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25 volumetric targets towards minimizing the use of drinking water supply to meet
26 non-drinking water demand; and

27 **WHEREAS**, beginning in 2015, Austin required new commercial
28 developments and redevelopments within 250 feet of a reclaimed water main to
29 connect for irrigation, cooling, and other significant non-potable water uses. Those
30 facilities that are “purple pipe” ready can begin to take advantage of the reduced
31 rates, even before the reclaimed water line has reached their location. The
32 reclaimed water initiative is an integral part of the City’s water conservation
33 program and saves on average about 1.2 billion gallons of drinking water a year;
34 and

35 **WHEREAS**, developing rules and requirements for onsite water reuse
36 systems as well as an incentive program for onsite water reuse systems is critical in
37 achieving the plan’s goals towards reducing demand for potable water; and

38 **WHEREAS**, in December 2020, the City Council adopted the Onsite Water
39 Reuse Systems Ordinance, adding Chapter 15-13 to the City Code, to regulate the
40 collection, treatment, and use of alternative water sources for non-potable uses in
41 multi-family and commercial buildings; and

42 **WHEREAS**, in April 2021, the City Council approved an onsite water reuse
43 systems incentive program; and

44 **WHEREAS**, establishing a requirement that large development projects
45 have an onsite water reuse system starting December 1, 2023 will further enhance
46 water savings through the use of these systems; and

47 **WHEREAS**, specific ordinances to implement the strategies of (1) Water
48 Benchmarking and Water Balance Calculating, (2) Onsite Water Reuse System

Rules and Incentive Programs, and (3) Expanding Reclaimed Water Connection Requirements were previously proposed and reviewed by Council during the Land Development Code Revision Process, which has been stalled due to litigation for over a year; and

WHEREAS, Austin Water proposed the following language for Water Forward Land Development Code Revision Changes:

“23-9D-1020 Definitions

LARGE DEVELOPMENT PROJECT. The construction of one or more multi-family, mixed use or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of 250,000 square feet or more.

SMALL DEVELOPMENT PROJECT. The construction of one or more multi-family, mixed use or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of less than 250,000 square feet.

23-9D-1040 Development Project Requirements

(A) Water Benchmarking and Water Balance Calculation.

(1) Applicability. This subsection applies to a small or large development project for which a site plan application under Division 23-6B-2 (Site Plan Review) is submitted on or after June 1, 2020.

(2) Director’s Review and Approval.

71 (a) A site plan application must include a completed
72 water benchmarking application and water balance
73 calculator.

74 (b) Approval of the water benchmarking application and
75 water balance calculator by the director is required as a
76 condition of site plan approval.

77 (B) Director Consultation Required. In addition to the requirements in
78 Subsection (A), an applicant requesting approval of a large development
79 project must meet with the director prior to site plan release to discuss water
80 efficiency code requirements, water use benchmarking data, and incentives
81 and rebates for alternative water use.

82 23-9D-1050 Onsite Water Reuse System Rules and Incentive Program

83 (A) An onsite water reuse system is required for a large development project
84 for which a site plan application is submitted under Division 23-6B-2 (Site
85 Plan Review) on or after December 1, 2023.

86 (B) By December 1, 2020, the director shall:

87 (1) Adopt rules to implement, administer, and enforce this article,
88 including rules to regulate the treatment, monitoring, and
89 reporting requirements for onsite water reuse systems; and

90 (2) Develop an incentive program for onsite water reuse systems
91

23-9D-1030 Reclaimed Water Connection Requirements

(A) A small development project located within 250 feet of a reclaimed water line shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing, and other significant non-potable water uses identified in the water balance calculator.

(B) A large development project shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing and other significant non-potable water uses identified in the water balance calculator if the large development project is located within 500 feet of a reclaimed water line.

(C) The director may grant a variance for the requirements of this section for:

(1) Small development projects if site conditions are such that compliance would represent a significant financial hardship or health risk to the applicant or the public;

(2) Large development projects if site conditions are such that compliance would represent a health risk to the applicant or the public; or

(3) Municipal uses associated with law enforcement or public health and safety.”; and

WHEREAS, of these items proposed by Austin Water, with regard to the proposed 23-9D-1050 Onsite Water Reuse System Rules and Incentive Program, the items in 23-9D-1050 (B)(1) have been addressed by Council’s adoption on December 10, 2020 of new Chapter 15-13 with regulations for onsite water reuse

116 systems, and for 23-9D-1050 (B)(2) by Council's approval of an incentive program
117 on April 22, 2021, with the requirement in 23-9D-1050 (A) for new large
118 developments projects on or after December 1, 2023 to include an onsite water
119 reuse project remaining to addressed along with the other proposed items; and

120 **WHEREAS**, the Water Forward plan includes strategies to make use of all
121 water, including rainwater, stormwater, in addition to wastewater, that can be
122 treated and reused to meet non-drinking water demands; and

123 **WHEREAS**, the Water Forward plan recommends immediate work to
124 develop ordinances to require that new larger commercial and multifamily
125 buildings use alternative water generated on-site; and

126 **WHEREAS**, the Watershed Protection Department has a long history of
127 water quality protection and sustainable water resource management through
128 reducing the impact of flood, erosion, and water pollution in addition to developing
129 green stormwater proposed ordinance requirements to explore opportunities to gain
130 multiple beneficial uses of stormwater management strategies; and

131 **WHEREAS**, proposed Land Development Code redevelopment
132 requirements regarding stormwater management would address an important
133 source of existing flooding: older commercial, industrial, and multifamily
134 developments that lack adequate provisions for managing stormwater; and

135 **WHEREAS**, proposed Land Development Code redevelopment
136 requirements would directly address drainage problems from older properties, and
137 new development and redevelopment would thus be held to the same drainage
138 standards; **NOW, THEREFORE**,
139

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

141 Council initiates amendments to City Code Chapter 25-9 (Water and
142 Wastewater) to:

- 143 1. Implement development project requirements for water
144 benchmarking and water balance calculations;
- 145 2. Implement mandatory onsite water reuse system requirement for
146 large development projects; and
- 147 3. Expand reclaimed water connection requirements.

148 These ordinances should adhere as closely as possible to the language and
149 intent of the ordinances previously drafted and reviewed through the proposed
150 revision of the Land Development Code.

151 **BE IT FURTHER RESOLVED:**

152 Council initiates an ordinance waiving the requirements for Planning
153 Commission review of a Land Development Code amendment in City Code
154 Section 25-1-502 (Amendment Review) to expedite the implementation of these
155 water conservation strategies and bring them directly to City Council for public
156 hearing and consideration.

157 **BE IT FURTHER RESOLVED:**

158 The City Manager is directed to provide recommendations to mitigate the
159 impacts to affordability of these new building requirements. The recommendations
160 shall be developed with stakeholder input and brought back to Council for
161 consideration in conjunction with implementation of the above ordinances.
162

163 **BE IT FURTHER RESOLVED:**

164 The City Manager is directed to address the increased need for flood
165 protection along with water supply needs through:

- 166 • The “Alternative Water Ordinance and Incentives” option in Water Forward
167 meant to target new ordinances and incentives aimed at use of these
168 alternative water supplies, which would support stormwater management
169 onsite;
- 170 • Examination of implementation issues for community stormwater
171 harvesting; and
- 172 • Assessment of existing needs for rainwater harvesting at multi-family sites.

173
174 **ADOPTED:** _____, 2021 **ATTEST:** _____
175
176 Jannette S. Goodall
177 City Clerk
178