

ATTACHMENT 1
PROPOSED REVISIONS TO TRAVIS COUNTY CODE,
CHAPTERS 64 and 82
(December 15, 2009 version)

Summary of Rule Changes and Explanation

Existing Travis County Code	Proposed Travis County Code	Reason
82.203(b)(20) – requires preliminary plan applicant to comply with TCEQ rules related to demonstrating groundwater availability	82.203(b)(20) and 82.204(b) – requires preliminary plan and final plat applicant to submit materials to County for review, demonstrating groundwater availability	County review will help ensure required demonstrations are adequate; will help set a more level “playing field” for all applicants
82.209 – Interim water quality requirements (IWQR) applicable in unincorporated Travis County outside of municipal ETJs	82.209(a) and 82.211(c) –Provisions of IWQR and Highland Lakes Watershed Ordinance (HLWO) will apply in Lake Travis watershed, except for incorporated areas and Austin ETJ	Requirements of IWQR and HLWO merged together; where conflicting standards existed, the more stringent of the 2 will apply; will facilitate Inter-Local Agreement with LCRA and division of labor
82.209(b)(3) – No provision exists	82.209(b)(3)(C) and 82.211(b)(3)(C) – County may require construction BMPs associated with road crossings of a stream; applies in Lake Travis watershed (except for incorporated areas and Austin ETJ), as well as in all other unincorporated areas outside ETJs	Ensures that more protection is focused on areas where erosion and sediment runoff have a direct and high potential to degrade water quality
82.209(c)(1) – buffers from environmentally valuable features from IWQR apply in unincorporated Travis County outside of municipal ETJs	82.211(g)(1) – In L. Travis watershed, buffers from environmentally valuable features from IWQR apply outside incorporated cities except for Austin ETJ	Unifies Code requirements watershed wide; eliminates small ETJ gaps where environmentally valuable features would not be protected; Austin ETJ is under separate County Code that is equivalent to HLWO
82.209(c)(2) – buffer from a creek with drainage >640 acres is the 100-year floodplain boundary, except it must be no less than 200 ft or greater than 400 ft from creek centerline	82.211(g)(2) – In L. Travis watershed, HLWO buffer options will apply in County Code. Options for a drainage > 640 acres include either a buffer of 300 ft from centerline or the 100-year floodplain boundary plus 25 ft	HLWO buffers are adequate in this scenario; sets one unified set of requirements
82.209(c)(2)(E) – Exceptions from waterway buffers in IWQR apply in unincorporated Travis County outside of municipal ETJs	82.211(c)(2)(C) - Exceptions from waterway buffers are based upon HLWO and apply outside incorporated cities except for Austin ETJ	Exceptions that were eliminated include fences, golf courses, and detention basins; HLWO guidance on road crossings will govern; revised for consistency with HLWO

Existing Travis County Code	Proposed Travis County Code	Reason
82.209(d) – Cut and fill requirements from IWQR apply in unincorporated Travis County outside of municipal ETJs	82.211(h) – In L. Travis watershed, cut and fill requirements from IWQR apply outside incorporated cities except for Austin ETJ	Unifies Code requirements watershed wide; eliminates small ETJ gaps where cut and fill requirements would not apply; Austin ETJ is under separate County Code that is equivalent to HLWO
82.209(f) – Sets pollutant load limits that must be achieved by permanent structural controls based on slope and distance from L. Travis.	82.211(j) – In L. Travis watershed, sets sizing of permanent structural controls based on a storm event size specified in HLWO; allows alternate standard with use of cluster development and open roadways	Existing Code was based on out-of-date LCRA Ordinance that was since replaced with HLWO; requirements more straightforward to design; alternate standard adds flexibility
82.209(k) – Fiscal security requirements are based upon County Code Chapter 82	82.211(l) – In L. Travis watershed, the scope of development subject to fiscal security is based upon HLWO for commercial and single-family subdivisions as defined in 82.211(b)	Consistency with HLWO; currently, some development like multi-family units are not subject to fiscal requirements in County Code
82.210 – established alternate standards in 2005 for Conservation Developments	82.210 – Section is repealed; has been superseded.	More substantive Conservation Development standards were approved by the Court in 2006 in Chapter 82, Subchapters A and C.
82.211(f) – no provision exists	82.211(f) – County will require a pre-development/concept plan meeting for significant development (residential subdivisions >20 acres, commercial development >3 acres).	Provision added for consistency with HLWO

For readability:

Text that is proposed for addition is shown in underline format, for example:

underline format is proposed new text

Text shown within brackets and shaded is proposed for deletion, for example:

[bracketed and shaded format is proposed text to be deleted]

Sections, subsections, paragraphs, etc. of the existing Code skipped or not shown in this document is not proposed for revision.

SECTION 64.061. REGULATORY PROCESS FOR PERMITS; EXPIRATION OF PERMITS.

- (a) A development permit or Flood Hazard Area Development Permit is required before any construction or other development begins within the unincorporated areas of Travis County including the following: the initial disturbance of soils associated with clearing, grading, drilling, or excavation activities, as well as other construction-related activities (e.g., stockpiling of fill material, demolition, etc.), the subdivision of land, installation of utilities, the placement and replacement of manufactured homes, new construction and repair, reconstruction, rehabilitation, or additions to new construction and substantial improvement of existing buildings and structures, including restoration after damage. All [non-residential] development [and multi-family dwellings with four or more units] shall also comply with any applicable subdivision regulations adopted solely or jointly by the Travis County Commissioners Court. Any development within a special flood hazard area shall be unlawful without a development permit, regardless of whether a plat is required under any applicable subdivision regulations adopted solely or jointly by the Travis County Commissioners Court. A development permit is required in addition to any other permit that may be required for the development activities proposed.

(b) – (d) No Change.

SECTION 82.002. DEFINITIONS.

The following definitions are added to Section 82.002 in the appropriate alphabetical order:

Certificate of Compliance means a written notice by the Lower Colorado River Authority (LCRA) to Travis County indicating that a specified development plan provides for management of stormwater pollution that is equal to or greater than that provided by the HLWO.

Cluster Development means a confined area of housing or commercial development that is separated from other development areas by undeveloped land.

Construction Site Operator means the person or persons associated with a large or small construction activity (as those terms are defined by the Texas Commission on Environmental Quality) that either has (1) operational control over the construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) day-to-day operational control of these activities at the construction site that are necessary to ensure compliance with a SWP3 for the site or other permit conditions.

Highland Lakes Watershed Ordinance or HLWO means the ordinance promulgated by the LCRA under the authority of the LCRA Enabling Act, specifically Texas Water Code §222.004 (a), (d), (e), (q) and other applicable law, that requires the management of stormwater runoff from development.

Highland Lakes Watershed Ordinance area means the Lake Travis watershed in Travis County.

Re-development means any rebuilding, renovation, re-plat of property, revisions, remodel, reconstruction of an existing development or redesign of an existing development occurring after February 1, 1990.

Stormwater Pollution Prevention Plan or SWP3 means the plan required by the construction general permit issued by the Texas Commission on Environmental Quality (TCEQ) to identify and address potential sources of pollutants that are reasonably expected to affect the quality of discharges from a construction activity, and that describes the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in storm water during the construction activities required during land development.

SECTION 82.203. PRELIMINARY PLAN.

(a) Submission.

(1) through (3) No Change.

(4) Outside the ETJ, for any single-family residential subdivision of a tract that exceeded 20 acres on the date of the order adopting this requirement and for all commercial subdivisions, the application shall include a digital drawing file of the preliminary plan in electronic media meeting the requirements of Section 82.204(b)(1). In this subsection, areas in which Travis County has been granted exclusive jurisdiction pursuant to Chapter 242 of the Texas Local Government Code are considered outside the ETJ.

(b) Plan Standards Outside ETJ.

(1) through (17) No Change.

(18) If water and/or wastewater services are to be provided by a municipality, corporation, or district, such entity must indicate that sufficient water and/or wastewater system capacity is available for the development. Outside the ETJ, for any single-family residential subdivision of a tract that exceeded 20 acres on the date of the order adopting this requirement and for all commercial subdivisions, the owner and the chief executive officer of the entity or its utility department shall submit a signed utility service and phasing letter of intent certifying (i) either that the utility's existing facilities provide sufficient water and/or wastewater capacity for all lots in the subdivision or that the utility will construct or accept any necessary new facilities necessary to provide such service, (ii) that estimates the capacity and cost of any new facilities and the timing and means of financing their construction, (iii) that expresses the intent of the owner and the utility to enter into a contract for service and for construction of any new facilities as development progresses either by the owner or by the utility, and (iv) that sets out any special terms or conditions that will be required by either party to the contract. In this subsection, areas in which Travis County has been granted exclusive jurisdiction pursuant to Chapter 242 of the Texas Local Government Code are considered outside the ETJ.

(19) No Change.

(20) [Outside the ETJ, if groundwater will be relied on to provide the water supply for the subdivision, the owner shall meet the requirements of 30 Texas Administrative Code Chapter 230] In this subsection, areas in which Travis County has been granted exclusive jurisdiction pursuant to Chapter 242 of the Texas Local Government Code are considered outside the ETJ. In any unincorporated area of the county that is outside the ETJ of any municipality, the following requirements are applicable when a proposed subdivision plans to utilize groundwater under the land as a source of water supply.

- (A) Along with all other information required by this chapter, a plat applicant must provide a certification that adequate groundwater is available.
- (B) The plat applicant must meet or exceed the requirements of Chapter 230 of Title 30 of the Texas Administrative Code.
- (C) The plat applicant and either a Texas-registered Professional Engineer or Texas-registered Professional Geoscientist must use Chapter 230 of Title 30 of the Texas Administrative Code and the forms provided in Appendix 1 to certify that adequate groundwater is available under the land of the subdivision subject to platting under Texas Local Government Code §212.004 and §232.001.

- (D) The plat applicant shall provide copies of the information, estimates, data, calculations, determinations, statements, and certifications required by 30 TAC §§230.8 – 230.11.
- (E) A preliminary plan will not be approved unless the application adequately and completely fulfills the requirements of 30 TAC §§230.1 – 230.11.

SECTION 82.204. FINAL PLAT.

- (a) No Change.
- (b) Electronic Media Submittal

The County is continually developing County wide Geographic Information System maps. Subdivision Plats will be included in these maps, if provided to the County in electronic media. NOTE: As technology evolves, the suggested technology may become out of date. Therefore, the Subdivider may request and TNR may allow the submission of other electronic media formats without the revision of these Standards. Outside the ETJ, applications for all commercial subdivisions and for any single-family residential subdivision greater than 20 acres shall include a digital drawing file of the final plat in electronic media in one of the formats specified in this section. [All developers are] An applicant is encouraged to provide a digital drawing file of the subdivision plat in electronic media. The digital drawing file shall be provided via e-mail in a compressed format or on [a 3.5 diskette or] a compact disk. Files which are provided on [diskette or] compact disk may be in a compressed file format provided they are self-extracting. The digital drawing file shall be projected to fit within the parameters of the Texas State Plane Coordinate System, Central Zone, NAD 83, in survey feet. See Paragraph (c)(24) of this section for additional requirements. In this subsection, areas in which Travis County has been granted exclusive jurisdiction pursuant to Chapter 242 of the Texas Local Government Code are considered outside the ETJ.

- (1) through (2) No Change.
- (c) Final Plat Requirements Outside a Municipality's ETJ.
 - (1) through (24) No Change.
 - (25) Other Approvals.
 - (A) No Change.

(B) Outside the ETJ, for any single-family residential subdivision of a tract exceeding 20 acres and for all commercial subdivisions, the owner must submit copies of any of the following permits that are required for the development of the tract, or if a permit is not required, documentation of that fact from the appropriate agency or, if documentation from the agency is unavailable, *bona fide* documentation of that fact from a qualified professional. In this subsection, areas in which Travis County has been granted exclusive jurisdiction pursuant to Chapter 242 of the Texas Local Government Code are considered outside the ETJ.

(i) If the development is subject to the LCRA [Lake Travis Nonpoint-Source Pollution Control] Highland Lakes Watershed Ordinance or the TCEQ Edwards Aquifer rules at 30 Texas Administrative Code Chapter 213, or if the owner applies for an individual TPDES permit, any additional material that the owner submits to LCRA or TCEQ to obtain the permit, as well as the permit once it is issued.

(ii) through (iv) No Change.

(C) The applicant for a final plat shall comply with the requirements of §82.203(b)(20)(A) – (E) when a proposed subdivision proposes to utilize groundwater under the land as a source of water supply.

SECTION 82.209. STORM WATER QUALITY, RIPARIAN CORRIDORS, AND ENVIRONMENT.

(a) Geographic Scope.

In addition to the other requirements of this chapter, this section applies outside the ETJ of any municipality to any single-family residential development of a tract exceeding 20 acres on the date of the order adopting this section and all Commercial Developments, except for any development in unincorporated Travis County in the HLWO area, as governed by §82.211. In this Section, areas in which Travis County has been granted exclusive jurisdiction pursuant to Chapter 242 of the Texas Local Government Code are considered outside the ETJ.

(b) Water Quality Measures for Construction Activities.

(1) Temporary and permanent best management practices shall be employed to prevent polluted stormwater runoff from all construction and development activities from entering surface waterways or groundwater during the construction process until [vegetation is permanently established on the site] final site stabilization is complete.

- (2) If the owner is issued [an LCRA Nonpoint-Source permit,] a TCEQ Edwards Aquifer permit, or individual TPDES stormwater permit, and if the owner’s SWP3 and Notice of Intent comply with [TPDES requirements] the applicable TCEQ general permit requirements, no additional best management practices shall be required to comply with Paragraph (1), except as provided in Paragraph (3).
 - (3) Construction best management practices may be required in addition to those in the owner’s or Construction Site Operator’s SWP3 [or LCRA] or TCEQ permit if:
 - (A) more than five acres will be disturbed at any one time;
 - (B) the development will take place on [slopes] any slope greater than ten percent; [or]
 - (C) the development includes a road crossing of water in the state, including an intermittent or perennial stream; or
 - (D) after construction or development activities commence, the measures in the SWP3 [or LCRA] or TCEQ permit are determined by the Executive Manager to be inadequate to ensure that pollution of surface and ground water is prevented to the maximum extent practicable.
 - (4) Additional best management practices under Paragraph (3) include a preconstruction site meeting, construction disturbance phasing or sequencing, re-vegetation, mulching, [matting] soil retention blanket, additional locations and quantities of temporary structural and non-structural controls, accelerated maintenance, or other measures specified in the applicable technical manual under Subsection (j). Before requiring additional measures, Travis County will [coordinate] ensure administrative coordination with LCRA [and/or] for a development proposal in a western watershed, TCEQ for a development proposal subject to requirements of Title 30, Texas Administrative Code, Chapter 213, in a western watershed, and the City of Austin for a development proposal in an eastern watershed.
- (c) Buffer Zones.
- (1) Buffer Zones for Environmentally Valuable Features.
 - (A) In this subsection, the following terms have the following meanings.
 - (i) “Bluff” means a bluff that is adjacent to a waterway that that has a vertical change in elevation of more than 40 feet and an average gradient greater than 400 percent (greater than four (4) feet vertical for each one (1) foot horizontal).

(ii) through (v) No Change.

(B) No Change.

(C) No Change.

(D) A buffer zone is established around each environmentally valuable feature.

(i) [Except for point source recharge features, bluffs, and canyon rimrocks] For a cave, sinkhole, spring, and wetland, the width of the buffer zone is 150 feet from the edge of the environmentally valuable feature.

(ii) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the environmentally valuable feature is not less than 150 feet and not more than 300 feet.

(iii) For a bluff or canyon rimrock feature, the buffer zone is 50 feet_[, except as provided in clause (iv).

(iv) The buffer zones for bluffs and rimrocks shall not apply adjacent to the Pedernales River if:

(1) all lots fronting the Pedernales River have a minimum frontage of 200 feet and a minimum size of 1 acre and best management practices are employed to achieve a level of water quality and environmental protection equivalent to the 50 foot buffer zone; or

(2) the Executive Manager grants an exception allowing a buffer zone of no less than 25 feet based on a demonstration that a level of water quality and environmental protection equivalent to the 50 foot buffer zone will be achieved through enhancement of natural vegetative cover within the buffer, low impact site design, or other measures.]

(E) through (F) No Change.

(3) No Change.

(d) No Change.

(e) No Change.

(f) Post-Construction Water Quality Controls for Western Watersheds.

(1) For development in areas with slopes up to 10 percent, 70 percent of the additional pollutant load in the stormwater runoff for total suspended solids,

total [phosphorous] phosphorus, and oil and grease shall be removed. For such development within 500 feet of the 691 foot mean sea level contour line, 75 percent of the [annual] additional pollutant load in the stormwater runoff for total suspended solids, total phosphorus, and oil and grease shall be removed.

- (2) For development on slopes greater than 10 percent but less than 20 percent, 80 percent of the additional pollutant load in the stormwater runoff for total suspended solids and 75 percent of the [annual] additional pollutant load in the stormwater runoff for total [phosphorous] phosphorus and oil and grease shall be removed. For such development within 500 feet of the 691 foot mean sea level contour line, 90 percent of the [annual] additional pollutant load in the stormwater runoff for total suspended solids and 85 percent of the [annual] additional pollutant load in the stormwater runoff for total [phosphorous] phosphorus and oil and grease shall be removed.
- (3) For development on slopes greater than 20 percent, 90 percent of the additional pollutant load in the stormwater runoff for total suspended solids and 85 percent of the [annual] additional pollutant load in the stormwater runoff for total [phosphorous] phosphorus and oil and grease shall be removed.
- (4) through (5) No Change.

(g) No Change.

(h) Maintenance

The owner or construction site operator shall be responsible for maintaining and shall maintain all permanent water quality controls in a proper manner and consistent with county and other applicable standards. The owner or construction site operator shall remain responsible for maintenance until either the maintenance obligation is either assumed in writing by another entity having ownership or control of the property, including an owners' association, a district, or a municipality, or ownership of the property is transferred to another entity. A copy of the assumption or transfer of responsibility shall be filed with the Executive Manager within 30 days of the transfer.

(i) Site Assessment and Stormwater Management Plan

- (1) An owner subject to the requirements of this section shall submit with an application for a preliminary plan a site assessment that identifies all environmentally valuable features, waterways and their classifications, buffer zones, contours, and all other information necessary to determine compliance with this section.

- (2) An owner subject to the requirements of this section must submit with an application for a preliminary plan a stormwater management plan that demonstrates permanent water quality [controls] structural and non-structural BMPs will comply with this section and shows their locations. The stormwater management plan may be included as part of a drainage plan under 82.207 or as a part of the material submitted under Subsection (b). The stormwater management plan must summarize the SWP3 and temporary structural and non-structural BMPs to be used.

(j) Technical Criteria

For purposes of complying with this section the following technical criteria manual shall apply, provided that any changes to the manuals subsequent to the effective date of this subsection shall not take effect until approved by the Commissioners Court.

- (1) Technical criteria for best management practices and water quality controls in eastern watersheds, environmentally valuable features, waterways, and buffer zones are those contained in the City of Austin Environmental Criteria Manual (effective December 15, 2009). The Executive Manager reserves the right to require alternate technical criteria, on a case-by-case basis in consideration of site-specific conditions. Impervious cover for purposes of Section 82.209(g) shall be calculated as it is calculated in the City of Austin’s ETJ under Chapter 30, the Joint City of Austin - Travis County Code.
- (2) Technical criteria for best management practices and water quality controls in western watersheds are those in the LCRA HLWO Water Quality Management Technical Manual (effective July 1, 2007), provided that to the extent of any conflict, in watersheds contributing to the Edwards Aquifer the owner may use any equivalent or [better] more stringent technical criteria in TCEQ’s Complying with the Edwards Aquifer Rules: Technical Guidance and Best Management Practices (RG-348).

(k) No Change.

[SECTION 82.210. CONSERVATION DEVELOPMENT.]

- (a) The Commissioners Court shall grant a waiver of substantive requirements of Section 82.209 for a Development if the owner adequately demonstrates and the Commissioners Court in its sole discretion determines that the development will achieve greater overall to the health, safety, morals, and general welfare of the public and a higher level of safe, orderly, and healthful development than would be achieved under Section 82.209.

- (b) The following requirements must be met to obtain a waiver under this section. The owner must:
- (1) hold a pre-application conference and site inspection of the original tract with county staff;
 - (2) perform and submit a comprehensive environmental assessment and ranking of all environmentally and culturally valuable features within and adjacent to the original tract;
 - (3) submit plans and meet engineering, fiscal security, and inspection requirements for water quality measures for construction activities, post-construction water quality controls and their maintenance;
 - (4) set aside 50% of the original tract located so as to conserve the highest ranking conservation areas and to maximize connectivity to high ranking environmentally and culturally valuable features on adjacent tracts; provided, however, the owner need not provide for any public access to conservation areas;
 - (5) provide for a layout that maximizes clustering of development and minimizes the scope and impacts of infrastructure while adequately providing for health and safety;
 - (6) submit a plan for perpetual management and maintenance of conservation areas, including identification of an entity obligated to perform management and maintenance and the means of financing it; and
 - (7) provide for low impact design, including minimization of light pollution; use of native vegetation; a program of fertilizer, pesticide, and herbicide use; rain water harvesting or other water conservation measures; stormwater quality management; protection of riparian corridors, habitat, groundwater recharge, and other environmentally valuable features.]

SECTION 82.211. LAKE TRAVIS WATERSHED WATER QUALITY PROTECTION.

- (a) Purpose. The Commissioners Court adopts these requirements in recognition of the adoption by the LCRA of the HLWO (effective February 1, 2006). Adoption of these requirements provides an applicant for a development permit with a consistent set of development standards. Travis County and the LCRA will facilitate adoption of an Interlocal Cooperation Agreement including these requirements, that will improve the consistency and coordination of the processes used by Travis County and the LCRA in the area now within LCRA jurisdiction under the HLWO

(b) Definitions. In this section, the following terms have the following meanings.

Best Management Practice or BMP means those practices, including but not limited to those described in LCRA’s Technical Manual that effectively manage stormwater runoff quality and volume.

Commercial Development means all development other than open space, a single-family residence, or a single-family subdivision development.

Executive Manager means the executive manager of the Transportation and Natural Resources Department of Travis County or a person designated by the executive manager.

Master Plan means a conceptual plan of a multi-phased development showing the order of phased development, environmental features (such as creeks, tributaries, slopes, etc.), roads, and proposed location of water quality protection measures for the development.

Maximum Extent Practicable means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by the federal Clean Water Act §402(p).

Notice of Intent or NOI means a written submission to the executive director of the Texas Commission on Environmental Quality from an applicant requesting coverage under a general permit and confirming that a SWP3 has been developed and will be implemented prior to construction.

Single Family Subdivision Development means a development subdivision consisting of two or more Single Family Residences.

Single Family Residence means one- and two-family dwelling units designated for occupancy by one or more families as a residence.

(c) Geographic Scope and Applicability.

- (1) In addition to other requirements of this chapter, this section applies within unincorporated areas of Travis County within the HLWO area, except as specified in paragraph (2).
- (2) The requirements of this section are not applicable to a single-family subdivision development within the extraterritorial jurisdiction of any municipality that has an executed agreement with Travis County that provides for a single office review and where a joint city/county code of subdivision regulations exists pursuant to §242.001(d)(4) of the Texas Local Government Code.

(3) In addition to the other requirements of this chapter, this section applies to the following proposals:

- (A) A development application for a single-family residence that proposes 10,000 square feet or greater of impervious cover or where one (1) acre or more of land would be disturbed;
- (B) A single-family subdivision or Commercial Development that proposes 10,000 square feet or greater of impervious cover or where one (1) acre or more of land would be disturbed; and
- (C) A Re-development application that proposes a cumulative increase of impervious cover of 10,000 square feet or greater or where one (1) acre or more of land will be disturbed.

(4) A Travis County development permit issued pursuant to Chapter 64 of the Travis County Code is required for a Commercial Development or single-family residence that will disturb less than one (1) acre of land. In addition to other requirements of this chapter, the application must describe how erosion and sedimentation will be controlled throughout the development process and how the site complies with the downstream buffer guidelines, in accordance with the LCRA Technical Manual.

(d) Permit Determination. A Travis County development permit issued pursuant to this section and Chapter 64 of the Travis County Code shall constitute development permit coverage under Section 4, Subchapter A(c) of the HLWO so long as the LCRA:

- (1) has an executed inter-local agreement that is in effect with Travis County, pursuant to the HLWO, Section 4, Subchapter A, and
- (2) provided a copy of a Certificate of Compliance with the HLWO to the Executive Manager.

(e) Development Application Procedures.

- (1) In addition to other requirements of this chapter, an applicant for a development permit subject to this section is also subject to the requirements of paragraphs (2) – (4) of this subsection.
- (2) Any development application, amendment application, and required supporting information shall be submitted to the Lower Colorado River Authority at the same time as it is provided to the Executive Manager.
- (3) Whenever additional information is provided to the Executive Manager as a part of the administrative or technical review process for a development application, it also shall be submitted to the Lower Colorado River Authority at same time.

(4) A modification to an approved master plan or development permit issued pursuant to Chapter 64 of the Travis County Code shall require an amendment. An application for amendment shall be made and will be processed in accordance with the procedures of this subsection and any additional requirements of this chapter and Chapter 64. The application for amendment shall clearly identify the items being sought to be amended and the reasons therefor. No permit amendment is required for minor field adjustments of temporary erosion and sedimentation controls. A modification to an approved master plan shall be required if there is a material change in land use or an increase in density or impervious cover. Modifications to an approved master plan shall be processed in accordance with the performance standards in effect on the date of the application for the area of phase covered by such modification.

(f) Pre-Development Planning.

A pre-development/concept plan meeting shall occur for all single-family subdivision development greater than 20 acres in area and all Commercial Developments greater than three acres in area. The meeting will focus on the proposed land plan, slopes, buffers, environmentally valuable features, and water quality management practices for construction activities and post-construction storm water management, and may include a site investigation. The opportunity to participate in the meeting shall be afforded to the Executive Manager and to the LCRA. The meeting is a prerequisite to the submission of a development permit application. Additional guidance on the meeting and procedures are found in the LCRA Technical Manual.

(g) Buffer Zones.

(1) Buffer Zones for Environmentally Valuable Features.

(A) In this subsection, the following terms have the following meanings.

- (i) “Bluff” means a bluff that is adjacent to a waterway that that has a vertical change in elevation of more than 40 feet and an average gradient greater than 400 percent (greater than four (4) feet vertical to each one (1) foot horizontal).
- (ii) “Canyon Rimrock” means a rimrock that is adjacent to a waterway, that has a rock substrate with a gradient that exceeds 60 percent for a vertical distance of at least four feet, and that is exposed for at least 50 feet horizontally along the rim of the canyon.
- (iii) “Point Recharge Feature” means a cave, sinkhole, fault, joint, or other natural feature that lies over an aquifer recharge zone and that may transmit a significant amount of surface water into the subsurface strata.

- (iv) “Environmentally Valuable Features” means features that are of critical importance to the protection of environmental resources, and include bluffs, canyon rimrocks, caves, point recharge features, sinkholes, springs, and wetlands.
- (v) “Wetland” means a transitional land between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and conforms to the Army Corps of Engineers' definition.
- (B) Drainage patterns for development must be designed to protect environmentally valuable features from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state free of construction, development, or other alteration. Special controls must be used where necessary to avoid the effects of erosion, or sedimentation, or high rates of flow.
- (C) Buffer zones for environmentally valuable features shall be included within protective easements.
- (D) A buffer zone is established around each environmentally valuable feature.
 - (i) For a cave, sinkhole, spring, and wetland, the width of the buffer zone is 150 feet from the edge of the environmentally valuable feature.
 - (ii) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the environmentally valuable feature is not less than 150 feet and not more than 300 feet.
 - (iii) For bluffs and canyon rimrocks, the buffer zone is 50 feet, except as provided in clause (iv).
 - (iv) The buffer zones for bluffs and rimrocks shall not apply adjacent to the Pedernales River if:
 - (1) all lots fronting the Pedernales River have a minimum frontage of 200 feet and a minimum size of 1 acre and best management practices are employed to achieve a level of water quality and environmental protection equivalent to the 50 foot buffer zone; or
 - (2) the Executive Manager grants an exception allowing a buffer zone of no less than 25 feet based on a demonstration that a level of water quality and environmental protection equivalent to the 50 foot buffer zone will be achieved through enhancement of natural vegetative cover within the buffer, low impact site design, or other measures.

(E) Except as provided in Subparagraph (F) below, within an environmentally valuable feature buffer zone:

(1) the natural vegetative cover must be retained to the Maximum Extent Practicable:

(i) construction is prohibited; and

(ii) wastewater disposal or irrigation is prohibited.

(F) If located at least 50 feet from the edge of the environmentally valuable feature, the prohibition of Subparagraph (E) does not apply to a yard, hiking trail, or a recharge basin designed to discharge to a point recharge feature without polluting ground water.

(2) Buffer Zones for Waterways. Buffer zones for waterways protect aquatic resources from the short and long term impacts of development activities. Buffer zones shall remain free of construction, development, or other alterations except for utility and roadway crossings. No stormwater treatment facilities, golf courses, on-site wastewater systems or wastewater irrigation shall be located in the buffer zone. Stormwater discharge from the development shall be dispersed into a sheet flow pattern before reaching the buffer zone. Except as described in subparagraph (C), a development application shall comply with either option 1 or option 2, as described in subparagraphs (A) and (B).

(A) Option 1: Buffer Zones.

(i) Creeks or swales draining less than 40 acres but more than five acres, excluding roadside swales, shall have a minimum buffer width of 25 feet from the centerline of the creek or swale.

(ii) Creeks or swales draining less than 128 acres but more than 40 acres shall have a minimum buffer width of 75 feet from the centerline of the creek or swale.

(iii) Creeks draining less than 320 acres but more than 128 acres shall have a minimum buffer width of 100 feet from the centerline of the creek or swale.

(iv) Creeks draining less than 640 acres but more than 320 acres shall have a minimum buffer width of 200 feet from the centerline of the creek or swale.

(v) Creeks draining 640 acres or greater shall have a minimum buffer width of 300 feet from the centerline of the creek or swale.

(B) Option 2: Floodplain Buffer Zone.

(i) For creeks or rivers draining less than 40 square miles but more than five acres, excluding roadside swales, the buffer zone shall extend a minimum of 25 feet from the 100-year floodplain boundary paralleling

each side of the creek or swale. The 100-year floodplain shall be based on the fully developed conditions as approved by LCRA.

(ii) For creeks or rivers draining more than 40 square miles, the buffer zone shall be considered equal to the 100-year floodplain as designated by Federal Emergency Management Agency or by an engineered floodplain study approved by LCRA.

(C) Exceptions to the Buffer Zone to Waterways.

(i) Limited utility and roadway crossing may be approved by the Executive Manager. The number of crossings through buffer zones shall be minimized according to the guidance located in the LCRA Technical Manual.

(ii) Along Lake Travis, necessary access and appurtenances to a boat dock, pier, wharf, or marina, may be approved by the Executive Manager. However, this exception is not allowable along the Lake Travis shoreline in the buffer zone of a swale, creek, or river.

(iii) A low impact park development may be approved by the Executive Manager. A low impact park should be limited to trails, picnic facilities, and similar construction that does not significantly alter the existing vegetation or drainage patterns.

(h) Cut and Fill.

(1) Land Balancing.

(A) All cut and fill land balancing shall be limited to a maximum of 8 feet.

(B) Retaining walls shall not exceed one foot above the material being retained.

(C) Retaining walls over 5 feet in height shall be detailed in construction plans or plans submitted with the application for the site development permit.

(2) Detention and Water Quality Ponds.

There are no cut or fill limitations for the construction of water quality basins, stormwater detention ponds, streets, or driveways.

(3) Spoils Disposal.

(A) No fill shall be placed on any lot unless authorized in approved subdivision construction plans or a site development permit.

- (B) Temporary spoils shall be removed prior to acceptance of streets and drainage in a subdivision.
 - (C) Prior to removal of spoils from a site, the owner shall notify the Executive Manager of the destination of the spoils.
- (i) Water Quality Measures for Construction Activities.
- (1) Temporary and permanent best management practices shall be employed to prevent polluted stormwater runoff from all construction and development activities from entering surface waterways or groundwater during the construction process until final site stabilization is complete.
 - (2) If the owner's or Construction Site Operator's SWP3 and Notice of Intent comply with the applicable TCEQ general permit requirements and the SWP3 is prepared in accordance with the LCRA Technical Manual, no additional best management practices shall be required to comply with Paragraph (1), except as provided in Paragraph (4).
 - (3) For each SWP3 and Notice of Intent prepared by the owner or Construction Site Operator, a copy shall be provided to the Executive Manager in either paper or portable document format (pdf). These shall be provided in draft form no later than two (2) business days prior to the pre-development/concept plan meeting identified in subsection (f) and provided in final form prior to final approval of the permit. The owner and Construction Site Operator shall be under the continuing obligation to promptly provide a copy of any Notice of Intent, Construction Site Notice, SWP3 revisions, or SWP3 construction inspection reports upon the request of Travis County.
 - (4) Construction best management practices may be required in addition to those in the owner's or Construction Site Operator's SWP3 or TCEQ permit if:
 - (A) more than five acres will be disturbed at any one time;
 - (B) construction of a development will take place on any slope greater than ten percent;
 - (C) the development includes a road crossing of water in the state, including an intermittent or perennial stream; or
 - (D) after construction or development activities commence, the measures in the SWP3 or TCEQ permit are determined by the Executive Manager to be inadequate to ensure that pollution of surface and ground water is prevented to the maximum extent practicable.

(5) Additional best management practices under paragraph (4) shall include:

(A) construction disturbance phasing or sequencing to limit soil erosion, including final stabilization accomplished with each phase;

(B) stabilization measures including re-vegetation, mulching, soil retention blanket, or similar best management practices;

(C) temporary structural or non-structural best management practices at additional locations or in additional quantities;

(D) accelerated maintenance; and

(E) other best management practices, if appropriate, specified in the LCRA Technical Manual.

(j) Post-Construction Water Quality Controls.

(1) Water Quality Volume. For the protection of water quality and drainage ways from channel erosion and stormwater runoff pollution, each development project subject to these performance standards shall provide water quality volume in approved BMPs found in the LCRA Technical Manual. The minimum required water quality volume is based on the one-year, three-hour storm runoff volume as defined in the LCRA Technical Manual. In addition, development projects can use Low Impact Development methodologies as identified in the LCRA Technical Manual to reduce or avoid stormwater storage volume.

(2) Coverage of a development project or site under a Travis County development permit does not exempt the owner from the requirement to obtain a LCRA BMP Maintenance Permit, in accordance with the HLWO, Section 4, Subchapter A(d).

(3) Maintenance. The owner shall be responsible for maintaining and shall maintain all permanent water quality controls in a proper manner that is consistent with County and other applicable standards, including BMP maintenance permits or agreements by LCRA or previously approved by LCRA. The owner shall remain responsible for maintenance until either the maintenance obligation is assumed in writing by another entity having ownership or control of the property, including an owners' association, a district, or a municipality, or ownership of the property is transferred to another entity. A copy of the assumption or transfer of responsibility shall be filed with the Executive Manager within 30 days of the transfer.

(4) Alternate Standards. A single-family subdivision development that meets the criteria in (A) or Commercial Development that meets the criteria in (B) need not comply with paragraphs (1) – (2), except as specified in paragraph (5).

(A) Single-Family Subdivision Development.

- (i) The gross impervious cover is 15 percent or less and the Cluster Development sections have 20 percent or less gross impervious cover.
- (ii) A street and drainage network is designed to include the use of open-roadway sections, ribbon curb and maintenance of sheet flow.
- (iii) Impervious cover credit by use of porous pavement, rainwater harvesting, native landscaping and other methods is used to gain compliance as defined in the LCRA Technical Manual.

(B) Commercial Development.

- (i) Projects less than three acres in area can achieve compliance with this section through the use of vegetated filter strips and flow spreading methodologies as identified in the LCRA Technical Manual.
- (ii) Impervious cover credit by use of porous pavement, rainwater harvesting, native landscaping and other methods can be used to gain compliance as defined in the LCRA Technical Manual.

(5) The Executive Manager may require that the water quality volume specified in paragraph (1) of this subsection be provided for a portion or portions of a development utilizing the alternate standards of paragraph (4), in consideration of factors including, but not limited to, minimum lot size of the subdivision, location and proximity of impervious cover sections of the development to the 691 foot mean sea level contour line, extent to which the development site is able to preserve or achieve sheet flow, and the intensity of slopes to be developed at a site.

(k) Technical Criteria. Technical criteria for best management practices and water quality controls in western watersheds are those in the LCRA HLWO Water Quality Management Technical Manual, effective July 1, 2007, and subsequent amendments.

(l) Construction Plan, Engineering, Fiscal Security, and Inspections.

(1) Water quality controls are subject to the same requirements as drainage structures under this chapter regarding construction plans, engineering standards, and inspections.

(2) Approval of a permit application for commercial and single-family subdivision development is contingent upon the execution of an irrevocable letter of credit acceptable to Travis County in the amount specified in the permit which provides for the construction of temporary erosion and sedimentation controls and site stabilization, in accordance with the permit and any other provision of this chapter. The amount of the irrevocable letter of credit shall not be less than 100 percent of the cost as estimated by the Texas-registered Professional Engineer who seals the permit application. The irrevocable letter of credit shall be released after the final inspection/concurrence letter from the engineer has been received and after approval of a BMP Maintenance Permit by LCRA.

APPENDIX 1
CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING FORM

Use of this form: Pursuant to Texas Local Government Code, §212.0101, or a county authority pursuant to §232.0032, Texas Local Government Code, Travis County requires the plat applicant and the Texas licensed professional engineer or Texas licensed professional geoscientist to use this form based upon the requirements of Title 30, TAC, Chapter 230 to certify that adequate groundwater is available under the land to be subdivided (if the source of water for the subdivision is groundwater under the subdivision) for any subdivision subject to platting under Texas Local Government Code, §212.004 and §232.001.

CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING FORM
Administrative Information (30 TAC §230.4)
1. Name of Proposed Subdivision:
2. Any Previous Name Which Identifies the Tract of Land:
3. Property Owner's Name(s):
Address:
Phone:
Fax:
4. Plat Applicant's Name:
Address:
Phone:
Fax:
5. Licensed Professional Engineer or Geoscientist:
Name:
Address:
Phone:

Fax:		
Certificate Number:		
6. Location and Property Description of Proposed Subdivision:		
7. Tax Assessor Parcel Number(s).		
Book:		
Map:		
Parcel:		
Proposed Subdivision Information (30 TAC §230.5)		
8. Purpose of Proposed Subdivision (single family/multi-family residential, non-residential, commercial):		
9. Size of Proposed Subdivision (acres):		
10. Number of Proposed Lots:		
11. Average Size of Proposed Lots (acres):		
12. Anticipated Method of Water Distribution		
Expansion of Existing Public Water Supply System?	Yes	No
New (Proposed) Public Water Supply System?	Yes	No
Individual Water Wells to Serve Individual Lots?	Yes	No
Combination of Methods?	Yes	No

Description (if needed):		
13. Additional Information (if required by the municipal or county authority):		
<i>Note: If public water supply system is anticipated, written application for service to existing water providers within a 1/2-mile radius should be attached to this form (30 TAC §230.5(f) of this title).</i>		
Projected Water Demand Estimate (30 TAC §230.6)		
14. Residential Water Demand Estimate at Full Build Out (includes both single family and multi-family residential).		
Number of Proposed Housing Units (single and multi-family):		
Average Number of Persons per Housing Unit:		
Gallons of Water Required per Person per Day:		
Water Demand per Housing Unit per Year (acre feet/year):		
Total Expected Residential Water Demand per Year (acre feet/year):		
15. Non-residential Water Demand Estimate at Full Build Out.		
Type(s) of Non-residential Water Uses:		
Water Demand per Type per Year (acre feet/year):		
16. Total Water Demand Estimate at Full Build Out (acre feet/year):		
17. Sources of Information Used for Demand Estimates:		
General Groundwater Resource Information (30 TAC §230.7)		
18. Identify and describe, using Texas Water Development Board names, the aquifer(s) which underlies the proposed subdivision:		
<i>Note: Users may refer to the most recent State Water Plan to obtain general information pertaining to the state's aquifers. The State Water Plan is available on the Texas Water Development Board's Internet website at: www.twdb.state.tx.us</i>		
Obtaining Site-Specific Groundwater Data (30 TAC §230.8)		
19. Have all known existing, abandoned, and inoperative wells within the proposed subdivision been located, identified, and shown on the plat as required under §230.8(b) of this title?	Yes	No
20. Were the geologic and groundwater resource factors identified under §230.7(b) of this title considered in planning and designing the aquifer	Yes	No

test required under §230.8(c) of this title?		
21. Have test and observation wells been located, drilled, logged, completed, developed, and shown on the plat as required by §230.8(c)(1) - (4) of this title?	Yes	No
22. Have all reasonable precautions been taken to ensure that contaminants do not reach the subsurface environment and that undesirable groundwater has been confined to the zone(s) of origin (§230.8(c)(5) of this title)?	Yes	No
23. Has an aquifer test been conducted which meets the requirements of §230.8(c)(1) and (6) of this title?	Yes	No
24. Were existing wells or previous aquifer test data used?	Yes	No
25. If yes, did they meet the requirements of §230.8(c)(7) of this title?	Yes	No
26. Were additional observation wells or aquifer testing utilized?	Yes	No
<i>Note: If expansion of an existing public water supply system or a new public water supply system is the anticipated method of water distribution for the proposed subdivision, site-specific groundwater data shall be developed under the requirements of 30 TAC, Chapter 290, Subchapter D of this title (relating to Rules and Regulations for Public Water Systems) and the applicable information and correspondence developed in meeting those requirements shall be attached to this form pursuant to §230.8(a) of this title.</i>		
Determination of Groundwater Quality (30 TAC §230.9)		
27. Have water quality samples been collected as required by §230.9 of this title?	Yes	No
28. Has a water quality analysis been performed which meets the requirements of §230.9 of this title?	Yes	No
Determination of Groundwater Availability (30 TAC §230.10)		
29. Have the aquifer parameters required by §230.10(c) of this title been determined?	Yes	No
30. If so, provide the aquifer parameters as determined.		
Rate of yield and drawdown:		
Specific capacity:		
Efficiency of the pumped well:		
Transmissivity:		
Coefficient of storage:		
Hydraulic conductivity:		
Were any recharge or barrier boundaries detected?	Yes	No
If yes, please describe:		
Thickness of aquifer(s):		
31. Have time-drawdown determinations been calculated as required under	Yes	No

§230.10(d)(1) of this title?		
32. Have distance-drawdown determinations been calculated as required under §230.10(d)(2) of this title?	Yes	No
33. Have well interference determinations been made as required under §230.10(d)(3) of this title?	Yes	No
34. Has the anticipated method of water delivery, the annual groundwater demand estimates at full build out, and geologic and groundwater information been taken into account in making these determinations?	Yes	No
35. Has the water quality analysis required under §230.9 of this title been compared to primary and secondary public drinking water standards as required under §230.10(e) of this title?	Yes	No
Does the concentration of any analyzed constituent exceed the standards?	Yes	No
If yes, please list the constituent(s) and concentration measure(s) which exceed standards:		
Groundwater Availability and Usability Statements (30 TAC §230.11(a) and (b))		
36. Drawdown of the aquifer at the pumped well(s) is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.		
37. Drawdown of the aquifer at the property boundary is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.		
38. The distance from the pumped well(s) to the outer edges of the cone(s)-of-depression is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.		
39. The recommended minimum spacing limit between wells is _____ feet with a recommended well yield of _____ gallons per minute per well.		
40. Available groundwater is / is not (circle one) of sufficient quality to meet the intended use of the platted subdivision.		
41. The groundwater availability determination does not consider the following conditions (identify any assumptions or uncertainties that are inherent in the groundwater availability determination):		
Certification of Groundwater Availability (30 TAC §230.11(c)) Must be signed by a Texas Licensed Professional Engineer or a Texas Licensed Professional Geoscientist.		
42. I, _____, Texas Licensed Professional Engineer or Texas Licensed Professional Geoscientist (circle which applies), certificate number _____, based on best professional judgment, current groundwater conditions, and the information developed and presented in this form, certify that adequate groundwater is available from the underlying aquifer(s) to supply the anticipated use of the proposed subdivision.		
Date:	(affix seal)	