

1 **RESOLUTION NO.**

2 **WHEREAS**, protecting our environment is the foundation for sustaining our  
3 planet, community, and economy; and

4 **WHEREAS**, the City of Austin’s “State of Our Environment: 2020 Annual  
5 Report,” showed that creeks in the Desired Development Zone scored on average  
6 10 points lower than those in the Drinking Water Protection Zone; and

7 **WHEREAS**, the Drinking Water Protection Zone designation located on the  
8 west side of Austin has restricted development through regulations creating  
9 positive environmental outcomes, while the Desired Development Zone, located in  
10 Central and East Austin, has more permissive regulations that have resulted in  
11 some negative outcomes; and

12 **WHEREAS**, properties located in the Desired Development Zone have  
13 more permissive development regulations with regard to the size of creek buffers,  
14 impervious cover limits, cut and fill, and construction on slopes; and

15 **WHEREAS**, extensive empirical literature links exposure to nature with  
16 better health, and creeks provide city-wide opportunities to experience nature; and

17 **WHEREAS**, current code allows for structures such as in-channel detention  
18 basins and concrete wastewater manholes to be placed in creeks, which can cause  
19 erosion and other severe, often long-lasting consequences that can be expensive to  
20 reverse; and

21 **WHEREAS**, the City is faced with the existing and growing threat of  
22 industrial discharges that can negatively impact creeks and communities located  
23 primarily on the east side of the City of Austin; and

24           **WHEREAS**, there has been a steady increase in the amount of land area in  
25 Austin covered by impervious surfaces and a corresponding steady decrease in the  
26 amount of pervious land area capable of absorbing rainfall; and

27           **WHEREAS**, one result of the historically high rates of development is a rise  
28 in the amount of runoff that flows off-site from developed properties and into  
29 older, undersized stormwater drain systems, creeks, rivers, and lakes, contributing  
30 to increases in flooding severity, damage to private property, loss of life, and water  
31 pollution; and

32           **WHEREAS**, currently City Code allows redeveloped sites to use existing  
33 impervious cover as a baseline for drainage calculations, resulting in increased  
34 runoff and contributing to flooding and erosive flows downstream; and

35           **WHEREAS**, a U.S. Geological Survey study found that using green  
36 stormwater infrastructure for water quality provided enhanced mitigation of peak  
37 flows and run-off volumes compared to large, detention-based stormwater control  
38 practices; and

39           **WHEREAS**, the Watershed Protection Department “Master Plan” [sic] of  
40 2016 notes that green stormwater infrastructure controls such as rain gardens,  
41 porous pavement, and rainwater harvesting help retain water in the soil before it  
42 has a chance to run off into storm drains and creeks thus restoring, to the greatest  
43 extent possible, natural hydrologic processes; and

44           **WHEREAS**, managing stormwater in this manner can provide multiple  
45 benefits to a watershed; and

46           **WHEREAS**, using green stormwater infrastructure practices such as  
47 bioswales, rain gardens, and permeable pavement can reduce stormwater pollution

48 while also reducing the burden and demand on existing infrastructure by capturing  
49 rainfall onsite; and

50 **WHEREAS**, onsite infiltration is key to reducing the amount of stormwater  
51 flowing to the storm sewers, and using parking lot islands for rainfall capture  
52 would allow a code-required element to serve multiple purposes; and

53 **WHEREAS**, buildings, roads, and parking lots absorb and retain heat  
54 causing a “heat island effect” that can pose serious problems for our health and  
55 environment; and

56 **WHEREAS**, employing strategies to create cool spaces in areas with high  
57 impervious cover helps to mitigate the heat island effect and to cool the urban core;  
58 and

59 **WHEREAS**, current City Code landscape requirements are based on the  
60 land within a commercial property not covered by a building, leaving projects with  
61 80% or more impervious cover with few requirements for greenspace; and

62 **WHEREAS**, rainwater harvesting and storage offer the potential for  
63 significant cumulative benefits across watersheds, including reducing the burden  
64 on and thus extending the utility life of existing stormwater infrastructure,  
65 improving water quality, and extending our potable water supply; and

66 **WHEREAS**, current City Code provisions require cisterns used for water  
67 quality to release harvested water after 72 hours to prepare for the next storm  
68 event, though calculations for a successful non-potable rainwater irrigation system  
69 rely on keeping all rain captured to be able to have water for dryer months; and

70 **WHEREAS**, wetlands help to stabilize the shoreline against heavy rains and  
71 floods; and

73           **WHEREAS**, current City Code provisions do not protect wetlands bounded  
74 by Interstate 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and  
75 15th Street, though Lady Bird Lake experiences extreme periodic flooding; and

76           **WHEREAS**, Resolution No. 20170615-071 directed the City Manager to  
77 assess the City’s progress toward achieving the vision, goals, policies, and actions  
78 relating to green infrastructure, as defined in the Imagine Austin Comprehensive  
79 Plan, and to evaluate opportunities to further expand the City’s green  
80 infrastructure-related programs and projects; and

81           **WHEREAS**, City staff’s recommended updates and clarifications to  
82 portions of Chapters 25-7 (*Drainage*) and 25-8 (*Environment*) that relate to  
83 watershed protection did not move forward due to the failed CodeNext process;  
84 and

85           **WHEREAS**, staff across several departments spent considerable effort  
86 developing draft ordinances for Planning Commission and Council consideration  
87 to further the City’s goals of substantially increasing infiltration of stormwater on-  
88 site, including ordinances in the last proposed revision of the Land Development  
89 Code such as:

- 90           1. requiring green infrastructure in urban settings where traditional landscape  
91           requirements are not possible (“Functional Green” 23-3D-3110);
- 92           2. requiring surface parking lots to include tree islands, landscaped medians,  
93           and perimeter landscapes and require that pavement be graded to allow  
94           runoff to enter planting areas (23-3D-3050, 3060 and 3070);
- 95           3. removing an exception to flood mitigation requirements for redevelopments  
96           that are not increasing impervious cover (23-9E-3010); and

- 97 4. requiring all subdivisions and site plans in Urban Watersheds meet steep  
98 slope protections (23-4D-8030); **NOW, THEREFORE,**

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

100 The City Council directs the City Manager to address the equitable  
101 protection of the environment throughout the City of Austin as part of the  
102 Watershed Protection Strategic Plan, with emphasis on the protection of Blackland  
103 Prairie. Regulations related to cut and fill and creek protection shall be among the  
104 considerations. The City Council directs the City Manager to provide a plan to  
105 achieve this direction on or before November 1, 2022.

106 **BE IT FURTHER RESOLVED:**

107 The City Council directs the City Manager to create procedures that achieve:

- 108 1. quarterly sampling of creeks located immediately downstream from  
109 semiconductor manufacturing plants, concrete batch plants, automobile  
110 manufacturers, battery manufacturing plants, fuel storage tanks, and other  
111 industrial businesses staff would recommend for inclusion; and  
112 2. communication with the Austin Water Utility when high levels of E.coli are  
113 found in particular creeks so that Austin Water can investigate and repair  
114 any leaking wastewater pipes located within creeks in a timely manner.

115 The City Council directs the City Manager to create these procedures on or before  
116 September 15, 2022.

117 **BE IT FURTHER RESOLVED:**

118 The City Council initiates code amendments, including amendments to Title 25,  
119 that:

- 121 1. Establish criteria that prioritize when green stormwater methods should be  
122 required or incentivized over conventional stormwater controls;
- 123 2. Require surface parking lot stormwater to enter pervious parking lot islands,  
124 landscaped medians, and perimeter landscapes as a method of water quality  
125 and require that pavement be graded to allow runoff to enter planting areas;
- 126 3. Implement Functional Green requirements for properties with more than  
127 80% allowable impervious cover;
- 128 4. Require that all subdivisions and site plans in Urban Watersheds meet steep  
129 slope protections;
- 130 5. Allow rainwater harvesting on all commercial projects as a method of green  
131 stormwater infrastructure and water reuse onsite;
- 132 6. Require cisterns to be sized beyond the required storm capture amount and  
133 remove requirement for stormwater release so that they can supply irrigation  
134 needs throughout the year;
- 135 7. Require new and redeveloped projects to use greenfield conditions as a  
136 baseline when calculating drainage requirements;
- 137 8. Prohibit in-channel detention ponds;
- 138 9. Require projects to relocate new or upsized wastewater pipes outside of the  
139 inner half of the critical water quality zone;
- 140 10. Provide wetland protections and buffers equally along Lady Bird Lake to  
141 help to stabilize and prevent erosion along the shoreline;
- 142 11. Require utility easements to meet the same standards as utility pipes within  
143 the creeks and creek buffers; and
- 144 12. Address current environmental code inconsistencies in Chapters 25-7 and  
145 25-8 that staff have previously identified and reviewed as part of the Code  
146 Next process.

147 The City Council expects that these code amendments will use the previous  
148 staff work and, where appropriate, adhere as closely as possible to the language  
149 and intent of the ordinances previously drafted and reviewed through the proposed  
150 revision of the Land Development Code.

151 The City Manager shall present these code amendments for Council  
152 consideration no later than September 15, 2022.

153 **BE IT FURTHER RESOLVED:**

154 The City Council directs the City Manager to conduct an Affordability  
155 Impact Analysis and a Fiscal Impact Analysis for each proposed code or process  
156 change resulting from this resolution. Additionally, the City Council directs the  
157 City Manager to address the estimated costs of doing nothing to further protect  
158 against water pollution, localized flooding, and the heat island effect; of stabilizing  
159 creeks and shorelines after scouring and erosive floods; mitigating algae and  
160 bacteria in creeks and lakes; and increasing stormwater infrastructure throughout  
161 the City.

162 **ADOPTED:** \_\_\_\_\_, 2022 **ATTEST:** \_\_\_\_\_  
163 Myrna Rios  
164 City Clerk  
165  
166  
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