zone.

- Similar format to the existing Appendix Q4 (Redevelopment Exception in the Barton Springs Zone) with Option 1 worksheet for paying into the Mitigation Fund and Option 2 worksheet for dedicating or transferring land.

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 R161-14.23, 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.