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Friday, October 18, 2013 by Elizabeth Pagano (<https://www.austinmonitor.com/stories/author/elizabeth-pagano/>)

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Watershed Protection Ordinance gets first rewrite in 28 years

City Council members took something of a strange path getting there but in the end, they approved the first major changes to the city's **Watershed Protection Ordinance** since 1986 on a 7-0 vote.

Because the ordinance rewrite also involved changes to the **Save Our Springs Ordinance**, it required a super-majority of City Council to vote in its favor. **Council Member Laura Morrison** used that to her advantage, declaring she would not support changes to the **Barton Springs Redevelopment Exception**.

Morrison proposed an amendment eliminating changes to the redevelopment exception. That amendment was seconded by **Council Member Kathie Tovo**. Ultimately **Mayor Lee Leffingwell** accepted it as a friendly amendment, though he explained he was supporting it "reluctantly, and in the most passive way possible."

"I think it's very unfortunate. We have an opportunity here to make real improvement, not rhetorical improvement to water quality in the **Barton Springs Zone** and we're passing it by. At the same time, it's not going to be worth losing all the good things in this ordinance," said Leffingwell. "I'm as capable as the next person of realizing when the train is coming down the tracks."

He was not alone in his passive support.

"I think that, regardless of the merits of this particular amendment, we need to get this whole ordinance done. And it will not pass because this part of it requires a super-majority... I don't see any way to get the ordinance passed with these items in it without the amendments," said **Council Member Chris Riley**.

Council Member Bill Spelman was more succinct.

"I disagree with you, but I'm going to vote for you anyway," said Spelman, to Morrison.

Many in the environmental community are concerned that relaxing the redevelopment exception would weaken the SOS Ordinance.

Leffingwell strongly disagreed, and explained that the changes were aimed at the more than 50 percent of properties in the Barton Springs Zone built prior to the SOS Ordinance that have little or no water quality controls.

“The whole purpose of the redevelopment exception in the first place was to improve water quality,” said Leffingwell.

Matt Hollon, environmental division manager at **Austin Watershed Protection**, said the proposed changes were intended to make retrofitting easier, which would lead to an improvement in water quality in the Barton Springs Zone. He noted that only two people have used the current incarnation of the redevelopment exception over the past six or seven years.

Morrison said that, in her opinion, such a significant change to the SOS Ordinance merited a separate, in-depth discussion outside of the discussion of the larger Watershed Protection Ordinance.

Council also approved an amendment proposed by Leffingwell that changed the water quality control trigger from 5,000 square feet of impervious cover to 8,000 feet. Leffingwell said that though some were pushing for 10,000 square feet, after some research he settled on a trigger of 8,000 because it is the standard used by the **Lower Colorado River Authority**, and also most closely resembled the old standard, which was 20 percent impervious cover.

Projects that exceed 8,000 square feet of impervious cover will now be required to provide water quality controls or a fee-in-lieu.

Though they took up the majority of the discussion, both changes to the ordinance represented only a sliver of the massive ordinance, which has been years in the making. The biggest changes will be in the suburban watersheds, which did not previously have the same level of regulation as the urban watersheds.

Morrison declined to wield the super-majority leverage to get her way in all respects. Though she proposed an amendment that would have altered a section of the ordinance that eliminated factoring-in of public roadways when calculating impervious cover, and though **Council Member Mike Martinez** assumed she would leverage her power to get her way, Morrison assured him this was not the case. The motion subsequently failed.

Just prior to the vote, Leffingwell took the opportunity to posthumously recognize Watershed Protection’s **Mike Lyday**, who passed away this past December, and thank him for his work on the project.

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