

ORDINANCE NO. _____

AN ORDINANCE GRANTING SITE-SPECIFIC AMENDMENTS AND VARIANCES TO CITY CODE TITLE 25 (*LAND DEVELOPMENT*) FOR THE CONSTRUCTION OF THE WALNUT CREEK WASTEWATER TREATMENT PLANT ENHANCEMENT AND EXPANSION PROJECT; WAIVING NOTICE AND REVIEW REQUIREMENTS OF CITY CODE SECTION 25-1-502 (*AMENDMENT; REVIEW*); AND WAIVING REQUIREMENTS OF CITY CODE SECTION 25-8-41 (*LAND USE COMMISSION VARIANCES*).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS:

- (A) The Walnut Creek Wastewater Treatment Plant (WWTP), located at 7113 FM 969, plays a critical role in maintaining environmental quality in the City of Austin and the Colorado River.
- (B) The WWTP was originally constructed in 1977 and has been expanded and improved over time, but now needs additional improvements and enhancements to maintain functionality and accommodate the City's growing wastewater needs.
- (C) On May 30, 2024, the City Council approved contracts to complete the design and construction of significant enhancements to and expansion of the WWTP (Enhancement and Expansion Project).
- (D) On March 27, 2025, City Council approved a resolution initiating amendments to City Code Title 25 (*Land Development*) (Title 25) to the minimum extent necessary for the design and construction of the Enhancement and Expansion Project.
- (E) Variances to specific provisions of Title 25 are necessary for the Enhancement and Expansion Project to ensure the operational and development requirements of the WWTP can be implemented.

PART 2. Development for the Enhancement and Expansion Project within the WWTP area requires submitting a site plan application for the area to be developed. The application will be processed under the terms of this ordinance as follows:

- (A) The appropriate site plan mechanism (exemption, correction, revision, or new site plan) shall be determined by the Development Services Department.
- (B) Site plans shall use the base nomenclature SP-2024-XXXXXX with a clarifying number and letter designation for each site plan submission, as determined by the Development Services Department.
- (C) For any administrative variances granted in Part 3, the Enhancement and Expansion Project must demonstrate that there are no feasible design alternatives that comply with Title 25.
- (D) The Enhancement and Expansion Project will be designed to bore the new effluent waterline under Walnut Creek instead of using an open cut channel.
- (E) The Enhancement and Expansion Project will extend the Critical Water Quality Zone (CWQZ) associated with the southernmost segment of Walnut Creek to an area 150 percent the size of the proposed impacted CWQZ.
- (F) The Enhancement and Expansion Project will relocate impacted heritage trees where feasible.

PART 3. This ordinance constitutes the granting of site-specific amendments and variances to the following provisions of City Code:

- (A) **Section 25-5-44** (*Previously Approved Site Plan*) to allow multiple site plans without voiding a previously approved site plan for development associated with the Enhancement and Expansion Project.
- (B) **Section 25-5-81** (*Site Plan Expiration*) to allow the site plans associated with the Enhancement and Expansion Project to have no expiration date.
- ~~(C) **25-7-61** (*Criteria for Approval of Development Applications*) to allow the director to approve a site plan even if the proposed development results in additional identifiable adverse flooding on other property.~~
- (D) **Section 25-8-261** (*Critical Water Quality Zone Development*) to allow construction of a floodwall in the CWQZ.
- (E) **Section 25-8-301** (*Construction of a Roadway or Driveway*) to allow the director to approve the realignment of a roadway on slopes in excess of 15 percent.

(F) Section 25-8-341 (*Cut Requirements*) to allow cuts, as minimally necessary, to exceed four feet but not to exceed 25 feet of depth for all development in the WWTP.

(G) Section 25-8-342 (*Fill Requirements*) to allow fill, as minimally necessary, to exceed four feet but not to exceed 25 feet of depth for all development in the WWTP.

~~(H) The City Arborist shall have administrative authority to consider and approve removal of any heritage trees based on the criteria in 25-8-642 (*Administrative Variance*) and 25-8-643 (*Land Use Commission Variances*).~~

~~(I) 25-12-54 (*Flood Resistant Construction*) to allow the director to administratively approve a variance from the floodplain regulations in Article 3 (*Flood Hazards Areas*) of Chapter 25-12 (*Technical Codes*) and Chapter 25-7 (*Drainage*) for the Enhancement and Expansion Project without a public hearing and without requiring a report from a professional engineer that the development will not cause any increase of the level of the design flood and demonstrating that the development will not create an increase design flood elevation that results in additional identifiable adverse flooding on other property.~~

~~(J) 25-12-54 (*Flood Resistant Construction*) to allow the director to administratively approve a variance from the floodplain regulations in Article 3 (*Flood Hazards Areas*) of Chapter 25-12 (*Technical Codes*) for the Enhancement and Expansion Project before the applicant has applied for a flood insurance rate map revision and has received approval of the revision from the Federal Emergency Management Agency.~~

PART 4. Version 2: Paragraphs (H) & (I) from above and text will be updated.

PART 54. Council waives the requirements of City Code Section 25-8-41 (*Land Use Commission Variances*) regarding the processing and granting of a variance for the variances granted in this ordinance.

PART 65. Council waives the requirements in City Code Section 25-1-502 (*Review; Amendment*) for Planning Commission review of the Land Development Code amendments initiated in Council Resolution No. 20250327-062 and for notice of a public hearing.

PART 76. This ordinance takes effect on _____, 2025.

PASSED AND APPROVED

_____, 2025 §
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Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Deborah Thomas Erika Brady
City Attorney City Clerk

DRAFT