

COMMERCIAL AND LARGE RESIDENTIAL DEVELOPMENT CODE AND REGULATIONS CHECKLIST FOR DEVELOPMENT PERMITS

In addition to the Travis County Code, development permit applicants are expected to comply with other applicable public health, safety, and environmental quality laws and regulations prior to approval of a Travis County development permit. Please complete and sign the checklist below to determine which additional requirements may be applicable to your commercial or large residential project, using the instructions and guidance on Pages 4-10. Some items below, if applicable to your project, will require you to provide specific written documentation of compliance prior to issuance of a Travis County development permit, as described and underlined on Pages 4-10. This list is just a **minimum** and Transportation and Natural Resources (TNR) reserves the right to request additional information if necessary. **Please answer each of the following questions by writing yes, no or the number in the space provided:**

Storm Water Pollution Prevention Plan (SWP3), Floodplain, Municipal Extra-Territorial Jurisdiction (ETJ)

1. Will construction project disturb one acre or more, or is it part of a common or phased plan of development which will disturb one acre or more (total disturbed areas, utilities, landscaping, staging, etc.)? _____
 - 1a. Total area of disturbance for this construction project (acres)? _____
 - 1b. What is the total amount of new impervious cover that will be added by this project (square feet)? _____
2. Is the project within the Extra-territorial Jurisdiction (ETJ) of a city (Austin, Bee Cave, etc.)? _____
3. Is the project located in the Edwards Aquifer Recharge Zone or Contributing Zone? _____
4. Is the project located in the Highland Lakes Watershed Ordinance (HLWO) area west of the Austin five-mile ETJ? If yes, a LCRA, HLWO permit or no permit exemption letter may be required. _____
5. Will the project permanently alter a Federal Emergency Management Agency (FEMA) 100 year floodplain? _____
6. Will the project disturb or cross a waterway, critical environmental feature (CEF), or a platted setback from one of these features? _____
7. Will the project include a new dam (water impoundment) or alteration of an existing dam? _____
8. If the project is located on a lake or river, is a boat dock or pier proposed? _____

9. **Erosion and Sediment Controls (ESC):** For approval of the Travis County Development Permit, the owner/owner's agent must identify on the site plan to use erosion and sediment controls to prevent water pollution and off-site storm water impacts. Does your submittal include an erosion and sedimentation control plan? _____

Public Right-of-Way, Sidewalks, and Driveways

10. Will the project require a new or improved driveway access onto a Travis County roadway? _____

11. Will the project require cutting into the pavement or the roadside of a Travis County roadway, such as for the installation of utility lines (gas, telephone, cable, electric, etc.)? _____

12. Will the project disturb any trees greater than 8" in diameter within County Right-of-way? _____

13. Will the project require a new or improved driveway access onto a state roadway? _____

14. Does the project include construction in the county right-of-way of new or remodeled facilities for pedestrian use, such as sidewalks or trails >1 : 20 slope, parking areas, or buildings with associated appurtenances? _____

Balcones Canyonlands Conservation Plan - (Western Travis County only)

15. For projects located west of Mo-Pac Expressway, have you addressed potential endangered species impacts in compliance with the federal Endangered Species Act (see instructions for compliance methods for the Balcones Canyonlands Conservation Plan (BCCP))? _____

Wastewater, On-Site Sewage Facilities (OSSF)

16. Is there an existing OSSF septic system, or will a new septic system be required? _____

17. Will the project generate 5,000 gallons or more of wastewater per day? _____

Water Wells and Water Supply

18. Will the project require drilling a well for drinking water supply? _____

19. Will the project require a drinking water supply of 15 connections or more, or serve 25 people or more at least 60 days per year? _____

Quarry and Pit Safety Act

20. Will the project or parcel of land include open pit or quarry 5' or deeper within 200 feet of a public (county, state) roadway? _____

20a. Is the open pit or quarry newly proposed, active, or became inactive since 1991? _____

Commercial Development (Only commercial projects are required to fill out items 21-26 below)

21. Is the project a non-residential development? _____

22. Will the project include a commercial building, apartments, or condominiums? _____

- 23. Will the project include construction and use of a non-residential pool or spa? _____
- 24. Will the commercial operations include a new or remodeled food establishment? _____
- 25. Will the commercial business serve alcohol? _____
- 26. Will the commercial business be a sexually oriented business? _____

Industrial Operations (Only commercial projects with industrial operations must fill out items 27-34 below)

- 27. Will planned commercial operations fall into one of the Standard Industrial Classification (SIC) Codes that require a TCEQ permit for discharge of storm water? _____
- 28. Will the planned commercial operations include solid waste management, processing, or disposal, including solid waste transfer, recycling and land application of waste for beneficial use? _____
- 29. Will the planned commercial operations have air emissions subject to TCEQ regulation? _____
- 30. Will the project be an auto salvage yard or operate auto salvage operations? _____
- 31. Will the project/site operations include permanent underground storage of any amount, or temporary/permanent aboveground storage of more than 1100 gallons of fuel or hazardous chemicals? _____
- 32. Will the site operations include aboveground storage of more than 1320 gallons of a petroleum product? _____
- 33. Will the site operations include storage of greater than 10,000 lbs. of hazardous materials? _____
- 34. Will the site operations generate over 220 lbs/month of hazardous waste or Class 1 non-hazardous waste? _____

Certification: I understand any items above I have indicated applicable to my Permit Application must be addressed as described herein in order for Travis County to issue a Development Permit. I understand misrepresentation can constitute grounds for Travis County to withhold or revoke Development Permit approval.

Signature of Permit Applicant: _____ Date: _____

Site Address: _____

INSTRUCTIONS AND GUIDELINES FOR COMPLETING CODE AND REGULATIONS CHECKLIST

Storm Water Pollution Prevention Plan (SWP3), Floodplain, Municipal Extra-Territorial Jurisdiction (ETJ) – Items 1-9.

- 1a. If total project construction disturbs one acre or more (including all disturbed areas), or is part of a common or phased plan of development or lots that will do so, you must implement a **Storm Water Pollution Prevention Plan (SWP3)**, to comply with County Code Section 82.936 and state **General Permit TXR150000**, administered by the Texas Commission on Environmental Quality (TCEQ). If your project requires a SWP3, please provide TNR a copy of the TCEQ **Construction Site Notice – CSN** (1-5 acre projects) or **Notice of Intent – NOI** (5 acres and up) signed by the Construction Site Operator. It must include the County Development Permit Number, be posted on the site with other permits, and uploaded to your mypermitnow.org account:
- Projects starting construction within 30 days of County permit issuance must provide a copy of the **CSN** or **NOI** prior to issuance of a County Development Permit.
 - Projects starting construction 30 days after permit issuance must send or upload a copy of the **CSN** or **NOI** to the TNR Permit Office or mypermitnow no later than seven (7) days prior to the start of construction.

Non-residential construction sites less than one acre are still required to provide an ESC Plan with specified temporary and permanent erosion and sediment controls to prevent off-site storm water runoff impacts and permanently stabilize the site, even when an SWP3 plan is not required. List the number of acres you are proposing to disturb in your construction activities. For guidance on SWP3s or erosion and sediment controls, please consult with TNR staff at 512-854-7686.

- 1b. If the project adds 10,000 square feet or more of new impervious cover, permanent water quality control best management practices (BMP) are required to be designed and built for the project, in compliance with Section 82.944. Permanent water quality control BMP's must be included in permanent platted or recorded easements. A BMP Maintenance Plan recorded with the County Clerk is required and a BMP Maintenance Permit will be issued by Travis County at the completion of construction for the control BMP, as required in Section 82.917. The BMP's must be maintained by the owner and will be inspected by Travis County for compliance with the BMP Maintenance Plan.
2. If the project is within the **Extra-Territorial Jurisdiction (ETJ)** of a City (Austin, Bee Cave, etc.), it is the applicant's responsibility to contact the municipality and any utility providers to find out what additional permits are required. Subdivisions in the City of Austin 5 mile ETJ are subject to the County Code Chapter 30 combined County – City of Austin Code. Some permits in ETJ's may require a signature approval or permit from the municipal jurisdiction prior to final issuance of a County Development Permit.
3. If the project is located in the Edwards Aquifer Recharge Zone, or is located in the Edwards Aquifer Contributing Zone and is 5 acres or more, you may be subject to the **TCEQ's Edward Aquifer Rules Title 30, Texas Administrative Code (TAC), Chapter 213**. City ETJ and General Permit SWP3 (Item 1. above) can overlap some Edwards requirements, but it is the responsibility of the applicant to address any additional items required. Please contact the TCEQ Edwards Program, at 512-339-2929, for information. Permit Applicants in the Edwards Zone must provide one of the following prior to final issuance of a County Development Permit:

- A TCEQ Approval Letter for a Water Pollution Abatement Plan (WPAP) in the Recharge Zone, a Contributing Zone Plan (CZP) in the Contributing Zone, an Exception Request, or
 - Written documentation showing that the project is an exempted activity under the Edwards Rules, or
 - A Texas Registered Professional Engineer's Letter stating the project is not applicable.
4. If the project is located in the Highland Lakes-Watershed Ordinance (HLWO) area west of the City of Austin 5-mile ETJ and west of the Edwards Aquifer Zone, you are subject to the **Lower Colorado River Authority's (LCRA) Highland Lakes Watershed Ordinance (HLWO)**. Please contact the LCRA HLWO Administrative Office, at 512-473-3200, Ext. 2091. Non-residential Permit Applicants must provide one of the following prior to final issuance of a County Development Permit:
- An LCRA HLWO Permit, or
 - An LCRA HLWO "No Permit Required Notification" Form
5. If a project will alter the **Federal Emergency Management Agency's (FEMA)** 100-year floodplain as shown on the Flood Insurance Rate Map for Travis County, a Conditional Letter of Map Revision from FEMA must be obtained prior to issuance of a County development permit. For more information on FEMA Letter of Map Changes, please contact FEMA's Map Assistance Center at 1-877-FEMA-Map or <http://www.fema.gov/fhm>
6. Travis County Code Section 82.942 requires an Environmental Resource Inventory (ERI) of sites to establish whether development will disturb or cross a waterway, critical environmental feature (CEF), or a setback area (generally a distance from the waterway centerline of edge of the CEF). The ERI is submitted with the application. Section 82.941 establishes setbacks and certain exceptions from those requirements.
7. New dam construction, or alteration of an existing water impoundment dam structure 6 feet or higher with a maximum storage capacity of 50 acre feet or more may be subject to the dam safety regulations of the state TCEQ, under Title 30 TAC, Chapter 299. Please note new impoundments of any size cannot be built on natural stream tributaries without compliance with Section 404 regulations outlined in #6 above. Contact the TCEQ Dam Safety Program at 512-239-1510 for further information.
8. If the construction project permanently alters or disturbs more than 1/10 acre within the channel or bed and banks of a natural waterway, you may be subject to the **U.S. Army Corps of Engineers (USACE) Section 404 Regulations** for waterways and wetlands. Natural creek channels, whether flowing or dry, should remain undisturbed as much as possible and must remain free of any improvements that cause drainage flow obstructions. Contact the USACE Ft. Worth District Regulatory Branch, at (817) 886-1731, for further information. Non-residential Permit Applicants must provide one of the following prior to final issuance of a Travis County Development Permit:
- Pre-Construction Notification (PCN) Letter to the Corps, or
 - an Authorization Letter (response to the PCN Letter) from the Corps, or
 - A Texas Registered Professional Engineer's Letter stating the project is not applicable.
- If the construction project disturbs or crosses a waterway or critical environmental feature (CEF), it must be approved and you must implement a plan for erosion and sedimentation controls.

Boat docks on the Pedernales River or Lake Travis outside the Austin ETJ follow LCRA standards-contact the LCRA Marina Program at 512-473-3200. Boat docks in the Austin ETJ follow City of Austin

standards and permitting – contact the City of Austin Planning and Development Review Dept, at 512-974-6369, or visit their web site at <http://www.austintexas.gov/department/permits>.

9. An ESC plan is required for all non-residential construction permits, even if a SWP3 is not required. Smaller sites may require less erosion and sedimentation controls. A Travis County reviewer will verify the correct level of erosion and sedimentation controls are proposed. ESC Plans follow the requirements listed in Section 82.935(g) of the Travis County Code.

Public Right-Of-Way, Driveways, ADA. Guidance Information – Items 10-14.

10. If a new driveway approach onto a Travis County road will be constructed, or an existing driveway approach improved, a **Travis County Driveway in Right of Way Permit application** must be submitted and approved prior to issuance of a County development permit. All new/improved driveway approaches must be constructed to current County standards. Please contact the Travis County TNR Permit office at 512-854-4215 for more information.
11. Any construction in a Travis County Right of Way in addition to driveway approaches will require a **Travis County Utility Installation Permit**. The contractor who will be doing the work within the Right of Way must obtain this permit prior to any construction in a County Right of Way. Please contact the Travis County TNR Permit office at 512-854-4215 for more information.
12. Disturbance or removal of any trees in existing county right-of-way 8” in diameter of greater must comply with the standards in **County Code Chapter 82.973, Tree Preservation**, which requires tree protection design measures and tree replacement for significant trees removed. Please contact the Travis County TNR Permit office at 512-854-4215 for more information.
13. When driveway access is onto a state right-of-way (FM, RR, RM, State or US highway, Interstate, etc.) a **Texas Department of Transportation (TxDOT) driveway permit** will be required prior to issuance of a County development permit. For information, please contact TxDOT at 512-416-3108.
14. If the project does include sidewalks and/or trails in the Travis County ROW, the project must comply with Americans with Disabilities Act (ADA) accessibility standards, such as handicapped parking, curb ramps, accessible pedestrian routes, and building standards for doors, stairs, bathrooms, signage, etc. Please contact U.S. Dept. of Justice 800-514-0301, TTY 800-514-0383. Texas Department of Licensing and Regulation 512-463-3211.

Balcones Canyonlands Conservation Plan (BCCP) Guidance Information – Item 15.

15. It is the responsibility of the landowner to comply with the federal **Endangered Species Act (ESA)** which may apply if there is endangered species habitat on the property. This is common in areas of Travis County west of Mo Pac Expressway. Landowners who plan to develop property with endangered species habitat can address ESA compliance by applying for a permit through the U.S. Fish and Wildlife Service, Austin District Office, 512-490-0057. In many parts of the City of Austin and Travis County, landowners also have the option to comply with the ESA through participation in the local Balcones Canyonlands Conservation Plan (BCCP), which offers a faster and less expensive alternative to obtaining a federal permit. For information on the BCCP, call 512-854-7213 or send an email to BCCP@traviscountytx.gov

Wastewater and Septic/On-Site Sewage Facility (OSSF) Guidance Info – Items 16-17.

16. If an on-site sewage facility (OSSF) is required to be installed or upgraded, a **Permit to Construct an OSSF** is required to be issued prior to issuance of a County development permit. An exception may be made if the permit applicant agrees in writing to take full responsibility for the OSSF placement. In no case will a County development permit be issued prior to the receipt of a completed OSSF application. Please contact the Travis County TNR Permit office at 512-854-4215 for info. Also, projects located in the areas described below must obtain OSSF approval from the other jurisdictions listed instead of Travis County:
- OSSF projects within Travis County and within 2,000 feet of Lake Travis (2000 feet from the 691' contour) are subject to the Lower Colorado River Authority's (LCRA) review instead of Travis County- Please contact the LCRA OSSF Program, at 512-473-3216.
 - OSSF projects within any City of Austin's *Limited Purpose City Limits* areas (within their ETJ) are subject to Austin's OSSF review. If your project is in this area, contact Austin Water Utility's Utility Development Services Section at 512-972-0296 or e-mail at ossf@austintexas.gov for more information.
 - For projects with OSSFs in LCRA or the City of Austin's jurisdiction, proof of application to the appropriate jurisdiction is required prior to the issuance of a County Development Permit.
17. If the project generates more than 5,000 gpd of waste water it is too large to qualify for an OSSF permit and is subject to **TCEQ's Design Criteria for Sewerage Systems, Title 30 TAC Chapter 217**. It is the responsibility of the Applicant to design/obtain permits for wastewater treatment facilities or obtain wastewater utility service for any project requiring a development permit from Travis County. Commercial and Residential developments over 20 acres outside ETJs must provide a signed letter of intent for wastewater utility service prior to final approval of a Travis County Development Permit. Contact TCEQ Wastewater Permits Section for further information at 512-239-4671.

Water Well and Water Supply Guidance Information – Items 18-19.

18. All water wells must be completed by a state-licensed drilling contractor (state water well drilling license). Also, if you are located within the Barton Springs Edwards Aquifer Conservation District (BSEACD) in southern Travis County, you must receive approval from the District prior to drilling and utilizing water wells or public water supplies. Please contact BSEACD, at 512-282-8441.
19. Projects providing public water supply of 15 connections or more, or to 25 people or more for 60 days/year, are required to comply with **Title 30 TAC, Chapter 290, requirements for Public Water Supply**. Contact the TCEQ Utility and District Section for Public Water Supply requirements, at 512-239-6947. It is the responsibility of the Applicant to obtain adequate drinking water supply for any project requiring a development permit from Travis County. Commercial developments and residential developments over 20 acres outside ETJs must provide a signed letter of intent for water utility service, and any proposed groundwater supplies must prove adequate capacity according to TCEQ Title 30 TAC, Chapter 230.

Quarry and Pit Safety Act Guidance Information, Item 20.

20. If the site or land parcel includes a new or active (or inactive since 1991), open pit or quarry which is 5 feet or deeper and within 200 feet of the edge of a public road, compliance with the **Texas Quarry and Pit Safety Act TAC 16, Part 1, Chapter 11, SB. E** is required. If so, a Safety Certificate approved by the Texas Department of Transportation (TXDOT) a minimum of sixty days before the use of the pit is required before final issuance of a County Development Permit. Please

contact the TXDOT Maintenance Division, Pits and Quarries Section, Program Administrator, at 512-416-3076.

Commercial Development Guidance Information, Items 21-26.

21. The Travis County Commissioners Court adopted **public notice requirements** for all non-residential developments on October 30, 2007. Prior to issuance of a Development Permit, the permit applicant must send notice to all homeowners associations and neighborhood associations within 1000 feet of the property where the project is to be constructed. Applicants must also send the notice to the Travis County Fire Marshal and the local Emergency Service District. The notice and mailing list must be pre-approved by TNR staff. It must be sent by certified mail-return receipt requested. It must include the type of development, proposed use and a site location map. It must also include contact information for the permit applicant or representative and the TNR case manager. The applicant is responsible for providing proof that the notice was sent to the appropriate parties and for informing the TNR case manager of any comments received due to the notice. In no case, will the Development Permit be issued prior to 10 working days after the date the notice was sent. For more information on the **public notice requirements**, please contact the Travis County TNR Permit office at 512-854-4215 for more information.
22. All commercial site and building plans shall be submitted for review, and the construction inspected for compliance with, the requirements of the Travis County Fire Code, by the Travis County Fire Marshal's Office. Please contact the Fire Marshal's Office directly at 512-854-4621 concerning the specific requirements of your project.
23. Non-residential pools and spas must comply with **Title 25 TAC Chapter 265**, enforced by the Austin/Travis County Health and Human Services Department (ATCHHSD). Please contact ATCHHSD at 512-974-3325 or by email at www.austintexas.gov/ehsd
24. Food Establishments must comply with **Travis County Code Chapter 47**, enforced by the Austin/Travis County Health and Human Services Department (ATCHHSD). Please contact ATCHHSD at 512-978-0300 or by email at www.austintexas.gov/ehsd .
25. Alcohol/Liquor sales and businesses must comply with the **Texas Alcoholic Beverage Code** and must be reviewed and licensed by the Texas Alcoholic Beverage Commission (TABC), as well as several Travis County departments, including the County Clerk, Austin/Travis County Health and Human Services Department (ATCHHSD), County Judge, and Tax Assessor. Please contact the Austin District of the TABC, at 512-451-0231 for information on how to apply for this review and licensing process.
26. Sexually oriented business' must comply with **Travis County Code Chapter 50 and 51**. Please contact the Travis County Sheriff's Department at 512-854-9770 to secure permits before the final issuance of a county development permit.

Commercial Development – Industrial Operations Guidance Information, Items 27-33.

27. If site operations fall into one of several Standard Industrial Classification (SIC) Codes, you may be subject to **TCEQ's TPDES General Permit TXR050000 for industrial sites** that discharge storm water associated with industrial activities. Please contact the TCEQ Water Quality Division, Storm Water and General Permits Program, at 512-239-4671, for information. A link to the general permit and the SIC Codes can be found here:
https://www.tceq.texas.gov/assets/public/permitting/stormwater/txr050000_proposed_msgp.pdf

Applicable industrial operations must provide the following prior to issuance of a County development permit:

- a. A TCEQ NOI and SWP3 in compliance with the Industrial General Permit, or
 - b. A TCEQ "No Exposure" Certificate, with a letter from Texas Registered Professional Engineer stating the project will not have a discharge ("no exposure") from site industrial activities.
28. If site operations include solid or liquid waste processing or disposal, a Solid Waste Notification, Registration, or Permit must be issued by TCEQ as required under **TCEQ Municipal Solid Waste Rules Title 30 TAC, Chapter 330**, TCEQ Industrial Solid Waste & Municipal Hazardous Waste Rules Chapter 335, **or Chapters 312** (Sludge Use, Disposal, Transportation), or 332 (Composting). Applicable County Code solid waste requirements (Chapter 62 and 64.070-071) must also be met before final issuance of a county development permit. Contact TCEQ Municipal Solid Waste Permitting, at 512-239-6671, or 512-239-2334.
29. If site operations are subject to **TCEQ Air Quality Rules Title 30 TAC, Chapters 101-122**, a TCEQ Permit By Rule (PBR) Approval Letter, or TCEQ Air Quality Permit is required prior to final issuance of a county development permit. Please contact the TCEQ air quality permit section for information, at 512-239-1250.
30. Auto salvage yards must comply with **Travis County Code Chapter 49**, enforced by the Austin/Travis County Health and Human Services Department (ATCHHSD). Please contact ATCHHSD at 512-978-0300.
31. If site operations include underground storage of any amount of fuel or hazardous chemicals, or aboveground storage of more than 1100 gallons, it is the responsibility of the applicant to ensure compliance with **TCEQ's Underground and Aboveground Storage Tank Rules, Title 30 TAC, Chapter 334**. Please provide a signed and issued TCEQ Petroleum Storage Tank (PST) Construction Notification or TCEQ letter of receipt of such before final issuance of a county development permit. Please contact the TCEQ PST Division, at 512-239-2200. PST construction in the Edwards Aquifer Recharge Zone will require a TCEQ UST or AST Facility Plan in addition to the above. Please also check with the Travis County Fire Marshall at 512-854-4621 for any requirements under the Travis County Fire Code (see item 22 above). NOTE: Temporary fuel/oil tanks over 250 gallons used during site construction do not require a TCEQ permit if used less than 12 months, but these tanks must be addressed in the site's SWP3 Plan.
32. If site operations include aboveground storage of more than 1320 total gallons of petroleum products, it is the responsibility of the applicant to prepare a Spill Prevention Control and Countermeasures (SPCC) Plan per **40 CFR, Part 112**. Travis County will not delay final issuance of a development permit, but an SPCC Plan must be prepared by a Registered Professional Engineer within six months of beginning operations. Contact EPA Region 6 in Dallas for SPCC information, at (214) 665-2273.
33. If site operations include aboveground annual storage of greater than 10,000 lbs. of federally listed hazardous substances, or greater than 500 lbs. of 365 listed extremely hazardous substances, compliance with the Tier II reporting of the **Federal Emergency Planning and Right-to-Know Act (EPCRA)** is required. Travis County will not delay final issuance of a development permit, but it is the responsibility of the applicant to submit a Tier II Annual Report to the Texas Department of Health (TDH) by March 1st of the calendar year for the previous year. This information is copied to the Travis County Local Emergency Planning Committee (LEPC) for public information and

emergency response purposes. For information on Tier II and EPCRA requirements, please contact the TDH Hazard Communication Branch, at (800) 452-2791, or (512) 834-6603.

34. If site operations generate over 220 lbs./month of hazardous waste or Class I non-hazardous waste, the site qualifies as a Small Quantity Generator under **TCEQ's Industrial and Hazardous Wastes Rules, Title 30 TAC, Chapter 335**. The County will not delay final issuance of a development permit, but it is the operator's responsibility to register with TCEQ at least 90 days prior to commencing these site activities. Please Contact the TCEQ Industrial and Hazardous Waste Registration and Reporting Division, at 512-239-6413.