

TRANSPORTATION AND NATURAL RESOURCES

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December 15, 2009

MEMORANDUM

TO: Members of the Commissioners' Court

FROM: Joseph P. Gieselman, Executive Manager, TNR

SUBJECT: Proposed Revisions to Travis County Code, Chapters 64 and 82, Relating to the Lake Travis Watershed and Other Unincorporated Areas of Travis County

Proposed Motion: Approve Setting a Public Hearing on January 12, 2010, to Receive Public Comment Regarding Proposed Revisions to Travis County Code, Chapters 64 and 82, Relating to the Lake Travis Watershed and Other Unincorporated Areas of Travis County.

Summary and Staff Recommendation: Travis County's Municipal Separate Storm Sewer System (MS4) permit requires us to implement specific measures as a part of our state-approved Storm Water Management Program (SWMP). One of these requirements is to revise the 2005 Interim Water Quality Regulations (IWQR) of the county by adopting erosion and sediment control and post-construction best management practices applicable to development in the unincorporated areas of Travis County. Today's proposal begins a stepwise approach towards this goal with revised stormwater management requirements for the Lake Travis watershed. The proposed requirements would enhance Travis County Code standards and would be at least as stringent and equivalent to water quality protection requirements for development in the Lower Colorado River Authority's (LCRA) Highland Lakes Watershed Ordinance (HLWO).

Today's proposal would also revise requirements for a preliminary plan and a final plat in instances when a subdivision proposal would use groundwater as a source of water supply. The revisions would provide TNR application review staff with more specific information and demonstrations that the local groundwater is an adequate source for a subdivision project.

TNR recommends the Commissioner's Court set a public hearing on the attached proposed rule making. The proposed revisions would amend Chapter 64, relating to Regulations for Flood Plain Management and Guidelines and Procedures for Development Permits, Section 64.061.

The proposed revisions would also amend Chapter 82, relating to Standards for Construction of Streets and Drainage in Subdivisions, Sections 82.002, 82.203, 82.204, and 82.209. The proposed revisions would also add new Section 82.211. Existing Section 82.210 would be repealed since this section was since superseded in 2006 by Chapter 82, Subchapter C (Sections 82.220 – 82.241).

The rule proposal includes a new Section 82.211 that would supplant the Travis County IWQR in the watershed of Lake Travis. The new section includes either the existing standards in the IWQR or the requirements of the HLWO, whichever is more stringent. Effectively, new section 82.211 adds the County as a jurisdiction to which the HLWO standards now apply. Section 82.211 would be applicable throughout the Lake Travis watershed, with the exception of incorporated cities and the ETJ of the City of Austin. Adoption of standards by Travis County that are equivalent to the HLWO will facilitate efforts by the County/LCRA to make compliance and permitting activities more efficient and less duplicative.

Sections 82.203 and 82.204, relating to a preliminary plan or a final plat respectively, would include more specific submittal requirements, applicable to a development that seeks to rely upon groundwater as a water supply. The proposed revisions would provide TNR application review staff with more specific information and demonstrations that the local groundwater is an adequate source for a subdivision project. These requirements are consistent with a county's authority in accordance with Texas Local Government Code, Chapters 212 and 232.

Section 82.209, adopted by the Commissioner's Court in 2005 as the IWQR, would be revised to specify that Section 82.211 applies in the Lake Travis watershed. Several non-substantive clarifications and typographical errors are proposed for revision. Subsection (i) of 82.209 would be revised to add further specificity on permit application requirements. It addresses the expected information and details that an applicant must provide TNR during the development review process.

Several new definitions are proposed for section 82.002, that would be applicable to terms used throughout Chapter 82. These definitions have their basis in either LCRA or TCEQ requirements.

Section 64.061, relating to the regulatory process for permits, is proposed to be amended to bring consistency among our development-related codes.

A summary table of the most substantive changes and the proposed revisions (showing deleted and added text) to Chapters 64 and 82 are shown in **Attachment 1**. A map graphically showing the HLWO area is included as **Attachment 2**. A Takings Impact Assessment has been prepared for review by the public as a part of this rule making (**Attachment 3**).

Background: TNR recommends the Commissioner's Court set a public hearing on the attached proposed rule making, as the first step in a series of program development relating to stormwater management. The SWMP includes requirements that Travis County finalize the 2005 IWQR by August 11, 2011. The SWMP also requires Travis County to revise the 1990 Inter-Local Agreement with the LCRA. Together, these actions would result in making County development

requirements in the Lake Travis watershed at least as stringent and equivalent to the water quality protection afforded by the LCRA HLWO.

After receiving public input, TNR would bring the rule making back for Court adoption as early as late January, 2010, along with a revised Inter-Local Agreement for execution with the LCRA. After addressing the Lake Travis watershed, TNR plans to develop final stormwater regulations that would address development in remaining unincorporated areas of the county. TNR anticipates an effort prior to proposal and adoption by the 2011 deadline that would include stakeholder input, inter-governmental coordination, and efforts to harmonize County development requirements with other local requirements.

Budgetary and Fiscal Impact: There is not an immediate impact or cost to Travis County by adopting these rules. However, the execution of an Inter-Local Agreement with LCRA could have a future cost. TNR will consider recommending additional technical stormwater review staff to support a shift of development application review from LCRA to Travis County. Please refer to **Attachment 4** for further discussion of this impact.

Issues and Opportunities: The adoption of this rule making provides an opportunity to Travis County to advance stormwater management in the Lake Travis watershed. By setting development standards at least as stringent and equivalent to LCRA, it will facilitate execution of an ILA between LCRA and Travis County. Adoption of equivalent requirements would facilitate a more simplified development approval process, and more efficient and effective use of staff resources for monitoring compliance with stormwater requirements in the Lake Travis watershed.

cc: Lisa A. Hatzenbuehler, Manager, Water Resource Protection, LCRA
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Attachments:

- 1) Revised Chapters 64 and 82 Rule showing proposed deletions and additions
- 2) Map showing the area of the HLWO in Travis County
- 3) Takings Impact Assessment
- 4) Summary of Travis County/LCRA Inter-Local Agreement

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