RESOLUTION NO.

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

WHEREAS, the City of Austin's "State of Our Environment: 2020 Annual Report," showed that creeks in the Desired Development Zone scored on average 10 points lower than those in the Drinking Water Protection Zone; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, buildings, roads, and parking lots absorb and retain heat causing a "heat island effect" that can pose serious problems for our health and environment; and

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

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

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

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

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

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

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

WHEREAS, City staff's recommended updates and clarifications to portions of Chapters 25-7 (*Drainage*) and 25-8 (*Environment*) that relate to watershed protection did not move forward due to termination of the Land Development Code revision process; and

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

1. requiring green infrastructure in urban settings where traditional landscape requirements are not possible ("Functional Green" 23-3D-3110);

2. requiring surface parking lots to include tree islands, landscaped medians, and perimeter landscapes and require that pavement be graded to allow runoff to enter planting areas (23-3D-3050, 3060 and 3070);

3. removing an exception to flood mitigation requirements for redevelopments 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. an appropriate monitoring approach that would assess potential watershed
109   threats from higher risk facilities such as quarterly sampling of creeks
110   located immediately downstream from semiconductor manufacturing plants,
111   concrete batch plants, automobile manufacturers, battery manufacturing
112   plants, fuel storage tanks, and other industrial businesses staff would
113   recommend for inclusion; and
114   2. a documented and transparent process that would address high levels of
115   communication with the Austin Water Utility when high levels of E.coli are
116   found in particular creeks so that Austin Water can investigate and repair
117   any leaking wastewater pipes located within creeks in a timely manner.

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

120 **BE IT FURTHER RESOLVED:**

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

1. Establish criteria that prioritize when green stormwater methods should be required or incentivized over conventional stormwater controls;

2. Require surface parking lot stormwater to enter pervious parking lot islands, landscaped medians, and perimeter landscapes as a method of water quality and require that pavement be graded to allow runoff to enter planting areas;

3. Implement Functional Green requirements for properties with more than 80% allowable impervious cover;

4. Require that all subdivisions and site plans in Urban Watersheds meet steep slope protections;

5. Allow cisterns to be sized beyond the required storm capture amount and remove requirement for stormwater release so that they can supply irrigation needs throughout the year**;**

6. Require new and redeveloped projects to use greenfield conditions as a baseline when calculating drainage requirements;

7. Prohibit in-channel detention ponds, except for capital projects or private/public partnerships where no other alternative is feasible;

8. Require projects to relocate replaced or upsized wastewater pipes outside of the inner half of the critical water quality zone;

9. Provide wetland protections and buffers equally along Lady Bird Lake to help to stabilize and prevent erosion along the shoreline;

10. Require utility easements to meet the same standards as utility pipes within the creeks and creek buffers; and

146   11. Address current environmental code inconsistencies and other minor code

147   revisions in Chapters 25-7 and 25-8 that staff have previously identified and

148   reviewed as part of the Code Next and the Land Development Code revision

149   processes.

150   The City Council expects that these code amendments will use the previous

151 staff work and, where appropriate, adhere as closely as possible to the language

152 and intent of the ordinances previously drafted and reviewed through the proposed

153 revision of the Land Development Code.

154   The City Manager shall present these code amendments for Council

155 consideration no later than September 15, 2022.

156 **BE IT FURTHER RESOLVED**:

157   The City Council directs the City Manager to evaluate the effectiveness of

158 existing Critical Water Quality Zone and Erosion Hazard Zone buffers on the

159 Colorado River downstream of the Longhorn Dam and to propose protections that

160 will provide adequate protections to the river that will ensure a healthy riparian

161 corridor to stabilize the riverbank and protect property from erosion.

162 **BE IT FURTHER RESOLVED:**

163   The City Council directs the City Manager to conduct an Affordability

164 Impact Analysis and a Fiscal Impact Analysis for each proposed code or process

165 change resulting from this resolution. Additionally, the City Council directs the

166 City Manager to address the estimated costs of doing nothing to further protect

167 against water pollution, localized flooding, and the heat island effect; of stabilizing

168 creeks and shorelines after scouring and erosive floods; mitigating algae and

169 bacteria in creeks and lakes; and increasing stormwater infrastructure throughout

170 the City.

171   **ADOPTED:** _____, 2022 **ATTEST:** _____

172   Myrna Rios
173   City Clerk
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