

## **DEFINITIONS**

Eastern Watershed. Any watershed other than a western watershed.

Western Watershed. The Lake Travis, Lake Austin, or Town Lake watersheds.

## **SECTION 82.102. APPLICATION OF FORMER STANDARDS**

- (a) The approval, disapproval, or conditional approval of an application for a permit shall be considered solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time an original application or plan for development or plat application providing “fair notice” of the project and the nature of the permit sought is filed. The original application, plan for development, or plat application is considered to provide “fair notice” only if it contains at least all of the information required for a master development plan under Section 82.201(b)(9). Preliminary Plans and related subdivision plats, site plans, and all other development permits for land covered by such Preliminary Plans or subdivision plats are considered collectively to be one series of permits. A plan for development is subject to and must comply with all requirements applicable to preliminary plans.
- (b) Section (a) above, does not apply to regulations described in Section 245.004, Local Government Code, a project that has undergone a major change, or a project for which the application or all permits expire. An application or plan expires if it does not contain all of the applicable information described in Exhibit 82.201(C), the county sends a written notice to the applicant within 10 business days of filing specifying the missing information and when the application will expire, and the applicant fails to submit all of the missing information within 45 days of the application being filed.
- (c) The subdivision applicant may take advantage of recorded subdivision plat notes, recorded restrictive covenants required by the county or a change to the rules or regulations of the county that enhance or protect the project, including changes that lengthen the effective life of an original application, preliminary plan, or plan of development after the date the application was filed, without forfeiting any rights under this section.
- (d) Upon request of the owner(s) of the land, the Executive Manager will issue a letter confirming the date of the filing of the original application, Preliminary Plan, or plan of development with the county, whether fair notice requirements were met, whether a project has expired, or whether rule changes protect a project for purposes of determining the Standards applicable for the approval of the project, original application, preliminary plan, plan of development, plat, or subsequent permits for the project.

- (e) Further, the Commissioners Court may make a determination of whether any major revisions to the project, original application, Preliminary Plan, or plat are sufficient for the county to consider the previous Standards no longer applicable. Upon request of the owner(s) of the land, or after submission of a revision, upon the request of the owner of any property adjacent to the proposed subdivision, the Executive Manager will issue a letter of the determination of whether or not TNR will consider that the revisions are governed by the Standards in effect on the date of the filing of the original application, Preliminary Plan application, plan of development, or plat application.

## **SECTION 82.201. GENERAL SUBDIVISION PROCEDURES**

- (a) General.

No change.

- (b) Applications.

(1) An application for approval of a preliminary plan or Final Plat shall be filed with TNR by the record Owner or the duly authorized agent of the Owner. The preliminary plan and Final Plat application forms are ~~form~~is in the appendix as Exhibit 82.201(C) and contain ~~contains~~ a written list of documentation and other information. For the application to be considered complete, this documentation and other information must be submitted in sufficient details so that the technical review process for compliance with the requirements of these Standards can commence.

(2) The application for approval of a preliminary plan or Final Plat will be reviewed by TNR for completeness under the applicable requirements and procedures of these Standards.

(A) through (C)

No change.

(3) The Executive Manager will approve or disapprove a final plat ~~an~~ application and notify the Owner of the result within forty-five (45) days after receiving a complete application. If the application is disapproved, the Executive Manager will provide a written list of the reasons for disapproval.

(A) through (C)

No change.

(4) through (8)

No change.

- (9) A Master Development Plan must be submitted for an applicant to meet “fair notice” requirements under Section 82.102(a). Otherwise, an applicant may voluntarily submit a master development plan as a non-binding planning tool, but it is not required and will not be approved by the Executive Manager or the Commissioners Court. If submitted either voluntarily or to meet “fair notice” requirements, it shall consist of a reasonably detailed map or schematic drawing containing the following:
- (A) The boundaries of the original tract and phases of development, if any;
  - (B) The names of adjacent platted subdivisions or the names of the record owners of adjoining unplatted property;
  - (C) The location, width and names of all existing or platted streets or public rights-of-way and all existing easements within and adjacent to the development;
  - (D) The layout and width of proposed arterials, thoroughfares and collector streets and the general configuration of proposed streets and alleys;
  - (E) The general arrangement and designations of land uses, and any sites for special use (e.g., for parks, open space, detention, or other public facilities);
  - (F) The approximate location of the 25-year flood plain and the 100-year flood plan, the location and width of existing drainage channels, creeks and water courses within the development; and
  - (G) The proposed location of proposed drainage courses and any necessary off-site extensions.

(c) Expiration and Extension.

(1) Preliminary Plan.

(A) No change.

(B)

(i) A a preliminary plan expires:

(1) four years from the date of approval in a western watershed; and

(2) ten years from the date of approval in an eastern watershed.

(ii) The expiration date of a preliminary plan may be extended administratively for a period of two years if neither the preliminary plan nor

the regulations governing the original approval of the preliminary plan have significantly changed. No more than two such extensions shall be granted.

(iii) One or more extensions of the expiration date of a preliminary plan may be granted based on commitments that the applicant has made in an agreement with Travis County to complete infrastructure in increments or phases corresponding to each increment or phase of development of the land covered by the preliminary plan.

(d) through (g)

No change.

#### **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)

(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, the municipality, corporation, or district 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.

(19)

No change.

(20) Outside the ETJ, if ground water 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.

#### **SECTION 82.204. FINAL PLAT.**

(a) Final Plat Approval.

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 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.

(1) and (2)

No change.

(c) Final Plat Requirements Outside a Municipality's ETJ.

(1) through (23)

No change.

(24) A minimum of two Global Positioning System Monumentation and Control Points with State Plane Coordinates Central Zone, NAD 83, shall be identified in the digital drawing file for any single-family residential subdivision of a tract outside the ETJ exceeding 20 acres and for all commercial subdivisions outside the ETJ, and may be recorded for any other tracts for any developers desiring to have their subdivision plats included on the County's GIS maps.

(A) and (B)

No change.

(25) Other Approvals.

(A) When a revision to flood plain insurance study is initiated under Section 82.207, the evidence required by that section of the Federal Emergency Agency's receipt or approval of that request.

(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.

(i) If the development is subject to the LCRA Lake Travis Nonpoint-Source Pollution Control 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) Permits under Section 10 of federal Rivers and Harbors Act and/or Section 404 of the federal Clean Water Act.

(iii) Permits under Section 10 of the federal Endangered Species Act.

(iv) The owner's proposed Stormwater Pollution Prevention Plan and

Notice of Intent required to comply with Texas Pollutant Discharge Elimination System (TPDES) requirements under Section 26.040, Water Code, and Section 402 of the Clean Water Act. The final Plan and Notice must be submitted before approval of subdivision construction plans.

(d) Certifications and Acknowledgments.

No change.

(e) Supplemental Submittals Required.

(1) and (2)

No change.

- (3) If water and/or wastewater services are to be provided by a municipality, public corporation or district established under Texas law, a written contract with the municipality, corporation, or district that ensures that sufficient water and/or wastewater capacity is available for lots in the development and that includes satisfactory fiscal arrangements with the municipality, corporation, or district for construction of the facilities to serve the subdivision by the Subdivider or by the municipality, corporation, or district as development progresses.

**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 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.

(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.
- (2) If the owner is issued an LCRA Nonpoint-Source permit, a TCEQ Edwards Aquifer permit or individual TPDES stormwater permit, or if the owner's Stormwater Pollution Prevention Plan and Notice of Intent comply with TPDES 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 Stormwater Pollution Prevention Plan or LCRA or TCEQ permit if:
- (A) more than five acres will be disturbed at any one time;
  - (B) development will take place on slopes greater than ten percent; or
  - (C) after construction or development activities commence, the measures in the Stormwater Pollution Prevention Plan or LCRA or TCEQ permit are inadequate to ensure that pollution of surface and ground water is prevented.
- (4) Additional best management practices under Paragraph (3) include a preconstruction site meeting, construction disturbance phasing or sequencing, revegetation, mulching, matting, additional locations and quantities of controls, accelerated maintenance, or other measures specified in the applicable technical manual under Subsection (j). Before requiring additional measures, Travis County will coordinate with LCRA and/or TCEQ.

(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 has a vertical change in elevation of more than 40 feet and an average gradient greater than 400 percent.
- (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. 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) Except for point recharge features, bluffs, and canyon rimrocks, 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:
  - (i) the natural vegetative cover must be retained to the maximum

extent practicable;

(ii) construction is prohibited; and

(iii) 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.

(3) Buffer Zones for Waterways.

(A) Waterways are classified as follows.

(i) Within a western watershed:

(1) a minor waterway has a drainage area of at least 64 acres and not more than 320 acres;

(2) an intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres; and.

(3) a major waterway has a drainage area of more than 640 acres.

(ii) Within an eastern watershed:

(1) a minor waterway has a drainage area of at least 320 acres and not more than 640 acres;

(2) an intermediate waterway has a drainage area of more than 640 acres and not more than 1280 acres; and.

(3) a major waterway has a drainage area of more than 1280 acres.

(B) A buffer zone is established along each classified waterway. The boundaries of the buffer coincide with the boundaries of the fully-developed 100 year flood plain for the waterway, except as follows. Buffer zones for waterways shall be included within protective easements.

(ii) For a minor waterway, the boundaries of the buffer zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway.

(iii) For an intermediate waterway, the boundaries of the buffer zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway.

- (iv) For a major waterway, the boundaries of the buffer are located not less than 200 feet and not more than 400 from the centerline of the waterway.
- (C) Notwithstanding Subparagraph (B), a waterway buffer zone does not extend beyond a rimrock or the crest of a bluff. A crest is a line along the top of a bluff beyond which the average slope has a gradient of not more than 50 percent for a distance of at least 40 feet.
- (D) The shoreline boundary of the waterway buffer for Lake Travis coincides with the 681 foot mean sea level contour line. The width of the buffer, measured horizontally inland, is 100 feet, or for a detached single-family residential use, 75 feet.
- (E) Development within a waterway zone buffer is prohibited except as follows.
- (i) A fence is permitted only if it does not obstruct flood flows.
- (ii) A golf course or part of a golf course is permitted only if no fertilizers, pesticides, or herbicides are used within the buffer zone.
- (iii) A park or similar open space use, other than a parking lot, is permitted only if a program of fertilizer, pesticide, and herbicide use is approved. Park development is limited to hiking, jogging, or walking trails and outdoor facilities, and excludes stables and corrals for animals.
- (iv) Along Lake Travis a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted.
- (v) A utility line may cross a waterway buffer zone.
- (vi) Detention basins and floodplain alterations are permitted if the requirements of Section 82.207 and the other provisions of this chapter are met.
- (vii) A minor waterway buffer zone may be crossed by a residential or commercial street or driveway if necessary to provide access to property that cannot otherwise be safely accessed.
- (viii) An arterial street identified in the metropolitan transportation plan may cross a major waterway buffer zone.
- (ix) An arterial or collector street may cross an intermediate waterway buffer zone only if it is at least one mile from any other collector or arterial street crossing on the same waterway.

- (x) An arterial or collector street may cross a minor waterway waterway buffer zone, provided that a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.
- (xi) Street and utility crossings shall be aligned to be perpendicular to the waterway buffer zone.
- (xii) The Executive Manager may grant exceptions to the requirements of clauses (ix) through (xi) where strict compliance is impracticable.
- (xiii) All street and utility crossings shall be designed and constructed to minimize pollution of the waterway to the greatest extent practicable.

(d) 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.

(e) Post-Construction Water Quality Controls

Permanent water quality controls meeting the requirements of Subsection (f) for western watersheds and Subsection (g) for eastern watersheds shall be employed to prevent polluted stormwater runoff from developed sites from entering surface

waterways or ground water after construction is complete.

(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, 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 pollutant load in the stormwater runoff for total suspended solids, total phosphorous, 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 percent of the annual pollutant load in the stormwater runoff for total phosphorous 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 pollutant load in the stormwater runoff for total suspended solids and 85 percent of the annual pollutant load in the stormwater runoff for total phosphorous 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 percent of the annual pollutant load in the stormwater runoff for total phosphorous and oil and grease shall be removed.
- (4) Streambank erosion shall be controlled by designing the drainage system so that the amount of erosion and siltation occurring in the receiving streams is not increased. The magnitude and frequency of the pre-development one year design storm shall remain the same.
- (5) The requirements for Paragraphs (1) through (4) may be satisfied for a single-family residential subdivision if the subdivision has:
  - (A) a minimum lot size of one acre; and
  - (B) a street and drainage network designed without curbs or gutters, or otherwise adequately designed, so that runoff is treated using overland flow methods to a vegetated buffer meeting slope and vegetative area cover requirements.

(g) Post-Construction Water Quality Controls for Eastern Watersheds

- (1) Water quality controls are required for development with impervious cover exceeding 20% of net site area.

- (2) The controls must provide at least the treatment level of a sedimentation/filtration system and must capture, isolate, and treat the water draining to the control from the contributing area.
- (3) The required capture volume is the first one-half inch of runoff and an additional one-tenth of an inch of runoff for each 10% increase in impervious cover over 20% of gross site area.

(h) Maintenance

The owner shall be responsible for maintaining and shall maintain all permanent water quality controls in a proper manner and consistent with county standards. The owner 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 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 a stormwater management plan that demonstrates permanent water quality controls 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 the material submitted under Subsection (b).

(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. 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, Travis County Code.

(2) Technical criteria for best management practices and water quality controls in western watersheds are those in the LCRA Technical Manual, provided that to the extent of any conflict, in watersheds contributing to the Edwards Aquifer the owner may use any equivalent or better technical criteria in TCEQ's Complying with the Edwards Aquifer Rules: Technical Guidance and Best Management Practices (RG-348).

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(k) Construction Plan, Engineering, Fiscal Security, and Inspections

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Water quality controls are subject to same requirements as drainage structures under this chapter regarding construction plans, engineering standards, fiscal security, and inspections.

#### **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 benefits 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) must 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.