Chapter 82.Travis County Development Regulations[1]

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[1] Chapter 82 was replaced August 14, 2012, Item #14 and substantially amended June 28, 2016, Item #24. Chapter formerly called “Standards for Construction of Streets and Drainage in Subdivisions.” Amendments added through June 28, 2016, Item 24.

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Subchapter A. [General Provisions]

82.001 Preamble

These development regulations have been adopted by the Travis County Commissioners Court to provide a framework for the orderly and efficient development of rural and suburban Travis County. The various departments, agencies, entities, and employees of Travis County are directed to implement these regulations and are authorized to do so as outlined herein.

82.002 Definitions[2]

(a) For the purposes of this chapter, the definition of various terms, phrases, words, and their derivations will have the meaning ascribed to them herein and in Section 64.031 of the Travis County Code. When not consistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words used in the plural number include the singular number. Any office referred to herein by title will mean the person employed or appointed for that position of his/her duly authorized deputy or representative. Definitions not expressly authorized herein are to be considered in accordance with customary usage. The definition of specific terms, phrases, words, and their derivations applicable to matter contained in this chapter are as follows:

(b) A

(1) Access Street. Any street within a subdivision or along the boundaries of a subdivision which would serve any properties outside the plat boundaries or provide a connection directly with a collector street.

(2) "Active Resource Extraction Area" means the area of a mine or quarry from which mineral resources are currently being extracted for sale at a particular time.

(3) "Agricultural" means, in the context of development, activities associated with the production of livestock or use of the land for planting, growing, cultivating, and harvesting crops, or participating in a wildlife management plan. These activities may include clearing and cultivating specified ground areas for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities. Agricultural development does not include construction of roads, building structures, soil grading for other than crop cultivation, concentrated animal feeding operations subject to TPDES regulations, and the processing of plant or animal products after harvesting or the production of timber and forest products.

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[2] 82.002 amended 6/28/2016, Item 24.

(4) Alley. A Joint use access which is used only for secondary access to individual properties which otherwise have primary access from an adjacent public street or approved common open space or courtyard which is adjacent to a public street.

(5) “Alternative Post-Mining Use” means a use of land, other than for mining or quarrying, that occurs after mining or quarrying has ceased. to qualify as an alternative post-mining use, the land must actually be utilized for another purpose, such as for residential or commercial development, agriculture, or some other use. Abandonment in place, or use strictly as open space does not qualify as an Alternative Post-Mining Use.

(6) “Applicant” means a person who submits an application to Travis County.

(7) Arterial Street. Arterial streets are designed to carry high volumes of through traffic as defined by the Capital Area Metropolitan Planning Organization Transportation Plan. A principal traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the are adjacent thereto and to act as a principal connecting street with State highways.

(8) Austin, City of, Near Term Annexation Area. An area in the COA ETJ:

(A) that is included in the City of Austin’s annexation plan adopted in accordance with Subchapter C, Chapter 43, Local Government Code;

(B) that has been or being annexed by the City of Austin for limited purposes under Subchapter F, Chapter 43, Local Government Code, unless the date for full purpose annexation is postponed to a date more than three years after the date of limited purpose annexation in accordance with Section 43.127, Local Government Code;

(C) for which the City of Austin and the County are party to an agreement providing assurances to the County regarding design, construction, and maintenance of the transportation, floodplain management, and stormwater conveyance, and other infrastructure in the area covered by the agreement; or

(D) described in Exhibit A-1 of the First Amendment to Agreement on subdivision Platting in the ETJ between the city of Austin and Travis County dated June 3, 2003.

(c) B

(1) “Best Management Practices” or “BMPs” mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the State or the Travis County MS4. BMPs also include treatment requirements, operating procedures, and practices to control site

runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the Lake Travis watershed, BMP means those practices, including those described in LCRA's Technical Manual, that effectively manage storm water runoff quality and volume.

(2) Block.. A tract of land identified within a subdivision which is surrounded by streets and may be further subdivided.

(3) "Bluff" means a feature that is adjacent to a waterway that has a vertical change in elevation of more than 40 feet and an average gradient measured from the base of the bluff to its crest greater than a 1:1 slope (greater than one foot vertical for each one foot horizontal).

(d) C

(1) "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.

(2) "Certified Erosion, Sediment, and Storm Water Inspector" or "CESSWI" means a person who holds a valid certification issued by EnviroCert International, Inc., and has the qualifications and experience necessary for the inspection of ESC and SWP3s.

(3) "Certified Inspector of Sediment and Erosion Control" or "CISEC" means a person who holds a valid certification issued by CIESC, Inc., and has the qualifications and experience necessary for the inspection of ESC and SWP3s.

(4) "Certified Professional in Erosion and Sediment Control" or "CPESC" means a person who holds a valid certificate issued by EnviroCert International, Inc., and has the qualifications and experience necessary for SWP3 and ESC plan development, approval, evaluation, and inspection.

(5) "Clean Water Act" or "CWA" means the federal Water Pollution Control Act (33 U.S.C. §§1251 - 1387 (1977, as amended).

(5.1) "Clearing" The cutting of vegetation, including of trees, brush, or grass cover, that does not include grading or soil disturbance.

(6) "Clearing and Grubbing" means the removal from the soil surface of trees, stumps, brush, roots, grass cover, vegetation, logs, existing structures, or waste materials by grading or other methods that result in disturbance of the soil, in preparation for right-of-way or other construction or development activities.

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

(8) Collector Street. A street or road providing for travel between local streets and the arterial street network, or serving multifamily development or neighborhood centers or services such as schools, parks, or fire stations.

(9) “Commercial Development” means all development other than open space, a residence, or a residential subdivision development.

(10) Commissioners Court. The Commissioners Court of Travis County is comprised of the four current Commissioners and the County Judge.

(11) Common Area. An area held, designed, or designated for the common use of the owners or occupants of a townhouses project, PUD, apartment, condominium, mobile home park, or subdivision.

(12) “Common Plan of Development” means a construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a “common plan of development or sale”) is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate “common plans,” with only the interconnected parts of a project being considered part of a “common plan” (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located ¼ mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, if any interconnecting road, pipeline or utility project that is part of the same “common plan” is not included in the area to be disturbed.

(13) “Concurrent Stabilization” for mines and quarries means a procedure by which resource extraction areas that will no longer be mined are being stabilized while mineral resources are still being extracted from other areas within the same facility. Stabilization activities may include backfilling, sloping, grading, re-vegetation, or the installation of temporary or permanent erosion control features.

(14) Conservation Area. An undeveloped or historic area that is to be preserved in its existing state or enhanced and that comprises a single lot or multiple contiguous lots set aside from development by means of a conservation easement in a manner consistent with this chapter.

(15) Conservation Development Design Manual. The technical manual, as adopted and amended from time to time by the Commissioners Court, that establishes standards and guidance for the implementation of Subchapter C.

(16) "Construction Activity" means any clearing, grading, excavating, or building activity that results in land disturbance:

(A) equal to or greater than one acre;

(B) less than one acre that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal or greater than one acre;

(C) Construction activity does not include:

(i) routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, landscaping, or the original purpose of a facility, for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities; or

(ii) preconstruction clearing.

(17) Construction Document. The plans and specifications required to fully define the scope of work and limits of construction

(18) "Construction Site Notice" or "CSN" means a document signed and certified by the operator of a construction activity that results in land disturbance of equal to or greater than one acre and less than five acres of land indicating the primary operator's name, contact information, project description, and the physical location of the SWP3, and must be posted at the construction site prior to commencement of construction and maintained until completion in accordance with the requirements of TCEQ General Permit TXR150000.

(19) [Repealed 6-28-2016, Item 24]

(20) "Construction Support or Maintenance Area" means an area placed either on or in the proximity of a construction site or activity, used by the owner or primary operator of the construction site, for support activities associated with the development or construction, including areas for concrete or asphalt batch operations, material formulation or fabrication, construction or sales office, material storage, vehicle storage or maintenance, and similar activities.

(21) "Conveyance" means curbs, gutters, man-made channels and ditches, drains, pipes, and other features designed or used for flood control or to otherwise transport storm water runoff.

(22) Contiguous. Abutting or connected to one another, or immediately adjacent if separated only by a local road, utility corridor, pipeline, or localized aquatic feature such as a creek, pond, or small lake.

(23) “County Executive” or “Executive Manager” means the county executive of the Transportation and Natural Resources Department of Travis County, a successor department, or a person designated by the county executive.

(24) County Road. Roadway under the control and maintenance of Travis County.

(25) Creditable Acreage. Acreage within a conservation area for which credit is given in determining whether the minimum meets the minimum requirements of Section 82.226 for the size of a conservation area. Some acreage within a conservation area may receive no credit or only partial toward meeting the minimum size requirements.

(26.0) “Critical Environmental Feature” means a feature that is of critical importance to the protection of environmental resources, and includes a bluff, canyon rimrock, cave, point recharge feature, sinkhole, spring, and wetland.

(26.1) “Critical Site Characteristics” means the primary site-specific topographic factors that must be evaluated and considered in the design of an ESC Plan and addressed with suitable measures and BMPs to the maximum extent practicable; these factors include the total area disturbed in combination with slope steepness, slope lengths, soil erosiveness, run-on drainage, total drainage area size, and proximity to water in the State.

(26.2) “Critical Site Improvement” means a component or feature of a development that, because of the location where the site improvement is built or graded on a construction site, is prone to greater erosion and sediment discharge and therefore requires greater amounts and types of BMPs for sediment control and final stabilization in the ESC Plan design; the site improvements defined as critical include:

(A) a construction feature located in an area with the following critical site characteristics:

(i) a slope greater than ten percent;

(ii) a slope between five and ten percent with a slope length greater than 50 feet;

(iii) a slope between two and five percent with a slope length greater than 100 feet; or

(iv) an area less than 150 feet from a waterway or critical environmental feature, or less than 50 feet from a platted setback of a waterway or critical environmental feature;

(B) a cut slope or fill embankment slope exceeding ten percent grade, including a side slope of a permanent WQC;

(C) a drainage channel, swale or other concentrated flow area that has been designed for the site;

(D) a waterway crossing, bridge, culvert, or the runoff discharge from the approaches on each side of the waterway; and

(E) a storm water outfall.

(27) Cul-de-sac. A short public street having but one opening or access to another public street and which is terminated by a permanent vehicular turnaround.

(e) D

(1) Designated 100-year Flood Plain. Based on Travis County, Texas regulations for Flood Plain Management; the area adjacent to a stream or water course which, on the average, has a one-percent chance of being inundated from flood waters in any given year.

(2) Desired Development Zone As defined by Section 25-1-21-(26) of the City of Austin Land Development Code in effect on the date of the order adopting this definition.

(3) Development Plan A boundary survey prepared by a Registered Professional Engineer of Registered Professional Land Surveyor showing: 1) all existing proposed structures and 2) all easement and rights-of-way within or abutting the boundary of the survey.

(4) “Discharge” or "To Discharge" means to either deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

(5) Drainage Easement. An area intended for restricted use on property upon which an authorized governmental agency shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective drainage systems within any of these easements. An authorized governmental agency shall at all times have the right of unobstructed ingress and egress to and from and upon the drainage easements for the purpose on constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective drainage systems without the necessity at any time of procuring the permission of anyone.

(6) Drinking Water Protection Zone. As defined by Section 25-1-21(30) of the City of Austin Land Development Code in effect on the date of the order adopting this definition.

(7) Driveway. An area surfaced with asphalt, gravel, concrete, or similar surface, providing vehicular access between a public or private street and private property.

(f) E

(1) Easement. A right given by the owner of a parcel of land to another person, public agency, or private corporation for specific and limited use of that parcel. A privilege or right of use or enjoyment granted on, above, under, or across a particular tract of land by one owner to another.

(2) Eastern Watershed. Any watershed other than a western watershed.

(3) Engineer. A person licensed under the Texas Engineering Practice Act to engage in the practice of engineering.

(4) "Erosion and Sediment Control (ESC) Plan" or "ESC Plan" means the component of the SWP3 required under Section 82.935(g) that contains the construction plans approved by the County with the Basic Development Permit, including the ESC and BMPs necessary to address all items and site features identified in the Engineer's Report. An ESC Plan may also be a standalone component included in construction plans for a project that requires ESC BMPs but does not require an SWP3.

(4.1) "Erosion and Sediment Controls or (ESCs)" means temporary and permanent Best Management Practices (BMPs) specified for preventing and abating accelerated soil erosion and sedimentation to the maximum extent practicable during construction and are removed after completion of revegetation. Permanent practices remain permanently in place to prevent soil erosion.

(4.2) "Erosion Hazard Zone" means an area where future stream channel erosion is likely to result in damage to or loss of property, buildings, infrastructure, utilities, or other valued resources. An erosion hazard zone is calculated using the methodology found in Appendix E of the City of Austin Drainage Criteria Manual.

(5) "Erosion and Sediment Controls" mean temporary and permanent Best Management Practices (BMPs) specified for preventing and abating accelerated soil erosion and sedimentation to the maximum extent practicable during construction and are removed after completion of revegetation. Permanent practices remain permanently in place to prevent soil erosion.

(6) Existing Grade. The grade at the time of application of subdivision, site development permit, and development permit within Flood Hazard Areas.

(7) Extraterritorial jurisdiction (ETJ). The unincorporated territory beyond the city limits of a city as set forth by Texas Local Government Code Section 42.021. The unincorporated area which is contiguous to the corporate boundaries of the municipality and which is located:

(A) Within one-half mile of those boundaries in the case of a municipality

(B) Within one mile of those boundaries in the case of a municipality with 5,000 to 24,999 inhabitants;

(C) Within two miles of those boundaries in the case of a municipality with 25,000 to 49,999 inhabitants;

(D) Within three and one-half miles of those boundaries in the case of a municipality with 50,000 to 99,999 inhabitants; or

(E) Within five miles of those boundaries in the case of a municipality with 100,000 or more inhabitants.

(g) F

(1) "Facility" means any structure or building, including contiguous land, or equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, aircraft, or any site or area.

(1.1) "Fault" or "Fracture" mean significant fissures or cracks in rock that may permit infiltration of surface water to underground cavities or channels.

(2) Filing fee. A charge for filing documents with the County Clerk.

(3) "Fill" or "Fill Material" means material including, but not limited to rock, sand, soil, clay, concrete rubble with no exposed metal, and overburden or spoils from mining or other excavation activities. The term fill material does not include any material classified as a solid waste or any contaminated materials.

(4) "Final Acceptance." Formal acceptance of a constructed County right-of-way project by the Commissioners Court after completion of the required construction warranty period.

(5) Final Plat. A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of any Preliminary Plan approval previously granted by the County.

(h) G

(1) Grade. The horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where height is to be measured; or the degree of inclination of a surface. The vertical location of the ground surface.

(2) "Grading." Excavation or cut of soil or subsoil or construction of fill soil embankment or any combination thereof, including the establishment of a grade following demolition of a structure.

(3) Groundwater Conservation District or GCD means any district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that has the authority to regulate the spacing of water wells, the production from water wells, or both.

(i) H

(1) "Hazardous substance" means any substance that is designated as such by the administrator of the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Sec. 9601 et seq.), is regulated pursuant to Section 311 of the federal Clean Water Act (33 U.S.C. Sec. 1321 et seq.), or is designated as such by the Texas Commission on Environmental Quality.

(2) Highland Lakes Watershed Ordinance or HLWO means the ordinance first promulgated in February 2006 and subsequently amended 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.

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

(4) Impervious Cover. Roads, driveways, parking areas, buildings, concrete and other impermeable construction covering the natural land surface as defined in Title 30, Austin/Travis County Subdivision Regulations. Impervious cover is calculated on a gross site area basis.

(j) I

(1) “Inspector” means a representative of the County Executive who is responsible for making investigations, responding to citizen complaints or concerns, and conducting inspections of development projects, property, and facilities, to determine the compliance status of an activity with this chapter, other requirements of the Travis County Code, and state statutes and regulations.

(2) “Industrial Activity” means any category industrial activities included in the definition of “storm water discharges associated with industrial activity” as defined in 40 CFR Section 122.26(b)(14)(i) – (ix) and (xi), and any additional category of industry that is designated by the U.S. Environmental Protection Agency or TCEQ.

(3) Industrial Street. A street or road intended primarily to serve traffic within an area of industrial development of proposed industrial development.

(k) L

(1) “Linear Construction” means a construction activity with longitudinally oriented land disturbance, that is typical of infrastructure projects and that may include an excavation for burial of conduit, such as the placement of a drinking water, storm sewer, sanitary sewer, electrical, or telecommunication utility line, construction of or improvements to a drainage ditch or roadway, and similar activities.

(2) Local Street. Any public street not designated as a major thoroughfare, freeway, or highway and not situated within the existing/and/or planned pattern of streets in a manner to cause it to function as a collector street. A street of road which in intended primarily to serve traffic within a neighborhood or limited residential district and which is not continuous through several residential districts. A local street should provide access to adjacent land over short distances.

(3) Lot. An undivided tract or parcel of land contained within a block and designated on a subdivision plat by number.

(4) “Master Development Plan” or “Master Plan” means a conceptual plan of a multi-phased development showing the order of phased development, boundaries, adjacent property, environmental features (such as creeks, tributaries, slopes, recharge features, etc.), roads, designated land uses, sites for special use, and proposed location of water quality protection measures for the development. The plan includes a reasonably detailed map or schematic drawing containing the following:

(A) The boundaries of the entire development;

(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 (that is, for parks, open space, detention, or public facilities);

(F) The approximate location of the 25-year flood plain and the 100-year flood plain, the location and width of existing drainage channels, creeks and water courses within the development;

(G) The location of proposed drainage courses and any necessary off-site extensions.

(l) M

(1) 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).

(2) Metropolitan Transportation Plan Means the long-term metropolitan transportation plan adopted by the Capital Area Metropolitan Planning Organization under 40 CFR Section 450.322.

(3) “Mine” means an excavation in the earth from which ores, coal, limestone, or other mineral substances are being or have been removed by excavation or other mining methods. A mine includes an area of land actively or previously mined for the production of dimension stone, crushed or broken stone, construction sand and gravel, clay, or industrial sand.

(3.1) “Multi-Use Trail” means a facility designated for the use of pedestrians, bicycles, or other non-motorized users and associated bridges.

(4) “Municipal Separate Storm Sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that:

(A) Is owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States;

(B) Is designed or used for collecting or conveying storm water;

(C) which is not a combined sewer; and

(D) Is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

(m) N

(1.0) Neighborhood Collector Street. A street or road collecting traffic from other streets and collectors and serving as the most direct route to an arterial, State highway, or a neighborhood center.

(1.1) “Non-Residential” means a category of development that is not pertaining to residential development. Non-Residential development includes both commercial and non-commercial development and refers to and includes, but is not limited to, business concerns, churches, schools, farm buildings (including grain bins and silos), pool-houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, subdivision infrastructure, roadway construction, warehouses, and hotels or motels with normal room rentals for less than six months’ duration, and more than two manufactured homes for rent or sale.

(2) “Non-Storm Water Discharge” means any discharge to the municipal separate storm sewer that is not composed entirely of storm water.

(3) “Notice of Change” or “NOC” means a written notification to the TCEQ from a discharger authorized under a general permit, providing changes to information that was previously provided to the agency in a notice of intent form.

(4) Notice of Intent of 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.

(5) “Notice of Termination” or “NOT” means a written submission to the executive director of the Texas Commission on Environmental Quality from a discharger authorized under a general permit requesting termination of coverage.

(n) O

(1.0) “Open Space” means a public or private park, multi-use trail, golf cart path, the portions of a golf course left in a natural state, and an area intended for outdoor activities which does not significantly alter the existing natural vegetation, drainage patterns, or increase erosion. Open space does not include parking lots.

(1.1) “Operator” means the person responsible for the overall operation of a site or facility.

(2) Original Tract. A tract of land which existed in its present configuration prior to September 1, 1983.

(3) “Outfall” means a point source at the point where pollutants discharge to surface water and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream. Outfall does not include sheet flow leaving a linear transportation system without channelization or a point source such as a curb cut or concrete traffic barrier with drains into an open culvert or roadside.

(4) “Owner” means the owner of real property subject to a proposed or existing subdivision, site, parcel of land, or development. Also: Subdivider, Applicant, Developer.

(o) P

(1.0) “Permanent Water Quality Control” or “Permanent WQC” means a permanent structure, system, or feature that provides water quality benefits by treating storm water runoff or preventing the discharge of pollutants. A permanent water quality control may be structural, such as a water quality pond, water quality detention pond, non-residential pond, residential pond, or vegetative filter strip or it may be non-structural, such as a system or implemented plan for pesticide management. Permanent water quality controls include impoundments

or impoundment systems designed to meet both water quality and flood detention requirements of this chapter.

(1.1) “Permanent Water Quality Control Permit” or “Permanent WQC Permit” means the permit issued by the County Executive to an owner of a permanent WQC that requires the owner to properly operate and maintain the permanent WQC. The permit conditions are based upon the permanent WQC permit application and maintenance plan prepared by the design engineer and approved by the County Executive.

(2) "Person" means an individual, association, partnership, corporation, organization, business trust, political subdivision, state or federal agency, or an agent or employee thereof.

(3) “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.

(4) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any water in the State. The term:

(A) Includes tail water or runoff water from irrigation associated with an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone as defined by Texas Water Code, Section 26.502; and

(B) Includes rainwater runoff from the confinement area of an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone, as defined by Texas Water Code, Section 26.502; but

(C) does not include tail water or runoff water from irrigation or rainwater runoff from other cultivated or uncultivated rangeland, pastureland, and farmland that is not owned or controlled by an operator of an animal feeding operation or concentrated animal feeding operation on which agricultural waste is applied.

(5) "Pollution" means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(6) Post-consumer. When used in reference to recycled or reclaimed waste material means a material or finished product that has been used by an end consumer (e.g. household, business, industry) for its

intended purpose/function and has been discarded for disposal or recovery, being that it can no longer be used for its intended purpose. Post-consumer waste materials include items such as construction and demolition debris, materials collected through curbside and drop-off recycling programs, broken pallets from a pallet refurbishing company, discarded products (e.g. furniture, cabinetry and decking) and urban maintenance waste (e.g. leaves, grass clippings, tree trimmings). Examples of products that include post-consumer material content include ceiling tiles, carpeting, cellulose insulation made with/from old newsprint, steel rebar from crushed cars and aluminum window frames made with/from used beverage cans.

(7) Pre-consumer. When used in reference to recycled or reclaimed waste material means a material or product diverted from the waste stream during the manufacturing process that has not been distributed to an end consumer. This definition excludes recovered or reutilized material such as rework, regrind or scrap capable of being reclaimed within the same process that generated it. Pre-consumer materials include items such as planer shavings, plytrim, sawdust, chips, bagasse, seed hulls and nut shells, culls, trimmings and cuttings, print overruns, over-issue publications and obsolete inventories. Examples of products that include pre-consumer material content include fly ash from coal burning plants, sheathing and board product made with/from waste agriculture straw and drywall made with/from synthetic gypsum.

(8) Preferred Commercial Development Area. An area designated by the Commissioners Court in the Conservation Development Design Manual and designed to attract and accommodate high levels of development intensity or land uses as specified by the Commissioners Court, including general commercial uses, government services, neighborhood retail, multifamily residential, regional multi-use town center locations, or other uses.

(9) “Preconstruction Clearing” Minimal clearing to perform surveying or geologic testing in preparation for a development permit or a final plat approval. The clearing of natural ground cover for these purposes is limited to 15-feet wide access areas and removal of trees with a diameter of less than eight (8) inches, unless a Travis County development permit is issued authorizing additional clearing.

(10) Preliminary Plan. A map or drawing of a proposed subdivision illustrating the features of the development submitted either as a required part of an application for approval of a Final Plat or, at the election of the Owner, prior thereto for preliminary approval.

(11) Primary Conservation Areas. Setbacks, set-asides, buffers or preserve areas that state, federal, or local law requires to be preserved as undeveloped or minimally disturbed, including endangered species

habitat, floodplains, and setbacks or buffers around waterways and environmentally valuable or critical features.

(12) "Primary Operator" means the person or persons associated with a construction activity that meets either of the following two criteria:

(A) The person or persons have operational control over a site plan, construction plan, and specifications, including the ability to make modifications to those plans and specifications; or

(B) The person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan (SWP3) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

(13) Priority Groundwater Management Area or PGMA means an area designated and delineated by the Texas Commission on Environmental Quality as an area that is experiencing or is expected to experience critical groundwater problems.

(14) Private Street. Any street that is not dedicated or maintained as a public street. A vehicular access way under private ownership and maintenance.

(15) Property Owners' Association. An organization established for the purpose of owning and managing the common land or amenities of a property, including a homeowners association.

(16) Public Commons. A publicly accessible park, community plaza, town square, village green, or similar area provided as an amenity to a commercial development under Subchapter C.

(17) Public Street. A public right-of-way, however designated, dedicated, or acquired which provides vehicular access to adjacent properties.

(p) Q

(1) "Quarry" means a site where aggregates are being or have been removed or extracted from the earth to form the pit or mine, including the entire excavation, stripped areas, haulage ramps, and the land under ownership, lease, or mineral rights immediately adjacent thereto upon which the plant processing the raw materials is located.

(q) R

(1) Recreation Space. Playing fields, playgrounds, recreational bikeways, golf courses or other land areas or facilities intended for sports or active recreational uses, as well as their immediately adjacent landscaped or maintained areas. Recreation space constitutes development under Subchapter C.

(2) Re-development means any rebuilding, renovation, re-plat of property, revision, remodel, reconstruction of an existing development or redesign of an existing development occurring after February 1, 1990, and which does not cumulatively increase impervious cover by 10,000 square feet or more.

(3) Reserved Use. Any one of the following:

(1) Big box retail--Building spaces designed for single user retail in excess of 50,000 square feet.

(1) Manufacturing and industrial uses--Raw material extraction or, manufacturing/processing that incorporates product assembly or raw material processing or, utilizes flammable or explosive materials or, incorporates on-site storage and distribution activities. This definition is not intended to include custom or craft manufacturing or assembly intended for local sale or distribution and utilizing hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts. Custom or craft manufacturing examples include ceramic studios, candle-making shops and custom jewelry manufacturing.

(1) Non-compatible development—Development that is potentially incompatible with the purposes or intent of this subchapter to preserve the rural or natural character areas of Travis County, including non-commercial building height in excess of twenty-eight (28) feet and commercial building height in excess of forty (40) feet, buildings or areas with exterior lighting requirements that cannot meet the Dark Skies Lighting provisions in the Conservation Development Design Manual, any establishment selling alcohol for on-site consumption except as an accessory to the sale of food, any use other than by a governmental or educational entity likely to create peak noise levels that exceed seventy (70) db at the property line. Height means the vertical distance from the average of the highest and lowest grades adjacent to the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, the average height of the highest gable for a pitched or hip roof, or the highest point of the building for other roof styles.

(1) Noxious uses--Uses that are inappropriate or offensive for inclusion in, or proximity with residential or public use areas or activities, including sexually oriented businesses, poultry processing, stockyards, rendering plants, kennels, auto junkyards, recycling centers, scrap or salvage services, landfills, sludge farms, asphalt/concrete plants, mines and quarries.

(4) “Residential” means of or relating to structures and accessory uses of a single family, manufactured home, or duplex dwelling.

(5) Residential Collector Street. A street or road collecting traffic from local streets of a residential nature and leading to streets of a higher type classification.

(6) “Resource Extraction Area” means the area of a mine or quarry from which mineral resources have been, or will be, extracted for sale.

(7) “Restoration.” In the context of soil which was disturbed during the construction process, restoration means grading required to establish soil contours and drainage characteristics to approved plan design or other designated or agreed upon site conditions, placing top soil, seeding (using native species whenever feasible), mulching and irrigating soil as needed to reestablish the vegetation necessary to prevent erosion.

(8) Rural Subdivision. A subdivision located outside the ETJ of incorporated areas in Travis County in which the average lot has a minimum of 150 feet of road frontage.

(r) S

(1) Secondary Conservation Area. Areas other than primary conservation areas that are included in a conservation area and where development is restricted to meet the creditable acreage requirements of this subchapter.

(2) “Secondary Operator” means a person whose operational control is limited to the employment of other operators or to the ability to approve or disapprove changes to plans and specifications.

(3) “Sediment Basin” means a temporary pond where sedimentation of pollutants occurs which is used during site construction and then removed, or a permanent basin designed to be a permanent site structure but used for sedimentation during the construction phase of a site.

(4) “Site” means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

(5) “Site Construction” means a construction activity and land disturbance at a site, as distinguished from linear construction.

(6) “Small Construction Project” means any proposed construction activity that is not a part of a common plan of development and does not:

(A) exceed 10,000 square feet of land disturbance;

(B) result in depositing more than two feet of earth fill;

(C) include a significant alteration of existing drainage;

(D) include construction within:

(i) 150 feet of a critical environmental feature;

(ii) a platted waterway setback; or

(iii) an area near a waterway that requires a setback; and

(E) exceed 3,000 square feet, if the construction is linear construction for utility placement.

(7) “Solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. The term:

(A) does not include:

(i) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued in accordance with Texas Water Code, Chapter 26 (an exclusion applicable only to the actual point source discharge that does not exclude industrial wastewater while it is being collected, stored, or processed before discharge, nor does it exclude sludge that is generated by industrial wastewater treatment);

(ii) uncontaminated soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements. The material serving as fill may also serve as a surface improvement such as a structure foundation, a road, soil erosion control, and flood protection.

(B) does include man-made materials exempted under (A)(ii) but where the land is sold, leased, or otherwise conveyed prior to the completion of construction of the surface improvements at a site where the man-made material is deposited.

(8) “Storm Water” and “Storm Water Runoff” means rainfall runoff, snow melt runoff, and surface runoff and drainage.

(9) “Storm Water Pollution Prevention Plan” or “SWPPP” or “SWP3” means a document that describes the best management practices and activities to be implemented by a person to identify sources of pollutants or contamination at a site and the actions to eliminate or reduce pollutant discharges to water in the state, a conveyance, or a Municipal Separate Storm Sewer to the maximum extent practicable. The contents of the SWP3 shall include all practices and activities required by the relevant TCEQ permit as well as any additional requirements specified in the Travis County Code.

(10) Stub Street. A public street ending at a tract of undeveloped property and intended to be extended at such time as the adjacent undeveloped

property is subdivided. A public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage and intended to be extended at such time as the adjacent undeveloped property or acreage is subdivided or developed.

(11) Subdivider (Developer). An owner or authorized agent proposing to divide land. Any owner or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of the subdivision guidelines.

(12) Subdivision. A division of any tract of land into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to a city, or laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of the purchasers or owners of lots fronting thereon or adjacent thereto. A subdivision included resubdivision (replat).

(13) Substandard Road. A street or road which does not meet the County's Standards.

(14) [Repealed 6-28-2016, Item24)

(15) Suburban Subdivision. Any subdivision located within five miles of the city limits of the City of Austin, or within the ETJ of other incorporated area in Travis County which is not an urban subdivision; or a subdivision located outside the ETJ of incorporated areas of Travis County in which the average lot or tract is two and one-half (2.5) or more acres in size, or has road frontage less than 150 feet.

(16) "SWP3 Inspection Report" or "Storm Water Pollution Prevention Plan (SWP3) Inspection Report" means a report required under the terms of the TCEQ Construction General Permit and by this chapter as a part of a SWP3, that is prepared by a qualified individual for the owner or primary operator of a construction site after routine and periodic inspection of disturbed areas of land that have not been finally stabilized, to determine whether all sediment and erosion control measures are operating correctly.

(17) "SWP3 Site Notebook" or "Storm Water Pollution Prevention Plan (SWP3) Site Notebook" means the notebook containing the approved SWP3 that is maintained up-to-date at the construction site by the owner or primary operator.

(s) T

(1) "TCEQ" means Texas Commission on Environmental Quality or any successor agency.

(2) "Texas Pollutant Discharge Elimination System" or "TPDES" means the state program for issuing, amending, terminating, monitoring, and enforcing permits authorizing the discharge of pollutants to water in the State and imposing and enforcing pretreatment requirements under

Clean Water Act §§ 307, 402, 318 and 405, the Texas Water Code and the Texas Administrative Code.

(3) "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability, and other attributes necessary to meet the success standards approved in the reclamation plan.

(4) "Topsoil Substitute Material" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, soil stability, and other attributes necessary to meet the success standards approved in the reclamation plan.

(5) Trail. "Trail" means a pedestrian way, not for motorized vehicle use and distinguishable from sidewalks associated with streets, that is intended to provide passive recreational use such as hiking or walking and community connectivity and/or access to preserved areas that have only minimal improvements necessary for health, safety, and property protection.

(6) Transportation and Natural Resources Department ("TNR"). The County Department established by the Commissioners Court which, among other functions, administers the County subdivision process.

(7) Travis County Parks and Natural Areas Master Plan. A plan or set of community goals or guidelines adopted by the Commissioners Court to identify desirable areas or features for conservation within protected open space and establishing criteria for identifying, configuring and acquiring open space within Travis County.

(8) Trinity Aquifer. "Trinity Aquifer" mean the groundwater bearing zones found in Cretaceous rocks consisting of the Hosston Formation (Sycamore Sand in outcrop), the Sligo Formation (Sycamore Sand in outcrop), the Hammett Shale, the Cow Creek Limestone, the Hensel Sand, the Lower and Upper Members of the Glen Rose Limestone, and the Fort Terrett and Segovia Formations of the Edwards Group.

(t) U

(1) Unrecorded Subdivision. A subdivision of land or a description of land for resale resulting in the creation of lots or tracts, but for which a plan or plat has not been authorized for recording by the Travis County Commissioners Court.

(2) Urban Subdivision. A subdivision which, in whole or part, is located within two miles of the city limits of the City of Austin, or a subdivision located between two (2) and five (5) mile ETJ of the City of Austin, and a with a proposed lot density of 2.5 lots or tracts, or more, per acre; or any other subdivision outside the incorporated area of a city, but within the county, that is build to the city's subdivision requirements.

(3) “Utility” means an individual or entity that owns or operates, for compensation, facilities or equipment for producing, generating, transmitting, distribution, selling, or furnishing services including electricity, petroleum products, water, natural gas, sewer service, cable, or telephone services.

(u) V

(1) Vacate. To terminate the existence of a public road or easement by the direct action of the Commissioners Court.

(2) View Shed. An area of such size, depth and/or breadth, as to afford panoramic scenic views from multiple locations along its perimeter and/or from accessible locations within its interior.

(v) W

(1) “Waste” means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as the terms are defined in Texas Water Code Section 26.001.

(1.1) "Water Quality Report” is a report prepared and submitted by a design engineer which includes a SWP3 and ESC Plan component with the information and controls required under 82.935 for construction storm water management, and a permanent WQC component that includes the permanent WQC design and calculations required under 82.944. The components of the water quality report may be included as part of the engineer’s drainage plan or project summary report, or submitted as a standalone document.

(2) "Water" or "Water in the State" means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(3) “Waterway” means water in the state other than groundwater, percolating or otherwise, springs, or wetlands.

(4) “Waterway Setback” means the surface area of a setback or buffer area parallel to both sides of a waterway established as a protective easement permanently managed for the purpose of surface water quality protection in which development is prohibited or limited.

(5) “Western Watershed” means a watershed of:

(A) Lake Travis,

(B) Lake Austin,

(C) Lady Bird Lake, or

(D) Onion Creek upstream from Lower McKinney Falls.

(6) "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetland boundaries are defined using the U.S. Army Corps of Engineer's protocol described in the 1987 Corps of Engineers Wetlands Delineation Manual.

82.101 Authority, Purpose, and Objectives

(a) General Authority

(1) The County regulates the subdivision of real property under the authority set forth in Chapter 232 of the Texas Local Government Code (the "Code") and other statutes applicable to counties. Section 232.001 of the Code provides that:

(2) "The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared, if the owner divides the tract into two or more parts to lay out a subdivision of the tract, including an addition, lots or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method."

(b) Other County Authority

(1) Under Chapter 232, the County may also:

(A) establish width requirements for right-of-way in Subdivision;

(B) adopt based on the amount and kind of travel over each street or road in a Subdivision, reasonable specifications for the construction of each street or road;

(C) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices;

(D) require that each purchase contract made between the subdivider and a purchaser of land in the Subdivision contain a statement describing the extent to which water will be made available to the Subdivision and, if it will be made available, how and when;

(E) require that the owner of the tract to be subdivided execute a good and sufficient bond or alternative financial guarantee;

(F) adopt reasonable specifications that provide for drainage in the subdivision to efficiently manage the flow of stormwater runoff in the subdivision and coordinate subdivision drainage with the general storm drainage pattern for the area; and

(G) require lot and block monumentation to be set by a registered professional surveyor before recordation of the plat.

(2) The County is also authorized to lay out public roads and to exercise general control over all public and private roads in the County under Section 81.028 of the Code. The County is further authorized to exercise control over public roads under Chapters 251-255 of the Texas Transportation Code. This authority includes the authority to regulate traffic and control access to County roads. In addition, the County may designate the place along the right-of-way where utility lines may be constructed and the County may require the utility owner to relocate its lines at its own expense so as to permit improvements to the right-of-way, after giving 30 days written notice and indicating the place in the new row where such lines may be relocated. Vernon's Annotated Texas Statutes Articles 1433, 1433a, 1436a, and 1436b. Texas Natural Resources Code Section 111.020.

(3) The County has authority under Texas Local Government Code Chapter 573 to take any necessary or proper action to comply with the requirements of the storm water permitting program under the national pollutant discharge elimination system (Section 402, Federal Water Pollution Control Act (33 U.S.C. Section 1342)), including:

(A) developing and implementing controls to reduce the discharge of pollutants from any conveyance or system of conveyance owned or operated by the County that is designed for collecting or conveying storm water;

(B) developing, implementing, and enforcing storm water management guidelines, design criteria, or rules to reduce the discharge of pollutants into any conveyance or system of conveyance owned or operated by the County that is designed for collecting or conveying storm water; and

(C) assessing reasonable charges to fund the implementation, administration, and operation of the stormwater permitting program as necessary to comply with federal or state program requirements.

(4) The County has authority under Texas Water Code Chapter 16 to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program, to promote public health, safety, and general welfare.

(c) Other County Regulations. The subdivision of real property must also comply with the applicable portions of the County's current Rules for Private Sewage Facilities and the County's Regulations for Flood Plain Management and Guidelines and Procedures for Development Permits.

(d) Purpose and Objective

(1) Provide for the safety and well-being of the general public by requiring roadways, streets, structures, and drainage facilities consistent with good practice and established standards of constructions for subdivision development;

(2) Result in facilities constructed for the use by citizens of Travis County which can be maintained without imposing a burden to taxpayers;

(3) Assure that public facilities meeting the above requirements will be completed prior to public need and within a reasonable time;

(4) Comply with and be compatible with all other laws and requirements of the State of Texas and County of Travis; and

(5) Require design features which will minimize costs of conversion to urban standards in the event of urban development.

(e) Referenced in this chapter to an external code, manual, regulation, or other document or standard promulgated by an entity other than Travis County shall mean the code, manual, regulation, or other document as it existed on August 12, 2003, and not any subsequent revisions or amendments to the code, manual, regulation, or other document unless the Commissioners Court approves the revisions or amendments.

(f) Construction. The provisions of this chapter are to be liberally construed to give effect to their purpose and intent.

(g) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, the provisions of this chapter shall take precedence over any less restrictive conflicting law, order, ordinance, code, or official determination. All other regulations inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. For purposes of this chapter, the County Executive of the Travis County Transportation and Natural Resources Department shall determine which of these conflicting laws, orders, ordinances, codes, or official determinations are most restrictive, and his decision in this regard shall be final.

(h) Severability. If any provision of this chapter, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid portion, and to this end the provisions of this chapter are declared to be severable.

(i) Remedies Not Exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of Travis County to seek cumulative remedies. A person who violates this chapter is subject to any applicable administrative, civil, or criminal penalties.

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 order, 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 Section82.201(b)(9). Preliminary Plans and related subdevelopment 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 Section245.004, Local Government Code, a project that has undergone a major change, or a project for which the application of all permits expire. An application or plans 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 with 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 with 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 date of the filing of the original application, Preliminary Plan application, plan of development, or plat application.

82.103 Coordination with Other Jurisdictions

(a) Municipal Extraterritorial Jurisdiction

(1) Under Section 212.003 of the Code, a municipality by ordinance may extend to the extraterritorial jurisdiction ("ETJ") of the municipality the application of its subdivision ordinance and other municipal ordinances relating to access to public records.

(2) Under Section 242.001 of the Codes, a plat of land located within the ETJ of a municipality, which has extended its jurisdiction under Section 212.003 to its ETJ, must be approved by both the municipality and the County, to the extent that the subdivision regulations of the municipality and the County conflict, the more stringent provisions prevail.

(b) Water Districts, Municipal Utility Districts, and Water Quality Zones. The subdivision of real property located within the unincorporated area of the County and within the Southwest Travis County Water District No. One, a Water Quality Zone created under Chapter 26 of the Texas Water Code, or a Municipal Utility District and any other legislatively created entity with subdivision authority is subject to regulation by such entity to the extend of its express authority and by the County. The requirements for subdivisions "outside the ETJ of a municipality" shall apply to the Water District and Water Quality Zones.

(c) Other Development. In addition to compliance with the subdivision regulations of the County, a municipality, and/or any other legislative created entities with subdivision authority, the development and use of real property in the County may be subject to regulation by other jurisdictions, such as the Lower Colorado River Authority, the Texas Commission on Environmental Quality, and the Barton Springs Edwards Aquifer Conservation District, as well as other County regulations.

82.104 Enforcement

(a) Enforcement Relating to Subdivision Platting Requirements. Violations of these Standards may be enjoined or damages may be recovered in an amount adequate for the County to undertake any construction activity necessary to bring about compliance with the Standards under Section

232.005, Texas Local Government Code. In addition, a knowing or intentional violation of the Standards is a Class B misdemeanor.

(b) Enforcement relating to Storm Water Management. A person who violates a requirement of this chapter relating to storm water management may be subject to the following remedies:

(1) Civil Remedies.

(A) A person who violates a rule or order adopted by the County pursuant to Chapter 573 of the Texas Local Government Code is liable to the County for a civil penalty of not more than $1,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty.

(B) Travis County may bring suit in a district court to:

(i) enjoin a violation or threatened violation of a rule or requirement adopted by the County under Chapter 573 of the Texas Local Government Code; or

(ii) recover a civil penalty authorized by Section 573.003(a),Texas Local Government Code.

(2) Nuisances. An actual or threatened discharge to a Municipal Separate Storm Sewer that violates or would violate this chapter is hereby declared to be a nuisance.

(3) Abatement of Violation and Remediation. Any person violating any of the provisions of this chapter is liable for any costs of violation abatement or remediation of any property, land, water, or wildlife habitat negatively affected, damaged, or threatened as a result of any such violation. The cost of abatement or remediation is the responsibility of that person and not a cost borne by Travis County and any other affected entities.

(4) Injunctive Relief. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions, Travis County may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Travis County may recover all attorney fees, court costs, and other expenses associated with enforcement of the Code, including sampling and monitoring expenses.

82.105 Exceptions to the Platting Requirements

(a) There are the following exceptions to the requirements of platting. The county will not require a plat for:

(1) an Original Tract of Land;

(2) a manufactured home rental community, as provided in Section 232.007 of the Code, provided that such developments shall be subject to minimum infrastructure standards at Section 82.301(d), which have been established by the County under Section 232.007(c) of the Code;

(3) a judicial partition under a final judgment;

(4) an acquisition by a governmental or other entity with powers of eminent domain by condemnation proceedings, dedication, or contract and conveyance in lieu of condemnation; and

(5) a subdivision outside the limits of a municipality that does not lay out streets, alleys, squares, parks, or other areas intended to be dedicated to the public use of for the use of purchasers or owners of lots fronting on or adjacent to those areas, provided that all of the divided land:

(A) is to be used primarily for agricultural use as defined by Section 1-d, Article III, Texas Constitution, or for farm, ranch, wildlife management, or timber production use, as defined by Section 1-d, Article III, Texas Constitution;

(B) is divided into four or fewer lots and is to be sold, given, or otherwise transferred to an individual who is related tot the owner within the third degree by consanguinity of affinity, as determined under Chapter 573, Government Code;

(C) consists of lots of more than 10 acres in area;

(D) is sold to veterans through the Veteran's Land Board program;

(E) belongs to the state or any state agency, board, or commission or the permanent school fund or any other dedicated funds of the state;

(F) is to be retained in part by the owner and the other part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of the Standards; or

(G) is transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract; or

(b) If a proposed division of land meets one of the criteria for an exception to the requirement of platting, at the request of the owner(s) of the land, the Executive Manager will issue a letter to the owner(s) acknowledging the exception in order to facilitate the issuance of permits and approvals by the County or other jurisdictions that are required for the development of or construction of improvements on the land. Prior to issuing the letter, the Executive Manager may require certification or documentation that the criteria for the exception are satisfied.

82.106 Regulation of Division of Land Excepted From The Platting Requirements

Even if a particular division of land is not subject to the requirements of platting, aspects of the development and sale of the land will be subject to the following County regulations:

(1) The requirement in Section 232.003(6) of the Code that each purchase contract made between the subdivider and a purchaser of land in the subdivision contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when;

(2) The applicable portions of the County's current Rules and Private Sewage Facilities and Regulations for Flood Plain Management and Guidelines and Procedures for Development Permits;

(3) To the extent that engineering and traffic safety concerns are raised, the Travis County Driveway Permit Process; and

(4) The requirements of this chapter for permanent management of storm water, construction management of storm water, and setbacks for development from waterways and critical environmental features.

82.107 Fee Waiver For Affordable, Accessible, Energy Efficient Housing

(a) The Commissioners Court may grant a waiver for the requirement to pay review fees for a final plat application for a site-built home subdivision if, prior to final plat approval for the subdivision, the Developer:

(1) enters into an agreement with Travis County and the Travis County Housing Finance Corporation providing that the Travis County Housing Finance Corporation will pay the review fees to Travis County if the Travis County Housing Finance Corporation determines that the Developer meets the requirements of Subsection (c); and

(2) posts fiscal security in the amount of the review fees in a form acceptable to Travis County.

(b) The agreement shall require the Developer to submit to the Travis County Housing Finance Corporation satisfactory proof at or before closing of the sale of each lot for which the Developer will claim credit under this section that requirements of this section have been met. Such proof shall include a statement from the buyer and the lender that the buyer meets the income qualifications and the Developer's affidavit and an inspection report or warranty that the home built on the lot meets the construction requirements. If the Travis County Housing Finance Corporation determines that the Developer does not meet the requirements of Subsection (c), Travis County may draw on the fiscal security for payment of the review fees.

(c) The following are the conditions for the fee waiver.

(1) The Developer or the Developer's assigns shall be obligated, within two years of final plat approval, to sell a certain percentage of the homes built in the subdivision to families having an income equal to or below 80% of the median family income in the Austin-San Marcos Metropolitan Statistical Area, as determined by the U.S. Department of Housing and Urban Development. Such homes shall be evenly dispersed throughout the subdivision. The amount of the waiver shall correspond to the percentage of such homes according to the table below, provided that the Developer of a subdivision with four or fewer lots must agree to sell all lots as required by this subsection and shall receive a 100% waiver.

Percentage of homes subject to Para. (c)(1)	Percentage of review fees waived
From 10% to 19%	25%
From 20% to 29%	50%
From 30% to 39%	75%
Over 40%	100%

(2) All of the homes covered by Paragraph (c)(1) must be built to comply at least with the following standards.

(A) The International Residential Code, as it existed May 1, 2001.

(B) Accessibility standards as follows:

(i) The home shall have an accessible entrance door width of 32 inches of net clear opening along an accessible route (such as a garage, carport, driveway, or sidewalk) that is served by a ramp or a no-step entrance.

(ii) First floor interior doorways shall have a minimum net clear opening of 30 inches (except doors leading into closets less than 15 square feet in area).

(iii) First floor interior doors and the accessible entrance door shall have lever handle hardware.

(iv) First floor hallways shall be at least 36 inches wide and have ramped or beveled changes at each door threshold.

(v) First floor bathroom walls shall be reinforced with wood blocking that is two inches by six inches or larger in nominal dimension and has a center line 34 inches from the bathroom floor.

(vi) First floor light switches and thermostats and electrical panels located in or outside the building must be at least 18 inches and no more than 42 inches above the floor.

(vii) Electrical panels located outside the building must adjacent to an accessible route.

(d) Fee waivers under this section are suspended at any time the Travis County Housing Finance Corporation does not have funds available to enter into an agreement to pay review fees to Travis County.

Subchapter B. [Subdivision Standards]

82.201 General Subdivision Procedures

(a) General

(1) The Commissioners Court will not approve a Final Plat for subdivision of land unless it complies with all applicable requirements and standards of this chapter.

(2) For subdivisions within the ETJ of a municipality with which the County has entered into an agreement under 242.001(c) and (d), Local Government Code, County review, if any, shall be as provided in the agreement. If any provision of the chapter cannot be reconciled with such an agreement in a manner consistent with Chapter 245, Local Government Code, the agreement shall control. The County has entered into the following agreements:

(A) City of Austin, April 1, 2002.

(B) City of Westlake Hills, June 18, 2002.

(C) City of Lakeway, September 17, 2002.

(D) City of Pflugerville. September 30, 2002.

For Subdivisions within the ETJ of a municipality with which the County has not entered into an agreement under 242.001(c) and (d), Local Government Code, the County staff will coordinate its review with the municipality in order to avoid unnecessary duplication and conflict between county and municipal requirements and processes.

(3) In approving a Final Plat, the Court may order that the Executive Manager hold the plat in abeyance and not file it until the Owner has submitted construction security or other documents, provided proof that the Final Plat has been approved by any other governmental entity with platting or other jurisdiction, or met other prerequisites set by the Court. Upon approval by the Court and the Executive Manager's determination the any prerequisites for filing have all been met, the Final Plat will be filed of record in the Plat Records of Travis County, along with any applicable covenants and/or restrictions, at the Owner's expense. If the Executive Manager determines that any prerequisites for filing have not been met or another governmental entity requires changes to the plat as it was previously approved by the Court, the Court may reconsider the application and approve modifications or

withdraw its previous approval. The Court shall act on a request for reconsideration with 30 days.

(4) An “Original Tract” means a tract of land which existed in its present configuration prior to September 1, 1983.

(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 in the appendix as Exhibit 82.201(C) and contain 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 this chapter.

(A) If the application is complete, the Executive Manager shall notify the Owner and TNR’s technical review process will begin.

(B) If the application is incomplete, the Executive Manager shall notify the Owner with ten (10) business days of receipt of the application of the documents or other information that is lacking. The Owner shall perform such work and provide such documentation as required to complete and resubmit it to the County. This process shall be repeated until the application is complete.

(C) Once the application has been completed; TNR shall review the completed application for compliance with these Standards.

(3) The Executive Manager will approve or disapprove a final plat 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) If the Executive Manager approves the application, a request for final action will be placed on the Commissioners Court agenda.

(B) If the application is denied, the Owner may appeal to the Commissioners Court by requesting in writing within two (2) business days of being notified of the result that the application be placed on the Commissioners Court agenda for final action. If the Owner does not appeal, the Executive Manager’s disapproval constitutes final action.

(C) If the Owner appeal and the Commissioners Court does not take final action within sixty (60) days after receiving a complete

application, the application is approved by operation of law and the Owner shall be refunded the greater of the unexpended portion of fifty percent (50%) of any plat application fee or deposit that has been paid.

(4) An application shall include all of the Original Tract, except as otherwise provided in this Section. All property shall be platted with due regard to the orderly extension of roads, utilities, drainage, and other public facilities.

If less than an entire Original Tract is being subdivided and platted, the County will require the Owner to enter into a Phasing Agreement to provide for the orderly administration of the subdivision process in the subsequent platting of the balance of the tract. A copy of sample Phasing Agreement is included in the Appendix.

(5) The Executive Manager shall waive the requirement that an application include all of an Original Tract if:

(A) all of an Original Tract is not owned by the applicant and the portion of the Original Tract included in the Final Plat or a previously approved Preliminary Plat will satisfy the access requirements of Section 82.202.(d); and

(B) the balance of the Original Tract abuts or has access by a recorded easement to a public street or road, or the Final Plat or previously approved Preliminary Plan provides for such access to the balance of the Original Tract.

(6) The Phasing Agreement must be approved by the Commissioners Court upon the approval of the first Preliminary Plan or upon the approval of Alternative Fiscal, but no later that the date of the approval of the first Final Plat.

(7) An application for Final Plat approval may include all of a portion of the land included in an approved Preliminary Plan, subject to the requirement of a Phasing Agreement.

(8) The Commissioners Court may approve a Phasing Agreement which meets the following criteria:

(A) The Phasing Agreement is in substantially the form set forth in the Appendix;

(B) The Phasing Agreement adequately addresses the particular facts in proposed phased development so that the development process is accommodated and the public interest is protected;

(C) The dedication of roads and drainage, and the posting of construction security is roughly proportional to the impact of the development of the property; and

(D) The form and substance of the Phasing Agreement is approved by the County Attorney's Office.

(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 County Executive or the Commissioners Court, except as provided in Section 82.216(d), Water Availability-Protection of Surface and Ground Water Quantity and Quality. If submitted either voluntarily or to meet "fair notice" requirements, it shall consist of a written plan, supporting documentation, and a reasonably detailed map or schematic drawing, drawn to scale. The submittal must contain the following:

(A) the boundaries of the original tract(s) and phases of development, if any;

(B) the name of each adjacent platted subdivision and the name of each record owner of adjoining unplatted property;

(C) the location, width, and names of all existing or platted streets or public right 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 location, dimensions, and designations of land uses, including all waterways, a preliminary identification of critical environmental features, and other land protected from development and proposed setbacks from waterways and critical environmental features;

(F) Any sites proposed for special use, including parks, open space, flood detention, permanent water quality controls, and other public facilities;

(G) the approximate location of the 25-year flood plain and the 100-year flood plain, the location and width of existing drainage channels, creeks and water courses within the development; and

(H) estimates of the amount of water to be used and wastewater to be generated in all phases of development, identification of the source(s) of the water, a description of the new or existing water and wastewater facilities that will serve the development, a statement by a qualified engineer or geoscientist that the water source and the water and wastewater facilities will be of adequate capacity to serve the development, the owner and operator of the water and wastewater facilities and the location of the development with respect to any applicable certificates of convenience and necessity, and the schedule for creating any entity that will own or operate the facilities; and.

(l) the proposed location of drainage courses and any necessary off-site extensions.

(c) Expiration and Extension.

(1) Preliminary Plan.

(A) A Preliminary Plan application submitted at the election of the Owner under Section 82.203 shall conclusively be deemed to be withdrawn if, at the end of two years from the date of submittal of a complete preliminary plan Submission for review to the County, the applicant has not satisfied the applicable criteria for approval under these regulations. The Executive Manager may grant one 180-day extension to the review period for just cause. The request must be tendered in writing prior to the expiration of the initial review period.

(i) 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, including the requirements of this chapter and Chapter 64 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) Cancellation of Subdivision Plats

(1) General. This Section (d) applies only to real property located outside municipalities and their ETJ as defined in the Texas Local Government Code. Properties within a municipality's ETJ shall follow the individual municipality's established rules for vacation of subdivision plats. Vacations of plats within the ETJ of municipality must be approved by both the municipality and the County.

(2) Cancellation of Subdivision. A person owning real property that has been legally platted into lots or blocks may apply to the Commissioners Court through TNR to cancel all or part of the subdivision or portion thereof to be canceled. If Commissioners Court determines that the cancellation of all or part of the subdivision does not interfere with the

established rights of any purchaser who owns any part of the subdivision or it is shown that the purchaser agrees to the cancellation, the Commissioners Court shall authorize the Owner of the subdivision to file an instrument cancelling the subdivision the subdivision in whole or in part.

If the cancellation is approved, the property will be re-established as acreage tracts as it existed prior to subdivision. A sample cancellation shall be published in the local newspaper at least 21 days prior to the public hearing held at a regular Commissioners Court meeting.

In the event the cancellation is being done to facility a replat, the replat will be processed simultaneously with the cancellation action. The following documentation is required to be submitted to TNR for review prior to placing the request on the Commissioners Court agenda:

(A) Two copies of the plat to be canceled. If only a partial cancellation is being requested, the lots, blocks, and/or right-of-way to be cancelled must be delineated.

(B) Current tax certificates covering the area to be cancelled.

(C) Copies of the current owner's deed(s) for the area to be cancelled.

(D) A request for cancellation.

(i) If the request is for a cancellation of the entire subdivision, a copy of the cancellation document showing the notarized signature of all owners of the lots or blocks in the subdivision.

(ii) If the request is for only a portion of the original plat, the document must reflect the notarized signature of at least 75% of the owners of the original lots in the subdivision, phase, or identifiable part. However, if the owners of at least 10% of the original lots file written objection to the cancellation with the Court, the granting of an offer of cancellation is at the discretion of the Court.

(E) In the case of utility easement or right-of-way cancellation, letters from utility providers either stating that the release of the easement and/or rights-of-way will not create a limitation on area service or outlining the areas to be retained for easements.

(F) Certification of public notice at least twenty-one (21) days prior to the court hearing.

(e) Revision of Plat

(1) This Section (e) applies to real property located outside of the corporate limits of a municipality. Properties within a municipality's ETJ shall also follow the individual municipality's established rules for replatting without vacating or amending subdivision plats.

(2) A person who has subdivided land that is subject to the subdivision controls of the County may apply in writing to the Commissioners Court for permission to revise the subdivision plat file for record with the County Clerk.

(3) After the application is filed with the Commissioners Court, the Court shall publish a notice of the application in a newspaper of general circulation in the County. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the 7th day before the date of the meeting. If all or part of the subdivided tract has been sold to nondeveloper owners, the Court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address.

(4) The following documentation must be submitted to TNR for review prior to placing the request on the Commissioners Court's agenda:

(A) Two copies of the plat proposed to be revised, with a delineation of any partial revisions.

(B) Current ownership information for the subdivision.

(C) The agreement, if any, of any owners to be affected by the revision.

(5) The Commissioners Court shall adopt an order to permit the revision of the subdivision plat if it is shown to the Court that:

(A) The revision will not interfere with the established right of any owner of a part of the subdivided land; or

(B) Each owner whose rights may be interfered with has agreed to the revision.

(6) If the Commissioners Court permits a person to revise a subdivision plat, the person may make the revision by filing for record with the County Clerk a revised plat or part of a plat that indicated the changes made to the original plat.

(f) Use of Other Standards. Except as expressly provided either in paragraph (4) below or elsewhere in the Code, the Executive Manager of TNR may allow the use of other standards which differ from these Standards, but which protect the public interest and comply with sound engineering principles and practices ("Other Standards"), except as they relate to Construction Security, Permits, and non-engineering issues. If the Executive Manager refuses to grant a request to use Other Standards, the Owner may appeal such a decision to the Commissioners Court.

(1) Administrative Process. An applicant desiring to use Other Standards, which are under the purview of the Executive Manager, shall submit a written request identifying the specific section and/or subsection of the

Standard(s) from which the use of Other Standards is requested and justification for the request.

(A) The applicant shall be notified in writing within fifteen (15) working days of the receipt of the request, if the use of Other Standards is granted.

(B) If the use of Other Standards is denied, the applicant may appeal the decision in writing to the Commissioners Court within fifteen (15) days of the notifications of the denial. The request for Commissioners Court hearing must be delivered to the Executive Manager. The Executive Manager will then submit an agenda request to the Commissioners Court for the Court's consideration in accordance with the Commissioners Court's Rule of Procedure. The County Attorney's office will be notified of the request.

(2) Non-administrative Process. Except as expressly provided either in paragraph (4) below or elsewhere in this Code, a request for the use of Other Standards which differ from the constructions Security, permit, and non-engineering requirements of the Standards, will require approval by the Commissioners Court. Applications for the use of such Other Standards should be made to the Executive Manager, who will submit the necessary agenda request.

(3) An application for a request to use Other Standards should be submitted at the same time an application is filed. Such a request may be submitted after filing an application for a Preliminary Plan or Final Plat. An application for a request to use Other Standards shall be processed according to the procedures established by these Standards.

(4) In the City of Austin's ETJ:

(A) The City of Austin shall have sole authority to grant variances and waivers from this chapter:

(i) regarding design of water, wastewater, and electric utility infrastructure, unless the City of Austin is not the utility provider, in which case the entity, that is the utility provider shall have sole authority to grant variances and waivers;

(ii) regarding environmental and stormwater quality controls and airport zoning;

(iii) in City of Austin near term annexation areas, regarding transportation facilities and floodplain management and stormwater conveyance.

(g) Appeals. An appeal of a determination by the Executive Manager under these Standards will be to the Commissioners Court on the basis of a written application to the Executive Manager specifying the basis of the appeal.

(h) Public Notice for Non-Residential Development Applications. Upon receipt of a Preliminary Plan, Final Plat or site plan including a proposed non-residential land use by the applicant anywhere in Travis County except for inside a municipalities full purpose jurisdiction, public notice will be sent to the local Emergency Service District, the Travis County Fire Marshal and all neighborhood and home owner's associations within 1000 feet of the proposed development. The notice will describe the development including the proposed land use. The applicant will prepare the notification letter, site location map, a plan of the project and the mailing list. Upon approval from TNR staff the applicant will mail the notification by certified mail to the local Emergency Service District, the Travis County Fire Marshal and all neighborhood and home owner's associations within 1000 feet of the proposed development. The applicant will file as part of the application process proof of notification prior to the approval of the development application.

82.202 Layout Requirements for Street and Drainage

(a) General. Preliminary Plans and Final Plats shall conform to the layout provisions set out below.

(b) Connections to Existing Subdivisions. Streets of a new subdivision shall be aligned with existing streets on adjoining property unless the County determines that topography, requirements of traffic circulation, a comprehensive municipal plan if streets are in an ETJ, or other considerations make it desirable to depart from the alignment.

(c) Entrance Safety. A street may not intersect a County road at a point where the sight distance is restricted to less than that required in the City of Austin Transportation Manual for intersection sight distance. On the basis of a traffic engineering study, provisions may be made for removal of the sight distance restriction, and copies of any agreement therefore must be submitted to the County. Sight distance easements must be dedicated where required.

(d) Access and Lot Frontage. Access to all new subdivisions shall be from:

(1) a street accepted for maintenance by the County or other publicly maintained street;

(2) a private street, under legal right, meeting or exceeding the requirements of Subsection 82.206(c);

(3) a dedicated street constructed to these Standards and under posted construction performance fiscal security pending acceptance for maintenance by a public entity; or

(4) a dedicated street pending or under construction which is adequately secured by posted fiscal for construction and maintenance. In this case, the Owner must enter an agreement with the County wherein the Owner agrees to maintain the streets in the development or maintain

construction performance fiscal, until the streets to which the Owner's streets are connecting, are themselves accepted by the County;

(5) Each lot in a subdivision shall abut on an internal street meeting or exceeding the requirements of this subsection (d) or on an existing County-maintained street or other publicly maintained roadway. If a private street is proposed, its design must meet County Standards, as set forth in Section 82.206, and it must be approved by the Executive Manager, along with detailed information relating to its perpetual maintenance, including copies of all proposed agreements with owners of the subdivision. The Commissioners Court may make an exception to the requirements of this subsection (d), including but not limited to such subdivision s with private access easements, if it will place a minimal burden on the existing road infrastructure.

(6) Access to Major Arterials, Expressways, Parkways, and Freeways

(A) Except as provided in Subparagraphs (B) through (E), a final plat or development permit may not provide for direct access from a lot to a roadway that is designated as a major arterial, expressway, parkway, or freeway in the metropolitan transportation plan unless the lot contains 200 feet or more of frontage on the roadway an alternative access is not available.

(B) Access to designated major arterial, expressway, parkway, or freeway shall be allowed from a property with less than 200 feet of frontage on the major arterial, expressway, parkway, or freeway if the property is subject to right of way condemnation and if:

(i) the property possessed more than 200 feet of frontage on the roadway before condemnation:

(ii) the proposed driveway is not located in a controlled access area;

(iii) the proposed driveway is the lesser of 100 feet or 60 percent of the frontage from an intersection; and

(iv) the driveway does not create a public safety hazard.

(C) If direct access to a designated major arterial, expressway, parkway, or freeway is not authorized under Subparagraph (A) and alternative access is not available, one driveway approach shall be allowed from the property to the major arterial, expressway, parkway, or freeway.

(D) Joint access may be required to a designated major arterial, expressway, parkway, or freeway for adjoining lots that have insufficient frontage to allow a driveway approach for each lot.

(E) On the request of a condemning authority or property owner prior to acquisition of a right of way occurs, the County may modify the access requirements of this paragraph in a area

subject to right of way condemnation if the modification does not create a public safety hazard or have an adverse effect on traffic operation.

(e) Dual Access

(1) In this subsection:

(A) “access street” means a road or street that provides access to a subdivision by connecting to an external street; and

(B) “external street” means a road or street that is outside the boundaries of a subdivision, and that is publicly maintained, is offered for dedication and for which a construction fiscal security is posted pending acceptance of the dedication, or a private street that complies with the requirements of this code.

(2) Except as otherwise provided in this subsection:

(A) a new subdivision must have at least two access streets; and

(B) each of the two access streets must connect to a different external street.

(3) A new subdivision may have one access street if the Executive Manager determines that:

(A) the access street:

(i) does not cross an area having a high wildland fire protection rating determined in accordance with the National Fire Protection Association Bulletin NFPA 299,Protection of Life and Property from Wildfire, 1992:

(ii) will not be inundated by more than nine inches by a 100-year flood, as determined in accordance with the City of Austin Drainage Criteria Manual; and

(iii) has a paved width of at least 36 feet from the intersection of the access street with the external street for a distance of 100 feet if the single access is a shoulder section of 50 feet if the single access street has curb and gutter; and

(B) the access street:

(i) is not more than 2,000 feet in length, and provides access to not more than 30 single-family residential dwellings; or

(ii) is an arterial or collector, and its intersection with the external street will function at a level of service “C” or better during construction and after building-out of the subdivision, as determined by an intersection analysis that is approved by the Executive Manager and, if the subdivision will general more than 1,000 vehicle trips per day, prepared by a registered professional engineer in accordance with the City of Austin Transportation Criteria

Manual or Transportation Research Board, Special Report 209, Highway Capacity Manual, published in 1994.

(4) A new subdivision may have one access street if the Commissioners Court determines that providing more than one access street is undesirable, unnecessary, or impracticable after considering:

(A) traffic circulation;

(B) traffic safety;

(C) fire and flood safety;

(D) topography;

(E) the density of the subdivision and surrounding development;

(F) whether later development of adjacent property is anticipated to provide addition access;

(G) whether traffic through the subdivision should be limited;

(H) the environmental effect a cut or fill waterway crossing, or other surface disturbance necessary to provide more then one access street;

(I) whether the access street is a divided street;

(J) whether adverse effects, if any, from permitting one access street are mitigated;

(K) including whether secondary pedestrian access is provided; and whether the subdivider owns adjacent property through which access can be provided, has the right to provide a second access street across another person's property, or is able to develop the subdivision if more than one access street is required.

(f) Street Right-of-Way and Construction

(1) Refer to City of Austin Transportation Criteria Manual for right-of-way and construction requirements for subdivisions in City of Austin's ETJ, except as required by Section 242.001(g), Local Government Code.

(2) Right-of-way and construction requirements outside the City of Austin's ETJ shall be as follows:

(A) The minimum street right-of-way width in all subdivisions shall be not less than fifty feet (50') for curb and gutter streets or sixty (60') feet for shoulder section roadways. Additionally, neighborhood or residential collector streets shall have a minimum of seventy (70') of right-of-way, commercial and industrial streets up to one hundred feet (100'), and major thoroughfares in the metropolitan transportation plan shall be at width specified in that plan.

(B) Arterials, thoroughfares, industrial, and collector streets hall be provided to an extent and at locations in accordance with any County-approved capital improvement project or the metropolitan transportation plan. In the ETJ, the location and extent of arterials, thoroughfares, industrial, and collector streets to be provided may be determined by the appropriate city authorities with the concurrence of the County. Otherwise, arterials, thoroughfares, industrial, and collector streets shall be provided where, in the opinion of the County, they are necessary.

(C) Provisions shall be made for the extension or widening of roadways where required by the County in order to protect the safety and welfare of the public.

(3) Notwithstanding the requirements of Paragraphs (1) and (2), roadway improvements shall only be required to a degree that is roughly proportional to the nature and extent of a development. to the extent the full amount of right-of-way specified in this chapter is not required to be dedicated, it shall be reserved right-of-way and is subject to Paragraph (4) below.

(A) Right of way and construction requirements shall be determined;

(i) during the review and approval process for a development application; or

(ii) if a person files a waiver request under Subsection (i).

(B) The alignment of the right-of-way is based on the following:

(i) For proposed roads or streets, the alignment shall be based on the applicable roadway plan or capital improvement project, and engineering criteria, including grade, curvature, and the existence of a floodplain.

(ii) In an area designated for a state roadway project, the alignment may be established by the Texas Department of Transportation.

(iii) For an existing or platted street, the alignment shall be based either on the existing centerline established before an additional dedication from the opposite side of the right of way occurs, or the proposed centerline if the centerline of the street is proposed to be shifted from its present alignment. If the alignment cannot be determined according to the foregoing, the right of way shall be established equally on each side of the centerline of the existing roadway.

(4) Except as provided in Subparagraph (A) or (B) below, a person may not erect a structure or make an improvement in a reserved right-of-way.

(A) By written agreement with the property owner, the Executive Manager may authorize uses of reserved right-of-way for a temporary structure or improvement, including a parking area, detention pond, landscaping, and sign. The agreement must contain an expiration date for the use of the right-of-way, the method by which the property owner will be notified that a temporary improvement must be removed, a requirement that the property owner replace the improvements on the remainder of the property when the temporary improvements are removed, if the improvements are legally required, the applicant's address for notification, and the penalty for failure to remove a temporary improvement.

(B) A person who files a development application for a prohibited improvement or structure within the reserved right-of-way, or who owns property 15% or more of which is included within the right-of-way specified in this chapter, may request a waiver of the reservation requirements of Paragraph (4). After determining the dedication and reservation requirements, if the County does not intend to acquire the reserved right-of-way, the application or waiver shall be approved. If the County intends to acquire the reserved right-of-way, the application or waiver shall be suspended for six months. If the County has not acquired the right-of-way, the application or waiver shall be suspended for six months. If the County has not acquired the right-of-way within six months, the application or waiver is approved.

(g) Boundary Streets. If a proposed subdivision is located on a street or road of insufficient right-of-way width, the Owner must dedicate right-of-way to provide the specified street width. Fiscal security shall also be posted to improve to at least minimum County Standards any boundary street which abuts the proposed subdivision and will be used for access. If the subdivision abuts the road improvements, or fiscal for the improvements, for the half of the roadway which abuts the development.

(h) Intersection Angles. Acute angles between streets in subdivisions at their intersections shall be avoided. Intersection angles shall be between 80° and 100°.

(i) Easements – General

(1) Easements for drainage may be required across parts of lots or along lot lines. All such easements shall be aligned to permit access for construction and maintenance of drainage facilities at minimum cost. When the design of the subdivision requires easements in areas outside proposed subdivision to provide adequate drainage for the

subdivision, the Subdivider shall obtain such easements by separate instruments.

(2) Easements for stormwater drainage and drainage facilities and controls shall be provided as required by Section 82.207.

(3) Generally, utility easements should be separated from drainage easements: however, public utility and drainage easements may be combined, if the utility system does not impede the flow of stormwater and if one of the following conditions is met:

(A) the utilities are protected from being exposed by scour or erosion for the anticipated life of the utility;

(B) the Developer provides a statement from the utility service provider wherein the service provider acknowledges responsibility for all costs and repairs to their system for damages which may be caused by stormwater scour or erosion; or

(C) stormwater is conveyed in pipes within the easement.

(4) Privately Owned Easements, Fee Strips

(A) All easements or fee strips created prior to subdividing of any tract of land must be shown on the subdivision plat with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street right-of-way and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee strip. See Section 82.202(i)(4)(E).

(B) In those instances where easements have not been defined by accurate survey dimensions, such as general blanket type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of the easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement, the subdivision plat must provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement owner's rights.

(C) A letter, statement, or other instrument from the owner of any privately owned easement or fee strip within the plat boundaries must be provided where such easements or fee strips are proposed to be crossed by streets (either public or private) or public utility or drainage easements, stating that the owner of such easement or fee strip approves such crossing of his or her

private easements or fee strips for the purposed intended and depicted upon the plat.

(D) Where an instrument of record is submitted in lieu of a letter or statement from the owner of any such private easement for fee strip, the County shall refer such instrument to the County Attorney's Office for determination as to whether the conditions in such instrument are sufficient to adequately provide of accommodate the crossing of such private easement of fee strip by the proposed streets (either public or private) or public utility or drainage easement depicted on the plat.

(E) For third party easements granted by separate instrument, the plat dedication not shall indicate that those easements are not dedicated by the plat.

(j) Cul-de-sacs and "Eyebrows"

(1) When the county finds that the most desirable residential plan requires laying out a dead-end street, the street shall terminate in a cul-de-sac with a minimum right-of-way radius of fifty feet (50') for curb and gutter streets and sixty feet (60') for non curb and gutter streets, and shall be no more than two thousand feet (2,000') long, unless topography, density, adequate circulation or, in the Executive Manager's opinion, other conditions necessitate a greater length. If it is physically possible to extend a cul-de-sac street into an undeveloped adjoining property with established rights of access across the property being subdivided, the cul-de-sac terminating a street at the boundary line of a subdivision shall be designed so that the boundary line forms a chord in the cul-de-sac equal in length to the right-of-way width of the cul-de-sac street. (Refer to Exhibit 82.202C)

(2) "Eyebrows" shall be designed in accordance with details as shown in Exhibit 82.202A. Eyebrows on straight roadway sections shall locate the radius point at least 30 feet from the centerline measured toward the eyebrow.

(k) Temporary Turnarounds. If proposed street extensions between subdivisions or subdivision sections are approved and platted without turnarounds at the boundary of the section or subdivision, the street design shall include provisions for a temporary turnaround as required in Section 82.302(d)(8) of these standards and shown in Exhibit 82.202C, and temporary easements shall be provided as necessary.

(l) Block Lengths

(1) Inside City of Austin ETJ – Use City of Austin Standards.

(2) Outside City of Austin ETJ:

(A) Urban Subdivisions: Use City of Austin Subdivision Standards.

(B) Suburban Subdivisions: Residential blocks in suburban subdivisions fronting on local or residential collector streets shall be a minimum of two hundred feet (200') in length (centerline to centerline of adjacent streets) and shall not exceed twelve hundred feet (1200') in length unless such blocks are parallel to and adjacent to a thoroughfare, in which case such blocks shall not exceed fifteen hundred feet (1500') in length. The minimum residential block length shall be increased for frontage on higher classification streets. Commercial and industrial block lengths may be up to two thousand feet (2000') in length, provided that the requirements of traffic circulation and utility service are met. Block lengths may vary according to the requirements of circulation, utility service, and topography.

(C) Rural Subdivisions:

(i) Residential blocks in rural subdivisions fronting on local or residential collector streets shall be a minimum of three hundred feet (300') from centerline to centerline of adjacent streets and shall not exceed two thousand feet (2000') in length, unless the minimum lot size is ten (10) acres or larger, in which case block sizes larger than 2,000' in length may be acceptable depending on requirements of circulation, topography, and other factors.

(ii) Blocks in rural subdivisions fronting on streets of higher classification shall have a minimum length of four hundred feet (400').

(m) Block Widths. Block widths in subdivisions should allow for two tiers of lots, situated back to back, except where a block abuts a thoroughfare to which access to the lots is prohibited or prevented by topographical conditions or the size of the property, in which case blocks will be single tier.

(n) Street Arrangements and Intersections.

(1) For design of safe residential streets, the following rules shall be followed:

(A) Intersect all streets at 80° to 100° with 90° being preferred;

(B) Use a tangent section of fifty feet (50’) at all street intersections; and

(C) Where “T” intersection will result in jogs in street alignment, the minimum offset in street centerlines shall be 140 feet for streets on opposing sides. The minimum separation between streets on the same side should be 280 feet.

(2) Additionally, the following rules should be followed wherever possible:

(A) Use “T” intersections rather than four-way intersections;

(B) Use curved streets, if appropriate, to discourage high running speeds; and

(C) Lay out residential collectors to discourage cut-through traffic between arterials.

(3) If (1) (A) & (B) cannot be done due to topography or other constraints, approval for the alternative design (use of Other Standards) must be obtained from the Executive Manager.

(o) Lot Sizes

(1) Inside the ETJ of the City of Austin, the minimum size of lots shall be in accordance with the applicable regulations of the City of Austin.

(2) Within the ETJ of any municipality, other than the City of Austin, the minimum size of lots shall be in accordance with the applicable regulations of the municipality or the applicable regulations of the county for minimum lot sizes outside of the ETJ of any municipality, whichever are more stringent.

(3) Outside the ETJ of any municipality, minimum lot area shall be determined by the applicable regulations for private on-site waste disposal systems and the requirements for driveway construction and intersection sight distance, where applicable.

(4) In all cases, refer to the Austin Travis County Health Department and/or Lower Colorado River Authority (LCRA) requirements for lot size requirements for private on-site waste disposal systems.

(p) Alleys (Joint Use Access)

(1) Alleys may be provided in single family, multiple family, commercial, and industrial areas. A plat note must provide that the alleys will be maintained by the property owners located along the alleys, a home owners' association, or a property owners' association.

(2) If an alley is approved for a residential district, the minimum width shall be twenty feet (20') with fifteen feet paved. A thirty-foot (30') alley with a twenty foot pavement width is required if an alley is proposed to serve multi-residential, commercial, or industrial developments.

(q) Sidewalks

(1) Within the ETJ of any municipality, other than the City of Austin, sidewalks will be required in accordance with the layout and design requirements of the municipality or the applicable county regulations for sidewalks outside of the ETJ of any municipality, whichever are more stringent, but as a minimum must meet the requirements of the Americans with Disabilities Act and the American Concrete Institute (ACI).

(2) Outside the ETJ of any municipality: A sidewalk layout plan shall be submitted for County review. The requirement for sidewalks will be determined by the county on a case-by-case basis and will be based upon development density, proximity to schools and other high

pedestrian traffic generators, and anticipated volumes of vehicular traffic.

(3) All sidewalks shall be designed and constructed to comply with state and federal standards for access by disabled persons.

(A) Preliminary plans must include a certification by a Registered Engineer licensed to practice of the State of Texas that streets in the subdivision will provide for construction of sidewalks in compliance with federal standards adopted under the Americans with Disabilities Act, 42 U.S.C. Sec. 12101, et sec. , and state standards adopted under Chapter 469, Texas Government Code.

(B) The owner must:

(i) Demonstrate to the County's satisfaction that any point along the sidewalk network is reasonable accessible to any other point along the sidewalk network via a route that complies with federal accessibility standards adopted under the American with Disabilities Act, U.S.C. Sec. 1201, et. seq., provided that the accessible route need not necessarily be the shortest possible route; and

(ii) Have a Registered Accessibility Specialist certify that construction plans provide for all sidewalks to be compliant with state accessibility standards adopted under Chapter 469, Texas Government Code.

(C) The owner shall construct and post fiscal security for sidewalks and curb ramps on arterial and collector streets and adjacent to schools, parks, or other common areas concurrent with construction and posting of fiscal security for subdivision infrastructure. If residential construction or other site development will occur shortly after street construction, the Executive Manager may grant variances whereby sidewalks and constructed and fiscal security posted at a later date and/or by the homebuilder or other person undertaking site development in lieu of the owner.

(D) On local streets, the homebuilder or other person undertaking site development shall construct and post fiscal security for sidewalks and curb ramps as a requirement of the development permit for the lot or site.

(E) The person responsible for constructing the sidewalk must have a Registered Accessibility Specialist inspect the sidewalk and certify that is has been constructed in compliance with state standards adopted under Chapter 469, Texas Government Code.

(F) A Registered Accessibility Specialist providing certifications under this subsection must hold a valid certificate under Section 469.201, Texas Government Code.

82.203 Preliminary Plan[3]

(a) Submission

(1) At a minimum, a Preliminary Plan must be submitted as part of an application for approval of a Final Plat under Section 82.201(a) for any multi-lot or phased development and any development proposing new streets.

(2) An Owner may elect to submit a Preliminary Plan for preliminary review and approval by the County prior to submission of an application for a Final Plat.

(3) The Preliminary Plan must be submitted concurrently to both the county and any other governmental entity with platting jurisdiction.

(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] that meets 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. Preliminary plans are to be prepared as follows:

(1) Plans for tracts of less than 100 acres must be drawn to a scale of 1” = 100’. Plans for tracts of over 100 acres may be drawn at a scale of 1” = 200’ with written permission from the Executive Manager.

(2) The maximum acceptable sheet size is 24” x 36”.

(3) The date of submittal, scale, and north arrow must be included on the plan.

(4) The location map must be oriented with north to the top of the drawing.

(5) The name, address, and phone number of the owner, the primary contact person, the engineer, and the surveyor must be included.

(6) A unique subdivision name must be provided.

(7) The location of existing boundary lines and the width and location of platted streets or alleys with or adjacent to the property must be depicted.

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[3] 82.203 amended 6/28/2016, Item 24.

(8) The physical features on the property, including water courses, ravines, existing structures, existing or proposed bridges, and culverts must be depicted.

(9) The location of any existing utilities within the subdivision boundary must be depicted.

(10) The location of trees or clusters of trees, eight (8) inches in diameter or greater, as defined in the City of Austin Environmental Criteria Manual, which are proposed to remain within the right-of-way must be depicted within the clear zone and sight distance area, where applicable, of all right-of-way.

(11) The total acreage, number of lots, linear footage of streets, and proposed uses other then single-family residential must be noted.

(12) Topographic contour lines must be depicted with sufficient accuracy to permit the planning of drainage, streets, and other proposed improvements. Then plans must include two-foot (2') contours on land less than five percent (5%) gradient. The contour lines are not to be more then one hundred feet (100') apart horizontally. Datum source must be noted on the plan.

(13) The names, locations, width, and dimensions (to nearest foot) of proposed streets, roads, lots, alleys, drainage easements, public easements, parks, or other sites for public use must be depicted.

(14) A drainage plan meeting the requirements of Section 82.207.

(15) If any revision to a flood insurance study is required under Section 82.207, the evidence required by that section of the Federal Emergency Management Agency's receipt or approval of that request.

(16) The proposed public or private nature of the streets must be indicated. If private streets are proposed, the streets must be labeled "Private Street," Drainage and Public Utility Easement must be described as a Lot and Block.

(17) The regulatory agencies in Travis County responsible for review and approval of any proposed onsite private waste disposal facilities must preliminarily approve such facilities.

(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 have been granted exclusive jurisdiction pursuant to Chapter 242 of the Texas Local Government Code are considered outside the ETJ.

(19) Clustered mailboxes and roadway pull-outs are desired for subdivisions having greater than twenty (20) residential units and shall be located as required by U.S. Postal regulations. The County will maintain only the pavement, associated with drainage, and sidewalks for those portions of roadway pull-outs located within the accepted roadway right-of-way.

(20) 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 prepared by a Texas Licensed Professional Engineer or a Texas Licensed Professional Geoscientist 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 by a Texas Licensed Professional Engineer or a Texas Licensed 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 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.

(F) If the preliminary plan will be for an area within a Priority Groundwater Management Area where a Groundwater Conservation District has not been established and confirmed, the water availability demonstration may include utilization of multiple water sources, including a portion or all of the demand being achieved by rainwater harvesting. In addition to the requirements of (A) – (D), a plat applicant proposing to serve a subdivision development through rainwater harvesting shall include the following information:

(i) Estimates of the water availability from rainwater harvesting shall be based upon "The Texas Manual of Rainwater Harvesting", published by the Texas Water Development Board, or other industry standard source acceptable to the Executive Manager.

(ii) Water demand estimates for demonstrations involving rainwater harvesting, including demonstrations utilizing multiple water sources, may not be lower than the largest value of either the maximum water usage rates for water conserving households identified by the American Water Works Association's publication, "Residential End Uses of Water", a total of 45 gallons per person per day, or a total of 150 gallons per dwelling unit per day.

(iii) A standardized design for a rainwater harvesting system shall be prepared by a Texas licensed professional engineer, using design parameters applicable to the location of the proposed subdivision. This standardized design shall be based on a prototype representative of actual conditions anticipated to be present in the proposed subdivision, including typical structure sizes and materials of construction. The standardized design shall include schematic plans, drawings, and descriptions for the various component parts of the prototype system, and shall include any minimum requirements (for example, minimum tank storage sizes) and appropriate adjustment factors to be used for each component to account for the range of differing sizes and configurations of the structures anticipated to be present in the proposed subdivision.

(iv) The information submitted shall include a standardized operations and maintenance plan for the rainwater harvesting system, prepared by a Texas licensed professional engineer. This operations and maintenance plan shall be based on the prototypical design and shall describe in detail the operating and maintenance

requirements of each component of the prototypical rainwater harvesting system.

(v) The information submitted shall clearly identify any water conservation measures and use limitations used in estimating the water demand and shall include the provisions to be utilized to ensure that each end user of the rainwater harvesting systems is aware of the need to follow these restrictions.

(vi) Where rainwater harvesting constitutes the sole source of water supply for the subdivision, the applicant shall incorporate sufficient restrictions (including deed restrictions and plat notes) into the development documents to ensure that subsequent owners or users of any property do not install or utilize groundwater wells, until an updated water availability demonstration is approved by the Executive Manager documenting sufficient groundwater is available.

(21) The applicable water quality protection information of Section 82.931(a).

(c) Plan Standards Inside the ETJ of a Municipality. Preliminary Plans must be prepared in accordance with the standards established by the municipality or the regulations established in these Standards, whichever is more stringent.

(d) Review of Plan. The TNR Staff will review the Preliminary Plan, make written comments, and forward them to any other government entity with platting authority and the owner.

(e) Preliminary Approval of Plan. If an owner elects to submit a Preliminary Plan to the County for review and approval prior to submitting it as part of an application for approval for a Final Plat, the Preliminary Plan shall be submitted to TNR in accordance with these Standards. After TNR has determined that the application meets the requirements of these regulations, TNR Staff will submit an agenda request for the Preliminary Plan to be placed on the Commissioners Court agenda for action. The Executive Manager will notify the Owner of the approval of the Preliminary Plan upon a determination that the Preliminary Plan complies with these Standards. The Preliminary Plan will be date-stamped reflecting that it has been approved by the Commissioners Court.

82.204 Final Plat

(a) General. If the property proposed for a Final Plat is within the jurisdiction of any other governmental entity with platting authority, the Final Plat must be submitted concurrently to both jurisdictions. If the Final Plat application contains property currently within an existing recorded subdivision, see Section 82.201(d) for plat cancellation and revision procedures. A Final Plat

must incorporate all the provisions of any Preliminary Plan for the property that has previously received approval from the Commissioners Court. A final plat proposal must comply with all applicable requirements of this chapter, including the water quality protection requirements. If changes are necessary, the approved Preliminary Plan must be revised, unless the entire tract is being final platted.

(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. 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 compact disk. Files which are provided on 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) Format for Graphical Data. The formats for digital plat submittal to the County may be DGN (Microstation), DWG (AutoCAD), and DXF (generic), or any other format approved by the Executive Manager.

(A) DGN (Microstation) Submittal

(i) The Microstation software used to produce these files should be the most current or prior version of the product. Files produced using software over two releases old should not be submitted.

(ii) DGN files created on diskette for delivery to the County will be created as ASCII files.

(iii) “EDG” should be run on DGN files prior to submittal to clean up any errors that may exist.

(iv) No reference files will be attached to DGN files submitted to the County.

(B) DWG (AutoCAD) Submittal

(i) The AutoCAD software used to product these files should be the most current or prior version of the product. Files

produced using software over two releases old should not be submitted.

(ii) All DWG files will have AutoCAD's "RECOVER" utility run prior to delivery to the County.

(iii) "Paper Source" will not be used as part of the drawing file being submitted.

(iv) DWG files created on diskette for delivery to the County will be created as binary files.

(C) DXF (All Others)

(i) Only the ASCII output file option will be accepted for this exchange format. A binary DXF output format option is available, but will not be accepted as a valid exchange format.

(ii) The software used to produce these files should be compatible with the current versions of Microstation of AutoCAD. Files produced using file compatibility over two released old my not be accepted.

(2) Diskettes will be labeled as shown in the following example:

Plat Name: ABC Subdivision, Section 1

Date: January 15, 1997

Company Name: William Travis Company

Company Contact: William Travis

Graphics Format: DWG

Diskette Number 1 of 3

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

(1) All subdivision plat sheets shall be 18" x 24"

(2) Plat must be drawn in black ink on Mylar or Vellum material.

(3) The scale must be 1" = 100' and shown on the plat.

(4) The subdivision name must be prominently displayed on each sheet of the plat.

(5) The location map and north arrow must comply with Preliminary Plan standards.

(6) Adjacent subdivision must be referenced by book and page of Travis County Plat Records with lot and block number. Unplatted adjacent land must be referenced by property owner, acreage, and volume and page of Travis County Real Property Records.

(7) Lot and block numbers must be systematically and sequentially arranged.

(8) All proposed streets must be named and approved in writing by the appropriate regulatory agency.

(9) The names and right-of-way widths of all adjacent streets must be shown.

(10) All existing and proposed easements must be shown and labeled. Existing easements must reference the holder of easement and recording information.

(11) Sufficient data must be provided to readily determine and reproduce on the ground the location by true bearings and distance of every street line, lot line, and easement line, whether curved or tangent. The radius, central angle, arc, chord and chord bearing, and tangent distance for all curved lines must be included.

(12) The location of all permanent monuments and control points must be shown as follows:

Found monuments shown as solid square	■
Set monuments shown as open square	□
Found pin as a solid circle	●
Pin set is an open circle	○

(13) Dimensions must be shown in feet and hundredths of a foot, and angles must be shown in degrees, minutes, and seconds.

(14) All drainage easements must be shown in accordance with the approved Preliminary Plat.

(15) For any lot affected by the 100-year flood plain, a Minimum Floor Elevation must be established in accordance with Section 82.207.

(16) Monuments

(A) All monuments are to be set under the direction of a Texas Registered Professional Land Surveyor and must be set at sufficient depth to retain a stable and distinctive location and be of sufficient size and sufficient ferrous metal to withstand the deterioration from the forces of nature.

(B) A concrete monument shall be placed at one corner of a boundary line of any subdivision at a location selected by the County and at any other boundary corners thirteen hundred feet (1300’) or more from each other or from the selected corner. Such monuments shall be eight inches (8”) in diameter and shall be eighteen inches (18”) deep, except where rock is encountered within fourteen inches (14”) of the surface, in which case such monuments shall be countersunk four inches (4”) in such rock. The exact intersection point on the monument shall be marked by a bronze pin one-fourth inch (¼”) in diameter

embedded at least three inches (3”) in the monument. The top of the monument shall be placed flush with the natural ground.

(C) Intermediate property corners, curve points and angle points shall be marked by iron stakes, no less than eighteen inches (18”) in length and three-eighths inch (3/8”) in diameter, driven flush with the ground or countersunk if necessary in order to avoid being disturbed.

(17) One or more benchmarks must be monumented in subdivisions which contain or are bounded by flood hazard areas, or in any subdivision where new streets are dedicated.

(18) All plats must include a plat note prohibiting occupancy of any lot until connection is made to an approved public sewer system or approved private individual sewage disposal system.

(19) All subdivisions must have a note on the plat prohibiting occupancy of any lot until water satisfactory for human consumption is available from a source in adequate and sufficient supply for the proposed development.

(20) Each sheet of the plat must be numbered.

(21) The usage of each lot that is not single family residential must be noted.

(22) The acreage of each lot served by an on-site sewage disposal system must be noted.

(23) The name and linear footage of each street being platted must be listed.

(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) To establish vertical and horizontal control locations within each new subdivision of land and place the information on the Final Plat, control points must be first order monumentation, accurately located by means of a Global Positioning System (GPS).

(B) A minimum of one (1) permanent global position control monument should be located within the boundaries of each new subdivision of land under five (5) acres. For subdivisions exceeding five (5) acres, one (1) additional monument should be placed for each additional 25 acres or each section/phase thereafter. A maximum of four (4) monuments will be needed

when the proposed development exceeds 100 acres in a single plat. Monuments should be located adjacent to existing, established right-of-way or in a location as directed by the County. The location of the monument should be identified on the subdivision plat and include all pertinent GPS information.

(25) Other Approvals

(A) When a revision to a flood insurance rate map is initiated under Section 82.207, the evidence required by that section must be submitted demonstrating the Federal Emergency Management Agency's receipt of the applicant's request for revision before approval of the final plat.

(B) Outside the ETJ, for any single-family residential subdivision of a tract exceeding 20 acres and for all commercial subdivisions, the owner must provide evidence of compliance with the environmental requirements of other jurisdictions, in accordance with Section 82.916.

(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.

(D) When the applicant proposes a water supply for a subdivision that will include private groundwater wells on individual lots, the following statement shall appear on the final plat for the approved subdivision: The water supply for this subdivision will be served by individually-owned groundwater wells. Water wells in this area have demonstrated historically that water may or may not be readily available at all time. Information on the available supply of groundwater and its quality is available to prospective purchasers of lots in this subdivision is available in the office of the County Clerk of Travis County, Texas.

(E) When the applicant proposes a water supply for a subdivision that will include production of groundwater from one or more wells that serve all the individual lots, the following statement shall appear on the final plat for the approved subdivision in no smaller than 10 point font: The water supply for this subdivision will be served by groundwater supply well(s) and distributed to each landowner's lot. Water wells in this area have demonstrated historically that water may or may not be readily available at all times. Information on the available supply of groundwater and its quality is available to prospective purchasers of lots in this subdivision is available in the office of the County Clerk of Travis County, Texas.

(26) The applicable water quality protection information of Section 82.931(c).

(d) Certifications and Acknowledgments. The following certifications and acknowledgments are required and will appear on the first page of the Final Plat, space permitting:

(1) Preamble. A preamble or statement signed and acknowledged by the current owner(s) of record, dedicating streets, alleys, easements, parks and other open spaces to public use. Where private streets are proposed, the owner shall dedicate such facilities to the use of the owners of lots in the subdivision, utilities providing services to the subdivision, emergency services providers, public service agencies, and a homeowners association for perpetual maintenance. The preamble must also state the acreage subdivided out of each original survey. In addition, a complete mailing address shall be shown beneath the signature of the owner(s).

(2) Survey. A Texas Registered Professional Land Surveyor must certify that the plat represents a survey made by him/her on the ground and that all necessary monuments are in place.

(3) Any statement, certification, acknowledgement, note, or information required under Section 82.207.

(4) Other Jurisdictions. For development within the platting jurisdiction of another governmental entity, Water District, or Water Quality Zone, the signatures of the appropriate officials or engineer must be on the plat.

(5) County Clerk.

(A) Affidavit for the Clerk of the County Court indicating the date of the order, the book and page of the minutes of the Commissioners Court approval authorizing the filing of the plat.

(B) Affidavit for signature of County Clerk attesting to the date and time of filing for record in the Plat Records of Travis County.

(6) Plat Notes. Each subdivision plat shall include the following notes:

(A) In approving this plat, the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads, and other public thoroughfares shown on this plat or any bridges or culverts in connection therewith. The building of all streets, roads, and other public thoroughfares shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares or in connection therewith, is the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas.

(B) The Owner(s) of the Subdivision shall construct the subdivision's street and drainage improvements (the "Improvements") to County Standards in order for the County to accept the public Improvements for maintenance or to release

fiscal security posted to secure private Improvements. to secure this obligation, the Owner(s) must post fiscal security with the County in the amount of the estimated cost of the improvements. The owner(s)' obligation to construct the Improvements to County Standards and to post the fiscal security to secure such construction is a continuing obligation binding on the owners and their successors and assigns until the public improvements have been accepted for maintenance by the County, or the private improvements have been constructed and are performing to County Standards.

(C) The authorization of this plat by the Commissioners Court for filing or the subsequent acceptance for maintenance by Travis County, Texas, of roads and streets in the subdivision does not obligate the County to install street name signs or erect traffic control signs, such as speed limit, stop signs, and yield signs, which is considered to be a part of the developer's construction.

(D) No lot in this subdivision shall be occupied until connected to a centralized water distribution system or an approved onsite water well.

(E) The plat notes relating to water quality protection requirements, in accordance with Section 82.945 of this chapter.

(7) If a subdivision is to utilize private individual sewage disposal systems, appropriate notes and signatures from appropriate officials are required.

(8) Reference any covenants or restrictions imposed on the land by volume and page of Travis County Real Property Records.

(e) Supplemental Submittals Required. The following supplemental documents must be submitted with the Final Plat for review and administrative approval by the county:

(1) One draft copy of any proposed restrictive covenants and/or homeowners association agreement for continuous maintenance of private streets or joint use driveways. Subdivisions proposing private streets or joint use driveways must include language for continuous maintenance of the facilities.

(2) One copy of street and drainage plans and cost estimates bearing the seal and signature of a Texas Registered Professional Engineer.

(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 of 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.

(4) Sufficient fiscal security for the proper construction of the streets and drainage in accordance with Section 82.400 of these regulations.

(5) A letter from each utility company (electric power, telephone, gas, water and wastewater) serving the immediate area, indicating whether and when service will be available to all lots in the subdivision.

(6) A tax certification from the County Tax Assessor-Collector stating that all real property taxes are paid up to and including the preceding tax year.

(f) Consumer Protection Notice for Homebuyers. For a plat containing lots intended for residential use, the first page must include a location map for the subdivision, the name of the subdivision, and the notice set out below. The subdivision name and the notice must be printed in bolded capital letters one half inch high.

TRAVIS COUNTY

CONSUMER PROTECTION NOTICE

FOR HOMEBUYERS

IF YOU ARE BUYING A LOT OR HOME, YOU SHOULD DETERMINE WHETHER IT IS INSIDE OR OUTSIDE THE CITY LIMITS.

DEPENDING ON STATE LAW AND OTHER FACTORS, LAND OUTSIDE THE CITY LIMITS MAY BE SUBJECT TO FEWER LOCAL GOVERNMENT CONTROLS OVER THE DEVELOPMENT AND USE OF LAND THAN INSIDE THE CITY LIMITS.

BECAUSE OF THIS, LOCAL GOVERNMENT MAY NOT BE ABLE TO RESTRICT THE NATURE OR EXTENT OF DEVELOPMENT NEAR THE LOT OR HOME NOR PROHIBIT NEARBY LAND USES THAT ARE INCOMPATIBLE WITH A RESIDENTIAL NEIGHBORHOOD.

THIS CAN AFFECT THE VALUE OF YOUR PROPERTY.

TRAVIS COUNTY REQUIRES THIS NOTICE TO BE PLACED ON SUBDIVISION PLATS. IT IS NOT A STATEMENT OR REPRESENTATION OF THE OWNER OF THE PROPERTY, THE SUBDIVIDER, OR THEIR REPRESENTATIVES.

82.205 Short Form Plat

(a) General. A short form plat is a final plat that does not require the dedication of new streets. The short form plat must be submitted concurrently to all applicable jurisdictions. Each lot must abut a public street of adequate right-of-way and construction and be situated so that no additional streets are required in order to meet the county requirements. A preliminary plan is not

required for a short form plat. If the short form plat application contains property currently within an existing recorded subdivision, see Section 82.201(d) of these regulations for cancellation and revision procedures.

(b) Requirements. Refer to Section 82.204(c).

(c) Certification and Acknowledgement. Certification and acknowledgements shall appear on the first page of the short form plat, space permitting. Refer to Section 82.204(d).

82.206 Private Street Subdivision

(a) General. A private street is privately owned and maintained, is not intended for use by the general public, and may have controlled or restricted access. Private streets normally serve residential properties on individual lots.

(1) Within the City of Austin ETJ, private streets shall comply with the applicable regulations of the City of Austin for layout and design.

(2) Within the ETJ of any municipality, other than the City of Austin, private streets shall comply with the applicable regulations and the layout and design requirements of the municipality, or the county outside the ETJ of any municipality, as set forth below, whichever are more stringent.

(3) Outside the ETJ of any municipality, private streets are subject to county regulations in order to ensure:

(A) Safe movement of all vehicles from a private street to the public street system;

(B) Adequate vehicular access to all buildings and lots by emergency and service vehicles;

(C) Adequate construction standards in the event that such roads become public streets; and

(D) Adequate drainage and utilities.

(E) Construction and post-construction operation of the private street does not cause or allow adverse impacts on water quality as a result of storm water runoff or other pollutant discharges.

(4) In all cases, any private street must be constructed to at least the minimum Travis County Standards for the construction of a private street, which in the case of a private street are to be determined by the functional classification of the street.

(5) Under no circumstances shall a private street be allowed where access to adjacent properties under an established right of access would be blocked unless the affected property owner agrees in writing.

(6) If the only access to adjacent property under an established right of access is through the private street subdivision, there must be specific language in the Restrictive Covenants for the subdivision and the adjacent property allowing unrestricted access through the private

street subdivision to the adjacent property, and for the adjacent property requiring private streets and maintenance in any development of the adjoining property.

(b) Creation of Private Streets in New Subdivisions

(1) A homeowners or property owners association must be created to assume responsibility for the maintenance of the proposed private streets. Draft copies of the following documents are required to be submitted for review and approval during the preliminary review process, and approved copies must be recorded with the final plat:

(A) Covenants, conditions, and restrictions which outline ownership, maintenance, fee assessment, association dues, and any other restrictions;

(B) Association bylaws which outline membership, voting rights, and other items similar in nature.

(C) Establishment of a contact person and mailing address for the association; and

(D) Whenever there is a change in the information of Paragraphs (A) – (C), the association must promptly forward the revised information to the County Executive.

(2) Prior to the issuance of a Basic Development Permit for the construction of the private street subdivision improvements, the developer must submit a copy of the association's Certificate of Incorporation to the County Executive.

(3) The following final plat notes are required:

(A) All private streets shown hereon [list street names] and any security gates or devices controlling access to such streets will be owned and maintained by the homeowners association of this subdivision.

(B) The undersigned owner does hereby subdivide ____ acres of land out of said _____ acres tract in accordance with this plat, to be known as "[subdivision's title]" subdivision, subject to the covenants and restrictions shown hereon, and hereby dedicates to the owners of the lots in the subdivision, public utilities serving the subdivision, emergency services providers with jurisdiction, and public service agencies, the use of all the private street and other easements shown hereon, subject to any easements and/or restrictions heretofore granted and not released. The maintenance and payment of real property taxes on such private streets are the responsibility of the owner(s) of the subdivision or any duly constituted homeowners association under that certain instrument of record at Volume ____ , Page ____ , of the Deed Records of Travis County, Texas, or Document Number_____ in the Official Public

Records of Travis County, Texas. An express easement is hereby granted across said private streets and any common areas for the use of the surface for all governmental functions, vehicular and non-vehicular, including fire and police protection, solid and other waste material pickup, inspection or investigation of storm water management, and any other purpose any governmental authority deems necessary; and owner further agrees that all governmental entities, their agents or employees, shall not be responsible or liable for any damage occurring to the surface of the said private street and any common area as a result of any such use by governmental vehicles.

(C) The private street shall be operated and maintained to prevent adverse impacts on water quality as a result of storm water runoff or other pollutant discharges. The entity identified in Document Number ____ ___of the Official Public Records of Travis County, Texas must manage the private street using appropriate structural and non-structural best management practices at all times to sufficiently prevent and address erosion and sedimentation. The entity has a continuing duty to operate and maintain any permanent water quality control and other best management practices associated with the private street, to reduce or eliminate the discharge of pollutants to the maximum extent practicable.

(4) If the private street is needed for access to an adjacent property, a joint access agreement must be established with the adjacent property owner for use of the private street, and the private street must be stubbed out to the property line with an open-ended cul-de-sac for future extension.

(5) The private street must be identified on the plat as a separate access, drainage, and public utility easement.

(6) The private street must have a direct connection to a dedicated public street or to another approved private street. A private street will not be permitted as the only connection between two public streets.

(7) If security gates are proposed, their location must be shown on the construction plans; a minimum storage space of 40 feet must be provided between the gates and the nearest intersection street right-of-way; and the design of the gates must be approved by the county, the applicable emergency service providers, and, where applicable, any other governmental entity with jurisdiction.

(8) If the subdivision is located in the jurisdiction of any other governmental entity with platting jurisdiction, the entity must concur with the creation of the private street.

(9) Standard street name signs must be installed at all intersections. An additional "Private Street" sign must be posted at the entrance and exit locations of all private streets which intersect public rights-of-way.

(c) Conversion of Existing Public Streets to Private Streets. In certain cases, the county may allow existing public streets to be converted to private streets for the purpose of providing private security, decorative pavers, landscaping, or other special features not normally found on public streets. In such cases, the abutting property owners must request the abandonment and discontinuance of the public right-of-way in accordance with the appropriate statutory procedures. The following criteria must be met before the abandonment and discontinuance will be recommended:

(1) A homeowners or property owner's association must be in existence or created and must have the power to assess fees in order to own, pay applicable taxes, operate and maintain a permanent water quality control structure, and maintain the proposed private streets. Draft copies of the documents referenced at Section 82.206(b)(1)(A) and (B) are required to be submitted for review and approval during the review process. In addition, a copy of the homeowners or property owner's association's Certificate of Incorporation must be provided to TNR prior to the time of abandonment and discontinuance. Approved copies of the Order of the Commissioners Court shall be recorded by the County at the time of abandonment and continuance.

(2) If the private street is needed for access to an adjacent property, a joint access agreement must have been established with the adjacent property owner for use of the private street.

(3) Any necessary easements must be dedicated at the time the right-of-way is abandoned and discontinued.

(4) The private street must have a direct connection to a dedicated public street or another approved private street. A private street will not be permitted as the only connection between two public streets.

(5) If gates are proposed, a Basic Development Permit application must be submitted that includes plans showing the location of the gates. A minimum storage space of 40 feet must be provided between the gates and the nearest intersecting street right-of-way. A development permit will not be granted until the design of the gates is approved by the County, the emergency services provider, and, any other governmental entity with jurisdiction.

(d) Conversion of Existing Private Streets to Public Streets. In certain cases, the county may allow existing private streets to be converted to public streets. In order to be accepted by the county as public streets, the following conditions must be met:

(1) The streets must conform to the county's public street geometric design standard criteria as well as the pavement design standards.

The owners of the private street must provide documentation verifying the adequacy of the constructed roadway.

(2) There must be no unpaid taxes owed on the streets.

(3) The streets must be dedicated to the public with the concurrence of all abutting property owners. The owners of the private street are responsible for surveying and conveyance of the right-of-way to the county.

(4) Any covenants or other legal documents which created the private streets must be amended or terminated.

(5) Any existing security gates, overhead entrance ways, speed bumps, special pavement treatments, and similar facilities which do not meet county design standards must be removed and the pavement repaired in an acceptable manner at the owners expense, as determined by the Executive Manager.

(6) Sidewalk construction must conform to county Standards, including approved curb ramps and curb ramp warnings.

(7) Private improvements which are to be permitted to remain within the proposed right-of-way must be maintained pursuant to a License Agreement.

(8) Street lighting, signals, and other street related infrastructure must meet county Standards.

(9) The county shall inspect the streets. Any repairs or maintenance strategies identified by the inspection report must be made and paid for by the owners of the private street prior to acceptance by the county. Repairs must conform to the same requirements and specifications for public streets.

(10) The county will not maintain off-street parking and garbage container areas.

(11) The county reserves the right to refuse to accept the public dedication of a private street.

(e) Restrictive Covenants. A restrictive covenant which establishes the duty of a homeowners association or the property owners to maintain and pay real property taxes on the private streets shall, at a minimum, contain the following elements:

(1) Identification of owners and establishment of owner's association;

(2) Duty to maintain the private streets;

(3) Duty to pay real property taxes on the private streets;

(4) If no association is formed, or if the association is inactive or non-functional, the individual owners in the subdivision shall have the duty to maintain and pay real property taxes on the private streets; and

(5) Easement language as set forth in Section 82.206(b)(2) above.

82.207 Water Quality Protection, Drainage, and Floodplains[4]

(a) A preliminary plan, final plat, or development permit may not be approved unless it includes storm water drainage facilities and permanent water quality controls, and measures that:

(1) attenuate the effects of any proposed increase in storm water, to, from, across, or along roadways and within or adjacent to the development;

(2) provide adequate conveyance of storm water from a 100-year flood;

(3) ensure improvements are sufficiently strong to resist external pressure caused by earth or building and internal pressure to abrasion caused by water or debris;

(4) ensure surface grades will not permit water to gather in a pool that may become stagnant;

(5) control, both temporarily during construction and permanently thereafter, erosion and sedimentation so as to reduce to the maximum extent practicable or eliminate the discharge of pollutants into water courses, in accordance with the requirements of Subchapters H, I and K;

(6) prevent any additional identifiable adverse flooding on other property;

(7) subject to Subsection (o) below, to the greatest extent feasible preserve the natural and traditional character of the land and the waterway within the 100-year floodplain; and

(8) ensure onsite control of the two-year peak flow, provided that the development may provide offsite control of the two-year peak flow if not streambank erosion or adverse water quality impact form increased in-stream peak flow will occur.

(b) Storm water data and calculations and design of storm water drainage facilities and controls shall meet the specifications of the City of Austin Drainage Criteria Manual. Such facilities and controls shall provide for maintenance and protection from erosion in accordance with the City of Austin Environmental Criteria Manual. Use of alternative data, calculation, designs, or nonstructural measure, including but not limited to participation in the City of Austin Regional Stormwater Management program, shall require prior approval of the County.

(c) An applicant for a preliminary plan, final plat, or development permit shall submit a drainage plan for the total area to be developed demonstrating compliance with Subsection (a).

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[4] 82.007 amended 6/28/2016, Item 24.

(d) Whenever the total area contributing to the point of consideration is 64 acres or more, the drainage plan required under Subsection (c) shall delineate, and the preliminary plan of development permits shall show, the limit of the 100-year floodplain based on the projected full development of the contributing area. The drainage plan shall be certified by an engineer and include an electronic copy of disk of all data and results files of approved hydraulic and hydrologic software.

(e) The owner of the property to be developed is responsible for the conveyance of all storm water flowing through the property, including present and future storm water that is directed to the property by other developed property or naturally flows through the property because of the topography.

(1) The owner shall provide:

(A) easements dedicated to the public for storm water drainage and open or enclosed drainage facilities to accommodate the 100-year flood, including the 100-year floodplain either as delineated in the drainage plan or, if exempt from the drainage plan requirement as depicted on then-current Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM): and

(B) adequate off-site drainage improvements to accommodate the full effects of the development. If the construction or improvement of a storm water drainage facility is required along a property line that is common to more than one property owner, the owner proposing the development is, at the time the property is developed, responsible for each required facility on either side of the common property line, including the responsibility to dedicate of obtain the dedication of any right-of-way or easement necessary to accommodate the required construction or improvement of the storm water drainage facility. If an owner proposed to develop only a portion of that property, a storm water drainage facility to serve that portion of the property proposed for immediate development is required, unless construction or improvement of a drainage facility outside that portion of the property to be developed is essential to the development of the property to be developed.

(2) In no event shall any easement dedicated to the public under this subsection be less than 25 feet wide, provided that the easement may be 15 feet wide if an enclosed drainage facility will be constructed. Where possible, the easement alignment shall follow the appropriate line of the drainage channel on maximum 50 foot chords and be located along lot lines. The easement shall prohibit construction of maintenance of, and grant authorized governmental entities the right to remove, all or part of any buildings, fences, trees, shrubs, or other improvements or growths that endanger or interfere with the

construction, maintenance, or operation of the drainage system. The easement shall grant authorized governmental entities the right of access, including where necessary the right of ingress and egress across adjacent areas, for inspection, construction, reconstruction, improvement, operation maintenance, or rehabilitation of the drainage system.

(f) If any part of the 100-year floodplain depicted by FEMA on the FIRM extends beyond a drainage easement required by Subsection (e), or if the County determines that the proposed development will result in a flood insurance study (FIS) revision being required under National Flood Insurance Program regulations at 44 CFR Part 65, the applicant shall, at the applicant's expense, file the request with FEMA and provide all necessary data and materials to satisfy all FEMA requirements for approval of the revision.

(g) Approval of preliminary plans, final plats, and development permits subject to and FIS revision under Subsection (f) are subject to the following requirements:

(1) If preliminary plan approval is required and the FIS revision results from land development activities, the applicant must submit evidence of FEMA's receipt of the applicant's request prior to preliminary plan approval and evidence of FEMA approval of that request prior to approval of a final plat under that preliminary plan.

(2) If preliminary plant approval is not required or the FIS revision does not result from land development activities, the applicant must submit evidence of FEMA's receipt of the applicant's request prior to approval of final plat.

(3) If at the time of acceptance or approval of the infrastructure in the development, FEMA has either issued a conditional approval of an FIS revisions resulting from land development activities or has not approved any other FIS type of revision, the applicant shall post fiscal security for all costs associated with securing final and unconditional FEMA approval of the FIS revision.

(4) A development permit for any property affected by a required FIS revision may be denied or conditioned, either on the posting for fiscal security or otherwise, pending FEMA's final and unconditional approval of that FIS revision.

(h) Preliminary plans, final plats, and development permits shall contain the following information on 100-year floodplains and drainage easements.

(1) Preliminary plans shall show the 100-year floodplain delineated as required under Subsection (d), a proposed drainage easement containing it, and the 100-year floodplain as depicted on then-current FEMA FIRM.

(2) Final plats shall show the drainage easements required under Subsection (e) and to the extent it exceeds the limits of those drainage easements, the 100-year floodplain as depicted on then-current FEMA FIRM. The County may, for good cause, allow the owner to dedicate the drainage easement by separate instrument.

(3) Development permits shall show the 100-year floodplain delineated as required under Subsection (d), the drainage easement containing it, and the 100-year floodplain depicted on then-current FEMA FIRM.

(4) If any 100-year floodplain as depicted on then-current FEMA FIRM is show on a final plat, that plat shall also include a note referencing the community and panel number of the FEMA FIRM, referencing FEMA regulations on development and the requirements for flood insurance in floodplains, and indicating if any FIS revision affecting the property is being requested.

(5) If no portion of the property is within any 100-year floodplain and if no drainage easements must be dedicated, an applicant must provide a surveyor's certificate to that effect.

(i) For any lot encumbered by either a drainage easement or a 100-year floodplain, an engineer must establish and show on the final plat a minimum floor elevation one foot above the surface elevation of the 100-year floodplain measured at the highest point on the lot which is immediately adjacent to the structure.

(j) Lots shall be graded so that the cross sectional areas between buildings may be considered as emergency overflows.

(k) An enclosed storm water drainage facility is required to accommodate any portion of the 100-year floodplain that exceeds street capacity. Open drainage ditches may be constructed only if public health, safety, and welfare are not adversely affected.

(l) If a creek, branch, drainageway, or watercourse is covered, manholes at least two feet in diameter with removable covers shall be installed at intervals of not more than one-half the length of an average city block.

(m) Record owner of a detention basin, permanent WQC, or appurtenance that receives storm water runoff from a non-residential or multifamily development shall maintain the basin or appurtenance. Maintenance of detention basins, permanent WQCs, or appurtenances that are integral parts of roadways accepted for maintenance by a political subdivision shall be the responsibility of the accepting entity.

(n) Unless authorized by a development permit, a person may not place, or cause to be placed in a 100-year floodplain, an obstruction to storm water.

(o) A proposal to modify a waterway shall include an analysis, based on a field investigation, by a qualified environmental professional delineating the riparian ecosystem related to the waterway and assessing both the suitability

of maintaining the waterway's natural and traditional character and the effects of the proposed modifications on that natural and traditional character.

(1) Modifications of the natural and traditional character of a waterway shall be allowed to the extent one of the following conditions exists:

(A) The limits of the fully-developed 100-year floodplain extend beyond the limits of the riparian ecosystem related to the waterway, in which case the area from the limits of the floodplain to the limits of either the riparian ecosystem of the floodway, whichever is least restrictive, may be modified.

(B) The delineation top width of the full-developed 100-year floodplain exceeds the waterway's Critical Water Quality Zone, in which case the area from the delineation of the top width to the limits of the Critical Water Quality Zone, may be modified.

(C) The waterway is subject to accelerated streambank erosion.

(D) The waterway is subject to waterway scouring or erosion or sediment deposition that alters the flow of the fully-developed 2 year storm event.

(E) A modification is necessary to accommodate reasonable location for outlets into the waterway from upland drainage systems.

(F) The natural and traditional character of the waterway has already been altered by human activities.

(2) If one of the above conditions is not met, flood walls, levees, or other structural flood control measures within a waterway may nevertheless be allowed if one of the following conditions exists:

(A) There are existing structures within the limits of the fully-developed 100-year floodplain.

(B) The delineation top width of the fully-developed 100-year floodplain exceeds 500 feet.

(C) Neither modifications of the natural and traditional character of a waterway not structural flood control measures are allowed if one of the following conditions exists.

(D) The modification would increase the height of base flood elevations on another person's property and the increase is not contained in a drainage easement.

(E) The applicant has not submitted a request for a revision to the applicable flood insurance study to FEMA and provided assurances satisfactory to the FEMA-designated floodplain administrator responsible for the waterway that the waterway's flood carrying capacity will be maintained as required by 44 CFR Section 65.6(i)(12).

82.208 Dedication of Parkland

(a) A subdivider of a residential subdivision shall provide for the parkland needs of the residents by the dedications of suitable land for park and recreational purposes. If the subdivision is in an ETJ, the subdivider shall so provide by dedicating parkland to or depositing a cash payment or fiscal security in lieu thereof with either the County or the municipality, but not both.

(b) The area to be dedicated must be shown on the preliminary plan and the plat and included in the dedication statement. The subdivider shall dedicate all parkland required by this section when a plat is approved, unless otherwise agreed by the subdivider and the County.

(c) The amount of parkland required to be dedicated by the subdivider is five acres for every 1,000 residents, as determined by the following formula:

$$\frac{5 \times (\text{Number of Units}) \times (\text{Residents Per Unit})}{1{,}000} = \text{Acres of Parkland}$$

(d) In calculating the amount of parkland to be dedicated under this section, the number of residents in each dwelling unite is based on density as follows:

Dwelling Units Per Acre	Residents In Each Dwelling Unit
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

(e) In calculating the amount of parkland to be dedicated under this section, density for a multi-family subdivision is assumed to be 24 dwelling units per acre, or the highest permitted in the zoning district if the property is zoned by a municipality. The subdivider may reduce the assumed density by restricting density in a restrictive covenant enforceable by the County.

(f) Land to be dedication must comply with standards established by the Executive Manager, who shall determine whether land offered for dedication is acceptable taking into account the following criteria:

(1) If the land is in the ETJ, the Executive Manager shall consider whether the land meets any parkland dedication criteria of the municipality.

(2) Fifty percent of acreage in applicable 100-year floodplain that is dedicated as parkland may be credited toward fulfilling the requirements of this part if the adjoining land within the 25-year floodplain may not be credited toward fulfilling the requirements of this part.

(3) Land identified on the Critical Areas Map maintained by the City of Austin Watershed Protection and Development Review Department that does not otherwise comply with the standards for parkland dedication may be accepted as dedicated parkland if the Executive

Manager determines that the land will provide recreational or educational opportunities for the surrounding community. In this event, fifty percent (50%) of the acreage may be credited toward fulfilling the requirements of this part.

(4) The Executive Manager may allow up to fifty percent (50%) credit toward fulfilling the requirements of this part for privately owned and maintained park and recreational facilities that are for use by the residents of a subdivision. Private parkland excludes yards, setbacks areas, and open spaces required by law.

(g) The Executive Manager may require a subdivider to deposit a cash payment or fiscal security instead of the dedication of parkland if less than six (6) acres is required to be dedicated or the land available for dedication does not comply with the standards for dedication. A deposit is calculated by multiplying the number of acres of parkland required to be dedicated by the average value of an acre of land in the subdivision. The average value of an acre of land in the subdivision is calculated by dividing the fair market value of the land in the subdivision by the number of acres in the subdivision. to make this calculation, this subdivider may select one of the following fair market value determinations:

(1) The current fair market value of the land as shown on the records of the tax appraisal district;

(2) The current fair market value of the land as determined by a qualified real estate appraiser at the subdivider's expense, if the Executive Manger approves the appraiser and certifies that the appraisal fairly reflects the land value; or

(3) The current fair market value of the land as determined by a qualified real estate appraiser acceptable to the County.

(h) A deposit must be placed in a special park fund. The deposit must be used for acquisition or improvement of parks that will benefit the residents of the subdivision and that are located in the service area defined by the Executive Manager. A deposit shall be expended within five years from the date it is received. This period is extended by five years if, at the expiration of the initial five year period, less that 50 percent (50%) of the residential units constructed is less than the number assumed at the time the deposit was calculated, the owner may request a refund if the number assumed at the time the deposit was calculated, the owner may request a refund if the deposit is not expended by the deadline. The request must be in writing and filed with the Executive Manager not later than 180 days after the deadline. A refund is calculated by multiplying the percentage of the reduction in the number of residential unites times the amount of the deposit. A refund may not exceed the unexpended amount of a deposit.

(i) The Executive Manager may require that the subdivider provide information relating to proposed parkland to determine whether the proposed parkland

complies with this part. A subdivider shall provide the information requested under this section.

82.210 Objects within County Right-Of-Way

(a) In this section:

(1) "County Road" means any road accepted for maintenance by the county before March 14, 2006, and any road dedicated to the public after March 14, 2006, with the intent that it be accepted by the county for maintenance.

(2) "Object" means an object affixed to or installed in right of way including mailboxes, signs, utility poles, guy wires, fire hydrants, retaining walls, stockpiles of materials, dumpsters, landscaping, and trees and bushes, provided that functional elements of roadways, sidewalks, driveways, and traffic control devices are not objects subject to this section if otherwise constructed in accordance with the Travis County Code; and

(3) "Responsible Person" means the person owning or controlling an object and is presumed to be the owner of fee simple title to land underlying or abutting the right of way where the object is located.

(b) No object may be placed or constructed within the right of way of a county road unless the person responsible for the object demonstrates that it does not make the roadway impassible, hazardous, or otherwise inconvenient to the public in the use of the roadway.

(c) An object makes the roadway impassible, hazardous, or otherwise inconvenient to the public in the use of the roadway if it:

(1) is located within a clear recovery area setback defined in Exhibit 82.210, except for mailboxes placed or constructed as provided in Subsection (d),

(2) restricts sight distance to below minimum stopping sight distances based on American Association of State Highway and Transportation Officials (AASHTO) guidelines;

(3) renders a pedestrian way non-compliant with applicable federal or state standards for accessibility under Title II of the Americans with Disabilities Act or Chapter 469, Government Code;

(4) restricts, redirects, or blocks drainage, or interferes with the maintenance of drainage ways; or

(5) prevents reasonable access for utilities.

(d) A mailbox may be permitted within a clear recovery area setback only if it complies with the following criteria:

(1) The mailbox structure shall not consist of masonry or concrete.

(2) Mailbox structures shall comply with AASHTO's Roadside Design Guide, Section 4.6.5 Mailbox Supports, and Federal Highway Administration (FHWA) standards.

(3) Mailbox supports shall:

(A) if wood, be no greater than either 4-inches by 4-inches if square or 4-inches in diameter if round.

(B) if metal, have a strength no greater than a 2-inch diameter standard strength steel pipe; and

(C) not be embedded more than 24 inches into the ground nor set in concrete, unless the support design has been shown to be safe by crash tests.

(4) Mailbox-to-post attachments shall be designed and constructed to prevent mailboxes from separating from their supports under vehicle impacts.

(e) The Executive Manager may grant an exception to the clear recovery area setbacks for an object if the Executive Manager determines it will be adequately shielded by guardrails, barriers, or other devices so as not to be a hazard to public safety.

(f) An object otherwise permissible under this section may be prohibited if the County owns full fee simple title to the right of way and the Executive Manager determines that permitting the object is not in the best interests of the County.

(g) Objects not conforming to the requirements of this section that were located within county right of way before the effective date of this section are permitted subject to the following conditions.

(1) No structural alteration of or addition to a non-conforming object is permitted except in conformity with all applicable provisions of the Travis County Code.

(2) If any non-conforming object is damaged or destroyed by any means, repair or reconstruction is not permitted except in conformity with all applicable provisions of the Travis County Code.

(3) If the county determines that the non-conforming object renders the roadway impassible or unreasonably inconvenient or hazardous to the public, it is subject to removal at the expense of the person responsible for the object.

(h) Upon identifying a non-conforming object, the Executive Manager shall notify the responsible person by posting a notice on site or delivering it by certified mail and shall record the notice in the Official Public Records of Travis County.

(i) If necessary to accommodate public safety or roadway improvements, all objects within county right of way are subject to removal at the expense of the

responsible person. When issuing a permit under Section 82.901 for an object under this section, the Executive Manager shall include a notice informing the permitee that the county reserves superior rights over the right of way and shall record the notice in the Official Public Records of Travis County.

(j) As a condition of issuing a permit under Section 82.901 for an object under this section, the County may in its discretion require the responsible person to execute a license agreement under Section 82.701 containing terms acceptable to the County regarding liability for and maintenance and removal of the object or other matters the county deems necessary. If the responsible person does not execute the license, the county may deny the permit.

82.212 Water and Wastewater Availability Exceptions

(a) A subdivision of five or fewer residential lots averaging two or more acres per lot is exempt from Sections 82.213 through 82.216 and Section 82.203(b)(20)(A) through (E) if:

(1) the owner has an agreement with a corporation, district, or other entity to supply the subdivision with surface water; or

(2) the drilling of more than one well on each lot is prohibited unless approved by the County;

(3) the applicant provides the information required by 82.214(b)(i), Water Availability-Special Requirements For Groundwater.

(4) a rainwater harvesting system providing storage of at least 2500 gallons of potable or nonpotable water is installed on each lot when a structure is erected there;

(5) further subdivision of lots is prohibited five years following the filing of the plat; and

(6) the use of groundwater from a well in the subdivision to supply land outside the subdivision is prohibited, except in the event of fire or other emergency the County determines to be temporary.

(b) A subdivision is exempt from Section 82.214, Water Availability-Special Requirements for Groundwater, if it will be supplied by Manville Water Supply Corporation and does not include groundwater from a well drilled after the effective date of this section in an aquifer that underlies Travis County.

(c) Sections 82.213 through 82.216 do not apply to a subdivision for which a complete preliminary plan or final plat application is filed before the effective date of this section unless land in the subdivision is further divided to increase the number of lots, parcels, or other units of development included in that application.

82.213 Water and Wastewater Availability Service Plan

An applicant for approval of a subdivision shall submit a water and wastewater service plan approved by a qualified engineer demonstrating that adequate water and wastewater service will be available to all parts and phases of the subdivision, including the minimum information listed in this section. If wastewater will be treated by onsite sewage facilities, the wastewater elements of the plan may be satisfied by submitting planning materials required by Chapter 48, Rules of Travis County for Onsite Sewage Facilities.

(1) An estimate of the amount of water demand and the amount of wastewater that will be treated and managed throughout all phases of development, supported by engineering calculations based on the anticipated timetable for full build- out.

(2) A description of the new or existing water and wastewater facilities required to serve the development, including the location of and a schedule for completing all new facilities and the plan for financing construction, operation, and maintenance of the facilities.

(3) The owner and operator of all water and wastewater facilities throughout all phases of development and the location of the subdivision with respect to any applicable certificates of convenience and necessity.

(4) If water or wastewater service is to be provided by a district, corporation, or other entity that has not been created as of the filing of the application, a detailed description of the timetable for creation of the entity and the proposed organization and boundaries of the district.

(5) Identification of the source(s) of water to be used in the subdivision. If the applicant does not own or otherwise control the source of supply, the County may require the applicant to obtain documentation certifying the availability of adequate supply from the entity owning or controlling the supply source.

(6) Any supply or service agreements that will be needed before water or wastewater service can be provided.

(7) If the demonstration of adequacy of service involves demand or use restrictions or limitations, restrictive covenants, utility provider rules, or other legally enforceable means of ensuring that the restrictions or limitations will be enforced so that use or demand does not exceed supply.

(8) If water or wastewater service will not be provided by a public system regulated by TCEQ, an operations and maintenance plan for the system.

(9) Documentation of compliance with requirements of all federal, state, and local laws regarding water or wastewater availability. Approval is conditioned on continued compliance with these requirements.

(10) For any subdivision with a centralized water system having 15 or more connections, a demonstration of compliance with Section 82.215, Water Availability-Fire Protection.

(11) For any residential subdivision with 15 or more units, a drought contingency plan including the following elements. The plan shall be consistent with LCRA drought planning standards for subdivisions in Western Watersheds and City of Austin drought planning standards in Eastern Watersheds.

(A) Ongoing public outreach and information for those subject to the plan.

(B) Ongoing coordination with regional water planning groups

(C) Defined drought or emergency response stages for implementation of measures in response to reduction in water supply in event of:

(i) a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; and

(iv) system outage due to failure or damage of pumps or other water system components.

(D) Information to be monitored by the water supplier and specific criteria for initiating and terminating drought response stages, including the rationale for those criteria.

(E) Specific, quantified targets for water use reductions during periods of water shortage.

(F) Specific water supply or demand management measures to be implemented during each stage of the plan, including:

(i) curtailment of nonessential water uses; and

(ii) use of alternative water sources and delivery mechanisms, such as interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.;

(G) Procedures for initiating and terminating each response stage, including public notification.

(H) Procedures for granting variances to the plan.

(I) Means and procedures for enforcement of mandatory water use restrictions, including measures such as specifications of penalties for violations, such as water provider rules, restrictive covenants, fines, water rate surcharges, and discontinuation of service.

82.214. Water Availability Special Requirements for Groundwater

(a) Water service to a subdivision may not be supplied by groundwater from an aquifer underlying Travis County, except the Trinity or Edwards aquifers. Subdivisions using groundwater from the Trinity or Edwards aquifers shall comply with this section.

(b) The applicant shall provide a certification of groundwater availability meeting the requirements of Section 82.203(b)(20)(A) through (E). In addition, the engineer or geoscientist preparing the certification shall supplement it with a report containing:

(1) the results of a walking survey around the inside perimeter of the subdivision and along adjacent public roads to identify all groundwater wells within 1000 feet of the subdivision boundary;

(2) a list of the record owners of land within 1000 feet of the subdivision boundary and proof that the applicant delivered to each a County-approved questionnaire regarding groundwater wells;

(3) all information on groundwater wells within the subdivision and within 1000 feet of its boundary contained in TCEQ, TWDB, and TDLR records;

(4) GPS coordinates or equivalent data locating all identified wells;

(5) unless water will be supplied by a public system regulated by TCEQ, a certification that the quality of the water produced from the test well meets the standards in TCEQ rules at 30 TAC Sections 290.104, 290.106, 290.108, and 290.109 either without any treatment of the water or with treatment by an identified and commercially available water treatment system; and

(6) any necessary or appropriate lot layout, well location, or use restrictions.

(c) Preliminary plans and plats shall specify the layout of lots and the GPS coordinates or equivalent data for all wells supplying the subdivision in conformance with the groundwater availability certification.

(d) A well in the subdivision may not be located within 150 feet of the subdivision boundary without the consent of the adjoining landowner.

(e) Unless the Commissioners Court approves an update to the original groundwater availability certification proving that long term water supply to the subdivision is not adversely affected:

(1) after completion of the minimum number of wells needed to serve the subdivision, no additional well may be drilled in the subdivision;

(2) lots in the subdivision may not be further subdivided; and

(3) a well used to supply the subdivision may not be used to supply sources other than the subdivision, except in the event of fire or other emergency the County determines to be temporary.

(f) Owners of residential subdivisions with 15 or more units and owners of commercial subdivisions that will use over 100,000 gallons per month shall install County-approved water-level monitoring equipment on one of the wells and dedicate the equipment and an access easement to the County allowing the County to monitor, operate, maintain, and replace the equipment. In lieu of meeting these requirements, the owner of a centralized water system may enter into an agreement with the County in which the owner monitors, operates, maintains, and replaces the equipment on the County's behalf.

(g) This subsection applies to use of groundwater for common area features, such as water features and irrigation of landscaping, sports fields, etc.

(1) If a subdivision has centralized wastewater service, groundwater may be used for common area features only temporarily until a sufficient quantity of treated effluent is available. In the plan required by Section 82.213, Water and Wastewater Availability-Service Plan, the applicant shall include a plan for the phased replacement of that groundwater with treated effluent.

(2) In the certification required by Subsection (b) and the plan required by Section 82.213, Water and Wastewater Availability-Service Plan, the applicant shall account for use of groundwater for common area features.

(3) Use of groundwater for common area features shall be curtailed in the first stage of drought in which water use is restricted as defined in Section 82.213(10)(D), Water and Wastewater Availability-Service Plan.

(4) The volume of common area water features in a subdivision supplied by groundwater may not exceed two acre feet for an individual feature and six acre feet cumulatively.

82.215 Water Availability Fire Protection.

(a) Owners of residential subdivisions with 15 or more units supplied by a centralized water system and owners of commercial subdivisions shall provide the subdivision with a water supply, water storage facilities, water lines, and hydrants on firefighting apparatus access roads meeting the requirements of this section.

(b) For residential subdivisions:

(1) minimum fire flow and flow duration shall be 1000 gallons per minute for one hour at 20 pounds per square inch residual pressure;

(2) the maximum distance from any point on a street or road frontage to a hydrant shall be 250 feet ; and

(3) the average spacing between hydrants shall not exceed 500 feet.

(c) Hydrant spacing and minimum fire flow and flow duration for commercial subdivisions shall be calculated as required by Appendix B, International Fire Code.

(d) Water storage facilities must include permanent means for refilling the total storage volume within seventy two hours.

(e) Subdivisions shall include firefighting apparatus access roads meeting the requirements of the International Fire Code, as amended by Chapter 71, Travis County Code.

(f) In lieu of the requirements of this section, the Commissioners Court may approve other methods of fire protection if the applicant demonstrates it is necessary to avoid an undue hardship and the Travis County Fire Marshal determines it provides an equal or better level of fire protection.

82.216 Water Availability Protection of Surface and Groundwater Quantity and Quality[5]

(a) Except for subdivisions governed by Subsection (b), development intensity in subdivisions over the part of the Trinity Aquifer in a Western Watershed or over the Edwards Aquifer Recharge or Contributing Zone shall comply with this subsection.

(1) Impervious cover in a commercial subdivision shall not exceed 45%, except impervious shall not be limited if the subdivision:

(A) has its primary driveway access on a state road, or

(B) complies with Section 82.944(b)(3), Alternate Standards.

(2) Impervious cover in residential subdivisions shall not exceed 30%, except impervious shall not be limited if:

(A) the total number of lots in the subdivision does not exceed the number of acres in the subdivision; or

(B) the subdivision includes a conservation area meeting the conservation development requirements of Section 82.226, Conservation Area.

(b) Development intensity in a residential subdivision supplied by groundwater from the Trinity or Edwards aquifers shall comply with this subsection in lieu of Subsection (a).

(1) In subdivisions supplied by individual wells on lots, all lots shall be at least five acres in size.

(2) In subdivisions supplied by a centralized groundwater system:

[5] 82.216 amended 6/28/2016, Item 24.

(A) all lots shall be at least three acres in size; or

(B) the total number of lots shall not exceed the number of acres in the subdivision divided by four.

(c) Impervious cover under this section shall be calculated in accordance with Section 82.944(b)(3),Alternate Standards, Permanent Water Quality Control.

(d) The owner of land may file a master development plan under Section 82.201(b)(9), General Subdivision Procedures, that sets out phases of development for which different preliminary plan or final plat applications will be filed and that calculates development intensity based on total acreage in the master development plan.

At the owner's request, the Commissioners Court shall determine whether development intensity in the master development plan complies with this section.

If approved by the Commissioners Court, development intensity in individual phases of the master development plan may exceed the limits of this section if cumulative development intensity in all phases of the master development plan is restricted to comply with this section.

Subchapter C. [Conservation Development]

82.220 Conservation Development: Geographic Scope

This subchapter applies only outside the ETJ.

82.221 Conservation Development Agreement

(a) An owner that that intends to develop property pursuant to this subchapter shall enter into a conservation development agreement with the County. The agreement may be executed before the owner files a preliminary plan or final plat application for the property, but shall be executed no later than the earlier of either preliminary plan approval or final plat approval for the property.

(b) The conservation development agreement shall:

(1) require the property to be developed only in compliance with this subchapter as it exists at the time the agreement is executed;

(2) include a metes and bounds description of the conservation area by a registered public land surveyor;

(3) include such other provisions that the County determines are necessary to ensure compliance with this subchapter;

(4) constitute a conservation easement and covenant running with the property in favor of the County;

(5) include provisions for any conservation development incentive payments under Sections 82.237 through 82.241;

(6) be approved or amended only by the Commissioners Court; and

(7) be recorded in the Official Public Records of Travis County.

82.222 Conservation Development Application Process

(a) An owner proposing to enter into a conservation development agreement with the County and/or to file a preliminary plan or final plat application under this subchapter shall follow each step of the process below in sequence unless steps are combined by the Executive Manager.

(b) The owner shall prepare and submit to the Executive Manager preliminary drafts of an ecological assessment of and a conceptual land plan for the property meeting the requirements of the Conservation Development Design Manual.

(b) No sooner than fifteen (15) days after submitting the preliminary drafts of the ecological assessment and conceptual land plan, the owner shall meet with the Executive Manager and County staff in a pre-application meeting to acquaint them with the proposed development, including its ecological assessment and conceptual land plan, to obtain preliminary staff comments, and to identify major issues or needs for additional information. The Executive Manager may require the owner to visit the property with County staff.

(c) At any time after the pre-application meeting, the owner may file a preliminary plan or final plat application meeting the requirements of the Travis County Code and shall provide with it the following materials and information meeting the requirements of the Conservation Development Design Manual.

(1) Ecological assessment.

(2) Land plan delineating the conservation area and setting out planned development of the remainder of the property.

(3) Scenic View preservation plan.

(4) If historic structures or sites are located on the property, a historic site preservation plan and/or historic structure or relocation or preservation plan.

(5) Integrated pest management plan.

(6) Ecological assets management plan.

(7) Any variance, waiver, and exemptions requests.

(8) A list and copies of all legal documents necessary for the proposed development, including the following:

(A) Draft conservation development agreement, if not yet executed by the owner and the County.

(B) Conservation easement for the conservation area, if not yet executed by the owner and the County.

(C) Title commitment including copies of all relevant deeds, easements, etc., if not yet provided to the County.

(D) Conditions, Covenants and Restrictions.

(E) Excess or available creditable acreage or impervious cover transfer documents, with an accompanying narrative explaining the document's general provisions, purpose or justification.

(F) Property owners association documents, including charter, bylaws, and any architectural and landscape design standards.

(9) Any additional information required by the Executive Manager to demonstrate compliance with this subchapter.

(d) To be considered complete, an application filed under this subchapter must indicate that approval under this subchapter is sought and must include the items in Subsection (c). The Executive Manager shall issue an attachment to Exhibit 82.201(C) adding the items required under this section to the documentation and other information that must be submitted in sufficient detail for technical review of an application to begin.

82.223 Approval of A Conservation Development

(a) An application under this subchapter shall meet all requirements of the Travis County Code except as expressly or modified, waived, or exempted by this subchapter or the Conservation Development Design Manual. If a provision of this subchapter or the Conservation Development Design Manual is inconsistent or conflicts with any provision in another subchapter or chapter of the Travis County Code, the provision of this subchapter or the Conservation Development Design Manual shall control.

(b) Unless otherwise specifically authorized by the Commissioners Court, for a development project to receive approval under this subchapter, reserved uses must be prohibited by covenants, conditions, and restrictions or other means approved by the County.

(c) The conservation development agreement, preliminary plan and/or final plat application, and all items required to be submitted under Section 82.222(c) are subject to the approval of the County. to implement this subchapter and ensure both that development will comply with this subchapter and that the ecological, historic, and other values of the conservation area and buffers will be maintained, the owner must establish legally binding mechanisms, such as preliminary plan and plat notes, contracts, licenses, covenants, conditions, and restrictions, or property owners' association charters and bylaws enforceable by the County and other entities deemed necessary by the County. Historic structures or sites ranked as significant features in the ecological assessment may only be relocated or removed as approved by the County. A property owners association or other entity established in association with development of the property may be required to hold a license or enter into another contract for the operation and maintenance of

the stormwater management facilities and/or the maintenance of the conservation area and historic and rural buffers.

(d) If the Executive Manager determines that a preliminary plan or final plat application meets all requirements of the Travis County Code, the Executive Manager may approve it administratively. If the application is for a final plat, it is not subject to Section 82.201(b)(3)(A).

(e) If the Executive Manager determines that a preliminary plan or final plat application meets all requirements of the Travis County Code except for one or more matters for which the owner requests an administrative variance under Section 82.225, the Executive Manager may proposed to approve the application administratively by sending written notice of proposed approval to the Commissioners Court. If the application is for a final plat, the Executive Manager shall send the notice when the determination under Section 82.201(b)(3)(A) is made and the Executive Manager's proposed approval becomes final if the Commissioners Court does not approve or deny the application within fifteen (15) days of such notice. For preliminary plans, the Executive Manager's proposed approval becomes final if the Commissioners Court does not approve or deny the application within thirty (30) days of such notice.

(f) The Executive Manager may administratively approve amendments to a preliminary plan or final plat approved under this subchapter as provided in Subsections (d) and (e).

82.224 Administrative Adjustments to Conservation Area

(a) If it furthers the purposes of this subchapter and neither increases the size of the owner's proposed conservation area nor imposes an unreasonable economic hardship on the owner, the Executive Manager may require the adjustment or modification of the proposed design or configuration of a conservation area to:

(1) include preferred ecological or cultural features;

(2) maximize the ecological value of habitat areas;

(3) improve the connectivity of the conservation area with current or potential conservation and open space on adjacent land;

(4) assure the conservation area furthers implementation of or is consistent with this subchapter and/or the Travis County Parks and Natural Areas Master Plan;

(5) reduce conservation area ecological fragmentation and provide for or improve the connectivity of conservation area within the property;

(6) improve the alignment and continuity of design of the conservation area;

(7) improve the efficiency and/or effectiveness of management of the conservation area;

(8) improve the sustainability of the conservation area and/or protect it from undesirable or unmanaged access and use; or

(9) mitigate unintended consequences arising from conflicts between provisions of this subchapter, the Conservation Development Design Manual and/or other regulatory requirements.

(b) The owner may appeal adjustments or modifications to the Commissioners Court.

82.225 Administrative Variances

(a) An owner requesting a variance shall submit a written request to the Executive Manager that specifies the nature of the variance and the justification for the variance.

(b) The Executive Manager may grant the following variances administratively.

(1) The conservation area may be in more than one contiguous or noncontiguous tract or lot or may be provided under a conservation easement on developable but undeveloped land not included in the subdivision.

(2) Storm water credit for impervious cover calculations as provided for in the Lower Colorado River Authority Highland Lakes Watershed Ordinance and related technical manual may be granted for developments utilizing porous and permeable cover, rainwater harvesting and disconnection of roof top runoff techniques.

(3) Historic buffers may be reduced to fifty (50) feet if access is controlled by measures approved by the Executive Manager based on specific property/site considerations.

(4) Maximum percentage of primary conservation area that may be included as creditable acreage in the conservation area may be increased up to twenty-five percent (25%) to include on-site endangered species habitat or floodplain area that if excluded could render development of the property as a conservation development infeasible.

(5) The minimum percentage of significant features required to be included in the conservation area may be reduced by up to one third based on specific site specific considerations.

(6) Minimum requirements for a conservation area lot or buffers may be reduced based on site specific considerations for a property that is less than forty (40) acres in total size and is not within a preferred commercial development area as follows.

(A) Minimum conservation area size may be waived.

(B) Requirements for conservation area width in excess of one hundred and fifty (150) feet may be waived.

(7) Secondary conservation areas may include recreation space up to twenty-five percent (25%) of the secondary conservation area portion of the conservation area if the recreation space will use significant volumes of harvested rainwater, grey water or wastewater effluent for its irrigation.

(8) Wastewater disposal may be included in a secondary conservation area, excluding recreation space, up to twenty-five percent (25%) of the of the conservation area to accommodate preservation of existing vegetation or fit topographic or soil conditions.

(9) Environmentally valuable feature buffer zones may be adjusted in size and configuration due to drainage and topographic considerations.

(10) The number of dwelling units, including single-family dwelling units, served by a joint use driveway under Section 82.302(c)(10) may be increased based on site specific considerations.

(11) The height limit for non-commercial buildings in the definition of reserved uses may be increased up to no more than forty (40) feet if the building is more than two hundred (200) feet from the boundary of the property and the Executive Manager determines that it will not materially and detrimentally affect a scenic view or view shed.

(12) Rural and historic buffer sizing requirements may be reduced by up to forty percent (40%) if the Executive Manager determines either that another vegetative screening buffer is additionally required along the same property boundary or right-of-way as a rural buffer, or the reduced buffers will adequately maintain the area's rural character due to the topography and/or type and level of native vegetation screening the property's development.

(13) The maximum percentage of conservation area that may be comprised of rural and historic buffers may be increased to a maximum of ten percent (10%) of the total conservation area.

(14) Rural buffer spacing requirements for driveways for commercial developments may be reduced if the Executive Manager determines the reduced spacing requirements will adequately maintain the area's rural character and adequate provisions have been made to retain/protect rural buffers and traffic flow will be improved without impairing the public safety.

(15) Road and driveway design standards in the Conservation Development Design Manual may be utilized within a preferred commercial development area if a civil or traffic engineer demonstrates public safety will not be compromised and that the standards are as appropriate as normally applicable road and driveway standards.

(16) Recreation space may be accepted in place of parkland as creditable acreage for commercial developments based on site specific considerations.

(17) Application process and submittal requirements may be waived if deemed unnecessary to meet the intent of this subchapter or duplicative.

(18) Conservation area may be approved as having met the requirement for preservation of significant features in the ecological assessment if it substantially fulfills the purpose and intent of this subchapter.

(c) To grant an administrative variance, the Executive Manager must find that:

(1) the variance will improve the overall functionality of development on the property;

(2) the variance will maintain or improve the overall functionality, viability, or sustainability of the conservation area;

(3) the variance is consistent with overall purpose and intent of or will resolve a conflict between a provision of this subchapter or the Conservation Development Design Manual and a provision of the Travis County Code, the Travis County Parks and Natural Areas Master Plan, or other regulatory requirements;

(4) the variance is the most reasonable and practical alternative available to fulfill the overall purpose and intent of this subchapter; and

(5) all necessary and appropriate conditions or requirements have been imposed to mitigate any potential detrimental effects of the variance.

(d) In determining whether to grant a variance the Executive Manager may also consider:

(1) the configuration of the conservation area and the extent to which it furthers implementation of or is consistent with the Travis County Parks and Natural Areas Master Plan or the Conservation Development Design Manual;

(2) the extent to wastewater from the development will be disposed of using drip irrigation;

(3) the extent to which the development will apply landscape conservation measures;

(4) the extent to which parks, recreation space, rural buffers, roadway or other landscaping is irrigated using wastewater, grey water or harvested rainwater;

(5) the extent to which public access is provided to the conservation area;

(6) the extent to which the ecological assets management plan, including any financial security provisions, exceeds minimal requirements; or

(7) the extent to which the development employs design features or elements that are consistent with the characteristics or guidelines for sustainable communities, including new urbanist or traditional development concepts.

(e) The owner may appeal the denial of administrative variance request to the Commissioners Court.

82.226 Design Requirements: Conservation Area

(a) Except as provided in Subsection (b), a development shall include a conservation area:

(1) that is at least twenty (20) acres;

(2) at least half of which is at least three hundred (300) feet wide;

(3) that is at no point less than one hundred and fifty (150) feet wide, except where there are contiguous rural or historic buffers;

(4) that includes at least seventy-five percent (75%) of the significant features ranked in the ecological assessment; and

(5) that includes creditable acreage equal to at least fifty percent (50%) of the total acreage of the property.

(b) A commercial development in a preferred commercial development area shall include a conservation area:

(1) that is at least two (2) acres;

(2) that is at no point less than one hundred (100) feet wide;

(3) that includes at least forty percent (40%) of the ranked significant features identified in the final ecological assessment, provided that if any part of the conservation area is public commons not contiguous to the property, it must include at least seventy-five percent (75%) of such features; and

(4) that includes creditable acreage equal to at least thirty percent (30%) of the total acreage of the property.

(c) Fee simple title to the conservation area and historic or rural buffers must be held by the owner, the property owners association for the development, or another entity approved by the County. The conservation easement encumbering the conservation area shall be held by the County, either individually or jointly with another entity approved by the County.

(d) The conservation area shall be managed and maintained by the owner, the property owners association for the development, or another entity approved by the County according to the final ecological asset management plan meeting the requirements of the Conservation Development Design Manual. Buffers not included in the conservation area shall be controlled and

managed by the owner, the property owners association for the development, or another entity approved by the County.

(e) Access to all parts of the conservation area must be provided to the County, any other conservation easement holder, and the managing entity and must meet the requirements of the Conservation Development Design Manual.

82.227 Design Requirements: Creditable Acreage

(a) All acreage within the conservation area upon which all development activities inconsistent with this subchapter are prohibited and that is outside primary conservation areas and buffer zones required under this subchapter is creditable acreage.

(b) The conservation area may include or encompass the areas described below, but such areas constitute creditable acreage only to the extent set out below.

(1) Primary conservation areas shall be creditable acreage only to the extent they do not exceed fifty percent (50%) of the conservation area.

(2) Areas encumbered by rights-of-way, access or utility easements, or other areas where alteration or disturbance of land or vegetation is not prohibited are allowed, provided they do not overly fragment the conservation area and there is a contiguous buffer of at least twenty-five (25) feet from the outermost limit of the area of alteration or disturbance in which development that is incompatible with the conservation area's natural character and planned uses is prohibited. Such areas are not creditable acreage. The Executive Manager may administratively waive the foregoing buffer requirements for a commercial development where the conservation area is public commons.

(3) Areas where impervious cover is not prohibited if compatible with the conservation area or where impervious cover already exists are allowed, provided they do not overly fragment the conservation area and there is a contiguous undisturbed buffer of at least twenty-five (25) feet from the outermost limit of the impervious cover that in which development that is incompatible with the conservation area's natural character and planned uses is prohibited. Such areas are not creditable acreage. The Executive Manager may administratively waive the foregoing buffer requirements for a commercial development where the conservation area is public commons.

(4) Recreation space is allowed within a secondary conservation area and shall be creditable acreage only to the extent it does not exceed ten percent (10%) of the conservation area.

(5) Wastewater disposal is allowed within a secondary conservation area that is either recreation space or a rural buffer and shall be creditable acreage only to the extent such areas, including regulatory setbacks, do not exceed five percent (5%) of the conservation area within a

western watershed and ten percent (10%) of the conservation area within an eastern watershed.

(6) Rural or historic buffers contiguous to the conservation area shall be creditable acreage to the extent they have a consistent width of at least one-hundred and fifty (150) feet. For commercial development in preferred commercial development areas, historic buffers contiguous to the conservation area shall be creditable acreage to the extent they have a consistent width of at least fifty (50) feet. Rural or historic buffers with less than the foregoing widths or that are allowed to be noncontiguous to the conservation area shall be creditable acreage only to the extent they do not exceed five percent (5%) of the conservation area.

(7) For commercial development in preferred commercial development areas, public commons are allowed and constitute creditable acreage as described in and if they meet the requirements of Section 82.226(b)(3).

(8) Trails approved by the Executive Director and meeting the requirements of the Conservation Development Manual may be included in the conservation area and are creditable acreage.

(c) Creditable acreage requirements may be met through the transfer of creditable acreage from another development approved under this subchapter that exceeds the minimum creditable acreage requirements of this section as provided in Section 82.236. However, for a commercial development in a preferred commercial development area receiving transferred credits, no more than twenty-five percent (25%) of the creditable acreage may be provided through transfers.

82.228 Design Requirements: Rural and Historic Buffers

(a) For single family or duplex residential, a rural buffer at least seventy-five (75) feet wide shall be established:

(1) along the entire boundary of the property; and

(2) on both sides of any road passing through the property that is identified either in the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Plan or by the Executive Manager as an existing or potential arterial or collector.

(b) Rural buffers shall remain undisturbed except as provided in this subsection and shall be maintained and restored to the maximum natural vegetative state practicable to maintain the general rural or natural appearance of the property and roadways. Restoration may include landscaping with native plants and irrigation to improve screening of development from adjacent property and roadways. No development shall be allowed within a rural buffer except for directional or project entry signs, crossings by underground utilities, trails,

drainage facilities, and driveways running generally perpendicular to a road or the property boundary and that are spaced not less than three hundred (300) feet apart.

(c) A historic buffer at least one hundred (100) feet wide from the edge of the site shall be established around all preserved historic or archeological sites ranked as significant features in the ecological assessment. No development shall be allowed in a historic buffer, except that wastewater disposal and trails may be approved by the Executive Manager.

(d) Natural vegetative cover within rural and historic buffers shall be retained and/or restored and enhanced to the maximum extent practicable. Rural buffers may be improved with the addition of native trees or other native vegetation and irrigation systems so as to obscure the property' s buildings and other structures to the maximum extent practicable.

(e) Rural or historic buffers shall not be included in single-family or duplex residential lots.

82.229 Design Requirements: Impervious Cover

(a) Impervious cover shall not exceed fifteen percent (15%) of the property's acreage for single family and duplex residential development and forty-five percent (45%) for commercial development in a preferred commercial development area.

(b) The following shall not be considered as impervious cover:

(1) Trails within a conservation area that meets the requirements of the Conservation Development Design Manual.

(2) Historic or archeological sites or structures, including remnants such as stone walls

(c) Impervious cover requirements may be exceeded through the transfer of impervious cover credits from another development approved under this subchapter that has impervious cover less than the requirements of this section, as provided in Section 82.236. However, for a commercial development in a preferred commercial development area receiving transferred credits, the impervious cover requirements of this section may not be exceeded by more than five percent (5%).

82.230 Design Requirements: Roads and Driveways, Landscaping, and Recreation Space

(a) Road and driveway standards in the Conservation Development Design Manual shall apply to applications under this subchapter that are outside of a preferred commercial development area.

(b) Standards for landscaping and recreation space uses in the Conservation Development Design Manual shall apply to applications under this subchapter.

82.231 Design Requirements: Energy Conservation

(a) Residential construction, including expansions and reconstruction but excluding purely cosmetic remodeling, shall achieve at least a fifteen percent (15%) energy use savings above the State of Texas Energy Code requirements or shall be in attainment of the minimal standards of the Environmental Protection Agency's Energy Star program.

(b) Non-residential construction, including expansions and reconstruction but excluding purely cosmetic remodeling, shall achieve at least a twenty percent (20%) energy use savings above the State of Texas Energy Code requirements.

(c) All construction, including residential and commercial expansions and reconstruction and all remodeling, shall comply with the Dark Sky Lighting Standards in the Conservation Development Design Manual.

82.232 Design Requirements: Water Conservation

(a) All new construction, including residential and commercial expansions and reconstruction but excluding cosmetic remodeling, shall achieve at least fifteen percent (15%) indoor water use savings above the Environmental Performance Standards for Plumbing Fixtures, Chapter 372 of the Texas State Health and Safety Code or any applicable plumbing or fire code requirements of cities, counties, river authorities, or other entities authorized to regulate development of the property.

(b) Plumbing fixtures shall comply with the following, unless otherwise approved by the Executive Manager.

(1) Toilets shall be selected from the City of Austin's Water Conservation Program Rebate Toilets list.

(2) Total flow rate for multiple shower heads installed in a shower enclosure shall not exceed 2.75 gallons of water per minute.

(3) All newly installed landscape and landscape irrigation systems shall be installed to meet the criteria or requirements in the Conservation Development Design Manual.

82.233 Design Requirements: Materials Conservation

(a) All new construction (building envelope, framing and flooring), including expansions and reconstruction but excluding cosmetic remodeling, shall be constructed of at least ten percent (10%) by value of recycled or reclaimed post-consumer content material or materials manufactured from rapidly

renewable resources (renewable within ten years). Pre-consumer content material may be used to meet this provision but shall receive half credit for the value of the material used. At least ten percent (10%) by value of all new wood base materials shall be Forest Stewardship Council certified forest products.

(b) The builder shall employ construction practices to ensure diversion of at least fifty percent (50%) of construction debris from landfills.

82.234 Design Requirements: Alternative Standards

(a) In lieu of the requirements of Sections 82.231 through 82.233, new residential construction may comply with the standards established to achieve the conservation levels identified above by any of the following entities or programs.

(1) National Association of Home Builders (NAHB) Green Building Guidelines or any one of the NAHB approved Texas programs for Dallas, Houston, or San Antonio.

(2) U.S. Green Building Council, LEED Homes Program.

(3) City of Austin, Austin Energy Green Building Program residential one star rating.

(4) Green building programs approved by the Executive Manager as substantially meeting the standards of this subsection.

(b) In lieu of the requirements of Sections 82.231 through 82.233, new commercial construction may comply with the standards established to achieve the conservation levels identified above by any of the following entities or programs.

(1) U.S. Green Building Council, LEED certification.

(2) City of Austin, Austin Energy Green Building Program for Commercial Buildings.

(3) Green Globes Environmental Assessment and Rating System.

(4) Green building programs approved by the Executive Manager as substantially meeting the standards of this subsection.

82.235 Resource Conservation Verification

(a) The builder shall submit calculations, plans or other documentation acceptable to the Executive Manager showing/verifying that the building design and/or proposed installations of resource conserving materials, fixtures, appliances and equipment as well as all materials conservation activities will meet the resource conservation requirements of this subchapter; said calculations, plans or other documentation shall be sealed by a qualified engineer or architect or certified by a builder registered with the Texas

Residential Construction Commission as designed to achieve the resource conservation requirements of this subchapter; all items to be constructed and/or installed to meet the calculations, plans or other documentation requirements shall be included on a builder's check list that shall be included in the builder's construction and/or sale contract representation and warranty provisions and for use in verification of installation by the final owner.

(b) During site development and building construction a copy of the builders check list shall be maintained at the development and/or building construction site; the applicant/owner will assure that the developer/builder has designated and assigned an individual to act as verification officer for the site/building to confirm receipt and installation of the item contained on the builders check list and to prepare, collect and retain all documentation necessary to verify compliance with the resource conservation provisions of this subchapter; the owner or the designated verification officer shall provide a copy of the builder's check list to the owners association, if applicable, at least fifteen (15) days prior to initiation of construction of the building; copies of calculations, plans or other documentation for any and all resource conservation activities not included in the builder's checklist will be provided to the owner/buyer and, if applicable, the owners association at least fifteen (15) days prior to initiation of construction of the building.

(c) A permanent certificate completed by the builder or registered design professional shall be posted on or in the electrical distribution panel of a building; The certificate shall list the predominant R-values of insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawlspace wall and /or floor) and ducts outside conditions spaces; U-factors for fenestration and the solar heat gain of coefficient (SHGC) of fenestration; and efficiency of heating, cooling and service water heating equipment; where there is more than one value for each component, the certificate shall list the value covering the largest area.

(d) At or prior to the purchase or final acceptance of any new construction, including expansions or re-constructions or remodeling if applicable, by a final owner, the developer or builder of the new construction and the verification officer shall certify to said owner and, if applicable, related owners association in writing the construction or installation, and operation if applicable, and/or completion of all conservation measures necessary to meet the provisions of this subchapter for new construction. Certifications of commercial buildings shall be sealed by the buildings architect and/or engineer as having been constructed in compliance with the builders check list. All certifications shall have attached the original labels from all items installed/utilized to meet the resource conservation provisions of this subchapter as listed on the builder's check list. All other documentation of required resource conservation activities, including manifests verifying all related construction debris diversion activity, will also be attached to each certification or, in the case of activities applicable to multiple owner/buyer construction projects, provided to the owners association. The certification shall be signed and dated by the final

owner as their acceptance and confirmation of the construction, installation and operability of the conservation measures and meet any requirements of the Conservation Development Design Manual. The developer/builder or the designated verification officer shall provide a copy of the final signed certification to the owner/buyer and, if applicable, the owners association no later than fifteen (15) days from its issuance and final signing, the owners/buyers certification shall include all original attachments.

(e) At the request of the County the property owners association shall confirm its receipt of, and make available for review all accepted builders checklists and other resource conservation activity plans, final certifications or other documents verifying resource conservation activities, including multiple owner/buyer construction debris diversion manifests. The property owners association shall review all such documents upon receipt for correctness and completeness prior to accepting them as complete from the owner, builder or verification officer. All verification documents for activities not included in, or covered by a owners/buyers certification shall be reviewed by the property owners association to assure compliance with the developer/builder resource conservation calculations, plans or other documentation.

(f) For new or reconstructed single-family and duplex residential buildings the owner or builder shall inform the County of the impending sale or occupancy, whichever occurs earliest, no later than thirty (30) days prior to its occurrence. The County shall retain the right, but not be obligated, to verify the construction or installation, and operation if applicable, of any and all conservation measures proposed or planned in order to meet the provisions of this subchapter through a building inspection up to thirty (30) days following receipt of the builders notice. The County may inspect any and all verification documents up to twelve months from the date of original occupancy of any said building.

(g) For new or reconstructed commercial buildings, the County shall retain the right, but not be obligated, to verify the construction or installation, and operation if applicable, of any and all conservation measures proposed or planned in order to meet the provisions of this subchapter through a building and/or verification documents inspection up to twelve months from the date of original occupancy of any said building.

82.236 Process Incentives for Conservation Development

(a) A project for development of property that complies with this subchapter and the conservation development agreement between the owner and the County is a qualified project under this section. Incentives may be withheld at the discretion of the Executive Manager or Commissioners Court if the owner or the owner’s successor or assignee does not comply with terms of this subchapter or the conservation development agreement between the owner and the County.

(b) The Executive Manager shall designate and assign a lead staff reviewer for each application who shall assist in facilitating the timely processing and review of the application.

(c) A qualified project:

(1) shall be exempt from the park land dedication and/or fee-in-lieu requirements of the chapter;

(2) shall be exempt from the following fees:

(A) Preliminary Plan application fee;

(B) Long Form Plat application fee;

(C) Short Form Plat application fee;

(D) Construction Plan Review fee;

(E) Construction Inspection fee;

(F) Driveway in right-of-way permit fee; and may include statements identifying the project as an “Approved Travis County Conservation Development” or “Travis County Approved Conservation Development” in the property’s marketing materials and advertising.

(d) Except as provided in Section 245.004, Local Government Code, as amended, if the owner of property that is the subject of a qualified project also submits a master plan for an alternative project that meets the requirements of Section 82.201(b)(9) and the County provides the notice required in Section 82.102(b), and the County either breaches or fails to make any incentive payments under Sections 82.237 through 82.241 under the conservation development agreement, then the alternative project described in the master plan is not subject to changes to this code that occur after the effective date of the conservation development agreement if a complete preliminary plan application for the alternative project is filed within 180 days after the County has received notice of and then failed to cure any such breach or failure to pay.

(e) If a qualified project outside of a preferred commercial development area for which a preliminary plan or final plat application is approved under this subchapter has creditable acreage exceeding the minimum size required by Section 82.226, credit for such excess may be transferred to another project for which a preliminary plan or final plat application is approved under this subchapter, provided the receiving project is either (i) within the same watershed or contiguous to the sending project, or (ii) within a preferred commercial development area that is within the same eastern or western watershed as the sending project. Creditable acreage that constitutes primary conservation areas may not be transferred.

(f) If a qualified project outside of a preferred commercial development area for which a preliminary plan or final plat application is approved under this subchapter has impervious cover less than the maximum allowed by Section

82.229, credit for the increment between the actual and the maximum allowed impervious cover may be transferred to another project for which a preliminary plan or final plat application is approved under this subchapter, provided the receiving project is either (i) within the same watershed or contiguous to the sending project, or (ii) within a preferred commercial development area that is within the same eastern or western watershed as the sending project.

(g) If a qualified project within a preferred commercial development area for which a preliminary plan or final plat application is approved under this subchapter has creditable acreage exceeding the minimum size required by Section 82.226, credit for such excess may be transferred to a commercial project within the same preferred commercial development areas for which a preliminary plan or final plat application is approved under this subchapter. Creditable acreage that constitutes primary conservation areas may not be transferred.

(h) If a qualified project within a preferred commercial development area for which a preliminary plan or final plat application is approved under this subchapter has impervious cover less than the maximum allowed by Section 82.229, credit for the increment between the actual and the maximum allowed impervious cover may be transferred to a commercial project within the same preferred commercial development areas for which a preliminary plan or final plat application is approved under this subchapter.

(i) Transfers made under this section shall be certified by the Executive Manager as corresponding to the County's official calculation/record of impervious cover or creditable acreage available for transfer. The right to transfer unused impervious cover or creditable acreage under this section resides with the owner that entered into the conservation development agreement with the county unless otherwise assigned by the owner.

82.237 Incentive Payments for Conservation Development

(a) A project for development of property that complies with this subchapter and the conservation development agreement between the owner and the County is eligible for the incentive payments in Sections 82.238 through 82.241. Incentive payments shall be made to the owner only as provided in a conservation development agreement executed by the owner and the County.

(b) The owner's right to receive incentive payments is assignable. Acceptance of incentive payments is at the owner's option and approval of a preliminary plan or final plat application or conservation development agreement under this subchapter shall not be conditioned upon the acceptance of any incentive payment. The offer of financial incentive payments may be targeted at specific properties that are likely to maximize the potential for public benefits of a conservation development project. Incentives may be withheld at the discretion of the Executive Manager or Commissioners Court if the owner or

the owner's successor or assignee does not comply with terms of this subchapter or the conservation development agreement between the owner and the County.

(c) Incentive payments shall:

(1) be limited so that payments to be made in any fiscal year are subject to and will not exceed the funding available in that fiscal year's budget, and will be paid from funds budgeted or designated, if any, for that purpose in the County's operating or capital budget;

(2) no longer be offered after the earlier of either five (5) years after this subchapter is adopted or five (5) projects are given incentives, unless otherwise approved by the Commissioners Court, provided incentive payments under conservation development agreements executed before that date shall continue to be made;

(3) not exceed the estimated and/or appraised market value of the conservation easement granted to the County under the conservation development agreement; and

(4) only be provided to properties that prohibit reserved uses, unless otherwise specifically authorized by the Commissioners Court.

82.238 Annual Conservation Payments

(a) Beginning in the fiscal year commencing after execution of the conservation development agreement, the County may make an annual payment so long as the property remains undeveloped and under an agricultural or wildlife tax valuation. The annual payment shall:

(1) cease for all or any portion of the property that no longer has an agriculture or wildlife tax valuation; and

(2) be calculated by multiplying $6 times the minimum number of creditable acres Section 82.226 requires to be included in the property's conservation area.

(b) The term for annual payments shall:

(1) not exceed ten (10) years for properties equal to or greater than 4 acres and less than 50 acres;

(2) not exceed twenty (20) years for properties equal to or greater than 50 acres and less than 200 acres;

(3) not exceed thirty (30) years for properties equal to or greater than 200 acres and less than 500 acres; and

(4) not exceed forty (40) years for properties equal to or greater than 500 acres.

82.239 Lump Sum Conservation Payments

The County may make lump sum incentive payments in an amount calculated by multiplying $600 times the minimum number of creditable acres that Section 82.226 requires to be included in the property's conservation area and that is under an agricultural or wildlife tax valuation, but not exceeding $500,000. The lump sum payment shall be prorated per acre based on the acreage of the property outside the conservation area and will be paid within the first County fiscal year that commences after development of that acreage begins.

82.240 Ecological Assessment Reimbursement Payments

The County may pay an amount equal to reasonable costs and fees associated with conducting, preparing and reporting of an ecological assessment or conservation development design/plan recommendations, including conservation area design not to exceed $10,000. As a condition to any such payment, the Executive Manager shall review all such costs and fees both in advance and after they are incurred to confirm their eligibility for rebate and may establish guidelines or conditions for the reasonableness and appropriateness of such costs and fees.

82.241 Open Space Management Grant Payments

The County may pay an amount not to exceed $5,000 for actual costs incurred in managing a property's open space to preserve and enhance natural conditions according to an ecological assets management plan approved by the Executive Manager. Such payments are intended to assist with one-time or periodic costs associated with maintaining or protecting the ecological and water quality values of conservation area and must be applied for annually.

Subchapter D. [Engineering Standards]

82.301 General[6]

(a) General Engineering Standards. In order to insure the safe and proper construction design of new streets and the reconstruction of existing roadways, driveways, storm sewer and drainageways, construction drawing and specifications, prepared and certified by a Registered Professional Engineer licensed to practice in the State of Texas, shall be submitted for review and a development permit issued prior to commencement of land clearing and construction. The Final Plat should be under review by the County at the time construction plans are submitted. A copy of the proposed plat shall be included in the construction plans.

(b) General Engineering Design Process. A Development Permit application must be submitted to TNR. The application must be accompanied by:

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[6] 82.301 amended 6/28/2016, Item 24.

(1) two sets of the engineer's construction drawings for streets, site development, drainage, storm water pollution prevention plan (SWP3) and ESC Plan, permanent water quality control, water supply, wastewater, and roadway signing and striping plan;

(2) one copy of the geotechnical report establishing pavement design standards based on City of Austin or AASHTO pavement thickness design for a full 20-year life;

(3) temporary and permanent erosion and sedimentation control methods for all areas disturbed by the construction included the ESC Plan; and

(4) an engineer's construction cost estimate signed and sealed by the same engineer who prepared the plans.

In addition, an engineer's summary letter shall be submitted outlining the nature of the project and any requests for the use of Other Standards from the design standards with justification for such applications. A traffic impact analysis will be required for developments that generate traffic volumes in excess of 1,000 vehicles per day. A traffic impact analysis may be required for developments which generate less than 1,000 vpd depending on the type of access proposed, single versus multiple, or if the County believes that existing boundary streets which are affected by the subdivision access will require improvements to maintain an acceptable level of service at the intersections of the subdivision access roads.

(c) Engineer’s Construction Plan Requirements. In addition to the construction plan requirements specified in this subsection, each application must include plan sheets prepared by a Texas-licensed professional engineer that comply with the applicable requirements of Section 82.935.

(1) Cover Sheet. Show the following.

(A) Subdivision name on cover sheet in one-half inch or larger letters (use same name as on the Final Plat)

(B) Legal description of property (lots, block, subdivision name, or acreage and survey name and number).

(C) Name, address, and phone number of Owner and engineering firm preparing plans.

(D) Name of watershed.

(E) Project location map which (i) clearly indicates precise location of the tract(s) on which construction will occur, (ii) is 4" x 4" minimum size with north arrow, and (iii) includes all off-site construction.

(F) TxDOT stationing for streets intersecting or adjacent to State maintained roadways and sign off block for driveway construction within State right-of-way.

(G) Tabulation sheet index.

(H) Legible Professional Engineer’s seal and signature.

(I) The following note: "The engineer who prepared these plans is responsible for their adequacy. In approving these plans, Travis County must rely upon the adequacy of the work of the design engineer."

(J) Review Blocks. See Exhibit 82.301A.

(2) General Notes Sheet. Show the following.

(A) Applicable Travis County General Construction Notes for subdivision and/or site development construction. See Exhibits 82.301B and 82.301C.

(B) Special Notes, where applicable. See Exhibit 82.301D.

(C) Construction Sequencing. See Exhibit 82.301E and Exhibit 82.301G.

(D) Standard details, where applicable.

(3) Erosion and Sedimentation Control (ESC) Plan Sheets. The ESC Plan Sheets shall be in accordance with Section 82.935(g).

(4) Drainage Layout Sheet. Show the following:

(A) Drainage layout of subdivision or site plan (scale: 1"=100') with north arrow to top or right of sheet, showing limits of construction as a distinguishable line.

(B) Existing adjoining street layout or other property adjacent to project (show adjacent subdivision names).

(C) Street names, lot, and block numbers and right-of-way lines.

(D) Location of all existing drainage structures on or adjacent to the project.

(E) Existing contours at two-foot minimal intervals.

(F) Individual drainage areas and upstream drainage areas based on improvements and final grading (distinguish these areas by heavy dashed lines).

(G) Size in acres, C, I, tc, and Q for 25- and 100-year storm for each specific drainage area based on pre- and post-development conditions.

(H) Arrows indicating drainage flow direction for streets and lots.

(I) Summation of Qs at pertinent points (street intersections, inlets, passing inlets, headwalls, control outlet structures, etc.).

(J) All low and high points.

(K) All street and lot fill areas (usually done by shading),

(L) Proposed and existing drainage facilities.

(M) All existing and proposed drainage easements as per Final Plat or by separate instrument, including volume and page information.

(N) Street ponding width for Q100 on all curb and gutter streets.

(O) Qs for 25- and 100-year storm as well as corresponding velocities leaving proposed streets onto surrounding property and entering proposed streets from surrounding property.

(P) and proposed 100-year flood plains for all waterways.

(Q) Minimum building slab elevations for lots on which the 100-year flood plain encroaches (only if elevations are not shown on approved/released final plat included with plans).

(R) The name of the engineering firm which prepared plans, the subdivision title, and the name or initials of the design engineer and checking engineer.

(S) Provide the following for each drainage area:

(i) Runoff calculations:

(aa) Flow distribution and percent that flows on street, over land, and in gutter.

(bb) t_c (time of concentration, in minutes), A (drainage area, I_{25}, C_{25}, Q_{25}, I_{100}, C_{100}, and Q_{100}

(ii) For Inlet Design: (See Exhibit 82.301F)

(aa) Clogging factor required (R.F. %);

(bb) Inlet type (i.e., 10” Type I or I-4) as per detail;

(cc) Yo (depth of flow in gutter);

(dd) a (gutter depression at inlet throat);

(ee) Q total, Q at inlet, and Q bypass flows;

(ff) Inlet area (A), inlet number and slope

(gg) Inlet t_c;

(hh) Composite “C” value used, and

(ii) Q at inlet including bypass street width and street width inundation.

(iii) For Storm Sewer Design: t_c's, areas, composite "C" value (if a uniform time of concentration for the system is not used).

(iv) For Open Channel Design: Refer to Section 82.302 and COA-DCM

(T) Clearly show limits of construction.

(U) Legible professional engineer’s seal, signature, and date of signing.

(V) On non-curb and gutter streets, driveway culverts must be sized and specified in a table for each lot requiring one.

(W) Location of applicable city limits, governmental entity, or County lines.

(5) Street Plan and Profiles Sheets.

(A) Plan. Show the following:

(i) The street name.

(ii) North Arrow to top and right of sheets.

(iii) Stationing south to north or west to east with street layout directly over the profile stationing.

(iv) Scale: 1” = 20’, or 1” = 40’ for very large projects.

(v) Right-of-Way and paving dimensions (face-to-face of curb).

(vi) Lot numbers, block numbers, and frontage dimensions.

(vii) Street Names within respective right-of-way.

(viii) Existing or proposed easements and intersecting right-of-way.

(ix) Sidewalks as required by the Final Plat.

(x) Centerline “TIC” marks, every 50 feet.

(xi) Drainage facilities within or intersecting right-of-way and indicate stationing on both sides of inlets (show inlet type and label storm sewer lines; i.e., Line "A", M.H., etc.).

(xii) Existing drainage facilities as dashed lines.

(xiii) Drainage flow arrows, high and low points, inlet size, station, and elevation (also note Q flows in valley gutters).

(xiv) Match lines on street plan sheets for continuation of streets on other sheets.

(xv) As a minimum, a 50-foot or 100-foot extension of proposed streets and show proposed tie-in to existing streets.

(xvi) Sheet numbers for intersecting streets, and show full intersection, provide dimensions, and give street names.

(xvii) Stations equation along centerline intersections of streets.

(xviii) Barricades, if required.

(xix) Plan view must transpose directly above profiles stationing when possible (otherwise, center the midpoint of the curve on the sheet) (limits shown on the plan view must be the same as the limits shown on the profile).

(xx) Labeled asphalt valley gutter or concrete valley gutter (required if percent grade <1.2%) at intersections, where appropriate.

(xxi) Clearly show the beginning and ending of project.

(xxii) Limits of gutter depression by shading and showing stationing or dimensioning.

(xxiii) Clearly show all PC, PT, CC, or PRC stations and curve data.

(xxiv) All fill areas and shade area within lot boundaries.

(xxv) Horizontal curves conforming to the most recent Travis County street standards.

(xxvi) Legible professional engineer's seal, signature, and date of signing.

(xxvii) Include revision signature block on right-hand side of all revised sheets: (see Exhibit 82.301A in Appendix for cover sheet revision block).

(B) Profile. Show the following:

(i) Legend.

(ii) Even stations on heavy vertical division lines.

(iii) Even elevations in right and left margins.

(iv) Street profile for minimum of 50 feet beyond end of project (include property lines and proposed future grade and/or existing street grade).

(v) Show natural ground profiles at left and right right-of-way and street centerline.

(vi) Proposed top curb (TC) profiles a minimum of two line widths to stand out from other profile lines, or proposed centerline profile if curb and gutter is not proposed.

(vii) Proposed TC elevations (clearly identify right and left).

(viii) Proposed bar ditch flow lines, if applicable, for right and left ditch lines provide Q100, V100 water elevations. Design of channel erosion control, such as flexible liners or rip-rap, shall be in accordance with the standards in Section 82.970(c).

(ix) Identify and give elevations at all PC, PT, PRC, PCC, PVC, PVI, or PVT stations (show by circle or heavy dot).

(x) Vertical curves with the following information: curve length, PVI stations and elevation, tangent intercept, tangents and tangent grades (show elevations every 25 feet maximum along vertical curves) and design "K".

(xi) Curb returns PC, MID PT, PT, with tangent and grade past point of return.

(xii) Elevations every 50 feet (i.e., +00 and +50) along the street profile.

(xiii) Maximum curb split of 4% if applicable.

(xiv) Vertical curves shall be no less than 100’ long unless otherwise approved by Executive Manager.

(xv) Retaining walls showing start and end station and height elevations.

(6) Drainage Plan and Profiles Sheets. Show the following:

(A) Plan (Plan view must transpose directly above profile stationing.)

(i) Street layout and name, lot layout and numbers (where storm drainage occurs).

(ii) Drainage easements, stating recorded volume and page numbers or plat dedication note.

(iii) Storm drainage facilities. Label and give sizes (i.e., line "A-18" RCP, channel "B"-4' FB (Flat bottom), 2-10' x 6' MBC, etc.).

(iv) All horizontal PI, PC, PT, BEGIN and END stations and pipe and/or channel intersection equations.

(v) All inlets, Q at inlets, Q passing inlets, and flow lines.

(vi) PI deflection angle in degrees.

(vii) North arrow to top or right of sheet and show scale (scale: 1"=50').

(viii) Any storm sewer assignments off right-of-way or centerline.

(ix) Channel and/or pipe riprap and type of headwalls (show erosion control measures: dissipater blocks, rock riprap, etc.). Provide exit velocities at end of pipe or channel. Permanent erosion control measures for storm water outfalls shall be designed using exit velocity and other applicable contributing factors in accordance with Section 82.970(c)(2).

(x) Beginning and end stations, for erosion control stabilization used for channels (label type of material to be used; e.g., dry stacked or mortared rock, channel matting or lining, drop structures, retards, etc.).

(xi) Bottom width, side slopes, concrete trickle or pilot channel, height of channel lining if used, maximum and minimum depth of channel, Manning's "n" value used, and station-to-station section of typical channels/scale section.

(xii) Note 100-year overflow swales over pipe system (when used) and give typical detail.

(xiii) Open channels with a minimum flat bottom width of six feet.

(xiv) Legible Professional Engineer's seal and signature.

(B) Profile. Show the following:

(i) Scales: horizontal (same as Plan), vertical-1/10th of horizontal scale.

(ii) Stationing proceeding from low end to high end and from left to right for channels or storm sewer lines.

(iii) Existing ground profile at proposed channel locations.

(iv) Top of bank left and right, and fill areas for channels.

(v) All stations and elevations at points of intersecting drainage lines, grade breaks, riprap, drop sections, toe of splash pads, toe of slope, beginning of slope, and beginning of riprap.

(vi) Q_{25}, $V2_5$, HGL_{25}, depth (d_{25}), Q_{100}, V_{100}, HGL_{100}, depth (d_{100}), and head losses (h) for each segment of channel.

(vii) Clearly show the beginning and end of construction and show stations for channels.

(viii) Flowline elevation every 50 feet maximum (i.e., +00, +50).

(ix) Top of curb elevations at inlets on storm sewer lines with HGL 100 elevation six inches (6") below inlet throat elevation.

(x) Grade of flowline (in %), and pipe sizes (label all pipes as RCP, CMP, etc., including class or gauge for storm sewer lines).

(xi) Q_{25}, V_{25}, HGL_{25}, depth (d_{25}), Q_{100}, V_{100}, HGL_{100}, depth (d_{100}), and head losses (h) and df (when pipe is flowing full) for storm sewer lines and bar ditches.

(xii) Stations and elevations at PI, PC, PT, grade breaks, intersecting lines, and beginning and end of construction for storm sewer lines.

(xiii) All riprap, headwalls, etc., at pipe ends.

(xiv) Full channel section at pipe ends when appropriate.

(xv) Flow spreader details for Qs at curb and gutter termination between construction phases.

(xvi) Existing and finished ground line and fill areas at pipe centerline for storm sewer lines.

(7) Detention Pond and Permanent WQC Sheets. Show the following:

(A) Detention.

(i) Drainage area map for detention ponds in plans.

(ii) Typical cross-section of ponds and water surface elevation for Q_{25}, and Q_{100}.

(iii) Summary table of supportive calculations for hydrology, hydraulics, hydrographs, control outlet structures; provide rating curve for outlet structure.

(iv) Concrete spillway for emergency berm overflows.

(v) Legible professional engineer's seal and signature.

(B) Permanent WQC plan sheets and plan details shall include all items required under the applicable water quality technical manual standards listed in Section 82.933.

(8) Construction Detail Sheet. Show the following:

(A) Typical pavement design cross-section (if not shown on individual street profile sheets).

(B) Manhole or junction box detail.

(C) Pipe end riprap or headwall details and safety end treatment for pipe ends within roadway clear zone.

(D) Channel lining.

(E) Culvert box and headwall details to meet City of Austin or TxDOT specification requirements for concrete strength and structural reinforcing.

(F) Traffic/pedestrian guard railing details within roadway right-of-way.

(G) Sidewalk and pedestrian ramp per ADA requirements.

(H) Other details as needed for construction.

(I) Legible professional engineer's seal and signature for nonstandard details.

(9) Cross-section Streets. Cross-sections shall be drawn for each street shown on the street plan and profile sheets.

(A) Stations. Cross-section will be at each 100-foot station on land where maximum ground grade is over ten percent (10%), at each 200-foot station for land where maximum ground slope is less than ten percent (10%), and at points of special interest. Cross section intervals may be increased or decreased depending upon topographic conditions and with TNR approval.

(B) Cross-section may be reviewed in lieu of typical cross-sections representing field conditions.

(10) Traffic Control Plan Sheet. A traffic control plan is required for any construction conducted in public right-of-way which may impede or has the potential to interrupt normal traffic flow. The following shall be shown on the plan:

(A) Street plan showing all traffic control devices, taper distances, and traffic flow diagram.

(B) If phased construction is proposed in order to maintain traffic flow through the project, a separate traffic control plan shall be provided for each phase.

(C) The traffic control plan must be consistent with the *Texas Manual on Uniform Traffic Devices*, 1980, as amended.

(D) The traffic control plan shall bear the signature and seal of a Texas Registered Professional Engineer for construction on designated arterial roads.

(11) Roadway Signing and Striping Plan. A roadway signing and striping plan shall be submitted along with the street plans.

All traffic control devices shall be fabricated and installed in accordance with the requirements of the *Texas Manual of Uniform Traffic Control Devices*. The plan shall show the locations of all traffic control devices including signs, striping, and pavement markers.

(12) Utility Plans. Plans for water and wastewater utilities proposed by the developer to be located within the County right-of-way shall be designed by a Texas Registered Professional Engineer and shall conform to the standards and specifications established for that particular utility. These plans must be submitted to TNR for review prior to beginning construction.

The County review of Utility Plans will be for the purpose of verifying that appropriate details are used for street cuts, and traffic control, utility placement within roadway rights-of-way, and to verify that utilities placed within flood plains meet Travis County Regulations for Flood Plain Management.

The Engineer-of-Record shall be solely responsible for the design of utility improvements. The County will not review utility plans for the purpose of verifying that the design is done according to relevant utility design standards.

(13) Americans with Disabilities Act (ADA). The Owner must submit a letter to the County from a Texas Registered Professional Engineer, an architect or other professional acceptable to the Texas Department of Licensing and Regulations, stating that the design of any public accommodations meets ADA requirements or a waiver to the requirements must be granted by the Texas Department of Licensing and Regulation prior to the release of a development permit as required in the Travis County Regulations for Flood Plain Management and Development Permits.

(d) Manufactured Home Rental Communities Minimum Infrastructure Standards

(1) Infrastructure Development Plan. The owner of a proposed manufactured home rental community must submit an infrastructure

development plan for approval. The plan must include the following elements:

(A) Water Supply. A public or community water supply system meeting the minimum requirements of the TCEQ or the local TCEQ approved water service provider. The documentation which verifies that the proposed water supply system has been reviewed and approved by the TCEQ or the local water service provider prior to receiving approval of the infrastructure development plan.

(B) Sanitary Sewer. A sanitary sewer system meeting the minimum requirements of the TCEQ or the local TCEQ approved wastewater service provider. On-Site Waste Water Facilities must be designed, constructed, and maintained in accordance with the requirements of Travis County Chapter 48, Rules for Travis County Texas For On-Site Sewage Facilities. The owner of the proposed manufactured rental home community must provide documentation which verifies that the proposed sanitary sewer system has been reviewed and approved by the TCEQ or the local wastewater service provider prior to receiving approval of the infrastructure development plan.

(C) Boundary Survey. A survey prepared by a Texas Registered Professional Land Surveyor identifying the proposed manufactured home rental community boundaries and any significant features of the community, including the proposed location of manufactured home rental community spaces, utility easements, and dedications of rights-of-way.

(D) Roadways and Drainage. Plans and specifications prepared by a Texas Registered Professional Engineer to provide adequate drainage in accordance with standard engineering practices and to provide for minimum standards for internal roads and streets which are reasonably necessary for ingress and egress by fire and emergency vehicles. The plans and specifications for drainage must meet the requirements of Sections 82.301 and 82.302, Travis County Standards for Construction of Streets and Drainage in Subdivisions, and the plans and specification for internal streets must be of all-weather construction and with a width necessary for simultaneous ingress and egress of fire and emergency vehicles.

(2) Approval of Infrastructure Development Plan. Not later than the 60th day after the date the owner of a proposed manufactured home rental community submits an infrastructure development plan for approval, the plan shall be approved or rejected in writing. If the plan is rejected, the written rejection shall specify the reasons for rejection and the actions required for approval of the plan. The failure to reject a plan within the 60 day period constitutes approval of the plan.

82.302 Street and Drainage Design[7]

(a) Guidelines for Inside ETJ. For subdivisions within the City of Austin ETJ, streets and drainage systems shall be designed and constructed using the latest edition of the City of Austin Transportation Criteria Manual, Drainage Criteria Manual, Standard Specifications Manual, Standards Manual, and the applicable provisions of the Environmental Criteria Manual.

(b) Guidelines for Outside ETJ. Urban, suburban, or rural subdivisions outside the City of Austin ETJ shall be designed using AASHTO (American Association of State Highway and Transportation Officials) Design Criteria, City of Austin Alternate Design Criteria, TxDOT Roadway Design Criteria, or criteria adopted by a municipality if that criterion is more stringent than County Standards.

Other County approved design and construction guidelines include, but are not limited to: ACI (American Concrete Institute); AASHTO "A Policy and Geometric Design of Highways and Streets", 1990; AASHTO "Standard Specifications for Highway Bridges", 1996; AASHTO "Roadside Design Guide"; Institute of Transportation Engineers "Guidelines for Urban Major Street Design" Texas Accessibility Standards, as adopted by the Texas Commission on Licensing and Regulation; Travis County Tree Preservation Policy; TxDOT Standard Specifications for Construction of Highways, Streets, and Bridges; the Texas Manual on Uniform Traffic Control Devices; and TxDOT Operations and Procedures Manual. Refer to Section 82.302(e) for drainage design guidelines.

Additional Design Guidelines may be approved by the County on a case-by-case basis.

(c) County Authority for Guidelines. In the event that the County does not have the authority to implement, institute, or enforce any portions of the referenced engineering standards, these Standards will be interpreted, administered, and construed as if such provisions were never a part of these Standards.

(d) Exceptions or Additions to Design Guidelines. Exceptions or Additions to Approved Roadway Design Guidelines for inside and outside of the City of Austin ETJ.

(1) Street Grades. Shoulder section roadways may have minimum centerline profile grades of 0.0%, if the bar ditches are provided with minimum flowline profile grades of 0.5% and the roadway has adequate cross-slope to drain stormwater away from the pavement. Vertical curves less than one hundred feet long should be avoided. The County Executive may, in accordance with section 82.971, approve alternative street grades using low hydrologic impact techniques in roadway projects.

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[7] 82.302 amended 6/28/2016, Item 24.

(2) Design Speed. A design speed of less than 30 mph may be allowed for local streets if supported by an engineering study satisfactory to the entity that will adopt speed limits.

(3) Super Elevation. Super elevation may be used in conjunction with curve radius to meet design speed requirements for suburban and rural subdivisions.

The maximum superelevation rate for suburban roadways will be limited to .04 ft/ft.

The maximum superelevation rate for rural roadways will be limited to .06 ft/ft. Special attention must be given to smoothly transitioning from the super elevated roadway to the intersecting roadway or driveway grades.

(4) Pavement Design Surface course HMAC pavement shall be as follows:

(A) Type "D" for local streets with ADT less than five hundred (500) unless the percent of the truck traffic is greater than eight (8) percent, then use Type "C". Type "C" for all other applications.

(B) All pavement for subdivisions outside the COA ETJ must be designed for 20 year life before first structural overlay.

The developer may post a Cash Security Agreement with the County for the costs of an intermediate structural overlay if the developer desires to stage construct the 20 year design life pavement structure.

(5) Where "T" intersections will result in jogs in street alignment the minimum offset in street centerline shall be 140 feet. The minimum separation between streets on the same side should be 280 feet.

(A) If the design of a road or street will not provide sufficient unobstructed area within the right-of-way to ensure safe travel, the road or street must be redesigned to provide sufficient unobstructed area within the right-of-way to ensure safe travel or sufficient unobstructed right-of-way to ensure safe travel must be provided, or acceptable roadway safety improvements will be required.

(B) Roadside clear zone areas shall be provided to the limits shown below. Barrier protection or approved break-a-way designs may be provided for obstacles which must be located within the required clear zone areas.

(C) The AASHTO Roadside Design Guide shall be used for determining the necessary clear zone distances for shoulder section roadways in all unincorporated areas of the County. Exhibit 82.302A. Clear zones for curb and gutter sections shall be per Table 1. Clear zone distances shall be increased as

Table 1 – Clear Zone Requirements for Curb and Gutter Roadways.

Design Speed	Clear Zone Distance
30 MPH or less	3.0' from face of barrier curb 7.0' from inside lip of laydown or mountable curbs
35 MPH or greater	Use same distance required for shoulder section roadways.

needed to provide the appropriate sight distances needed for intersections and driveways.

(6) Major Drainage Structures, Bridges, and Retaining Walls. The design for major drainage structures, bridges, or retaining walls must conform to AASHTO "Standard Specifications for Highway Bridges" or American Concrete Institute. Proprietary bridge, culvert, or retaining wall designs must be approved by the county on a case-by-case basis.

(7) Irrigation Systems. A License Agreement must be entered into to allow Irrigation Systems in the roadway right-of-way. Irrigation service and/or feeder lines located within two (2) feet of the back of curb or edge of shoulder shall be encased in a PVC sleeve to facilitate future maintenance and prevent saturation of the roadway base material in the event of leakage. This provision does not apply to the improvement of individual single family lots for which a separate Development Permit will be required.

(8) Turnarounds

(A) Permanent turnarounds shall meet the requirements of the City of Austin Fire Manual unless otherwise approved by TNR,

(B) Permanent or temporary turnarounds shall be required on all dead-end streets longer than 200 feet unless a waiver is approved by TNR.

(9) Lot Frontage

(A) For 12' wide driveways, lot frontage shall be at least 20' on curb and gutter streets or on shoulder section streets when "dip-style" driveways are used. The lot frontage on shoulder section roadways for 12' wide driveways when driveway culverts will be used shall be a least 30', and the driveways must be spaced at least 100' center-to-center when on the same side of the roadway. In all cases, the minimum lot frontage shall be such that the driveway radii do not encroach upon the access of adjacent lots.

(B) When joint use driveways are used, the minimum lot frontage may be reduced to a width to be approved by the County on a case-by-case basis.

(10) Joint Use Driveways. No more than 8 single family residences may be served by a single joint use driveway. The developer must include a plat note and provide dedication documents indicating that maintenance of the joint use driveway shall be the responsibility of the lot owners served by the joint use driveway. If more than 3 residences are to be served by a single joint use driveway, the following requirements shall apply.

(A) The developer must post fiscal for the construction of the joint use driveway prior to plat approval and must construct the

driveway during the construction of the streets within the same subdivision, or within the term of the fiscal instrument if no public or private streets are to be constructed within the subdivision. The driveway construction shall be subject to County inspection and obtain County approval before fiscal will be released.

(B) The developer must construct a driveway, designed by a professional engineer, to have all-weather surface and a pavement structure meeting at least private street standards. The driveway must be designed to have no more than 9 inches of water overtopping the driveway during the one-hundred year storm event as defined in Section 82.202(e)(3)(A)(ii).

(C) The developer must construct a turnaround meeting City of Austin Fire Criteria at the end of the driveway, or not further than 200 feet from the end of the driveway.

(D) The developer must obtain a written statement from the area fire service providers acknowledging their approval of the proposed joint use driveway.

(E) The joint use access easement will be required to be dedicated as a public utility easement and may be required to be dedicated as a drainage easement, unless access easement is to be combined as a public utility and drainage easement, the access agreement for the driveway must include a clause indicating that the driveway may be used by public service personnel and equipment for servicing public utilities.

(F) If the developer does not use a restrictive covenant to require home owners to park all vehicles off the joint use driveway surface, then the joint use driveway surface must be at least 24 feet wide. Otherwise, the driveway surface may be no less than 20 feet wide.

(G) The developer must erect signing indicating “private driveway” at the driveway entrance and include a plat note indicating that maintenance of the driveway will not be the responsibility of the County.

(e) Drainage

(1) Roadways outside the City of Austin ETJ may be designed in accordance with the City of Austin Drainage Criteria Manual or other design criteria to be approved by TNR.

(2) All roadways shall be designed such that the 100 year storm event shall be contained within the roadway right-of-way.

(3) Lot grading is the responsibility of the lot owner. A development permit is required for lot grading in accordance with the County’s Regulations for Flood Plain Management. Lots should be graded, when necessary,

so that the cross-sectional area between buildings may be considered as emergency overflows.

(f) Water Quality and Erosion Control. Permanent WQC design for roadways shall conform to Section 82.944. Designs for erosion and sediment control, sustainable roadways, native vegetation, and tree preservation for roadways and Rights-of-Way shall conform to Subchapter K of this chapter.

(g) Driveways

(1) Driveways onto curb and gutter streets inside the City of Austin ETJ shall be designed in accordance with the applicable regulations of the City of Austin.

(2) Driveways onto curb and gutter streets inside the ETJ of any other incorporated municipality may be designed in accordance with the standards of such municipality or the County Standards which are applicable outside of any municipality's ETJ, whichever are more stringent.

(3) Driveways onto curb and gutter streets outside the ETJ of any incorporated municipality shall be designed in accordance with the applicable regulations of the City of Austin, except that the following shall apply:

(A) Curb and gutter radius may be reduced to 3' for 12' wide driveways when lot frontage is limited to 20' wide;

(B) The requirement that driveways may not exceed 70% of the roadway frontage shall not apply;

(C) More than one driveway per lot may be allowed, if lot frontage exceeds 100'; and

(D) Multiple driveways for single lots should be spaced no closer than 100' center-to-center on shoulder section roadways and no closer than 50' center-to-center on curb and gutter section roadways;

(4) For shoulder section roadways, driveways should be located in accordance with City of Austin design standard 5.3.1 (J) or (K) of the City of Austin Transportation Manual.

(5) Driveways may be constructed with Portland cement concrete or hot mix asphalt concrete and they should be constructed for their full length and width between the edge of roadway and the right-of-way line. Dip-style driveways, as shown in Exhibits 82.302 B and C, should be used when roadway bar ditches are 18" or less deep measured vertically from the edge of roadway to the invert of the bar ditch. Driveway culverts should be used when bar ditches are greater than 18" deep.

(6) Pipe culverts must be constructed according to details shown in Exhibits 82.302 (D) and (E). Driveway pipe culverts should be sized to convey the storm event which the roadway bar ditch conveys.

(7) A proposal for a driveway shall provide appropriate construction controls that will reduce or eliminate erosion and sedimentation impacts of the project.

82.303 Street Name and Traffic Control Signs

(a) Street Names. Street names for new subdivision streets may be suggested by the subdivision Owner/Developer. Suggested names must be approved by City of Austin Enhanced 911 Computer Mapping Division prior to approval of the Final Plat.

(b) Installation of Street Signs Required. The Developer of a subdivision shall install the street name signs on new streets when they are constructed in accordance with this section of these Standards. The proper installation of these signs is a part of the required construction Standards of Travis County, and will be inspected for approval prior to the release of the Security.

(c) Installation of Traffic Signs Required. The Developer of a subdivision shall be responsible for installing any required traffic control sign or device. The fabrication and installation of such control signs or devices shall be completed in accordance with the *Texas Manual of Uniform Traffic Control Devices*. The Developer shall install traffic control signs, pavement striping, and pavement markers according to the plans which are to be submitted to the County for approval prior to approval of the Final Plat, or issuance of the development permit, if Alternative Fiscal is used.

(d) Street Name Sign Standards

(1) Street name sign assemblies shall be post-mounted with at least one assembly at each intersection of streets or roadways.

(2) Sign Faces. Sign blanks shall be double-faced so as to indicate street names on both sides. They shall be a minimum of 6 inches high and 18 inches to 30 inches in length as needed to adequately space 4-inch series "C" lettering. They shall be 0.80 gauge aluminum blanks with alodine finish and covered with green reflective sheeting with silver (white) copy and optional three-eighths inch (3/8") silver (white) borders. Designations such as Street (St), Road (Rd), etc., shall be standard abbreviations as indicated below.

(3) Standards Abbreviations. Standard abbreviations listed shall be used. Periods, hyphens, commas, and question marks are not to be included on standard faces.

ALLEY	ALLEY	PARKWAY	PKWY
AVENUE	AVE	PLACE	PL
BOULEVARD	BLVD	PLAZA	PLZ
CIRCLE	CIR	ROAD	RD
COURT	CT	SOUTH	S
DRIVE	DR	SOUTHEAST	SE
EAST	E	SOUTHWEST	SW
FREEWAY	FRWY	SQUARE	SQ
HIGHWAY	HWY	STREET	ST
HILL	HILL	TERRACE	TER
JUNCTION	JCT	THRUWAY	TWY
LANE	LN	TRAIL	TR
NORTH	N	WAY	WAY
NORTHEAST	NE	WEST	W
NORTHWEST	NW		

(4) Copy. Copy, both letters and numbers, shall be 4-inch size series "C" stroke as conforms to the "Standard Alphabet for Highway Signs" Manual and in accordance with the accompanying drawings. Block numbers, if desired, shall be placed in the upper right-hand corner of the sign face as shown in the drawings (See Figure 82.305A in Appendix).

(5) Mounting Hardware. The hardware shall consist of two (2) standard cast aluminum street name sign brackets, one post cap (lower) bracket for the more important roadway name and one crosspiece (upper) bracket for the less important roadway name. Bracket hardware shall lock securely to post and to sign blanks with Allen-type screws. Sign blanks shall be positioned when mounted so as to have their faces parallel to the roadway they name.

(6) Posts. Posts shall be two-inch (2") galvanized steel pipe of 0.065 minimum gauge securely set and tamped or cemented in place with top of post seven feet (7') above the edge of roadway surface.

(7) Placement. The street name sign assembly should be placed on a post and located two feet (2') behind the curb on curbed roadways or six feet (6’) to ten feet (10’) beyond the edge of the pavement on non-curbed roadways. It should be placed as near as possible to the tangent point of the edge of the less important roadway with the radius at the curve at the intersection. (Figure 82.305B in Appendix)

(8) Conflicts between Standards. The *Texas Manual of Uniform Traffic Control Devices* shall override these Standards when a conflict arises.

Subchapter E. [Construction Fiscal Security]

82.401 Construction Fiscal Security[8]

(a) Requirement of Security

(1) The County will not approve a construction plan for a non-residential development or development of a subdivision until the filing of construction security (the "Security"), payable to the County Judge, in the amount equal to, but not exceeding 100% of the cost of temporary erosion and sediment controls, permanent site stabilization, and public infrastructure construction , as approved by the County.

(A) Outside the City of Austin ETJ, this section applies unless there is a legal agreement between Travis County and another jurisdiction that assigns fiscal security to another entity.

(B) Within the ETJ of the City of Austin, fiscal security as required by Travis County and the City of Austin or by the Single Office of Review, in aggregate, shall be posted with the City of Austin.

(C) In the absence of fiscal security required by another jurisdiction, fiscal security must be provided to Travis County in accordance with this section.

(2) The requirement of security is necessary to ensure that:

(A) Public streets and drainage structures for the development are constructed in a timely manner and in accordance with the County's Standards;

(B) Temporary erosion and sediment controls and permanent site stabilization for a non-residential development or the development of a subdivision are constructed and maintained in accordance with the approved plan, permit, and standards required by Subchapters I and K; and

(C) On-site and off-site cleanup is accomplished and erosion damage and discharged sediment from development or construction activities is remediated.

(3) Construction Secured. The following plat note will be inserted on all plats to be approved by the County:

The Owner(s) of the Subdivision shall construct the Subdivision's street and drainage improvements (the "Improvements") to County Standards in order for the County to accept the public Improvements for maintenance or to release fiscal security posted to secure private Improvements.

[8] 82.401 amended 6/28/2016, Item 24.

To secure this obligation, the Owner(s) must post fiscal security with the County in the amount of the estimated cost of the Improvements.

The Owner(s)' obligation to construct the Improvements to County Standards and to post the fiscal security to secure such construction is a continuing obligation binding on the Owner(s) and their successors and assigns until the public Improvements have been accepted for maintenance by the County or the private Improvements have been constructed and are performing to County Standards.

(4) Computing Security Amount

(A) An estimate of the costs of the road, drainage, and sidewalk construction shall be signed and sealed by a Texas Registered Professional Engineer and delivered to TNR for its approval. The estimate will be based on construction plans, which are acceptable to TNR, and current costs for such work, which have been developed by the County from City, County, and State bid results and from information provided by local suppliers. Preliminary construction plans may be submitted to TNR, if they are sufficiently detailed to establish a reliable basis for the preparation of the construction cost estimate.. Quantities will be as shown on the Subdivision's construction plans or developed from the plans, if required. Estimates will be on forms developed by the County. Costs of large or unusual structures, such as bridges, will be based on current costs for similar structures in the area. However, in no case shall the amount of Security be less than the amount it would cost the County to complete the work if it becomes necessary.

(B) The amount of the security shall not be less than 100 percent of the cost estimated by the Texas-licensed professional engineer who seals the plan, as approved by Travis County. The estimate must include the cost for Travis County to complete all temporary erosion and sediment controls, and permanent stabilization work at the site.

(C) The amount of the security for on-site and off-site cleanup and remediation of erosion damage and discharged sediment is $3,000 per acre of land disturbance, calculated for each phase of the project and based upon the final limits of construction.

(5) Form of Security. The forms of acceptable Security, including a Bond, Letter of Credit, and Cash Security Agreement are included in the Appendix. The Commissioners Court must approve substantive modifications to the form of security. Any form of Security selected will include an escalation clause that may require an increase in the amount of Security over time. Fiscal security for the construction of sidewalks shall be posted as provided in Section 82.202(g)(3). If posted separately from fiscal security for other subdivision

infrastructure, sidewalk fiscal security shall be in a form that tracks the forms of security set forth in the Appendix except that the term "Sidewalks" will be substituted for the term "Improvements" in the forms and, for sidewalks for which the homebuilder or other person undertaking site development is responsible, the reference to acceptance by the Commissioners Court at the end of the one-year construction performance period will be deleted from the forms.

(6) Substitution of Security. In the case of an impending call down of the Security, the County Judge may accept an offer of substitute security in the then current amount of Security under an approved form without the necessity of Commissioners Court action. In a case where the Security is not about to expire, the County Executive may accept an offer of substitute security. The amount of Security shall be increased to account for any estimated increase in cost due to a change in the construction cost index for the items considered in the original computation of Security.

(7) When Security is Required

(A) Security must be filed with the County prior to:

(i) approval of a subdivision plat for recording; or

(ii) the commencement of construction and site disturbance of any kind.

(B) For a construction project for which fiscal security for erosion and sediment controls or on-site and off-site cleanup and remediation of erosion damage and discharged sediment is required under this chapter, the fiscal security shall be provided prior to the final approval of the development permit.

(C) If the Security for a recorded Subdivision expires before construction of the Improvements has been completed, it shall be reposted by the party responsible for the construction of such Improvements before construction begins or continues.

(8) Period of Security. The Security instrument shall have a principal period of three years or more. Bonds with no expiration date are acceptable. Letters of Credit must include the following statement:

> It is a condition of this letter of credit that it shall be automatically extended without amendment, for additional one-year periods from the present or any future expiration date, unless the bank notifies Travis County in writing by registered mail or overnight courier, at least 60 days prior to the then current expiration date, that the bank elects not to extend this letter of credit for an additional one-year period.

(9) Construction Performance Period for Public Improvements. The Owner is responsible for the construction of the public Improvements during the Construction Performance Period, which begins upon the

acceptance of the construction of the public Improvements by the County and ends a minimum of one year later, when, if the Improvements are performing to County Standards, the County releases the construction performance period security.

If the public Improvements are not then performing to County Standards, the County will notify the owner in writing of the repairs which must be performed in order to bring the Improvements back to acceptable County Standards.

(10) Construction Performance Period for Temporary Erosion and Sediment Controls and Permanent Stabilization

(A) The security for temporary erosion and sediment controls, permanent stabilization, and on-site and off-site cleanup and remediation of erosion damage and discharged sediment will be released:

(i) after the final inspection letter from the applicant's engineer certifying compliance has been received, as specified in Section 82.951(b)(10);

(ii) after acceptance of the certificate of compliance for completion of permanent stabilization, and after approval of a Permanent WQC Permit in accordance with Section 82.917, unless the County Executive has waived the requirement for the Permanent WQC Permit; and

(iii) after on-site and off-site cleanup and remediation of erosion damage and discharged sediment, if applicable.

(B) The security for temporary erosion and sediment controls and permanent stabilization for a non-residential development or residential subdivision development in the Highland Lakes Watershed Ordinance area will be released after the final inspection/concurrence letter from the engineer has been received by the County Executive, after approval of a Permanent WQC Permit by Travis County or a BMP Maintenance Permit by LCRA and after on-site and off-site cleanup and remediation of erosion damage and discharged sediment, if applicable.

(b) Collection of Security

(1) Condition and Period of Construction Security. The Construction Security will be conditioned that the Owner shall promptly begin construction of the Improvements, including construction of temporary erosion and sediment controls, after approval of the plat and shall diligently prosecute and complete such construction in accordance with the County Standards and specifications. The Construction Security will remain in full force and in effect until all of the Subdivision Improvements have been completed to the satisfaction of the County

and public Improvements have been accepted and are performing to County Standards at the end of the Construction Performance Period. In addition, the Construction Security collected for permanent site stabilization will remain in full force and in effect until stabilization has been completed to the satisfaction of the County and is performing to County Standards.

(2) Collection on Security. In the event any or all of the Improvements, including temporary erosion and sediment controls, permanent site stabilization, or avoidance of on-site and off-site erosion damage and discharged sediment fail to meet the County Standards and the Owner fails or refuses to correct the defects or damage called to his attention in writing by the County, the County may collect the Security to complete the Improvements.

The County Judge is authorized to execute notices of intent to collect on posted Security without the necessity of Commissioners Court action, but the Court must authorize the collection of the Security.

(3) Conditions to Draw on Security. The County may draw upon any Security posted under in accordance with this Chapter upon the occurrence of one or more of the following events:

(A) The failure of the Owner, Operator, or Subdivider to construct or complete the Improvements to the applicable County Standards;

(B) The Owner, Operator, or Subdivider's failure to renew or replace the Security at least forty-five (45) days prior to its expiration;

(C) The acquisition of the Property or a portion of the Property by the issuer of the Security or other creditor through foreclosure or an assignment or conveyance in lieu of foreclosure;

(D) The arrangement by the Commissioners Court for the completion of one or more of the Improvements, including completion of temporary erosion and sediment controls, or permanent site stabilization; or

(E) The determination by the Commissioners Court that the completion of one or more of the public Improvements, including completion of temporary erosion and sediment controls, or permanent site stabilization, is in the public Interest.

(4) Collection Is Not Acceptance. The collection on Security and the prosecution of construction to complete the Improvements, including completion of temporary erosion and sediment controls, permanent site stabilization, or on-site and off-site cleanup and remediation of erosion damage and discharged sediment to the extent possible with the resulting funds is not acceptance of the Improvements for maintenance. The County is not a Subdivision developer and, if it undertakes the performance of such construction through a third party

contractor, the County is acting as a third party trustee on behalf of the public.

(5) Repeat Recovery. The recovery on Security will not be limited or exhausted by one or more recoveries less than the total amount of Security.

(c) Reductions of Security

(1) Partial Reduction of Construction Security for Public Improvements, not including Security for temporary erosion and sediment control and permanent site stabilization. Where estimated costs for construction exceed $50,000, partial reductions of construction Security may be allowed, but cannot exceed ninety percent (90%) of the Security posted for public Improvements or 100% of the Security posted for private Improvements. Partial reductions will be signed by the County Executive, when provided with:

(A) A Professional Engineer's certification of quantities of work completed;

(B) A contractor's invoice or receipt of payment for work completed; and

(C) A TNR inspection report, indicating the completion of that portion of the work represented by the request for reduction of Security.

(2) A partial reduction of construction security for ESC or security for clean-up of on-site or off-site erosion and sediment discharge will only be considered for completed residential subdivisions undergoing homebuilding construction which prevents full revegetation of incidental areas adjacent to the home lots until all the lots have been completed. This will be considered so long as all critical site improvements are fully stabilized and all disturbed home lots are either in compliance with the residential subdivision ESC Plan or under a separate SWP3 and primary operator with a separate ESC Plan.

In all other instances, partial reduction of ESC fiscal security will not be allowed until after satisfactory completion of a pre-defined section or phase of a subdivision or site plan has occurred in its entirety, as specified in paragraph (4) of this subsection.

(3) Full Release. The County Executive will notify the Commissioners Court of the satisfactory construction of the public and private Improvements. The Commissioners Court may then authorize accepting public Improvements for maintenance. Upon acceptance of the public Improvements and the satisfactory completion of the Construction Performance Period, the County Executive will fully release the Security for public Improvements, except for sidewalks not yet constructed. Upon approval of the private Improvements, the

County Executive will fully release the Security for the private Improvements.

(4) Partial Acceptance. Sections or Phases of subdivisions must be completed in their entirety, excluding sidewalks. No allowances will be made for accepting partially completed sections or phases without the approval of a variance from the Commissioners' Court.

(5) Sidewalk Fiscal. Fiscal for sidewalks shall be released as the sidewalks are constructed and a favorable inspection by a registered accessibility specialist is provided to TNR or substitute fiscal is provided on one or more lots by the then owner of the lot.

(6) Sidewalk Fiscal. Fiscal for sidewalks for which the homebuilder or other person undertaking site development is responsible shall be released as the sidewalks are determined to be constructed in compliance with all requirements of this chapter.

(7) Fiscal surety for on-site and off-site clean-up of erosion damage and sediment discharge shall be released at the full completion of final site stabilization and clean-up, including the substantial completion of storm water conveyances, the clearing of construction-phase sediment from the permanent WQCs, and, within a residential subdivision, the substantial completion of home lot construction.

(d) In order to obtain approval and filing of a plat, the Owner must post Security in the amount of ten percent of the cost of the completed Improvements and 100% of the cost of the incomplete Improvements to secure the performance of the construction of the Improvements for a minimum of one year from the date of the approval of the plat and acceptance of the dedication by the County.

(e) Alternative Fiscal. Notwithstanding Sections (a)-(d) above, the Owner of the land to be subdivided may request the Commissioners Court in writing in the form included in the Appendix for its approval to have the County hold a plat in abeyance until all of the Improvements have been completed to the satisfaction of the County.

The Owner shall file Security with the submitted Final Plat to secure restoration of disturbed areas should construction not be completed. The amount of Security to be posted for restoration for developments located within a municipality's ETJ shall be based upon the requirements of the applicable municipality or the County's Standards, whichever are more stringent. However, in no case shall the amount posted be less than the amount required for the County to perform or to contract for the performance of the work, if necessary. The Owner may also be required to post Security for boundary street Improvements, if the Improvements are not to be completed during the construction of the subdivision streets and drainage system.

Upon satisfactory completion of the Improvements, the submitted plat shall be forwarded to the Commissioners Court for approval.

(f) Subdivision Construction Agreement. In order to facilitate the construction of the Improvements, the administration of the Construction Security process, and the acceptance of completed public Improvements for maintenance, the Owner/Subdivider shall execute a Subdivision Construction Agreement in the form set out in the Appendix. The County Judge will enter into the Agreement on behalf of the County.

(g) If an owner, operator, or subdivider succeeds another owner, operator, or subdivider at a site, the County Executive may release the first owner, operator, or subdivider after the successor owner, operator, or subdivider files an application for the change, obtains a permit, posts the required security, and assumes, in writing, all outstanding stabilization or reclamation liability and requirements at the site transferred to the successor operator. All areas disturbed by the first owner, operator, or subdivider that have not been transferred to the successor operator shall remain the liability of the first operator.

(h) The County Executive may approve a waiver of fiscal security requirements for the ESC, permanent stabilization, and on-site and off-site cleanup and remediation for a governmental entity. A waiver may be granted from the security requirements following County review and approval of the engineer's ESC cost estimate and a statement from the governmental entity certifying that an amount no less than the engineer's ESC cost estimate has been budgeted by the governmental entity.

82.402 Road Assessments

Chapter 253 of the Texas Transportation Code authorizes the County to improve a road in a subdivision or an access road to a subdivision, and then assess all or part of the costs of the improvement pro rata against the record owners of the subdivision. There are the following prerequisites for such road assessments:

(1) The Commissioners Court must determine that the improvement is necessary for the public health, safety, or welfare of the residents of the County.

(2) A public hearing must be held with notice published at least twice in a newspaper of general circulation in the County. The first notice must be at least 30 days before the public hearing.

(3) Within 10 days after the public hearing, ballots must be sent, certified mail, to each owner of real property in the subdivision, in a return-addressed stamped envelope.

(4) The ballot must state the maximum assessment that could be made against each property in the subdivision.

(5) Within 30 days after the public hearing, the County Clerk must tally the returned ballots and declare the results to the Commissioners Court.

(6) The majority of the returned ballots must be in favor of the improvement and assessment.

82.501 Construction Standards: General

(a) Inside City of Austin's extraterritorial jurisdiction. Construction standards shall comply with City of Austin Standard Specifications, or its latest revision, and the City of Austin Environmental Criteria Manual.

(b) Outside City of Austin's extraterritorial jurisdiction. Construction standards shall comply with either: (1) the applicable provisions of the City of Austin Standard Specifications and the City of Austin Environmental Criteria Manual, or (2) TxDOT's Standard Specifications for Construction of Highways, Streets and Bridges.

If portions of a subdivision are located within the ETJ of a municipality other than the City of Austin, the construction standards of such municipality will apply, if such standards are more stringent than the Standards which have been approved by the County.

Subchapter F. [Inspection]

82.601 Inspection: General Obligations and Responsibilities[9]

(a) Keeping Construction Documents Accessible. The Owner will require any contractor performing work to keep accessible on the work site a copy of approved Construction Documents with the latest revisions for the use of representatives of the County, Owner, and the Owner's engineer.

(b) Adequacy of Design and Construction. The Owner and the Owner's engineer are responsible for the adequacy of the design, the compatibility of the Construction Documents, the safety of structures, and the practicability of operations of the completed project. The Owner must show that he/she has complied with the requirements of the Construction Documents, the approved modifications thereof, and all of the approved additions and alterations thereto.

(c) Performance Period. If during the one-year Performance Period, beginning on the date the public Improvements are accepted by the County and ending one (1) year thereafter, the public Improvements are damaged, exhibit failures, permanent stabilization is not complete, or have required excessive maintenance due to damage or defects in materials or workmanship, including utility backfills or design inadequacies, or, if, with respect to

[9] 82.601 amended 6/28/2016, Item 24.

permanent site stabilization, specified vegetation is not fully established, the Owner shall take corrective actions, which are acceptable to the County. Prior to release of the Performance Bond, the public Improvements and site stabilization shall be in a condition substantially equal to that at the beginning of the Performance Period.

(d) Materials and Workmanship. Unless otherwise specified, materials and equipment furnished for permanent installation in the work shall conform to all applicable requirements of the Contract Documents and shall be new and undamaged when installed or otherwise incorporated into the work. Whether an article of material or equipment is specified by definitive description, or identified only by using a proprietary name or name of a particular manufacturer or vendor, such description shall be taken as establishing the type, function, class, and quality desired. The Owner, through his/her contractor or engineer, shall submit descriptive information and evidence that the materials and equipment the contractor proposes for incorporation into the work satisfy the specified functions and quality.

(e) Testing of Materials. Unless otherwise specified, all soil moisture-density tests and other tests performed on the site to determine the quality of material to be incorporated into the project will be as directed by the TNR. Frequency, time, locations, and procedures of tests will be coordinated and approved by the Inspector. Testing must be conducted by an independent laboratory approved by the TNR. Payment for all initial testing and all retesting of failed materials will be the responsibility of the Owner. The Owner shall perform any restoration or patching required due to testing at no expense to the County. The extent of investigations and retesting due to failed tests will be determined by the TNR.

(f) Manufactured Materials. TNR may require two or more passing retests for each failure before acceptance. Manufactured materials to be incorporated into the project shall meet the requirements of Construction Documents; e.g., reinforcing steel, expansion joint materials, concrete pipe, cement, miscellaneous steel, cast iron materials, flexible base, etc. The Owner may be required to furnish a manufacturer's certificate stating that the material meets the requirements specified for this project.

(g) Laws and Ordinances. The Owner and his/her contractors shall observe and comply with all applicable Federal, State, and local laws, ordinances and regulations which affect the contract or the work.

(h) Protection and Preservation of Primitive Sites and Antiquities. The Owner and his/her consultants and contractors shall fully cooperate with officials of Travis County and Texas Antiquities Committee upon discovery of any described primitive sites, records, and antiquities.

(i) Water Quality Pollution Prevention

(1) Temporary erosion and sediment controls shall be constructed and maintained and permanent site stabilization shall be completed in an

acceptable manner in accordance with the approved construction plans, ESC Plan, and SWP3, as required by Sections 82.933 – 82.940 of this chapter.

(2) If erosion and sediment controls or permanent site stabilization measures in the approved ESC Plan are found to be inadequate, the owner or authorized representative of the owner shall be notified to take corrective measures and revise the approved construction plans, ESC Plan, and SWP3 accordingly. If the contractor or primary operator fails to correct the deficiencies, the County may require the contractor to stop construction until the deficiencies are corrected.

82.602 Inspection: Protection of Persons and Property

(a) Safety Precautions and Programs. The Owner shall be responsible for initiating and maintaining all safety precautions and programs in connection with the work.

(b) Safety of Persons and Property. The Owner shall take and require his/her contractors to take all reasonable precautions for the safety of and shall provide and require his/her contractor to provide all reasonable protection to prevent damage, injury, or loss to:

(1) All employees on the work and all other persons who may be affected thereby;

(2) All the work and all materials and equipment to be incorporated therein, whether in storage onsite, under the care of, custody or control of the Owner or any of his/her contractors or subcontractors; and

(3) Other property at the site, including trees, shrubs, lawns, walks, pavements, fences, roadways, structures, and utilities not designated for removal, relocation, or replacement in the course of construction.

The Owner shall require his/her contractors to comply with all applicable laws, ordinances, rules, regulations, and lawful orders of all public authority having jurisdiction for the safety of persons or property or to protect them from damage, injury, or loss.

The Owner and his/her contractors shall be responsible for the erection and maintenance, as required by existing conditions and progress of the work, of all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying owners of adjacent properties and utilities of potential dangers caused by the work.

(c) Protection of Adjoining Property. The Owner shall be responsible for and shall require each contractor or primary operator to take proper means to protect the adjacent or adjoining property, and any private properties from any injury, damage, or serious effects related in any reasonable way to any process of construction to be undertaken by the owner or authorized representative of

the owner. The Owner shall be liable for any and all claims for such damage on account of the failure to fully protect all adjoining, adjacent, and private property.

(d) Public Safety and Convenience. The safety of the public shall be regarded as of prime importance. All portions of the existing public streets adjacent to the project shall be kept open and provide a smooth, comfortable ride to traffic. It shall be the responsibility of the Owner to ensure that two-way traffic may safely bypass the construction site and that access is provided to abutting private property.

(1) The Owner shall require the contractor to plan and execute the construction operations in a manner that will cause the minimum interference with public traffic and place and maintain in good condition standard barricades at each entrance to the work and at other locations where traffic is rerouted or blocked from using regular public traffic lanes. Barricades and warning signs shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All barricades placed in or adjacent to the public roadway for the purpose of warning or directing traffic shall have flashers attached for use during the hours of darkness.

(2) The owner must obtain Commissioner's Court approval to close any public street for any length of time. After approval by the Commissioners Court, which may take up to 30 days if there are no objections to the closure, the Owner shall require the contractor to notify County staff at least four (4) days (excluding Saturdays, Sundays, or holidays) in advance of an intention to close or block a public street. Partial blocking of a public street must be approved by County staff.

(3) If the contractor's operation reduces an existing public two-way roadway to less than twenty (20) feet, the contractor shall provide flagmen and route traffic through the construction area one lane at a time.

(4) A flagman will be required any time it is necessary for construction equipment to move into or across a public traffic lane. A flagman shall be utilized to aid the exit of construction equipment from public traffic lanes to the work area and the entry of construction equipment form the work area to public traffic lanes. Flagmen will be dressed and operate in accordance with the Texas Manual on Uniform Traffic Control Devices.

(5) Barricades and signs with flashers shall be erected at each entry to the work to notify and warn the public that the area is under private construction and should be entered only at their own risk. Reflectorized regulatory signs shall be installed on each side of every entry road in the right-of-way stating, "Private Road Enter at Own Risk". Signs shall be the size and color as R-11-2 of the Texas Manual

on Uniform Traffic Control Devices, 1980, and mounted on Type III barricades or two substantial posts per sign. A standard stop sign will be installed on the right side of each existing roadway at its point of intercepting a public roadway.

(6) These barricades and signs shall be maintained in good condition until the work is accepted by Travis County, at which time they will be removed by Owner. In the event that the Owner allows these control measures to deteriorate to a condition not acceptable to the County, and the conditions remain for twelve (12) hours after written notice has been duly served, the County may use its forces, or private contractual forces, to restore the barricades, signs, and flashers to a safe condition. Continued neglect by the Owner may result in suspension of permits and initiation of legal restraints. The Owner shall make monetary restitution for the County's costs of restoring the barricades, signs, and flashers before Travis County will approve the construction or recommend acceptance of the improvements to the Commissioner's Court.

(e) Location and Protection of Utilities

(1) The Owner and his/her contractors are solely responsible for the location and protection of any and all public utility lines and utility customer service lines in the work area.

The contractor shall exercise due care to locate and to mark, uncover, or otherwise protect all utility lines in the work area. Upon request, the utility owners will provide such information they have as to the location and grade of water, wastewater, gas, storm sewer, and telephone and electric lines and other utilities in the work area; but such information shall not relieve the Owner or his/her contractor's obligation thereunder, which shall be primary and nondelegatable. Any utility lines damaged by the contractor's operations shall be immediately repaired by the contractor on approval of the utility or the Owner shall cause such damage to be repaired at his/her expense.

(2) Prior to the release of construction fiscal security as described in Section 82.401, the owner shall provide the County Executive with accurate record drawings, in accordance with the standards described in Section 82.604(h).

(f) Public Right-of-Way Cut Permits. An Owner's or his/her contractor's use of County right-of-way and other public easements is subject to County regulations, is nonexclusive and does not establish any priority over other users. All work done in the right-of-way or public easements must be pursuant to a permit issued by the County.

Except for emergency repairs necessary to restore service or to protect the public, all such work must be done under a County permit issued prior to the start of construction. All Contractors must request a street cut permit on the

"One-Call System" by calling 472-2822 and the Texas Underground Facility Notification Corporation. The request must include a description of the work area and work to be performed. This call will automatically start a 48-hour maximum time period for Southern Union Gas Company, Austin Cablevision, Southwestern Bell Telephone, and the City of Austin Electric, Water and Wastewater, Urban Transportation, and Public Works Departments to respond with the locations of their utilities and/or advice. The County and the utilities will respond to or reject a request for a permit within 48 hours, during a regular work week, excluding Saturdays, Sundays, and holidays. If the permit request is rejected, continued action will be as outlined in the *City of Austin Manual on Policies and Procedures for Cuts in Public Right-of-way.*

82.603 Inspection: Responsibilities of the Owner and County[10]

(a) Owner-County Relationship. The Owner shall designate a representative(s) to be responsible for all communications with the County concerning the work. The inspected work must not deviate from the approved Construction Documents. Field adjustments which do not affect project integrity, cost, or construction time, and which are consistent with the intent of the design, will be approved by the Executive Manager. After initial approval of the Construction Documents, the Owner may make changes to the Construction Documents, subject to the approval of the Executive Manager, and any such approved changes will be forwarded to the Inspector.

(b) Owner's Duty and Superintendence. The Owner shall require the Contractor to provide a competent construction superintendent and any necessary assistants to supervise and direct the work during its progress. The Owner shall insure that no work is done or materials used without qualified supervision and inspection.

(c) Authority and Duties of Inspectors. County Inspectors will be authorized to inspect all work done and all materials furnished. Such inspection may extend to all or to any part of the work, and to the preparation or manufacture of the materials to be used. The Inspector assigned to the work will report the progress of the work and the manner in which it is being performed. The Inspector will also report whenever it appears that the materials furnished and the work performed by the contractor fail to fulfill the requirements of the Construction Documents and to call the attention of the contractor and the Owner to any obligation to perform the work in accordance with the requirements of the Construction Documents.

In case of any dispute arising between the contractor and the Inspector as to materials furnished or the manner of performing the work, the Inspector will issue a notice to the Owner and contractor of Unacceptable Work, which will

[10] 82.603 amended 6/28/2016, Item 24.

remain in effect until the work is corrected or the question at issue can be resolved by the Owner.

The Inspector will not be authorized to revoke, alter, enlarge, or release any requirement of Construction Documents, nor to approve or accept any portion of work, nor to issue instructions contrary to the Construction Documents. The Inspector will in no case act as foreman or perform other duties for the contractor or interfere with the management of the work.

(d) Preconstruction Conference. The Owner will distribute approved plans prior to convening a Preconstruction Conference. The Preconstruction Conference will be held prior to start of any construction.

As a minimum, the conference shall consist of introduction of all parties with an exchange of phone numbers and addresses and a discussion of: (1) start dates and schedule of events; (2) erosion and sedimentation controls; (3) traffic control and barricades; (4) superintendence; (5) special conditions or provisions to plans and/or specifications; and (6) final acceptance guidelines.

A minimum of two days' notice of the conference will be given to the:

(1) Owner's representative;

(2) Consulting engineer for the Owner;

(3) Contractors for roads, drainage, and utilities;

(4) City engineers, if appropriate;

(5) Water and wastewater construction inspectors, if appropriate;

(6) County Inspectors (TNR).

The distribution of the minutes of the Preconstruction Conference will be made by the Owner to all parties in attendance.

(e) Inspector Notifications. It is anticipated that through the Preconstruction Conference and the cooperation of the Owner, Contractor, Superintendent, Primary Operator, and Inspector, only a forty-eight (48) hour advance notice of intent to begin the work will be required. However, other circumstances may require additional advance notification. The Inspector shall be given the opportunity to inspect and test before, during, and after the operation of various stages of construction.

(1) A basic sequence of construction shall be followed by the owner and primary operator for all approved County development permits for subdivision development and site development. The sequence of construction also includes the priority inspection milestones necessary, consistent with the requirements listed in the mypermitnow.org account for the project.

The basic sequences of construction for subdivision and site development are shown in Exhibits 82.301 E and G in the Appendix. The basic sequence of construction can be customized by the

engineer or the County during the design and permitting process for each individual project, provided the basic progression of construction and inspection milestones are followed, from pre-construction through final inspection.

(2) When a major construction item is underway which includes a priority inspection, such as excavating, placing of storm sewer pipe and underground utilities, processing of base, placing of curb and gutter, placing structures, laying asphaltic concrete, or constructing storm water underdrains in a permanent water quality control structure, the Inspector shall be notified. If the work is stopped for any reason (e.g., rain, strike, lack of materials, equipment breakdown, etc.) for seven (7) calendar days or more, the Inspector shall be notified twenty-four (24) hours in advance of work startup.

(3) The Inspector shall be given twenty-four (24) hours' notice when the contractor anticipates each bluetop/density stage, subgrade approval for base, base approval or approval for a succeeding lift of base, base approval for prime coat, and placement of asphaltic concrete. "Usual" calls for inspection will be made as follows:

(A) Subgrade approval for base.

(B) Density tests for each left of base.

(C) Approval of blue top of base for prime coat.

(D) Placement of asphaltic concrete.

(4) Twenty-four (24) hours before asphalt paving is planned, notifications must be given for plant monitoring of asphaltic concrete production in order for the asphalt to be acceptable to Travis County. When weather conditions are questionable, the plant monitoring may be placed on standby for a short-notice start.

(5) The Inspector shall be notified at least twenty-four (24) hours before concrete is placed to allow the scheduling of onsite testing.

(6) The Inspector shall be notified as early as practicable but no less than twenty-four (24) hours in advance of any work to be performed on Saturdays, Sundays, or holidays.

(7) The contractor shall contact the Texas Excavation Safety System by telephone at 8-1-1 (or the current telephone number as updated) for existing utility locations prior to construction and excavation.

(f) Construction Staking. All lines, grades, and control measures shall be furnished, checked, and/or replaced as necessary by the Owner. Whenever necessary, construction shall be suspended to permit the performance of this work and to allow the Inspector to follow up and check these procedures. Such a suspension will be as brief as practicable. Three copies of "Cut or Fill Sheets" or other approved provisions for line and grade control for road, bridges, storm sewer and other drainage structures or systems, along with

required certifications, will be delivered to the Inspector. The Owner's Engineer for the owner shall provide the minimum staking requirements for streets, storm sewers, and channels as follows:

(1) Streets

(A) Straight grade, 50 feet (maximum with transverse quarter points);

(B) Vertical curve, 25 feet (maximum with transverse quarter points);

(C) P.C., P.T., stations of vertical curves;

(D) P.C., P.T., stations of horizontal curves;

(E) Horizontal curves, 25 feet (maximum);

(F) Both ends, offsets and transitions of inlets;

(G) High and low points of vertical curves;

(H) Grade breaks;

(I) Islands, all of the above;

(J) No separate subgrade cut sheets are needed;

(K) Roadway transitions; and

(L) Slope stakes for top and toe of slopes.

(2) Storm Sewers

(A) Every 50 linear feet (maximum);

(B) Grade breaks;

(C) Forward and backward tangents of horizontal PIs;

(D) Horizontal curves, 25 feet (maximum);

(E) Flow line in and out of manholes;

(F) Tie-in to existing storm sewer;

(G) Flow line of storm sewer and channel where they intersect;

(H) Double stake ends of storm sewer; and

(I) P.C. and P.T., stations of horizontal curves;

(3) Channels

(A) Every 50 linear feet (maximum);

(B) P.I., P.C., PT., stations of horizontal curves;

(C) Horizontal curves, 25 feet (maximum);

(D) All offsets to centerline of channel;

(E) Flow line of storm sewer and channel where they intersect;

(F) Grade breaks; and

(G) Retards, break points, and beginning and end. When applicable, copies of Cut sheets shall be transmitted to the Inspector. Each point or station on a cut sheet shall have a hub identified on the ground.

(g) Field Inspections and Field Control Tests. Field inspections and field control tests shall include, but not be limited to the following:

(1) Utility installation backfill and density tests, as required.

(2) Bedding and backfill of culverts and storm drains and density tests, as required.

(3) Preconstruction inspection of any onsite or local sources of base material.

(A) If directed by the County, the testing laboratory shall make site investigations to determine that quality of material expected to be produced from the source or sources meets gradation and Atterberg specifications.

(B) Alternatively, 10% of expected quantity shall be excavated and stockpiled and test samples taken from the stockpile. One sample shall be taken and tested for every 700 cubic yards or fraction thereof stockpiled. The testing laboratory shall certify that the samples selected are representative. After 50% of the quantity expected to be produced has been excavated, a second 10% stockpile shall be created and the sampling and testing procedure repeated. Test reports shall be submitted to the County. Tests and reports required by these specifications shall be at the expense of the Owner.

(C) Satisfactory test reports from onsite or local sources and/or stockpiles shall not preclude rejection of material which, when placed on grade, fails to meet specification requirements.

(4) Subgrade preparation, including fills, cuts, ditch excavation, and subgrade sterilization. Density tests are required in fills and other areas as determined by TNR. A minimum of one density test is required for each lift of fills and for each 500 linear feet of subgrade. Approval of subgrade preparation is required prior to base placement.

(5) Placement and compaction of base material. When "Density Control" is required, density tests shall be performed at a minimum of every five (5) stations of the final lift and at least five (5) additional locations per mile of road for each lift placed. Required density tests shall be taken by an approved testing laboratory with copies furnished to the County prior to paving.

The contractor shall provide at least five (5) days' notice to the County for approval of base to allow time for any County tests of density and/or thickness. Approval can be obtained in twenty-four (24) hours provided the contractor has notified the County at start of base placement and has provided his/her schedule for completion. Any Deficiencies found shall be immediately corrected before any pavement is placed.

(6) Pavement of roads and streets. The contractor shall notify the County at least twenty-four (24) hours prior to start of paving after base is approved. The Contractor shall provide any required data on pavement mixes, tests to be performed, etc., at least five (5) days prior to start of paving. Pavement placement and consolidation may be inspected at the option of the County.

(h) Construction Plans. Construction plans must be approved by the County. A County Development Permit must be obtained before construction begins. If construction is not underway within one hundred eighty (180) days from the date of approval of the plans by the County, any Development Permits will expire and renewals will be required. If construction ceases for a period of one (1) year, the Owner must resubmit all Construction Plans prior to beginning construction again and obtain a new Development Permit.

(i) Shop Drawings. All shop drawings, setting drawings, and schedules required for the work of the various trades by the Construction Documents will be submitted to the Owner's Consulting Engineer. The Consulting Engineer shall review, make any required corrections, correct the record reproducible drawings if required, and in addition to informing the Contractor, forward two (2) copies of the Shop Drawings or four (4) copies of the corrected plans to the County.

(j) Preliminary Approval. Neither the County or Owner may waive the obligations of the Contract Documents.

The failure or omission of the County to discover, object to, or reject any defective work or material will not release the Owner from the obligations to fully and properly complete the work, including without limitation, the obligation to at once remove and replace any defective work or material at any time prior to final acceptance, upon the discovery of said defective work or material.

TNR shall, upon request of the contractor or Owner, inspect and accept or reject any material furnished. In the event the material has been accepted by TNR, such acceptance shall be binding, unless it can be shown that such material furnished has changed in character to the extent that it does not meet the specifications for the work.

Any work for which a notice of unacceptable work has been issued may be re-examined by TNR at any time prior to final acceptance and, if found not in accordance with the Construction Documents for said work, the Owner is responsible for the expense of its removal, re-examination and replacement.

When inspection or approval is specifically required by the specifications prior to performance of certain work and the contractor proceeds with such work without requesting prior inspection or approval, the Owner shall bear all expenses of taking up, removing, and replacing this work, if so directed by TNR.

(k) Defects and Their Remedies. If any material brought on the site of the work for use in the work or selected for the same shall be deemed by TNR in writing to the contractor and the Owner to be unsuitable or not in conformity with the Construction Documents, or the intent thereof, the Owner shall require the contractor, after receipt of written notice from the County, to forthwith remove such material and rebuild or otherwise remedy such work so that it shall be in full accordance with the Construction Documents.

(l) Initial Determinations. The Owner's consulting engineer and/or the Owner must initially determine all claims, disputes, and other matters in question between the contractors and the Owner relating to the execution or progress of the work or the interpretation of the Construction Documents. If the initial determination causes a change in the Construction Documents, the revisions must be submitted to TNR for approval.

(m) Objections. In the event the Inspector renders any decision which in the opinion of the Owner or his/her consulting engineer is not in accordance with the meaning and intent of the Construction Documents and the Owner or consulting engineer are unable to resolve the matter with the assigned Inspector or the Inspector's Supervisor, the Owner may submit a written objection to the decision, explaining why the decision is not in accordance with the Construction Documents to the Executive Manager.. A copy of the objection will be sent to the Inspector.

The Executive Manager will make a decision regarding the objection within five (5) working days of its receipt.

82.604 Inspection: Approval of Construction and Performance Period Guarantee[11]

(a) Substantial Completion. In this chapter, a project will be considered "substantially complete" when, in the opinion of the Owner or the Owner's engineer all work on the project has been complete in accordance with the approved construction plans. When the Owner or the Owner's engineer considers a project to be substantially complete, the Owner will:

(1) Notify the Inspector in writing that the work has been substantially completed;

(2) Request a list of any unfinished work to be completed; and

(3) Require the engineer to prepare and forward to the County:

(A) the engineer's concurrence letter certifying compliance and requesting final inspection as specified in Section 82.951(b)(10); and

[11] 82.604 amended 6/28/2016, Item 24.

(B) the Construction Summary Report, which is required for advance preparation of the County Approval of Construction Letter.

(b) Final Inspection. Within four (4) working days after the Owner or the Owner's engineer has given the Inspector written notice that the work has been substantially completed, the Inspector will review the work and a report will be prepared for the Owner with copies for the Owner' s engineer and the contractor. This report will include:

(1) Any remaining items discovered which do not comply with the Construction Documents;

(2) Requirements of the County previously required and not completed; and

(3) Any other items required for the issuance of the Approval of Construction Letter. The Inspector's report shall not excuse the Owner from requiring his/her contractors to perform all the work required by the Construction Documents regardless of the time of discovery.

(c) Final Acceptance. A construction approval meeting will be convened at a time agreed to by the Inspectors and the Owner. The Owner will also invite contractors as appropriate and the Owner's engineer. An Approval of Construction Letter will be issued by the County if all items listed below in this section are in order.

If there are exceptions, an approval letter will not be issued and a letter of exception will be issued for the exceptions. An Approval Letter will then be issued when the exceptions are cleared.

The Approval of Construction Letter will not be issued until the following documents are submitted to the County:

(1) The Construction Summary Report;

(2) The Owner's Engineer Concurrence Letter;

(3) Reproducible Plans, certified as "Record drawings", by the Owner's Consulting Engineer, including any documentation on the drawings to meet any applicable requirements of subsection (h);

(4) The Bond or bonds for the one-year performance period for public Improvements;

(5) If applicable, a Developers Contract for any required re-vegetation coverage that has not been completed in accordance with Section 82.936(d)(4), or a Certificate of Compliance if re-vegetation coverage is complete for final stabilization; and

(6) If applicable, a copy of the Letter of Map Amendment or Revision from FEMA and the completed application for a Letter of Map Amendment or Revision.

After the Approval of Construction Letter has been issued, the public streets and drainage will be accepted by the Commissioners Court and the construction will be monitored by the County for the one year maintenance period. If damages, failures, or defects appear or if unsatisfactory stabilization or unsatisfactory re-vegetation occurs, the Owner will be notified to make corrections.

(d) Public Improvement Guarantee against Damages and Defective Work. The Owner may provide a Performance Bond or other acceptable performance security as security against damages or defective work which occur during one-year Performance Period which begins after acceptance of the public Improvements. The Performance Bond will bind the Owner or contractor to correct any defects in materials, workmanship (including utility backfills), or design inadequacies, or damages, which may be discovered within said one-year Performance Period. The Owner must correct or cause the Contractor to correct at his/her own expense, such damage or defects within 30 days after receiving written notice of such defects from the County.

If the Owner fails or refuses to correct such defects within the said 30-day period or to provide acceptable assurance that such work will be completed within a reasonable time thereafter, Travis County may decide to correct or cause to be corrected any such damages or defects and call down the Performance Bond.

(e) Performance Bonds for Public Improvements. In lieu of leaving 10% of the Fiscal Security in place for the Construction Performance Period, the Owner may submit a Performance Bond in a total sum of 10% of the cost of the construction of the public Improvements guaranteeing the work and warranties. The subdivision will not begin the required one-year performance period until such a bond or bonds are furnished and approved by the County.

The Surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from Secretary of the Treasury of the United States and is licensed to write such bonds in the State of Texas.

(f) Performance Bond Release. After the Approval of Construction Letter has been issued, the streets and drainage will be accepted by the Commissioners Court and the construction will be monitored by the County for the one year Performance Period. If failures or damages appear, the Owner will be notified to make corrections. Upon the expiration of the one-year Performance Period with no damages or defects which the Executive Manager notifies the Owner must be corrected, the Executive Manager will release the Performance Bond.

(g) Standards for Geo-Referencing of Structures. This subsection applies to a subdivision construction plan, a non-residential site construction plan, and a utility or right-of-way project that is not a small construction project if a permanent storm water drainage structure has been constructed or if a

setback from a waterway or critical environmental feature exists. This subsection applies in addition to the requirements of subsection (c).

(1) As part of the final inspection and completion approval process, the owner shall require its consulting engineer to provide the County Executive with record drawings of the permanent drainage system constructed for a project in a reproducible form. These record drawings shall comply with paragraph (c)(3) of this section and the requirements of paragraphs (2) – (5).

(2) The record drawings shall be of the "as-built" condition observed at the final inspection of the project.

(3) The record drawing sheets shall include the plan cover sheet, the site plan sheet, the drainage layout sheet, the drainage plan and profile sheets, and the detention and permanent water quality control plans and detail sheets, as applicable to the individual project.

(4) The record drawing sheets shall include the location of at least the following:

(A) each drainage structure and permanent water quality control structure, including: culverts, bridges, inlets, manholes, open channels, outfalls, storm sewer pipe outlets, headwalls, ponds, filter strips, and any permanent water quality control structure;

(B) the storm sewer piping extending underground between the inlet, outlet, and manhole structures; and

(C) setbacks for waterways, critical environmental features, and drainage easements.

(5) The record drawings shall include one printed copy and one digitally reproducible copy, with digital data in a format approved by the County Executive, for ease of incorporation or conversion into a Geographic Information Systems format that is used by the County for maintaining the County's MS4 map.

Subchapter G. [License Agreement]

82.701 License Agreement[12]

(a) General. Except as otherwise provided in these regulations, a License Agreement for the permissive use of County right-of-way, must be approved in accordance with the provisions of this section.

(1) In order to insure the safety and well-being of the general public, any privately owned and maintained improvement, either existing or

[12] 82.701 amended 6/28/2016, Item 24.

proposed, which encroaches into County right-of-way requires the issuance of a License Agreement.

Items which do not qualify for License Agreements include, but are not limited to sight obstructions, unyielding objects within roadway clear zones, and other items which pose a public safety hazard.

Items which require a License Agreement include, but are not limited to the following:

(A) Landscaping;

(B) Irrigation systems for common areas;

(C) Walls (decorative or landscaping);

(D) Fences;

(E) Building encroachment (aerial, at grade, or subterranean);

(F) Aerial walkways;

(G) Signs (other than traffic control and street name signs); and

(H) Certain non-standard drainage improvements such as channel armoring or structures associated with permanent water quality control that are permitted for use within right of way but will not be maintained by Travis County.

(2) This Section does not apply to minor or temporary encroachments which, in the opinion of the Executive Manager and the County Attorney's Office, are adequately covered by other regulations to protect the interests of the County and which are reasonably anticipated to have no adverse effect on the health, safety, and welfare of the traveling public.

(b) Application Submittal Requirements.

(1) An applicant requesting a license must submit a completed application form together with a survey and field notes, signed and sealed by a Registered Professional Land Surveyor, describing the limits of the encroachment or the area to be covered by the license.

(2) The applicant shall submit a letter summarizing the type, purpose, and duration of the encroachment.

(3) A cost estimate, signed and sealed by a professional Registered Landscape Architect, Licensed Irrigator, or Texas Registered Professional Engineer (as appropriate), establishing the estimated cost of removal of the encroachment and of restoration of the area to a typical street cross-section or state acceptable to the County, including, if required, the cost of revegetation of the site.

(4) For proposed encroachments, plans and specifications shall be submitted for any construction or activity which will take place. These plans and specifications shall be submitted by the following:

(A) For landscaping: Registered Landscape Architect.

(B) For irrigation systems: Registered Landscape Architect or licensed irrigator.

(C) For walls, fences, aerial walkways, building projections, signs, drainage improvement, and other encroachments: Registered Professional Engineer.

(5) If the applicant is a corporation or partnership/joint venture, the following information is required:

(A) Corporation:

(i) Corporate name (in full);

(ii) Current corporate authorization resolution showing who is authorized to sign for the corporation.

(iii) Address; and

(iv) Federal Tax ID Number.

(B) Partnership/Joint Venture:

(i) Copy of the Partnership Agreement or Joint Venture Agreement showing the full name, title, and address of the person authorized to sign for the partnership/joint venture.

(ii) Federal Tax ID Number.

(c) Approval Process.

(1) If the Executive Manager finds that the proposed license does not interfere with the public use, safety, and welfare of the public right-of-way, the County Attorney will prepare a License Agreement for execution by the applicant and the Commissioners' Court.

(2) A homeowners' association, utility district, or an individual property owner must post the required cash escrow with the County Treasurer in an amount established by County staff. These funds will be retained in full by the County Treasurer until the encroachment is removed and the land is restored or the County expends the funds to remove the encroachment and restore the area.

(3) The applicant shall provide the County with a copy of the required insurance policy as stipulated in the terms of the License Agreement. Current limits of coverage are listed on the License Agreement form included in the Appendix of these Standards.

(4) When the agreement is prepared and the terms of the agreement are satisfied, County staff will submit an agenda request to the Commissioners Court.

82.801 Vacations

(a) General. Public right-of-way may be held in easement or fee title. Unless a grantor has conveyed fee title to the County or the County has acquired the

right-of-way through condemnation, right-of-way will be held in easement title. For example, right-of-way dedicated by a plat conveys only an easement in the property subject to the right-of-way.

(b) County Authority. The Commissioners' Court may close, discontinue, abandon, or vacate public right-of-way which is no longer needed and which is not reasonably anticipated to be needed for its intended purpose and is located in the unincorporated area of the County.

"Discontinue" means to discontinue the public maintenance of a public road.

"Abandon" means to relinquish the public's interest in the right-of-way and use of a public road.

"Vacate" means to terminate the existence of a public road by direct action of the Commissioners' Court.

A road may not be closed, abandoned, and vacated unless the action is taken by a vote of all elected Commissioners. See Exhibit 82.801(A) in the Appendix to these Standards for a quick reference matrix showing the appropriate procedure to use to dispose of platted or dedicated easements.

(c) Procedures

(1) Vacation of Public Easement Right-of-Way.

(A) An applicant requesting a right-of-way vacation of accepted public easement right-of-way must submit the following documents to the County:

(i) A letter stating the reason for the request.

(ii) A copy of the title documents.

(iii) An acknowledgment from all of the utility companies serving the area that they have no need for the easement, or that they wish to retain a portion of the right-of-way as an easement. (Note: A utility company which wishes to retain an easement must submit a survey describing the portion that is to be retained as an easement.)

(iv) If only a portion of the easement is requested to be vacated, a survey of that portion of the easement by a Registered Professional Land Surveyor, including a metes and bounds description and sketch.

(v) A letter signed by the adjacent property owners, or any others who may be affected by the vacation stating their approval of the vacation.

(vi) If the easement to be vacated is located in the ETJ of a city, a letter from the city concurring with the vacation request.

(vii) A nonrefundable fee payable to Travis County.

(B) The County will review the vacation request and send a letter to the applicant explaining its recommendation on the vacation request.

(C) Upon a recommendation of vacation by the County, a Commissioners' Court agenda packet will be prepared and the vacation request will be placed on a voting session agenda of the Court.

(D) A public hearing date will be set during a voting session of the Court. The hearing dates are typically scheduled four weeks after the voting session.

(E) Public notice of the hearing must be posted at the Court House and must be published in a newspaper 21 days prior to the public hearing and at the site requested to be vacated.

(F) For right-of-way only, at least 20 days before the public hearing, a Travis County employee will post the notice at both ends of the site requested to be vacated, photograph the posting, and sign an Affidavit of Posting.

(G) Title to the road or portion that is closed, abandoned and vacated and that abuts an owner's property to the centerline of the road vests in such abutting property owner on the date the order is signed by the County Judge. A copy of the order filed in the Real Property Records of the County acts as the official instrument of conveyance from the County to the abutting property owner.

(2) Abandonment, Vacation, and Conveyance of Fee Simple Right-of-way

(A) An applicant requesting the abandonment, vacation, and conveyance of accepted fee simple right-of-way must submit the same documents set forth in Section 82.801(a)(1) above, to the County.

(B) If the County owns the right-of-way in fee simple rather than easement title, the property may be sold after abandonment and vacation only under the procedures set forth at Section 263.002 of the Texas Local Government Code. In addition, such abandoned right-of-way may be exchanged pursuant to Section 263.006 of the Code. An appraisal must be obtained unless the property is sold at public auction and the County's cost of the appraisal must be included in the sales price. The County Attorney's Office will facilitate any such sale or exchange.

(3) Vacation of a Drainage Easement

(A) The applicant requesting the vacation of a drainage easement in an accepted subdivision must submit the following documents to the County:

(i) A letter outlining the reason for the vacation of the easement.

(ii) A drainage study prepared by a Registered Professional Engineer, supporting and documenting the reasons for the drainage easement vacation request. This requirement may be waived by the Director if a drainage study is determined to be unnecessary.

(iii) Metes and bounds description, signed and sealed by a Registered Professional Land Surveyor, of the easement to be released.

(B) The County will review the drainage study and send a letter to the applicant explaining its recommendation of the vacation request.

(C) The same procedures for hearing and notice of the vacation request as set forth in Section 82.801(a)(3)-(6) above will be followed.

(D) In the same manner as set forth in Section 82.801(a)(7) the order of vacation instrument must be filed in the Real Property Records of the County to be effective.

(E) After the hearing, a copy of the agenda packet will be sent to the TNR Permits Section to be filed in the appropriate subdivision file and to be noted on the County's copy of the recorded plat.

(4) Vacation of a Public Utility Easement

(A) The applicant requesting the vacation of a public utility easement in an accepted subdivision must submit the same document set forth in Section 82.801(a)(1)(A)-(G) above to the County.

(B) The same procedures for hearing and notice of the vacation request as set forth in Section 82.801(a)(3)-(6) above will be followed.

(C) In the same manner as set forth in Section 82.801(a)(7). The order of vacation instrument must be filed in the Real Property Records of the County to be effective.

(D) After the hearing, a copy of the agenda packet will be sent to the TNR Permits Section to be filed in the appropriate subdivision file and to be noted on the County's copy of the recorded plat.

(5) Rejection of Unaccepted Dedication. The Commissioners Court may in its sole discretion order the rejection of an unaccepted dedication and quitclaim any interest it may have to the underlying owner. This action would be subject to any established rights of private parties, public utilities, and/or the public and would be without warranty of any

kind. Although the quitclaim would be filed of record in the Real Property Records, the filing would not be noted on the plat itself. Anyone considering using this process should also consider the cancellation and revision processes.

82.901 Permits

(a) Permits. The County requires permits for the construction of all driveways accessing public roads, utility installation and servicing within public rights-of-way, and Basic Development Permit for all construction outside incorporated areas for residential and commercial development and soils disposal sites.

The Basic Development Permit shall incorporate the applicable construction and water quality protection requirements set forth in this chapter as well as the requirements of Chapter 64 of the Travis County Code (Regulations for Floodplain Management and Guidelines and Procedures for Development Permits).

All incomplete permit applications will expire one year after the submittal date.

A 180-day extension may be granted by the Executive Manager upon request before the one-year time limit has passed. Applicants attempting to complete an expired permit application must apply for a new permit.

A renewal of a permit may be allowed by the County Executive, if it is determined that no significant changes have been made to the construction plans and specifications.

(1) Driveway Permit Submittal Requirements

(A) Completed application form.

(B) To-scale drawing describing the type, layout, and location of driveway, including documentation either acknowledging use of approved standard details and in accordance with the requirements of Section 82.931(g) of this chapter for driveways, or alternative details reviewed during the permitting process.

(C) A County driveway permit is not required for nonresidential driveways which are included in the basic development permit submittal or for driveways accessing alleys, private streets or state highways.

(2) Utility Installation Permit

(A) Complete "Notice of Proposed Installation Utility Line in Travis County Right-of-Way", including describing the location and showing a sketch and details on the application.

(B) Submit three (3) sets of plans with the application locating the bore or cut, along with detailed specifications including repair/restoration.

(C) All work shall be in compliance with the construction and water quality protection Standards set forth in this chapter as well as the requirements of Chapter 64 of the Travis County Code (Regulations for Floodplain Management and Guidelines and Procedures for Development Permits), as applicable to the project.

(D) Submit a performance bond in an amount to be determined by the Executive Manager, executed by a surety company or surety companies authorized to execute surety bonds in the State of Texas.

(E) Traffic control plans, in compliance with the Texas Manual on Uniform Traffic Control Devices, shall be submitted with the application.

(F) Contractor shall file a "Contractor's Liability Agreement" prior to issuance of permit.

(G) Franchised utilities (City of Austin, Southern Union Gas, Southwestern Bell, etc.) are not required to submit a bond if they do the work with their own work forces. Contractors shall post the appropriate bond.

(H) Contractor shall notify the TNR Planning and Engineering Services at least 48 hours prior to start of construction at (512) 854-9383.

(I) The County may, under certain circumstances and on certain roadways, prohibit open cut utility trenches within paved areas.

(3) Basic Development Permit Submittal Requirements.

(A) Completed application form.

(B) Appropriate sets of plans required by the County.

(C) Construction cost estimate signed and sealed by a Texas Registered Professional Engineer.

Subchapter H. Water Quality Protection – General

82.910 Purpose[13]

The purpose of subchapters H - L is to set forth a consolidated set of water quality requirements that will control, reduce, and eliminate the discharge of pollutants into the Travis County storm sewer system and water in the State through the proper management of storm water and drainage while achieving optimal management of floodplains to prevent loss of property and human life. Broadly, the requirements include provisions that accomplish water quality protection during the construction and post-construction phases of development.

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[13] 82.910 amended 6/28/2016, Item 24.

Proper storm water management for construction requires three primary types of erosion and sediment controls (ESC): erosion source controls, sediment controls, and permanent erosion/soil stabilization controls, as well as applicable other controls and pollution prevention measures. Storm water management designs must include a combination of these types of ESC in order to control storm water volume and velocity within a construction site, minimize the discharge of sediment and other pollutants, and effectively minimize or eliminate pollutant discharges.

Post construction storm water management requires permanent WQC utilizing water quality treatment, the maintenance of each permanent WQC, and preservation of setback areas along waterways and adjacent to critical environmental features.

82.911 Authority

(a) In addition to other authority and the authority granted to it in Chapter 232 of the Texas Local Government Code to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the County, the Commissioners Court of Travis County adopts Subchapters H - K pursuant to its authority under:

(b) Texas Local Government Code Chapter 573 to take any necessary or proper action to comply with the requirements of the storm water permitting program under the national pollutant discharge elimination system (Section 402, Federal Water Pollution Control Act (33 U.S.C. Section 1342)), including:

(1) developing and implementing controls to reduce the discharge of pollutants from any conveyance or system of conveyance owned or operated by the County that is designed for collecting or conveying storm water; and

(2) developing, implementing, and enforcing storm water management guidelines, design criteria, or rules to reduce the discharge of pollutants into any conveyance or system of conveyance owned or operated by the County that is designed for collecting or conveying storm water; and

(c) Texas Water Code, Chapter 16, to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program, to promote public health, safety, and general welfare.

82.912 Geographic Scope

Subchapters H – L apply to all unincorporated areas within Travis County, including areas within the ETJ of any municipality, except subdivision development within the ETJ of a municipality that has executed an agreement with Travis County that provides for a single office review and where a joint city/county code of subdivision regulations exists pursuant to Section 242.001(d)(4) of the Texas Local Government Code.

82.913 Applicability[14]

(a) Subchapters H, I, K, and L apply to the review of the completeness of each new application for a preliminary plan, final plat, subdivision construction plan, residential development, single lot development, non-residential development, and any development that requires a basic development permit.

(b) Subchapters H, I, K, and L apply to the review of the completeness of each application to amend or propose revisions of an approved preliminary plan, final plat, subdivision construction plan, residential development, single lot development, non-residential development, or any development that requires a basic development permit. Non-substantive revisions or minor corrections are not subject to re-submittal and re-approval of an application.

A substantive revision requiring re-submittal includes those that revise the limits of construction, increases the area of land disturbance, or increases impervious cover to the project by greater than ten percent. Other substantial revisions requiring re-submittal include addition of a significantly new development activity, structures, requires a significant re-design of sediment controls, a sediment basin, permanent water quality control measures, the drainage plan, or a revision that would change a substantive term, condition, provision, or limiting parameter in an existing authorization.

Revisions that are defined as redevelopment are not subject to re-submittal and re-approval of an application.

(c) Subchapters H, I, and K apply to the construction, operation, and maintenance of private and public roadways, including rights-of-ways.

(d) Subchapter J applies to any owner or operator of an approved development for which the County Executive has required implementation of specific water quality management practices at sites under construction.

(e) This subchapter applies to any owner of permanent water quality controls including any owner who is required to obtain and comply with a Permanent WQC Permit upon completion of each structural permanent water quality control required for an authorized development.

(f) Subchapter L applies to new applications for the commercial development for a quarry or a mine and to applications to amend or propose revisions to an approved commercial development for a quarry or a mine.

(g) Except as otherwise noted, Subchapters H, I, and K apply to the following applications:

(1) An application for a development permit or subdivision development that proposes 10,000 square feet or greater of impervious cover or where one acre or more of land would be disturbed;

[14] 82.913 amended 6/28/2016, Item 24.

(2) An application for development that would disturb less than one acre of land but is a part of a common plan of development where the overall development would disturb one acre or more of land; and

(3) Other development applications, including applications for utility placement, right of way construction, single lot or parcel construction, a driveway, or an on-site sewerage facility, that propose less than 10,000 square feet of impervious cover or where less than one acre of land would be disturbed which are subject to Section 82.934(a) and (b)(3) – (4), as a minimum, including following technical guidelines for erosion and sedimentation control provided by the County Executive and as described in Section 82.933.

82.914 Environmental Review

(a) In addition to any number of copies required by Chapter 64 of the Travis County Code for a basic development permit application, and in addition to any number of copies required by Section 82.201(b) of this chapter, an applicant for a project for which Subchapters H – L applies must submit a copy of the application for environmental review.

(b) Development within the Lake Travis watershed is subject to the provisions of the Highland Lakes Watershed Ordinance and the Travis County Code. A person who seeks to engage in development in the Lake Travis watershed must:

(1) Submit any development application, including revisions to an application and required supporting information, to the Lower Colorado River Authority at the same time as it is provided to the County Executive; and

(2) If additional information is required to be provided to the County Executive as a part of the review process for a development application, submit the same additional information at the same time to the Lower Colorado River Authority.

82.915 Pre-development Planning[15]

Before submitting an application for a development permit for a subdivision development greater than 20 acres in area or a non-residential development greater than three acres in area, an applicant may request a pre-development/concept plan meeting with the County staff. The meeting will focus on the proposed land plan, slopes, buffers, critical environmental features, and water quality management practices for construction activities and permanent water quality control, and may include a site investigation.

[15] 82.915 amended 6/28/2016, Item 24.

82.916 Other Environmental Authorizations Required[16]

(a) It is the responsibility of each applicant to comply with all applicable federal, state, and local statutes, rules, and regulations.

(b) Each applicant seeking a development permit shall submit documentation that demonstrates that the proposed development complies with the following statutes, rules, and regulations:

(1) the LCRA Highland Lakes Watershed Ordinance, if the application includes development in the Lake Travis watershed;

(2) the TCEQ Edwards Aquifer requirements at 30 Texas Administrative Code Chapter 213, if the application includes development that overlies the Edwards Aquifer Recharge Zone or Edwards Aquifer Contributing Zone;

(3) Section 10 of the federal Endangered Species Act;

(4) Section 10 of the federal Rivers and Harbors Act or Section 404 of the federal Clean Water Act;

(5) Any applicable municipal requirements if the proposed development is located partially or wholly within an extra-territorial jurisdiction of a municipality;

(6) The TCEQ industrial or municipal solid waste management requirements under Chapter 361, Texas Health and Safety Code;

(7) Texas Pollutant Discharge Elimination System requirements under Section 402 of the federal Clean Water Act, Section 26.027 of the Texas Water Code, or Section 26.040 of the Texas Water Code, including a TCEQ permit for waste discharge into or adjacent to water in the state, a Notice of Intent along with a Storm Water Pollution Prevention Plan for the discharge of storm water associated with an industrial activity; and

(8) If the application includes a proposal to construct a dam to impound water, the TCEQ Dam Safety requirements set forth in 30 Texas Administrative Code Chapter 299, and City of Austin Drainage Criteria Manual Dam Safety requirements, if the proposed development is within the City of Austin ETJ.

(c) Except as specified in subsection (c), if any of the statutes, rules, or regulations listed in Subsection (a) do not apply to the proposed development, an applicant must submit:

(1) documentation of that fact from the respective entity with enforcement authority over the statute, rule, or regulation, or,

[16] 82.916 amended 6/28/2016, Item 24.

(2) if documentation of that fact from the respective entity with enforcement authority over the statute, rule, or regulation is unavailable, bona fide documentation of that fact from a qualified professional along with supporting information.

(d) In an instance where a development proposal is clearly not subject to one or more of the statutes, rules, or regulations listed in subsection (a), the County Executive may accept a statement from the applicant indicating documentation from a qualified professional is not necessary.

(e) If a receiving water of discharges associated with the development proposal is on the TCEQ List of Impaired Waters (relating to the CWA section 303(d) or subject to a Total Maximum Daily Load ("TMDL"), the County Executive may request that an Engineer's Report required by Section 82.935(b) to include additional information associated with the pollutant parameter(s) and designated or presumed use that does not meet the water quality standard, and any BMPs included in the construction plans to address these pollutants or TMDL requirements.

82.917 Permanent Water Quality Control – Operation & Maintenance[17]

(a) Permit Required. Except as provided in Subsection (j), the owner or the owner's legally-authorized assignee must, upon completion of the infrastructure for each structural, permanent WQC required for the authorized development, obtain a Permanent WQC Permit from the County Executive.

(b) Assignment of Permit. If a subsequent owner, maintenance association, or property owner's association does not accept the assignment of ownership of the permanent water quality control, the owner who developed the site shall remain subject to the terms of the Permanent WQC Permit until an assignment occurs or until the subsequent owner, maintenance association, or property owner's association accepts responsibility for compliance with a Permanent WQC Permit.

(c) Application for Permit. A Permanent WQC Permit application shall be submitted with each development permit application for a development that requires a permanent WQC. The application must include:

(1) a completed Permanent WQC Permit application form;

(2) a proposed permanent WQC maintenance plan prepared by a Texas-licensed professional engineer, which, after approval by the County Executive or his designee, must be filed by the owner with the Travis County Clerk in the Official Public Records of Travis County, Texas;

(3) any additional, pertinent information relating to the operation or maintenance of the permanent WQC, including the protective

[17] 82.917 amended 6/28/2016, Item 24.

easements required for the permanent WQCs in accordance with Section 82.944(d); and

(4) the required, non-refundable fee established by the Travis County Commissioners Court, corresponding to the term of the Permanent WQC Permit.

(d) Permit Issuance. A Permanent WQC Permit may be issued by the County Executive following review and acceptance of the following submittals and inspection, when necessary for the permanent WQC:

(1) an Engineer's Concurrence Letter stating the project and permanent WQC(s) have been completed in conformance with the approved construction plans;

(2) the project has passed final County construction inspection and the permanent WQC(s) has been verified to be in proper working order;

(3) the completed project is eligible for the County to issue a Certificate of Compliance;

(4) the owner has provided evidence that the permanent WQC maintenance plan, including the seal of a Texas-licensed professional engineer showing certification of the maintenance plan, has been approved as to form and content by the County Executive, and has been filed with the Travis County Clerk in the Official Public Records of Travis County, Texas; and

(5) the owner shows that all permanent WQCs are contained within protective easements in accordance with Section 82.944(d).

(e) Operation and Maintenance Required. A person who has obtained a Permanent WQC Permit must maintain the permanent water quality control in proper operating condition in accordance with the approved maintenance plan, the applicable technical criteria cited in Section 82.933, and any provisions established in the Permanent WQC Permit. Upon written notice from the Inspector that corrective action is needed, the owner must perform the necessary maintenance actions enumerated by the Inspector to bring the permanent water quality control into proper operating condition.

(f) Subsequent Revisions of Permanent WQC Permit

(1) Not later than 30 days after a change in ownership or operation of a permanent water quality control, the new owner or operator must submit an application for a new Permanent WQC Permit, in accordance with subsection (c). When the permit is issued in accordance with subsection (d), the responsibility for the permanent water quality control transfers from the previous permit holder to the new permit holder.

(2) The County Executive may waive the requirement of (d)(1) when it can be shown the permanent water quality control is in proper working order.

(3) In the event revisions to the approved maintenance plan are deemed necessary by the owner or the County, a new Permanent WQC Permit application must be submitted in accordance with subsection (c).

(g) Permit Term and Renewal. Except for a Permanent WQC Permit issued to a utility district, subdivision of the state, or municipality, a Permanent WQC Permit will be issued for a term not to exceed three years. The term of a Permanent WQC Permit issued to a utility district, subdivision of the state, or municipality is a term not to exceed five years. The owner or operator of record has the continuing obligation to apply for renewal of the Permanent WQC Permit at least 30 days prior to the permit term's expiration. It is the obligation of the owner or operator to specify in the renewal application any necessary changes in maintenance or operation of the permanent water quality control that occurred since previous permit issuance.

(h) Permanent WQC Operation and Maintenance Certification. Each application for renewal or change in ownership or operation of a permanent water quality control must describe all maintenance activities identified in the Permanent WQC Permit have been completed and provide a certification from the owner that the permanent water quality control remains in proper operating condition. Based upon documentation or information that a permanent water quality control is inoperable or not fully functioning in accordance with its design, the County Executive may require a report from a Texas-licensed professional engineer certifying that corrective actions have restored the function and operation of a permanent water quality control.

(i) Effective Date. The owner or operator of a permanent water quality control authorized or completed on or after August 14, 2012, shall submit an application and obtain approval for a Permanent WQC Permit prior to the issuance of the final Certificate of Compliance and release of the ESC Fiscal for the project by the County.

(j) Conditional Exclusion from Permit

(1) The County Executive will not require a Permanent WQC Permit if the permanent water quality control is:

(A) located in a jurisdiction with territory that overlaps with the jurisdiction of Travis County, the jurisdiction requires a permanent WQC permit or authorization from the owner or operator, including an authorization under 30 Texas Administrative Code Chapter 213 (Edwards Aquifer) or the HLWO, and the development permit applicant submits evidence of coverage under the jurisdiction's permit or authorization;

(B) located within the City of Austin ETJ with an approved site plan;

(C) a non-structural permanent water quality control, such as a plan for pesticide management, fertilizer use, or a personnel training plan, and the owner complies with Subsection (k);

(D) required for residential construction on one lot or parcel, and the owner complies with Subsection (k); or

(E) approved under requirements established prior to August 14, 2012.

(2) It is the obligation of the owner of a permanent WQC within the unincorporated area of Travis County to maintain it in proper operating condition in accordance with either the approved maintenance plan or the applicable technical criteria. This responsibility is irrespective of the jurisdiction that issues or requires a permit, the date of the requirement, or the basis for operation or maintenance of a permanent WQC.

(k) Non-structural and Residential Permanent WQCs. The owner of the permanent water quality control identified in Subsection (j)(1)(C) or (j)(1)(D) must:

(1) submit, along with the application for a Travis County development permit, a maintenance plan, procedures, and information necessary to verify how any proposed permanent water quality control will be maintained in proper operating condition;

(2) maintain the permanent water quality control in proper operating condition;

(3) comply with the requirements of Subsection (e); and

(4) within 30 days after a change in ownership, submit a notification to the County Executive specifying the new owner's name, mailing address, legal lot description where the permanent water quality control is located, and an acknowledgement agreeing to maintain the permanent water quality control.

82.918 Inspection and Fees[18]

(a) A person who seeks to obtain a new Permanent WQC Permit must include with the application the nonrefundable fee established by the Commissioners Court for the specific application.

(b) The County performs monitoring inspections of completed permanent WQCs to determine if the controls are in proper operating condition and determine if they are in compliance with the approved Permanent WQC Permit and maintenance plan. The schedule of monitoring inspections shall be determined by the County Executive and the monitoring inspections are conducted during normal business hours.

(c) Permanent WQC Noncompliance and Re-Inspection Fee

[18] 82.918 amended 6/28/2016, Item 24.

(1) The County Executive will notify a permit holder of the monitoring inspection results of the County's on-site inspection of the permanent water quality control that has been determined to be either inoperable or out of substantial compliance with the maintenance plan approved pursuant to Section 82.917.

(2) Within 30 days following the notice, the permit holder must pay the County the re-inspection fee established by the Travis County Commissioners Court.

(3) Failure to pay a re-inspection fee within the required timeframe or to complete the corrective actions specified by the County may result in enforcement as set forth in Section 104.010.

(d) Application Surcharge Fee for Unauthorized Construction Activities

(1) The County Executive will assess a person a surcharge fee, in addition to any other application fee established by the Commissioners Court, upon submittal of an application for a Travis County Development Permit, when land disturbance and development have commenced prior to authorization by the County Executive.

(2) The amount assessed as a surcharge fee will be established by the Commissioners Court and will consider the resources necessary for the County Executive to carry out its responsibilities to implement and enforce a program requiring operators of construction activities to select, install, implement, and maintain storm water control measures that prevent the illicit discharge of pollutants. The factors include the following:

(A) The acreage of actual land disturbance and total proposed land disturbance;

(B) The applicability of engineering standards for the construction undertaken;

(C) Whether there is evidence of a discharge of sediment or other pollutants associated with the land disturbance discovered by the inspector to exist beyond the property boundary or in water in the State; and

(D) Other factors relating to costs and expenditures of the County Executive for review, investigation, field inspection, and similar efforts not required of applicants seeking authorization prior to development, as required by the Travis County Code.

(3) The surcharge fee is due in full with the permit application. The County Executive will not process the application until the surcharge fee has been remitted.

(4) In the interim period of time beginning with land disturbance until an issuance of a Travis County Development Permit, the owner must cease construction activities and the owner has a continuing

responsibility to implement storm water pollution prevention measures in accordance with this chapter.

82.919 Outreach to Achieve Pollution Prevention[19]

(a) A person who has been issued a Permanent WQC Permit pursuant to Section 82.917 is encouraged to publish and disseminate information to inform and educate the general public on day-to-day practices that will prevent the deterioration of water quality from sources that drain, or have the potential to drain, to the Travis County storm sewer system.

(b) Formats to consider include a brochure, newsletter, attachment, or hyperlink in an e-mail, or similar method. Efforts should involve outreach to each residential owner within a subdivision and, in the case of a non-residential development, to all owners, tenants, and employees of the establishments therein.

(c) In a residential subdivision, the information provided should focus on activities and practices of residential households that may cause water pollution if done improperly, such as motor vehicle maintenance, use of lawn and garden chemicals, trash and waste management, painting, and home repair. The information should give advice on proper methods that will prevent runoff of pollutants and the proper disposal methods that prevent pollution.

(d) In a non-residential development, the information should focus on activities specific to the establishments that are being operated in the development.

82.920 Fiscal Security[20]

Approval of a permit application for a non-residential site development and for a subdivision development is contingent upon the execution of fiscal security in accordance with the requirements of Section 82.401 of the Code, including the fiscal security amount for the ESC and permanent stabilization, and the fiscal security amount for on-site/off-site cleanup and remediation of erosion damage and sedimentation build-up.

82.921 Variance[21]

(a) An applicant for a permit or plat may apply for a variance from the requirements of Subchapter H, I, K, or L. A variance may be sought on the basis that the imposition of the requirements of Subchapter H, I, K, or L for the issuance of a permit to the applicant constitutes an exceptional hardship or on the basis of presented data demonstrating that alternate technical

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[19] 82.919 amended 6/28/2016, Item 24.

[20] 82.920 amended 6/28/2016, Item 24.

[21] 82.921 amended 6/28/2016, Item 24.

criteria are justified by the site constraints and other similar factors and provide equivalent or greater water quality protection.

(b) An applicant may file a request for variance at any time before the applicant has complied with the provisions of this chapter. A request for a variance must be in writing, must be accompanied by a completed application, must include all information necessary to allow the Commissioners Court to make the findings specified in subsection (c) of this section, and must also specify:

(1) The particular requirement from which a variance is sought;

(2) The nature of the hardship presented by the imposition of the requirement including the estimated cost in dollars of complying with the requirement in comparison to the estimated cost in dollars of construction by the proposed alternative method, procedure, or maintenance;

(3) The proposed alternative method, procedure, or maintenance to be utilized in lieu of the required method, procedure, or maintenance that is proposed;

(4) How the alternative method or procedure will provide at least an equivalent level of environmental protection; and

(5) The size, in acres, of the land area or the number of lots affected by the proposed alternative method or procedure;

(c) The Commissioners Court may grant a variance from a requirement of Subchapters H, I, K, and L if it determines that:

(1) the requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development;

(2) the variance:

(A) is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

(B) is the minimum change necessary to avoid the deprivation of a privilege given to other property owners, to allow a reasonable, economic use of the entire property, and to allow a reasonable use of the entire property; and

(C) does not create a significant probability of harmful environmental consequences; and

(D) development with the variance will result in environmental protection that is at least equal to the environmental protection achievable without the variance.

(d) Mere economic or financial hardship alone does not constitute an exceptional hardship that justifies the granting of a variance.

82.931 Submittal Requirements for Environmental Review[22]

(a) In addition to any other requirement of the Code, an application must include the information specified in this section.

For a preliminary plan, non-residential site development plan, or a commercial site development plan, the application must include:

(1) Except for small construction projects, an environmental resource inventory as specified in Section 82.942 including a survey of critical environmental features, waterways, and proposed setbacks that comply with applicable standards;

(2) For a preliminary subdivision plan of ten acres or greater, a plan consisting of:

(A) Permanent water quality control and a summary that describes how the proposed permanent water quality controls comply with applicable water quality standards and are compatible with drainage plan standards; and

(B) A preliminary construction storm water plan, in accordance with Section 82.939, that includes a summary describing how the storm water controls will comply with applicable SWP3 standards for the proposed construction;

(3) For a preliminary plan, standard subdivision plat notes for a long form final plat that conform to Section 82.945; and

(4) The submittal requirements of this section do not apply to a commercial site development plan proposing a mine or quarry. An applicant proposing a mine or quarry must submit an application and include the information specified in Subchapter L).

(b) For a short form final plat, an application must include the information specified in subsection (a), except that the plan set forth in Subsection (a)(2) need only be a general description of the future improvements planned for the site, if no construction improvements are included in the proposal.

(c) For a long form final plat, the plat must show:

(1) Subdivision boundaries, configuration, and extent and lot and easement locations and sizes, all of which must comply with all applicable standards, including all applicable setbacks regarding critical environmental features;

(2) The location of all critical environmental features and waterways with required setbacks and easements in accordance with Section 82.941;

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[22] 82.931 amended 6/28/2016, Item 24.

(3) The location and dimensions of each easement to be used for placement of required permanent water quality controls, consistency with the drainage plan, and compatibility of the plat with proposed SWP3 controls for construction; and

(4) Standard plat notes required for the applicable site features and design as required by Section 82.945.

(d) For a subdivision construction plan, non-residential site construction plan, or commercial site development construction plan:

(1) The application must include general construction notes that reference the SWP3, ESC Plan, and permanent WQC for the project in accordance with Section 82.935(g)(1) and (2) and Section 82.945;

(2) Except for small construction projects, the application must include:

(A) A water quality report prepared by the design engineer with the following components in accordance with Section 82.935(a), 82.935(c) - (f), and Section 82.945:

(i) a SWP3 component which describes SWP3 and ESC Plan information in a narrative report format, except for a project that will disturb less than one acre ;

(ii) a permanent WQC component which includes the narrative description and calculations justifying the basis for the design of the proposed permanent WQC required under Section 82.944; and

(iii) the water quality report components may be submitted as part of the engineer's drainage plan, project summary report, or submitted as a standalone document.

(B) ESC Plan, construction plan, and detail sheets, in accordance with Section 82.935(g)(3), including other BMPs as appropriate, and Section 82.945;

(C) plan sheet(s) showing the design and details of the permanent water quality controls proposed in the water quality report , in accordance with Section 82.935(g)(4), 82.944, and Section 82.945;

(D) fiscal surety documentation for erosion and sediment controls in accordance with Section 82.401; and

(E) a Permanent WQC Permit application, including a permanent WQC maintenance plan, if a Permanent WQC Permit will be required, as set forth in Section 82.917.

(3) A technically complete Permanent WQC Permit application must be provided prior to final approval of the Travis County Development Permit for a subdivision construction plan, non-residential site construction plan, or commercial site development construction plan.

(4) For a non-residential site development that will use an OSSF, the application must include documentation that the OSSF construction area will be included in the erosion and sediment controls and SWP3 coverage for the site development project.

(e) Residential construction submittal for environmental review. To be eligible for the reduced residential application submittal requirements specified in paragraphs (1) – (4), the applicant must demonstrate the proposed construction plan qualifies as structures or necessary uses for a single family, manufactured home, or duplex dwelling. Additionally, the submittal must include all other necessary Basic Development Permit Application materials necessary for the project's scope (driveway, OSSF, etc.) before an environmental review will be conducted.

(1) For residential construction on one lot or land parcel with one or more acres of land disturbance:

(A) An applicant must submit a SWP3 Summary prepared in a format approved by the County Executive that includes:

(i) The name, signature, and contact information of the primary operator, the owner, and their authorized representatives;

(ii) the location, address, and legal description of each parcel or lot where construction disturbance will occur;

(iii) the location where the SWP3 will be kept for inspection;

(iv) contact information and qualifications of the person(s) who prepared the SWP3 and who will perform the SWP3 inspections;

(v) the estimated start and end dates of the construction activities; and

(vi) if the applicant is proposing to share coverage using an existing SWP3, the SWP3 Summary must include a statement of eligibility for such coverage from the primary operator and documentation that the authorized representative of the existing SWP3 accepts this arrangement.

(B) A copy of the SWP3, or an approval of the SWP3, is not required to be submitted if the SWP3 Summary is provided in accordance with Subparagraph (A), except that for proposals with the following project attributes, the SWP3, or at a minimum, the ESC and BMP plan of the SWP3 proposed to address the attribute(s) must be submitted for approval:

(i) Land disturbance associated with one or more of the following proposed critical site improvements:

a. cut or fill that changes existing grade more than four vertical feet;

b. a slope of greater than ten percent; or

c. improvements adjacent to a waterway without any type of platted waterway setback, or adjacent to a critical environmental feature without any type of platted setback;

(ii) a project proposing a yard, hiking trail, or a recharge basin in a critical environmental feature setback listed in Section 82.941(e); and

(ii) a project along Lake Travis or the Colorado River downstream from Lady Bird Lake to provide necessary access and appurtenances to a boat dock, pier, wharf, or marina, if the project complies with 82.941(j)(3) and is approved by the County Executive.

(2) For residential construction on one lot or land parcel with less than one acre of land disturbance, an applicant must submit:

(A) a County form on which the applicant acknowledges that the applicant will use and show the location of temporary and permanent erosion and sediment controls and permanently stabilize the site to prevent water quality impacts associated with the land disturbance; and

(B) a SWP3 Summary and appropriate erosion and sediment measures if the development proposal will include more than 10,000 square feet of impervious cover and the area of land disturbance includes any of the project attributes identified in Section 82.931(e)(1)(B).

(3) For residential construction on one or multiple lots located in a common plan of development, an applicant must submit the information specified in Section 82.931(e)(1)(A) – (B), except that if less than one acre of land will be disturbed and there is a single owner or operator, the applicant may submit a written request for an exemption from the requirements of Section 82.931(e)(1)(A). The County Executive may grant the exemption if the applicant provides adequate documentation of exemption status and the information specified in Section 82.931(e)(2)(A).

(4) For single lot residential construction proposing to add 10,000 square feet or greater of impervious cover in an area outside of the City of Austin ETJ, an applicant must also submit a proposal for permanent water quality controls to meet the requirements of Sections 82.944 and 82.917(k).

(f) Utility or Construction in Right-of-Way Permit:

(1) For a project with less than one acre of land disturbance, including a project that constitutes a small construction project, the applicant submit an ESC Plan and use BMPs in the construction process, in

conformance with Section 82.934(a) and (b)(3) – (4), 82.935(g), and Sections 82.970 – 82.974.

(2) For a project with one or more acres of land disturbance, the applicant shall submit information equivalent to that provided with a site development construction plan [as set forth in Subsection (d)], along with a tree assessment, in compliance with Section 82.973.

(g) Submittal of Notices. In addition to the submittal requirements of subsections (a) – (f), each applicant must provide the County Executive the following notices when applicable to the project:

(1) An applicant must submit a Construction Site Notice (CSN) with the application, if construction is to commence within 30 days of permit approval, but in no case shall the CSN be submitted later than two days prior to the start of construction activity;

(2) An applicant must provide, with the application, a copy of the Notice of Intent (NOI) submitted to the Texas Commission on Environmental Quality if the land disturbance will be five acres or greater and if construction is to commence within 30 days of permit approval, but in no case shall the NOI be submitted later than seven days prior to the start of construction activity;

(3) In lieu of the submittal requirements set forth in (1) or (2), the CSN or NOI may be provided to the County Executive along with notice of the pre-construction conference required by Section 82.950(d), no later than two business days prior to the pre-construction conference.

(4) An applicant must provide a copy of the Notice of Termination (NOT) submitted to the TCEQ if the land disturbance will be five acres or greater. For all subdivision, utility, or non-residential land disturbance activities, the Notice of Termination shall be submitted to the Texas Commission on Environmental Quality and to the County Executive only following achievement of final stabilization on all portions of the site that are the responsibility of the operator, the occurrence of a transfer of operational control, or the when the operator has obtained an alternative authorization from the TCEQ and an alternative Travis County Development Permit.

82.932 Standards and Requirements for Technical Adequacy

Sections 82.933 – 82.945 and Sections 82.970 – 82.974 describe the standards and requirements that apply to applications under environmental review.

82.933 Technical Criteria[23]

(a) In addition to the other requirements of this chapter, the following technical criteria manuals apply, except that any changes to the manuals subsequent to the effective date of this subsection shall not take effect until approved by the County Executive:

(1) Technical criteria for best management practices and permanent water quality controls in the ETJ of the City of Austin are those set forth in the City of Austin Environmental Criteria Manual as of X X, 2016.

(2) Technical criteria for best management practices and permanent water quality controls in a Western Watershed, except within the ETJ of the City of Austin, are those set forth 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 more stringent technical criteria in TCEQ's Complying with the Edwards Aquifer Rules: Technical Guidance and Best Management Practices (RG-348).

(3) Technical criteria for best management practices and Permanent WQCs in an Eastern Watershed not within the ETJ of the City of Austin are those set forth in the City of Austin Environmental Criteria Manual as of June 28, 2016. However, the owner may use technical criteria in the LCRA HLWO Water Quality Management Technical Manual (effective July 1, 2007), or the TCEQ's Complying with the Edwards Aquifer Rules: Technical Guidance and Best Management Practices (RG-348), in these eastern watershed areas with the approval of the County Executive.

(b) The County Executive may allow alternate technical criteria and standard details, on a case-by-case basis, in consideration of site-specific conditions.

(c) The County Executive may approve alternate technical criteria proposed by an applicant if it finds that the applicant has presented data that demonstrates that the alternative technical criteria are justified by the site constraints and other similar factors and provide equivalent water quality protection to the criteria described in Subsections (a) and (b).

82.934 General Storm Water Management Requirements for Construction Activities[24]

(a) Temporary and permanent best management practices shall be employed to prevent polluted storm water runoff from all construction and development activities from entering water in the State during the construction process until final site stabilization is complete.

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[23] 82.933 amended 6/28/2016, Item 24.

[24] 82.934 amended 6/28/2016, Item 24.

Proper storm water management requires three primary types of ESC: erosion source controls, sediment controls, and permanent erosion/soil stabilization controls, as well as applicable other controls, pollution prevention measures, and permanent water quality control design measures. ESC shall be designed to include a combination of these types of ESC in order to control storm water volume and velocity within a construction site, minimize the discharge of sediment and other pollutants, and effectively minimize or eliminate pollutant discharges.

(b) Responsibilities of an Owner and Operator

(1) The owner and the primary operator of a property where construction activity occurs are each responsible for implementing approved site plans, construction plans, and specifications, maintaining day-to-day operational control of construction activities, developing and implementing SWP3s, if required, and implementing BMPs in accordance with this section.

(2) Construction projects and common plans of development which include multiple overlapping construction activities performed by multiple operators must implement coordinated SWP3 and ESC Plan measures. All construction activities performed that are necessary for a project or common plan of development to function as intended must be covered by effectively coordinated SWP3(s) and ESC Plan (s), including all utility construction. The owner must designate an individual or primary operator with clear oversight authority for the SWP3, or take whatever other measures are necessary on projects with multiple overlapping construction activities and operators, in order to ensure the SWP3(s) covers all construction activities and that all inter-related SWP3 controls, revisions, and inspections are effectively performed.

(3) A SWP3 must be developed and implemented in accordance with this section for:

(A) Any construction activity or common plan of development for which a Travis County development permit is required and that disturbs one or more acres of land; and

(B) An individual lot in a common plan of development that disturbs less than one acre of land but is within a common plan of development that is one acre or greater in size.

(4) Where there is less than one acre of land disturbance and neither the owner nor primary operator is required to develop and implement an SWP3, the owner and the primary operator must still implement BMPs appropriate to the scope of the construction activities in compliance with this section.

(5) If sediment originates from construction activities on the project site and discharges off-site, the owner or operator must remove any

accumulations that adversely affect off-site property and water in the State.

(A) Accumulations must be removed at a frequency that eliminates or minimizes to the maximum extent practicable any adverse impacts, and the removal must be accomplished prior to the next rain event whenever feasible.

(B) If the owner or operator does not own or operate the off-site conveyance, the work must be accomplished by working with the owner or operator of the property to remove the sediment.

(C) The removal and remediation work for any off-site sediment impacts proposed by the owner or operator of the construction site must be approved by the off-site property owner and the County Executive, prior to such work being done.

(D) The proposal must demonstrate that no further adverse environmental impacts will result from the remediation work.

(E) If there is an accidental or intentional discharge of any pollutant that poses a significant threat or an actual impact to human health, safety, or environmental quality, the provisions and time lines specified in this paragraph do not apply and the person responsible must comply with Section 104.008. The person responsible must immediately take all necessary steps to ensure containment of a discharge source and cleanup of the released pollutants with appropriate permission from an affected landowner.

(6) The primary operator and secondary operator of a property where construction activity occurs are responsible for complying with the conditions outlined in Part III, Section B of TPDES General Permit TXR150000 issued by the TCEQ on February 15, 2008, and these conditions as described in a subsequent renewal or amended permit. In addition to the foregoing, a secondary operator must comply with the permit requirements for primary operators if there are no other operators at the construction site.

(7) Project Completion. The owner and primary operator are responsible for completing project construction, final grading, and final site stabilization as specified in the SWP3 and within the duration of the development permit before the project can be used or occupied. This includes following the sequence of construction and the implementation of temporary sediment, permanent erosion, and soil stabilization control requirements in Section 82.936(d)(3), and the final inspection requirements in Section 82.951(b)(10), in order to complete the project in a manner that limits the exposure time of disturbed soils to the maximum extent practicable.

(c) Qualifications for SWP3 and ESC Plan Design and Inspection. For any project that requires a Travis County development permit and a SWP3, the

design and inspection must be conducted by individuals with the proper qualifications and certifications, as described below:

(1) Only a Texas-licensed professional engineer or a Certified Professional in Erosion and Sediment Control may design and develop the ESC Plan and Engineer's Report components of the SWP3.

(2) For projects required by this chapter to have an engineer certification of the construction plans, only a Texas-licensed professional engineer may seal any engineering calculations that may be required for the SWP3 or ESC Plan.

(3) The individuals with the following qualifications and certifications are approved by Travis County to perform SWP3 inspections and sign SWP3 Inspection Reports required by Section 82.950 and 82.951.

(A) A Texas-licensed professional engineer who is qualified to prepare and seal construction plans or an engineer-in-training, who is working under the direct supervision of a qualified Texas-licensed professional engineer within their organization;

(B) A Certified Professional in Erosion and Sediment Control, a Certified Erosion, Sediment, and Storm Water Inspector, a Certified Inspector of Sediment and Erosion Control, or an individual in-training for one of these certifications who is working under the direct supervision of the certified professional or certified inspector within their organization; and

(C) An individual with an alternate certification to those identified in (A) – (B) who has demonstrated to the satisfaction of the County Executive that the certification standard will sustain an equivalent level of SWP3 design and inspection effectiveness may perform SWP3 inspections and sign SWP3 Inspection Reports for either an interim or ongoing period approved by the County Executive.

(d) Each owner and primary operator must comply with all applicable requirements for Storm Water Pollution Prevention Plans and Best Management Practices for construction activities, as described in Sections 82.935 – 82.940 and Sections 82.970 – 82.974.

(e) Documentation of Rainfall Events. This subsection is applicable during any construction activity that disturbs ten or more acres of land at one time, including non-contiguous land disturbances that take place at the same time and are part of a larger common plan of development.

(1) The owner or primary operator shall place and maintain a rainfall gage at a location on site, subject to review by the Inspector, which will collect an accurate, representative rainfall sample. The gage shall be graduated at least in one-tenth inch increments with a capacity of at least five inches.

(2) The owner or primary operator shall inspect the gage within any 24-hour period during which any rainfall event has occurred at the site. The 24-hour rainfall quantity, date, time, and name of the person logging the result shall be recorded in a written log and the applicable SWP3 Inspection Report.

(3) The inspection of the gage must take place within one hour of the time the previous day's reading was logged, whenever there are successive rainfall events lasting more than 24 hours.

(4) The rainfall log shall be retained in the SWP3 Site Notebook and shall be readily available for review by the Inspector. At the request of the Inspector, a copy of the rainfall log shall be promptly provided.

82.935 Storm Water Pollution Prevention Plan[25]

(a) This subsection describes the required components and content of SWP3s as they apply to each type of proposed development activity and describes the time at which each component of the SWP3 must be submitted to the County or made available during the development approval process.

(1) For a project that is not a small construction project, the SWP3 must include the contents specified in (c) – (h) of this section for submittals associated with a subdivision construction plan or a non-residential site development construction plan. The contents of the SWP3 consist of specific items placed within:

(A) an ESC Plan with the construction plans;

(B) the SWP3 component of the water quality report; and

(C) the SWP3 Site Notebook.

(2) For a project with one acre or more of land disturbance, the SWP3 must include the contents specified in (c) – (h) of this section for submittals associated with a utility or construction in right-of-way project. The contents of the SWP3 consists of specific items placed within an ESC Plan with the construction plans, placed within the water quality report, and placed within the SWP3 Site Notebook.

(3) For a utility or construction in right-of-way project with less than one acre of land disturbance, the ESC Plan requirements are specified in Section 82.931(f)(1).

(4) The contents of the SWP3 may be placed entirely within the SWP3 Site Notebook in accordance with Subsection (h) for residential and other permit applications where the submittal does not require sealed construction plans prepared by Texas-licensed professional engineer.

[25] 82.935 amended 6/28/2016, Item 24.

(5) When required by Paragraph (1) or (2), the ESC Plan and water quality report must be submitted to the County Executive for approval with construction plans as part of an application for a development permit.

(6) The SWP3 Site Notebook must be prepared and completed no later than the time when the Construction Site Notice is required to be posted or Notice of Intent is required to be submitted to the TCEQ, and it must be available for review at the pre-construction conference.

(b) The contents of the SWP3 must provide equivalent or greater environmental protection than the contents required by TPDES General Permit TXR150000 issued by the TCEQ on February 15, 2008 (and any subsequent renewal or amended permit issued by TCEQ) . Each of the components of the SWP3 must meet all technical standards specified in this section, Sections 82.936 – 82.940, and Sections 82.970 – 82.974.

(c) Site and Project Description. The water quality report component for the SWP3 must be consistent with the criteria specified in the City of Austin Environmental Criteria Manual Section on Water Quality Management, as well as any additional criteria required by the LCRA HLWO Technical Manual if a project is located outside of the City of Austin ETJ and within a Western Watershed. Every water quality report, regardless of the location of the project, must include the following general site and project description information:

(1) A description of the nature of the construction activity and a summary of the primary and secondary construction project types and operations planned, including the major construction improvement site features planned;

(2) A summary list or table of potential pollutants, including sediment from runoff, sediment from non-storm water discharges, solid wastes from miscellaneous construction activities, petroleum hydrocarbons from vehicle and equipment maintenance and asphalt operations, and pollutants from miscellaneous industrial and construction materials, their sources, and proposed controls,. For each pollutant and source, the summary or table must specify the section or location in the construction plans or SWP3 Site Notebook where the controls for the pollutant are listed and described.

(3) A description of the intended schedule or sequence of construction activities that will disturb soil for major portions of the site, including the construction sequencing information required in Section 82.301(c)(2)(C), the City of Austin Environmental Criteria Manual, and the following additional information:

(A) Each construction project and each discrete major phase of a multi-phase construction project or common plan of development shall have a detailed sequence of construction and BMP implementation listed in the construction plan sheets;

(B) The detailed sequence of construction and BMP implementation for each project or discrete major project phase shall list major construction operations and site improvements summarized in paragraph (1) of this subsection and the implementation, phasing, and scheduling of all the ESC Plan and other BMPs required for these operations and improvement features. These include all the erosion source controls, sediment controls, temporary and permanent stabilization controls, and other controls and pollution prevention measures in the approved plans; and

(C) A time line describing the total months estimated from the start of construction to the completion and final stabilization of the site shall be included for the project, including each discrete major phase, if applicable.

(4) The total number of acres of the entire property and the total number of acres within the entire property where construction activities will occur, including off-site material storage areas and stockpiles of fill, spoil, and borrow areas that are authorized under the same TCEQ Notice of Intent or Construction Site Notice and Travis County development permit;

(5) A description of the fill material (soil, subsoil, rock) that will be generated by the proposed grading plan for the project and how it will be handled and disposed of so that the project will be in compliance with Section 82.943, including:

(A) Whether or not there will be fill material generated in excess of the amount necessary to construct the proposed final site contours, and if so, the number or estimated range of cubic yards of excess fill material that is anticipated.

(B) The proposed location(s) where the excess fill material will be permanently placed on-site or off-site, if known, and any proposed temporary storage location(s) of the excess fill material on site before final disposal, if applicable.

(C) If the final location for the permanent disposal of the excess fill material is not known prior to the issuance of the development permit:

(i) a statement that the permanent fill disposal location will be identified after the start of construction; and

(ii) a statement, that prior to fill disposal, the owner or primary operator shall contact and provide the Inspector documentation that the owner or primary operator has obtained all applicable regulatory permits, including Travis County, TCEQ Construction Site Notice, and other applicable development permits for the proposed

disposal location and that the owner or primary operator will revise the SWP3 and ESC Plan accordingly.

(D) If the fill disposal location is outside Travis County or does not require a development permit, the location, justification, and the property owner's information shall be provided to the Inspector prior to the fill disposal.

(6) A description of existing and post-construction site conditions, including:

(A) The existing soil types at the site, including soil information describing the principal, most extensive soil types in the areas to be disturbed, using reference information from The Soil Survey of Travis County, Texas, by the U.S. Department of Agriculture;

(B) A summary description of existing site conditions, including any existing land development features and the approximate percentage of existing vegetative cover; and

(C) For a subdivision or non-residential site development project required to provide a drainage plan, a summary of slope gradients present, including the approximate percentage of the total site acreage proposed to be disturbed from paragraph (4) that is a zero to 15 percent grade, a 15 to 25 percent grade, a 25 to 35 percent grade, and a greater than 35 percent grade. As an alternative, composite slope gradients for the individual drainage areas in the site drainage plan may be added on the ESC Plan sheet drainage areas maps required by Subsection (g)(3)(G).

(7) A description of any existing critical environmental feature and water in the State to which runoff or a pollutant discharge would be conveyed, either on or adjacent to the construction site, and a description of the BMPs included in the construction plans to address these areas;

(8) The name, and segment number, if applicable, of receiving waters at or near the site that may receive discharges from disturbed areas of the project, including the USGS stream type: ephemeral, intermittent, or perennial;

(9) The location, description, and authorization number or identifier of any support activity that are intended to be authorized under the owner or primary operator TCEQ Notice of Intent or Construction Site Notice for this project or Travis County development permit, including an asphalt or concrete batching operation, temporary or permanent fill or staging area, and other activities providing support to this construction site that is authorized under the TCEQ general permit; and

(10) Information on whether the SWP3 and construction plans are in compliance with other applicable state and local regulations and

permitting requirements in addition to the requirements of the County Executive under the Travis County Code, including those authorizations identified in Section 82.916(a).

(d) Erosion and Sediment Control Plan and BMPs. The water quality report component for the SWP3 must include a summary that:

(1) describes all of the ESCs and BMPs selected for the project that meet all applicable standards in Sections 82.933 and 82.936;

(2) includes each erosion source control, sediment control, and permanent erosion and soil stabilization control for the project;

(3) lists the individual controls selected and specifies where in the construction plan sheet(s) the details, specifications, schedule of implementation, site plans, and other relevant information for the controls are located;

(4) includes calculations of the volume of sediment basins; and

(5) if requested by the County, calculations for sediment controls other than sediment basins must be submitted to verify sizing, sediment removal performance, or appropriateness of the chosen sediment control.

(e) Permanent WQC. The water quality report component for the SWP3 must include a description of any permanent WQC required by this subchapter that will be installed to control pollutants in a storm water discharge that may occur after construction, or reference the more detailed water quality report component provided for the permanent WQC design.

(f) Other Controls and Pollution Prevention Measures. The water quality report component for the SWP3 must include a description of any other controls and pollution prevention measures selected for the project necessary to meet all applicable requirements in Section 82.937 and that will be included in the construction plans. The selected controls and measures must address each non-storm water discharge control, staging and stockpile area management, fill and spoils management and disposal and construction support activity control. If requested by the County Executive based on the significance or location of the controls, the water quality report and construction plans must also describe specifications for hazardous substance management, materials inventory and management, and spill prevention and controls.

(g) ESC Plan. The ESC Plan component of the SWP3 must include construction plan sheets showing each site plan, specifications, plan details, and implementation requirements for the ESC and other BMPs selected for the project. The construction sheets shall be consistent with Section 82.301(c), relating to Engineer's Construction Plan Requirements, the City of Austin Environmental Criteria Manual Section on Water Quality Management, as well as any applicable criteria required by the LCRA HLWO Technical Manual when a project is located outside of the City of Austin ETJ and within a

Western Watershed. Regardless of the location of a project, the plan sheets shall also include the following:

(1) Cover Sheet, including a site location map that meets the TCEQ General Permit requirements;

(2) General Notes Sheet:

(A) Travis County General Construction Notes for subdivision and site development construction, and special notes pertinent to the project, shall be consistent with the SWP3 Site Notebook, other sheets of the construction plans, and the water quality report.

(B) The County Executive will make available additional SWP3 and ESC Plan-related standard notes for the construction plan sheets. These standard notes will be prepared and made available to applicants, and may be updated from time to time. Generally, these notes will specify requirements of inspection and maintenance, supplement the requirements of paragraph (g)(3), and will address requirements pertaining to Other Controls and Pollution Prevention Measures. The County Executive has discretion to allow modification of standard notes for customization to specific projects.

(C) The sequence of construction and BMP implementation shall meet all the requirements listed in paragraph (c)(3) and must be identical to the SWP3 Site Notebook.

(3) ESC Plan Sheets. The following items, with appropriate plan details and notes, shall be included in ESC Plan Sheets in order to meet all applicable requirements of Sections 82.301(c)(3), 82.933, 82.936 – 82.940, and Sections 82.970 – 82.974:

(A) Scale, north arrow, and legend;

(B) A Limits of Construction (LOC) line, clearly showing the areas where soil disturbance will occur;

(C) Existing and proposed slope contours before and after final grading and permanent site construction improvements;

(D) The name and location of each surface water either on, or adjacent to the site that receives storm water discharges from the disturbed areas of the site;

(E) Each structural erosion source control proposed and its location, a description of the site phasing and implementation schedule, and relevant plan notes and plan details, including drainage diversion and dissipation details. Each non-structural erosion source control proposed in the ESC and BMP sheets shall be included in the plan notes, descriptions, and details.

(F) Each sediment control proposed and its location, a description of the site phasing and implementation schedule, and relevant

plan notes and plan details, including each sediment pond with design information, sediment trap, perimeter controls, and interior control;

(G) Each permanent erosion and soil stabilization control proposed and its location, a description of the site phasing and implementation schedule, and relevant plan notes and plan details, including: temporary stabilization measures, permanent vegetative stabilization measures, and permanent structural erosion control measures;

(H) Drainage area boundaries, the acreage of each drainage area, and flow arrows from the project's proposed drainage plan must be included on the site plan maps for structural erosion source controls, temporary sediment controls, and permanent erosion and soil stabilization controls;

(I) Each permanent water quality control, other permanent BMPs, areas of waterway or critical environmental feature setbacks, and permanent site improvement proposed for the project;

(J) Other controls and pollution prevention measures proposed for which a location on the site plan is necessary and a description of the implementation schedule, plan notes, and plan details as applicable, including each stabilized construction entrance and locations where construction vehicles will enter or exit directly onto a public street, concrete wash out area, vehicle maintenance and washing area, fuel tankage; dewatering controls for any pond, details for any temporary waterway crossings including protection measures, excavations, and other non-storm water controls;

(K) If known, depiction of each construction support activity and associated controls on-site or directly adjacent to the site, including each staging and stockpile area, haul road, temporary storage and permanent disposal area for fill and spoil, and asphalt or concrete batching;

(L) Notes and details depicting excess fill generation areas, any off-site disposal planned for the project, estimated fill quantity, and off-site location (if known), which addresses the requirements of Sections 82.935(c)(5);

(M) Each storm water outfall (existing and planned) and other points, where discharges associated with the construction activities site will occur;

(N) Survey of all trees or clusters of trees eight inches in diameter or greater which are proposed to remain within the limits of construction in accordance with Section 82.973, including a roadway clear zone or sight distance area, showing locations, diameters, and species;

(O) All proposed temporary and permanent tree protection measures in accordance with Section 82.973, showing methods to be used to avoid and preserve trees, such as borings, tree wells, or guard rails;

(P) A complete legend for each symbol used on the plan sheet for the various controls and BMPs, and standard and special specification details and plan notes; and

(Q) Legible professional engineer's seal and signature.

(4) Drainage Layout, Plan and Profile, Detention Water Quality Control Structure, and Construction Detail Sheets. Plan sheets showing drainage layout, plan and profile, detention and water quality ponds, and construction detail shall include additional technical standards, setback boundaries, notes, and details necessary for constructing all applicable permanent erosion control measures and permanent water quality controls required by this subchapter. Design details must incorporate all applicable technical criteria requirements set forth in Section 82.933.

(h) SWP3 Site Notebook

(1) The SWP3 Site Notebook shall be maintained on-site and updated by the owner or primary operator during the construction of a development project, along with a copy of the approved construction plans and County development permit.

(2) SWP3 contents required by this section which are not provided within the construction plan sheets or water quality report approved with the development permit shall be provided by the owner or primary operator before the start of construction in the SWP3 Site Notebook.

(3) The SWP3 Site Notebook must cross reference the location of all required contents of the SWP3 to the approved construction plans and documents. In particular, the ESC Plan sheets, details, specifications, schedule of implementation, and all other SWP3 controls must be accurately cross-referenced to the their location in the approved construction plans and ESC plan sheet(s). A master checklist or equivalent method shall be provided for cross referencing.

(4) The SWP3 Site Notebook must include a description of all Other Controls and Pollution Prevention Measures selected to meet the requirements of Section 82.937. This includes specified controls listed in subsection (f) and described in the water quality report, or included in the construction plans, as well as controls and measures for solid waste and hazardous substance management, materials inventory and management, and spill prevention and control.

(5) The SWP3 Site Notebook must include either an original or a copy of the following:

(A) the TCEQ General Permit, each TCEQ notice, signed SWP3 inspection reports, inspection and revision logs, and all adjustments, modifications, and official plan revisions to the approved SWP3 and ESC construction plan sheets and BMPs that occur after the start of construction.

(B) Day-to-day primary operator and secondary operator information; qualified inspector information; owner and operator SWP3 certifications or delegation letters, if executed; operator site personnel qualifications and training records, if required.

(C) Any additions or modifications to the SWP3's Other Controls and Pollution Prevention Measures, including: non-storm water discharge controls, site materials inventories and records, spill prevention and control procedures, and related records.

(6) In the event of any conflicts between the content in the SWP3 Site Notebook and the content in construction plans approved by Travis County with the development permit, the content of the construction plans shall take precedence.

(7) Maintenance and Inspection Description. The SWP3 Site Notebook must include a summary that describes how the maintenance, training, and inspection requirements for the SWP3 meet the applicable requirements of this chapter. The summary shall include:

(A) The general SWP3 implementation and maintenance responsibilities of each responsible primary and secondary operator, including the name and contact information of the responsible part(ies) for the primary operator(s);

(B) The name, qualifications, and contact information of each qualified individual who has been designated by the owner to conduct SWP3 inspections;

(C) The schedule for SWP3 monitoring inspections and reports;

(D) The maintenance and inspection procedures for SWP3 inspection milestones, including: pre-construction, site monitoring, post-rainfall, SWP3 revisions, permanent drainage and water quality system inspections, complaint response, non-compliance, final inspection and final stabilization; and

(E) The SWP3 Site Notebook must include the name and contact information for the primary operator with day-to-day operational control of the construction site and the qualified SWP3 inspector and, if the name and contact information are not available at the time of permit application review, it shall be provided at or before the pre-construction conference required under Section 82.950.

(F) The applicable training requirements for the site personnel who are responsible for implementing the various requirements of the SWP3 during construction, including each person to be trained on their roles

and responsibilities, the type and content of the training to be received by each person, and the training schedule and records for each person.

(i) Revision of the SWP3

(1) The SWP3 must include an implementation schedule for revisions that complies with this section and all revisions and adjustments must be documented by the primary operator's qualified SWP3 inspector in the SWP3 Site Notebook.

(2) The owner or primary operator must revise or update the SWP3 whenever any of the following circumstances occur:

(A) A change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3;

(B) A change in site conditions based on updated plans and specifications, amendment of an approved development permit, a new operator, a new area of responsibility for an operator, or a change in a BMP;

(C) An investigation or inspection conducted by the primary operator, as required by Section 82.951 indicates that the SWP3 is ineffective in eliminating or significantly minimizing pollutants in discharges; or

(D) A result from an investigation or inspection by an Inspector that indicates the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges.

(3) Revisions to the SWP3 must be completed within seven calendar days following an inspection or within a shorter timeframe as specified by the Inspector.

(4) Minor revisions and adjustments to the SWP3 may be approved in the field by the Inspector during construction.

(5) SWP3 revisions which require formal County plan review and approval including those which require additional engineering calculations or engineered design changes, although the County Executive reserves the right to require formal plan revisions on construction plan changes or SWP3 changes, based upon site-specific characteristics, ESC and BMP performance issues, and similar factors.(6) In the event of any conflicts between the content in the SWP3 Site Notebook and the content in construction plans approved by Travis County with the development permit, the content of the construction plans shall take precedence.

82.936 ESC Plan Best Management Practices[26]

(a) General. Temporary and permanent ESC and BMPs implemented in an ESC Plan must include both structural runoff controls and non-structural management practices, and must comply with the design standards described in this section. All control measures must be properly selected, installed, and maintained according to the manufacturer or designer specifications and the approved Travis County development permit, and plans. The construction plans must identify the locations, specifications, and timing or sequence for BMP implementation within the schedule of the construction activities.

(b) Design Storm Standards. ESC Plan BMPs must be developed and implemented in the SWP3 to prevent and minimize the mobilization and off-site discharge of sediment and other pollutants. The design must accomplish on-site retention of sediment and other potential pollutants generated by the construction activity, in accordance with the required design storm standard, to the maximum extent practicable.

(1) A sediment basin must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm until final stabilization of the site.

(2) Flows from stabilized areas and on-site or off-site undisturbed areas are not required to be included in the basin calculations if the flows are diverted around the disturbed areas of the site and the sediment basin.

(3) Design of the ESC Plan BMPs must be consistent with the approved technical criteria established for the site location as set forth in Section 82.933.

(c) Site Specific Criteria for ESC Plan Design. For each construction site, the site specific factors identified in paragraphs (1) – (5), where applicable, must be given primary consideration and priority in selecting the: (i) Erosion and sediment controls set forth in subsection (d); (ii) Applicable BMPs set forth in Section 82.937 ; and (iii) ESC Plan standards for roadways and drainage channels set forth in Section 82.970

(1) Critical Site Characteristics. The critical site characteristics of a construction site are the primary and initial factors to be considered in the ESC plan design. As the level and combination of critical site characteristic factors increase, the erosion and off-site discharge potential also increases, which requires increased amounts and types of BMPs in the ESC Plan design.

(2) Construction Improvement Features: All of the following construction improvement features must be considered in the ESC Plan design: all disturbed areas, fill embankments, cut slopes, temporary and permanent waterway crossings, roadways, all underground utilities,

[26] 82.936 amended 6/28/2016, Item 24.

residential lots, bridges, culverts, storm sewer systems, designed drainage channels, inlets, basins, outfalls; temporary entrances, roads, and stockpiles.

(3) Critical Site Improvements: All construction improvement features that are defined in Section 82.002 as critical site improvements shall require a greater amount of sediment controls and site stabilization BMPs in the ESC Plan.

(4) Construction Project Type. The type of project being constructed must guide the applicant in the selection of the ESC Plan BMP controls that are the most effective for the design and industry practices common to each primary type of construction project. The primary construction project types for ESC Plan design purposes are:

(A) non-residential site development, which includes grading and construction of buildings, parking, drainage, and utilities;

(B) linear construction, which includes streets, drainageways, and utilities;

(C) residential home construction; and

(D) areas utilized to support a construction project such as maintenance activities.

(5) Construction Duration, Phasing, and Sequence. The length of time from start of construction to final stabilization, the construction site phasing, and the construction sequence for each phase must be considered for each construction project. Projects extending over longer periods of time will typically require increased site phasing and construction sequence considerations in the ESC Plan design, especially larger and more complex construction projects, and projects with increased levels of critical site characteristics and critical site improvements.

(d) Primary ESC Categories and Functions. Each ESC Plan must include the three primary types of ESC: erosion source controls, sediment controls, and permanent erosion/soil stabilization controls. All ESC Plans shall be designed to include a combination of all three primary types of ESC in order to control storm water volume and velocity within the construction site, minimize the mobilization and discharge of sediment and other pollutants, and effectively perform the following functions.

(1) Erosion Source Controls. Each ESC Plan must include structural and non-structural erosion source controls in order to minimize the amount of soil particles that can potentially become mobilized in site runoff during construction activities which then must be treated by sediment controls. The erosion source controls listed in (A)-(E) must be included in the ESC Plan, where feasible, and implemented to the maximum extent practicable to reduce erosion and increase the effectiveness of

the sediment controls and permanent erosion/soil stabilization controls in the ESC Plan:

(A) Minimize Soil Disturbance and Compaction. Soil disturbance shall be minimized in areas with critical site characteristics. Required setbacks for protection of all streams, floodplains, and critical environmental features shall remain undisturbed. Within a developed or disturbed area of the site, existing vegetation and desirable environmental features must be preserved where feasible. Disturbance of steeper and longer slopes should be minimized. Soil compaction must be minimized and surface roughening or texturing must be undertaken in disturbed soil areas where appropriate.

(B) Phase Soil Disturbance and Stabilization. The total amount of disturbed soil exposed at one time shall be limited through phasing of major portions of the construction project, to the maximum extent practicable. Temporary protection or permanent stabilization of disturbed soil areas must be accomplished as required by paragraph (3), and as specified in the detailed construction sequence for each project or project phase.

(C) Managing Staging Areas, Site Grading, and Fill Material. The staging and stockpile area management requirements set forth in Section 82.937(b)(3) must be used to minimize discharges from staging and stockpiling areas during the construction process. The fill and spoils management and disposal requirements set forth in Section 82.937(b)(4) must be used to effectively manage the soil material excavated, transported, and placed on or off the construction site to minimize it as a source of sedimentation. During the site grading process, the primary operator shall implement placement of temporary soil grades, sumps, and berms that will act to inhibit runoff and promote infiltration on site to the maximum extent practicable, in addition to required structural controls.

(D) Drainage Diversion. Run-on drainage onto disturbed soil areas shall be diverted around disturbed areas, whenever feasible through temporary or permanent structural diversions, or through the use of other BMPs, including construction of all or parts of the permanent drainage conveyance systems and structures designed for the site as early as possible in the sequence of construction.

(E) Drainage Dissipation. Storm water discharges, including both peak flow rates and total storm water volume, shall be controlled to dissipate drainage flow, minimize erosion within the site and at drainage outlets, and to minimize downstream channel and stream bank erosion. Velocity dissipation devices are to be used

as site interior controls and must slow velocities, spread out flows, and promote sedimentation. Velocity dissipation devices at drainage discharge locations and along the length of any outfall channel must provide a non-erosive flow velocity from the structure to a water course. Velocity dissipation devices must prevent degradation of natural physical and biological characteristics and functions.

(2) Sediment Controls. Structural sediment controls must be designed to protect all disturbed soil areas from discharging sediment off of the construction site. Sediment control structures must capture and temporarily detain the required storm water runoff volume and must effectively retain sediment from the range of soil particle sizes expected to be present at the construction site, to the maximum extent practicable. In addition, sediment controls must meet the following standards:

(A) Drainage volume calculations for sediment controls shall be prepared in accordance with the guidelines in the Austin Drainage Criteria Manual.

(B) Sediment control structures are to be redundant and placed at perimeter and interior locations within the construction site to maximize sediment trapping areas and temporary runoff capture volume to maximize sedimentation and address all applicable site factors and priorities described in subsection (c) of this section.

(C) Each structural sediment control shall be designed and placed so that runoff flows, including flows exceeding the design storm, will discharge or overtop the structure in a controlled manner at planned outlet points, without breaching of the sediment control structure, without causing uncontrolled discharge, and without causing flooding of adjacent property. Longer lengths of structural sediment controls will typically require perpendicular dissipation structures, especially when such controls cannot be placed along the contour. Low points in the sediment control structure which develop into runoff outlet points must be further redesigned or reinforced as necessary before the next runoff event to prevent breaching and uncontrolled discharges. Where feasible within the limits of construction, storm water should be directed to vegetated areas to increase sediment removal and maximize infiltration.

(D) Primary Types of Structural Sediment Controls. The primary types of Structural Sediment Controls include:

(i) Sediment basin. Unless a sediment basin is not feasible due to the factors listed in a., a sediment basin is

required for disturbed drainage areas of five or more acres in order to minimize sediment discharges.

If a site design includes a permanent water quality control pond, the pond must be used as a temporary sediment basin during construction, unless it is not feasible due to the factors listed in a.

a. Feasibility. Factors in determining whether a sediment basin is necessary or appropriate include critical site characteristics, as well as the available area, public safety, precipitation patterns, site geometry, site location, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. If a sediment basin is not feasible, the applicant shall document the reason and utilize equivalent control measures, which may include a series of smaller sediment basins or traps, increased perimeter and interior sediment controls, and other ESC BMPs.

b. A sediment basin and outlet shall be designed to maximize sedimentation, including sedimentation of the finest sediment particles to the maximum extent practicable and shall have a reinforced spillway for overflow discharges. Sediment must be removed from the sediment basin no later than the time that design volume has been reduced by greater than ten percent. Basin de-watering must comply with Section 82.937(b)(1)(C).

c. Disposal of sediment removed from a basin may require special handling, in accordance with TCEQ requirements, if coagulants, flocculants, or other treatment chemicals are used.

d. Construction Sequence. A temporary sediment basin or a designed permanent detention or water quality control pond serving initially as a construction sediment basin, must be installed first during the sequence of construction. Components 1. – 8. must be incorporated into the sequence of construction for temporary sediment control, except as may be allowed under 9.:

1. minimizing initial site clearing and grading in all areas specified in the approved grading and drainage plan to what is necessary to construct the pond(s) and associated activities such as placement of excavated soil and equipment access. The specific site clearing and grading

activities required for the pond(s) to be functional as sediment basins should be described in the approved plans and implemented by the primary operator during construction. Cut and fill excavation shall be limited to what is necessary to construct the pond(s), until the pond (s) are functional;

2. grading and construction of pond embankments, and when applicable, walls;
3. permanent or temporary stabilization of soil embankments;
4. fully stabilized inflow structures;
5. fully stabilized outfall structures;
6. permanent or interim drainage conveyance measures that will effectively convey the runoff from the disturbed site areas to the pond;
7. temporary sediment control measures on all outlets in accordance with item b., above;
8. when the structure is intended to be a permanent WQC, any filtration underdrains and filter media specified in the approved design plans should be installed at the end of construction, after construction sediment is removed; and
9. On a case-specific basis, the County Executive may allow for a drainage area specified in the approved grading plan to undergo soil disturbance without placement of a temporary sediment basin, in consideration of topographic breaks on the site that isolate an area of small proportion or surface area from capture by the temporary sediment basin(s) primarily draining the site, provided that the drainage area:
   i. is identified on the plans, added to the sequence of construction, is constructed at the same time as the temporary sediment basin; and
   ii. all other BMPs required in the approved ESC Plan are placed and will provide comparable pollution prevention.

(ii) Sediment traps. A sediment trap is a small sediment basin or impoundment area located at strategic areas on the construction site where the runoff volume can safely

be temporarily detained to increase capture volume, to maximize sedimentation effects, and to retard runoff velocity.

(iii) Perimeter Sediment Controls. Silt fencing or equivalent sediment controls are required for all down slope boundaries of the disturbed construction site area where runoff can discharge off-site.

(iv) Interior Sediment Controls. Structural sediment controls of various types shall be placed at locations within the construction site interior to address critical site characteristics, construction project type, construction site features and critical site improvements, and construction length, phasing, and sequence.

(v) Temporary sediment control structures must be maintained in accordance with the plans and specifications throughout the construction process and removed along with accumulated sediment when final site stabilization is completed for the entire site or the site phase.

(3) Permanent Erosion and Soil Stabilization Controls. Each permanent structural and vegetative erosion control design specified in the ESC Plan must prevent long term erosion of site improvements, reduce runoff velocities, and achieve full, permanent vegetation coverage and final site stabilization, including prioritizing the stabilization of critical site improvements. When phasing and implementing site stabilization in the SWP3, the primary operator must adopt the following priorities and meet the following standards and minimum schedule of initiation and completion:

(A) The primary operator must give first priority for stabilization to portions of the construction site that include critical site improvements. These critical site improvements will typically require greater amounts of permanent erosion control measures to achieve effective final stabilization, such as mulch, soil retention blankets, or riprap, as appropriate. If feasible, the primary operator must also implement stabilization of other portions of the construction site early in the sequence of construction. Re-vegetation must be initiated and completed for all of the remainder of the construction site as soon as practicable before submittal of the engineer's concurrence letter.

(B) Topsoil meeting the applicable technical criteria in Section 82.933 and the approved plans shall be placed as required prior to permanent seeding and mulching activities for re-vegetation. Existing native site topsoil shall be stockpiled and reused for this purpose whenever it is feasible. The County can consider

approval of minimizing topsoil placement or other alternate final stabilization measures for selected areas with very high levels of critical site characteristics and high erosion potential, on a case-by-case basis.

(C) Seed, mulch, soil retention blankets, fertilizer, irrigation for vegetation establishment, and other measures used for re-vegetation of disturbed areas shall meet the applicable technical criteria in Section 82.933 and shall be specified in the approved plans. The primary operator must follow irrigation schedules and methods that will result in successful and rapid germination and growth of the seeded or planted vegetation.

(D) Stabilization of disturbed areas must be initiated by the primary operator immediately whenever an applicable milestone in the approved sequence of construction has been reached, or whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. The primary operator may not delay final stabilization of completed site sections or critical site improvements solely for the purpose of mobilizing re-vegetation operations for the entire site at a later date.

(E) The primary operator must take advantage of optimum seasonal planting dates, times-of-day, and temperatures to the maximum extent practicable in accordance with the applicable technical guidance to complete permanent re-vegetation of required site areas in a timely manner. The primary operator shall plan for early spring as the first priority planting date for required permanent vegetation, to the maximum extent practicable, unless otherwise specified in the approved plans. The primary operator may be required to cut back the height of temporary annual vegetation if it is necessary to allow the specified permanent, perennial vegetation to successfully establish.

(F) Except as allowed by (G), if the irrigation water supply and irrigation schedule are restricted as a result of drought conditions, vegetative stabilization measures must be initiated by the primary operator as soon as practicable but no later than the 14th day after construction activity has temporarily or permanently ceased in portions of the site.

(G) Successful stabilization initiated for a portion of the site identified in either the approved sequence of construction or by the actual cessation of earth disturbing activities described in subparagraph (D) of this paragraph must be completed by the primary operator within the following time periods from the required date of initiation, as identified during construction by

the Inspector or the qualified SWP3 inspector and documented in the SWP3 Inspection Report:

(i) Initial Stabilization Activities. Non-vegetative stabilization controls and initial vegetative seeding activities in the identified portion of the site must be substantially completed within seven days of the required date of initiation.

(ii) Temporary stabilization must be substantially completed either in accordance with the approved sequence of construction, if applicable; within seven days after the date of initiation for non-vegetative controls, such as mulch, or within 60 days after the date of initiation for temporary vegetation growth from seeding.

(iii) Permanent final stabilization must be substantially completed either in accordance with the approved sequence of construction, if applicable, within ten days after the date of initiation for sodding, or within 120 days after the date of initiation for permanent seeding.

(iv) The County Executive will consider requests for extensions to the initiation or completion time periods listed in clauses (i) – (iii) only if the primary operator can demonstrate that they are justified by the applicable technical criteria of Section 82.933 or by truly exceptional circumstances, including: time delays to reach optimal warm or cool season planting dates, exceptional characteristics of an individual site, extended periods of exceptionally severe heat or cold, official declaration of a water restriction of the primary irrigation water supply, or use of approved alternative vegetation or seed mixes. A request for a time extension must include interim stabilization or protection measures that will adequately prevent discharges during the extension period, including additional measures necessary for critical site improvements.

(H) The primary operator must achieve final stabilization of the entire site in accordance with the approved plans, specifications, and applicable technical criteria, including the required vegetation cover percentage, prior to submittal of the engineer's concurrence letter required by Section 82.953 and termination of the SWP3 permit coverage, unless the project meets the criteria described in paragraph (4) of this subsection for a developer's contract. Temporary stabilization measures may not be substituted for required final stabilization measures. The County may consider alternate final stabilization measures

for future building pad areas of two percent grade or less if equivalent stabilization is achieved.

(I) Fiscal security for erosion control shall be refunded only upon full completion and final stabilization of the entire project or phase, including removal of all temporary sediment controls and accumulated sediments.

(4) Developer's Contract

(A) A separate, written agreement to ensure final stabilization, known as a developer's contract, may be executed between the County Executive and an owner if the County Executive approves an owner's request for conditional acceptance for the use or occupancy of a development project, right-of-way, or building before the required re-vegetation coverage is complete.

(B) A developer's contract, unless extended in writing by the County Executive, is effective for up to 120 days after the date it is executed by the County Executive and the owner, and must be secured by ESC fiscal surety that the County will use for final site stabilization if the owner fails to achieve final stabilization within the contract period. After performance of final stabilization at the site in accordance with the contract, the ESC fiscal surety is then refunded by the County Executive to the owner.

(C) To be considered for a developer's contract, an owner must have:

(i) followed the approved plan for phasing and sequence of construction;

(ii) followed the approved plan for temporary and permanent stabilization;

(iii) substantially completed all permanent water quality controls and other inspection punch list items;

(iv) initiated permanent re-vegetation in all required areas; and

(v) submitted the engineer's concurrence letter required by Section 82.953.

82.937 Other Controls and Pollution Prevention Measures for Construction Activities[27]

(a) In addition to ESC Plan BMPs for construction activities, an owner must design, install, implement, and maintain other controls and pollution prevention measures in accordance with this section. These controls and measures must eliminate and effectively minimize the off-site transport of pollutants from the construction site by means other than direct storm water

[27] 82.937 amended 6/28/2016, Item 24.

runoff. An owner must address activities that can cause contamination on-site and increase the potential for subsequent pollutant discharge from runoff with other controls and pollution prevention measures.

(b) Other controls and pollution prevention measures include:

(1) Non-Storm Water Discharge Controls. Non-storm water discharge controls must be included and described in the SWP3 and ESC Plan details consistent with the following standards:

(A) Vehicle Tracking. Controls and measures must minimize the off-site vehicle tracking of sediments and the cleanup of any public roads or off–site areas adversely affected.

(B) Dust Control. Controls and measures must minimize the generation and migration of dust.

(C) De-Watering. Controls and measures for de-watering must be included in the ESC Plan to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site, including from sediment ponds, trenches, and excavations impounding surface water or groundwater seepage. When discharging from a basin or impoundment, an outlet structure that withdraws water from the surface must be used whenever possible. A discharge from dewatering activities, including a discharge from dewatering of a trench or excavation, is prohibited unless effective sedimentation, collection and disposal, or a similarly effective treatment occurs prior to discharge.

(D) Work in Surface Waters. Specified control measures must be included in the ESC Plan when working directly in or directly adjacent to a waterway to prevent and minimize pollutant discharges into such water, including work involving the construction of bridges, culverts, utilities, or other waterway construction. ESC Plan measures for temporary waterway crossing structures for vehicles and equipment must include the location, plan details, materials, ESC measures, ongoing management practices, and protection measures to prevent pollution of the waterway, including the additional measures necessary when there is flowing or pooled water present in the stream bed.

(E) Delineation of Waterway and CEF Setbacks. When the area of land disturbance or limits of construction adjoin either a waterway setback or CEF setback, an appropriate barrier or demarcation of the protected area must be placed to delineate the construction site for the purpose of preventing disturbance and degradation of natural areas protected from development activities.

(F) Concrete Wash-out. Controls for wastewater discharges from concrete washout and water well drilling operations must contain wash outs on land surfaces without discharge to water in the State. Concrete wash out without appropriate pollution prevention measures is prohibited.

(G) Wash Water. Controls must completely prevent the discharge of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. Pollution prevention measures must include collection, storage, and off-site disposal of these wastes in accordance with all TCEQ requirements.

(H) Vehicle Washing. Controls for vehicle washing must minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge; discharges of soaps or solvents used in vehicle and equipment washing are prohibited.

(I) Sanitary Waste. Methods for handling human waste generated by construction site personnel or others who are anticipated to be on-site must be addressed. BMPs may include use of permanent facilities, portable toilets, or other methods that will prevent the discharge of sewage into or adjacent to water in the State. Portable toilets and other facilities must be adequately secured to prevent overtopping or spillage due to wind or other factors. Toilets not plumbed to an on-site sewerage facility or centralized wastewater collection system must be emptied and transported off site to an appropriate disposal facility at a frequency to prevent overflows, objectionable odors, or other nuisance conditions.

(J) Any additional, anticipated non-storm water discharges must be listed in the SWP3 and the ESC Plan must specify the BMP measures selected. All non-storm water discharges are subject to the requirements of Chapter 104 of the Code and TCEQ discharge requirements.

(2) Solid Waste and Hazardous Substance Management. A description must be provided in the SWP3 of construction solid waste and hazardous substances expected to be generated or stored on-site. Controls and measures must be implemented to eliminate and prevent pollutant discharges from solid waste and hazardous substance handling, including recycling and disposal as appropriate. In preparing the SWP3, an applicant shall consider how to eliminate and prevent pollutant discharges from materials such as the following: trash, litter, construction or demolition debris, residual or surplus construction materials of all types, surplus containers of chemical or hazardous

substances, soil contaminated from an oil or hazardous substance spill, cut or uprooted vegetation such as trees and brush, and waste from sanitary facilities provided for personnel.

(3) Staging and Stockpile Area Management. Staging areas include all areas necessary for equipment, materials, fill storage and stockpiles, temporary offices, vehicle parking, vehicle maintenance, and the associated haul roads for these areas and the construction site. Controls and measures for these areas shall include:

(A) Restricting the size of these areas to the minimum necessary for the primary operator to perform the typical industry practices necessary and appropriate to the primary construction project type, in accordance with approved construction plans and as revised and approved during construction by the Inspector;

(B) Locating the area(s) within the approved limits of construction and not within setback areas for waterways and critical environmental features, floodplains, tree drip lines, areas with pass-through drainage, or steep slopes; and

(C) Using structural controls such as run-on drainage diversion and sediment controls and appropriate non-structural BMPs.

(4) Fill Management and Disposal. In addition to the cut and fill requirements of Section 82.943, designated areas for excavated soil fill and spoils material from the construction site (topsoil, subsoil, rock) shall be planned, designed, and described in the SWP3. The owner must use a reasoned estimate of the quantity of net cut and fill balance to determine how much and how many areas to reserve on site for temporary storage and permanent disposal and to plan for any necessary off-site fill disposal or the importing of any necessary fill material required for the site. Excavated fill material must be handled using the following minimum controls and practices:

(A) Temporary Stockpiling. Fill material temporarily stockpiled in place as excavation occurs shall be located in areas protected by sediment controls and shall use erosion source controls whenever feasible, such as fill placement using existing topography and excavated features to minimize erosion and runoff potential. Stockpiling within the FEMA-designated 100-year flood plain is prohibited; however, temporary fill placement is allowable in situations where the fill quantity is less than the increase in floodplain capacity caused by a mining project. Applicable temporary stabilization requirements described in Section 82.936(d)(3) must be implemented for temporary stockpiles.

(B) Removal and Disposal. Fill material must be removed from the point of excavation to the designated temporary storage or

permanent disposal area described in the approved plans and SWP3 as soon as feasible after excavation occurs.

(C) Permanent Fill Disposal. Fill material shall be permanently disposed of as described in the approved plans and SWP3 and must comply with Section 82.943(d), which, among other things, prohibits solid waste from being mixed or buried with fill material. No person may engage in off-site disposal of fill material in Travis County unless the person has received a Travis County development permit that specifically authorizes the off-site disposal. Before engaging in off-site disposal of fill material, a person may have to obtain other applicable development or regulatory permits, an additional SWP3 or, revisions to an existing SWP3.

(5) Materials Inventory and Management. Measures are required to be developed and implemented to minimize the exposure of the following materials to precipitation and storm water runoff: building materials, building products, construction waste, landscape materials, fertilizers, pesticides, herbicides, detergents, petroleum products, automotive fluids, sanitary waste, and other construction and industrial materials present on the site.

(A) Each material and hazardous substance that will be on the site during the construction activities, from the start of construction to the final stabilization and final inspection release, must be listed and described along with the management practices to be followed for each. These material management practices shall include: limiting inventory to the minimum necessary, storage in a secure site location with compatible materials, storage in original containers, proper disposal of surplus materials and containers, inspection monitoring, and training of personnel handling the materials

(B) A description of storage, management, and maintenance practices is required for each petroleum product at a construction site, including: on-site fuel, oil, other motor vehicle fluids, and asphalt. Discharges of fuels, oils, and other pollutants used in vehicle and equipment operation and maintenance are prohibited

(6) Spill Prevention and Control. The SWP3 shall include a description of spill prevention measures, and spill response, clean-up, and reporting procedures to prevent and minimize the discharge of pollutants, to the maximum extent practicable, from spills and leaks of oil and hazardous substances on the site. The plan must follow all TCEQ and local regulations. Spill response procedures must include personnel training on product and safety information, and procedures must be adjusted as necessary for improvement and to prevent particular types of spills from reoccurring.

Spill clean-up materials must be used, spills must be cleaned up, and waste residue must be properly disposed of. Reporting must occur whenever a spill threshold quantity is exceeded.

(7) A description of potential pollutant sources from areas on the project site, other than construction areas, is required in the SWP3. These other sources include construction support and maintenance areas and activities dedicated to construction site operations, including dedicated asphalt and concrete batch operations, when applicable. A description of controls and measures that will be implemented for these activities shall detail how pollutant discharges will be prevented and eliminated.

82.938 Erosion and Sediment Control Maintenance Requirements for Construction Activities[28]

(a) All ESC, BMP, and protective measures identified in the approved plans, the ESC Plan, and SWP3 must be maintained by the primary operator in effective operating condition. If, through inspections or other means, the owner, primary operator, or Inspector determines that a BMP is not operating effectively, then the owner or primary operator shall perform maintenance as necessary to make the storm water controls effective.

(b) The owner or primary operator shall carry out the inspection requirements of Section 82.951 to ensure the ESC Plan BMPs are implemented and maintained in compliance with the approved plans and SWP3 throughout construction.

(c) The owner or primary operator must promptly take any corrective action specified in the Inspector's findings to ensure proper maintenance of ESC Plan BMPs. Items requiring corrective action must be corrected by the owner or primary operator within timeframes specified by the Inspector. If corrective actions are not performed as required, the County Executive will consider use of further measures, including a stop work order and progressive enforcement.

(d) Necessary corrective actions must be accomplished within seven days or as specified in the inspection report prepared by the Inspector. When consecutive runoff events occur within 24 to 48 hours, corrective actions must be accomplished prior to the next rain event, to the maximum extent practicable. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the Operator SWP3 inspection report and maintenance must be scheduled and accomplished as soon as practicable. ESCs that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

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[28] 82.938 amended 6/28/2016, Item 24.

(e) Whenever it is discovered that a control or BMP has been used incorrectly, is performing inadequately, or is damaged, then the owner or primary operator must immediately replace or modify the control or BMP. Revisions to ESC Plan BMPs must be coordinated with the Inspector and performed in accordance with Section 82.935(i).

82.939 Preliminary Construction Storm Water Plan[29]

The preliminary construction storm water plan required pursuant to Section 82.931(a)(2)(ii) for a preliminary plan shall include a concise SWP3 summary describing the proposed ESC Plan and BMPs for the construction phase of the project. The summary must be consistent with the ESC and BMP technical standards described in Sections 82.936 – 82.938, 82.940, and 82.970. The SWP3 summary shall describe the following items, with a plan view map where applicable:

(1) The ESC and BMPs to be used to address site specific considerations including critical site characteristics; construction project type; the construction site features and critical site improvements; and the construction length, phasing, and sequence.

(2) The ESC measures and BMPs to be used in the ESC Plan to meet the requirements for erosion source control, sediment control, and permanent erosion and soil stabilization control for the construction activities.

(3) The other controls and pollution prevention measures to be used to limit the off-site transport of pollutants that have the potential to discharge by means other than direct storm water runoff, and activities that can cause on-site contamination and increase the potential for pollutant discharge from runoff.

(4) A plan view map of the proposed site improvements with the location and description of applicable proposed measures, including drainage area boundaries, acreage, flow paths, and outfalls.

82.940 Effluent Quality [Reserved]

82.941 Setbacks from Critical Environmental Features and Waterways[30]

(a) Drainage patterns for a development must be designed to protect all critical environmental features and waterways from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state. Controls shall be sufficient to avoid the effects of erosion, sedimentation, and high rate of flow.

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[29] 82.939 amended 6/28/2016, Item 24.

[30] 82.941 amended 6/28/2016, Item 24.

(b) Except for crossings or activities approved as set forth in Subsection (j), setbacks for critical environmental features and waterways shall not be areas disturbed by construction activities and:

(1) for a plat application, the setback area must be shown as a protective, platted easement, and once the plat is approved by the County Executive, must be recorded by the owner in the Official Public Records of Travis County, Texas; or

(2) for a development proposal that is not a plat application, the setback area must be shown on the development proposal, and once the setback area is approved by the County Executive, the setback area must be recorded by the owner in the Official Public Records of Travis County, Texas once the development proposal is approved.

(c) The following minimum setbacks are established around each critical environmental feature, except as provided by paragraph (4):

(1) For a cave, sinkhole, spring, and wetland, the minimum width of the setback is 150 feet from the edge of the critical environmental feature.

(2) For a point recharge feature, the required setback coincides with the topographically defined contributing surface drainage area to the feature, except that the width of the setback from the edge of the critical environmental feature must not be less than 150 feet and the setback need not extend greater than 300 feet, depending on the boundaries of the surface drainage area.

(3) For a bluff or canyon rimrock feature, the minimum setback must be 50 feet.

(4) The width of a critical environmental feature setback for an Edwards Aquifer karst or recharge feature may be reduced if evidence is provided by the applicant that the TCEQ has approved of the lesser width in accordance with the requirements or guidance specified for the Edwards Aquifer Protection Program.

(d) Except as provided in subsection (e) below, within a critical environmental feature setback:

(1) the natural vegetation cover must be retained to the maximum extent practicable and the owner must maintain the critical environmental feature setback in accordance with the City of Austin Environmental Criteria Manual to preserve the water quality function ;

(2) construction and related activities are prohibited;

(3) perimeter fencing with not less than one access gate must be installed at the outer edge of the critical environmental feature for all point recharge features;

(4) an innovative water quality control set forth in subsection (j)(7)(A) is allowed if it is located at least 50 feet from the edge of the critical environmental feature; and

(5) wastewater disposal and irrigation are prohibited.

(e) Subsection (d) does not apply to a yard, hiking trail, or a recharge basin designed to discharge to a point recharge feature without polluting ground water if the yard, hiking trail, or recharge basin is located at least 50 feet from the edge of the critical environmental feature.

(f) The setback from a bluff or rimrock 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 one acre and best management practices are employed to achieve a level of water quality and environmental protection equivalent to the 50 foot setback; or

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

(g) Waterway Setbacks in an Eastern Watershed. The following setbacks apply in an eastern watershed and within the City of Austin ETJ in a western watershed, except as specified in subsection (j):

(1) Waterways are classified as follows:

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

(B) An intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres;

(C) A major waterway has a drainage area of more than 640 acres

(2) A protected zone is established along each classified waterway as a waterway setback. A setback for a waterway shall be included within protective, platted easements.

(A) For a minor waterway, the boundary of the setback is located 100 feet from the centerline of the waterway.

(B) For an intermediate waterway, the boundary of the setback is located 200 feet from the centerline of the waterway.

(C) For a major waterway except for the Colorado River downstream from Lady Bird Lake, the boundary of the setback is located 300 feet from the centerline of the waterway.

(D) For the Colorado River downstream from Lady Bird Lake, setbacks of 400 feet are established along and parallel to the shorelines of each bank of the river, beginning at the ordinary

high water mark, as defined by Title 33, Code of Federal Regulations, Section 328.3. The setbacks also include the inundated areas that constitute the Colorado River.

(h) Waterway Setbacks in a Western Watershed. The following setbacks apply in a western watershed that is outside the ETJ of the City of Austin, except as specified in subsection (j):

(1) Except as described in paragraph (2), a waterway setback shall comply with either option 1 or option 2, as described in subparagraphs (A) and (B).

(A) Option 1: Distance-Based Setback.

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

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

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

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

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

(B) Option 2: Floodplain-based Setback.

(i) For creeks or rivers draining 40 square miles or less but more than five acres, excluding roadside swales, the setback 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 using the LCRA Technical Manual standards.

(ii) For creeks or rivers draining more than 40 square miles, the setback 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, using the LCRA Technical Manual standards.

(2) The shoreline boundary of the waterway setback for Lake Travis coincides with the 681.0 foot mean sea level contour line. The width of

the setback, measured horizontally inland, is 100 feet, or, for a detached single-family residential use, 75 feet.

(i) Limitation of Activity in Waterway Setbacks. The following requirements apply to waterway setbacks established in subsections (g) – (h) of this section:

(1) Setbacks shall remain free of construction, development, and other alterations except for approved utility and roadway crossings.

(2) Wastewater collection lines and lift stations are prohibited from running within the setback zone parallel or sub-parallel to the waterway.

(3) No golf courses, on-site wastewater systems or wastewater irrigation shall be located in a waterway setback.

(4) Before reaching a setback area, drainage patterns from a development shall be designed to prevent erosion, maintain infiltration and recharge of local seeps and springs, attenuate the harm of contaminants collected and transported by storm water, and dispersed into a sheet flow pattern. Whenever possible, the natural drainage features and patterns must be maintained.

(5) No part of a residential lot with a lot size of 5,750 square feet or less may be located within a waterway setback.

(j) Exceptions to the Waterway Setbacks. All requests for exceptions to waterway setbacks must be included as a part of the application submittal required by Section 82.931. Exceptions that may be approved include:

(1) The County Executive may approve limited utility and roadway crossings. However, the number of crossings through a setback zone shall be minimized according to the guidance located in the LCRA Technical Manual or City of Austin Environmental Criteria Manual, as applicable to the watershed.

(2) The County Executive may approve a necessary waterway crossing of a wastewater line in a waterway setback in accordance with the following procedures and guidelines:

(A) The wastewater line must follow the most direct alignment into and across the waterway setback to minimize disturbance.

(B) The depth of a wastewater line crossing and location of associated access shafts shall not be constructed within an Erosion Hazard Zone.

(C) Except for a necessary crossing, a wastewater line in a waterway setback must be located outside the two-year floodplain.

(3) In an eastern watershed, a utility line may be located parallel to and within the waterway setback so long as it is outside of the erosion hazard zone and if it is located not less than 50 feet from the centerline

of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway.

(4) The County Executive may approve necessary access and appurtenances to a boat dock, pier, wharf, or marina, along the Colorado River downstream from Lady Bird Lake and along Lake Travis, except along the Lake Travis shoreline in the setback of a swale, creek, or river. The access and appurtenances must follow a route through the setback area and a design that minimizes short-term and long-term erosion and runoff impacts, minimizes the clearing of vegetation, and minimizes additional impervious cover.

(5) The County Executive may approve a park development that is limited to trails, picnic facilities, open space, and similar construction only if.

(A) the construction plans show it will not alter existing vegetation and drainage patterns or increase erosion;

(B) it is outside the erosion hazard zone;

(C) the use of a fertilizer, pesticide, and herbicide is prohibited except that incidental use may be allowed if a pest management program demonstrates it will prevent pollutant discharges to the maximum extent practicable; and

(D) the construction plans do not include a stable or corral for animals.

(6) Floodplain in a Waterway Setback

(A) An application for development is also subject to the requirements of Chapter 64 of the Code, relating to development restrictions in a floodplain.

(B) Drainage retention basins are permitted in a waterway setback if they comply with the requirements of Chapter 64 of the Code.

(C) Floodplain modifications in a waterway setback are prohibited, except that the County Executive may allow floodplain modifications that are necessary to protect the public health and safety, in accordance with Section 64.133 of the Code, or that are necessary for pre-existing development already allowed in the waterway setback.

(7) In an eastern watershed:

(A) A setback boundary may be reduced to not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if the overall surface area of the setback is the same or greater than the surface area that would be provided without the reduction, as prescribed in the City of Austin Environmental Criteria Manual.

(B) Innovative permanent water quality controls including vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of storm water, or other green infrastructure controls identified in Section 1.6.7 of the City of Austin Environmental Criteria Manual,are allowed in a waterway setback if:

i. not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;

ii. located outside the 100-year floodplain; and

iii. located outside the erosion hazard zone.

(8) A waterway setback does not apply to a previously modified drainage feature serving a public roadway right of way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.

82.942 Environmental Resource Inventory[31]

(a) An applicant shall submit an environmental resource inventory for any proposed development that is:

(1) a residential subdivision development of ten acres or greater and proposing ten or more lots or a non-residential subdivision development of ten acres or greater;

(2) a non-residential, utility, or right-of-way development that will disturb land of three acres or greater;

(3) a non-residential, utility, or right-of-way development of greater than one but less than three acres of land disturbance, in which case only (b)(1) of this section applies.

(4) for a residential or non-residential subdivision development of greater than one but less than ten acres of platted land, in which case only (b)(1) of this section applies.

(b) Except as otherwise provided in Subsection (a), each environmental resource inventory provided by an applicant must be prepared and submitted with to-scale drawings that:

(1) identify critical environmental features and waterways on the property to be developed and within 400 feet of the property boundary on adjacent properties, the required setback areas, and propose protection measures for the features;

[31] 82.942 amended 6/28/2016, Item 24.

(2) identify any habitat of a federally-listed endangered species or Texas-threatened species within the area to be developed as well as within 500 feet outside the property line;

(3) provide an environmental justification for and show areas of cut or excavation, fill and spoil disposal locations, and roadway alignments;

(4) propose methods to achieve overland flow and justify enclosed storm sewers and show these components;

(5) include a hydrogeologic report that:

(A) describes the topography, soils, and geology of the site;

(B) identifies springs and significant point recharge features on the site;

(C) demonstrates that proposed drainage patterns will protect the quality and quantity of recharge at significant point recharge features; and

(D) includes a water well survey of the site and properties adjacent to the site for a radius of 150 feet, inclusive of recorded water wells and a field survey of the area.

(6) include a vegetation report describing existing site vegetation, the site's dominant plant communities (such as grassland, riparian, woodland, palustrian, or savanna), a list of the scientific and common names of the dominant species of identified communities, demonstrating that the proposed development preserves to the maximum extent practicable the significant trees and vegetation on the site and provides maximum erosion control and overland flow benefits from the vegetation; and

(7) include a wastewater report that provides an environmental justification for any sewer line proposed to be located in a waterway setback described in Section 82.941, and describes construction techniques and standards for wastewater lines.

(c) If an applicant is required to prepare a tree assessment pursuant to Section 82.973, the applicant shall submit it as a part of the environmental resource inventory required by this section.

(d) Upon written request from the applicant, the County Executive may allow the applicant to exclude some or all of the information from the environmental resource inventory required by this section after review of a narrative description of current site conditions to support the granting of the waiver request. Use of the Waiver Request Form specified in the City of Austin Environmental Criteria Manual, Section 1.3.2, may be used in the request. The County Executive may grant the waiver based upon the absence of critical environmental features on or within 150 feet of the site boundaries, the presence of impervious cover on the existing site and no significant undisturbed natural areas, the absence of slopes greater than 15%, the

absence of floodplains or waterway setbacks, the absence of Edwards Aquifer recharge or contributing zones, and similar justifications.

82.943 Cut and Fill[32]

(a) Land Balancing. A proposal for land balancing using cut or fill methods must be included in a development permit application and engineered construction plans when applicable and must comply with submittal requirements in Section 82.931 and SWP3 requirements set forth in Section 82.935(c)(5). Except as provided by subsection (b) of this section, a proposal for cut and fill land balancing must comply with the following requirements:

(1) All cut and fill land balancing is limited to a maximum of eight vertical feet. This includes eight vertical feet maximum of excavated cut, eight vertical feet maximum placement of fill, or an eight vertical feet maximum combination of cut and fill.

(2) Applicable fill containment, temporary controls, and permanent stabilization standards specified in Sections 82.936, 82.937, and 82.970 must be followed.

(3) A retaining wall over five feet in height shall be detailed in the construction plans sealed by a Texas licensed professional engineer and submitted with the development permit application for a non-residential site development, multi-family dwelling, or subdivision.

(4) Cut and fill located on a slope with a gradient of more than 15 percent is prohibited unless the design includes appropriate BMPs to prevent erosion, including diversion of surface water runoff; use of terraces; soil retention blankets, mulch, riprap or structural containment; establishment of mixed vegetation (such as forbs, shrubs, trees); or similar controls.

(5) Cut and fill may not be located within 100 feet of the centerline of a waterway with 64 or more acres of drainage.

(6) Every cut and fill proposal must be designed so that it complies with the requirement in Chapter 64 of the Code that flood plain storage must not be reduced.

(7) The design and structural integrity of fill areas associated with residential lot construction must be consistent with the U.S. Department of Housing and Urban Development guidelines established in Data Sheet 79g entitled “Land Development with Controlled Earthwork” (1973). The County Executive may require that a proposal for fill for a residential construction project that includes critical site improvements as defined in section 82.936(c)(1) include

[32] 82.943 amended 6/28/2016, Item 24.

design plans and specifications prepared and sealed by a Texas-licensed professional engineer.

(8) A cut or fill proposal must include a narrative description indicating the source of incoming fill and its quality, excess fill and its disposition, and the fill project purpose.

(b) Allowable Exceptions to Cut and Fill Limitations

(1) There are no limitations to the maximum height of cut or fill for the construction of permanent water quality controls, storm water detention ponds, streets, a building or parking structure's footprint, or driveways, so long as the requirements of (a)(2), (a)(3), and (a)(4) are followed. Additional requirements for the construction of a dam may apply.

(2) The County Executive may approve an exception to the cut or fill maximum vertical height specified in subsection (a)(1) if the applicant can demonstrate the maximum height is not feasible when applied to the proposed project or individual site conditions.

Each request considered for exception must include substantial permanent stabilization measures for the proposed cut or fill embankments that will prevent erosion and sediment discharges both during construction and after project completion.

Substantial stabilization measures typically include engineered retaining walls and drainage control plans, or other structural measures, a well-defined sequence of construction and ESC Plan, and other similar, proven design practices.

(c) Fill Disposal

(1) No fill or excess fill from a construction site may be placed on any lot or land parcel unless the placement of the fill is authorized in an approved subdivision construction plan or development permit. Development permit applications must provide accurate site plan information regarding the location, size, boundaries, depth, grading, and erosion control measures for proposed filling activities.

(2) This subsection does not apply to the placement of fill or topsoil less than twelve inches deep as part of an existing residential home landscaping activity that does not:

(A) Alter existing on-site or off-site drainage or the FEMA 100-year floodplain; or

(B) Encroach upon or affect rights-of-way, easements, other platted setbacks, waterways, or adjoining properties.

(3) All temporarily placed fill shall be removed prior to acceptance of streets and drainage in a subdivision and in accordance with the approved construction plan, SWP3, and development permit.

(4) Before removing fill from a permitted construction site, the owner or primary operator shall notify the Inspector of the destination of the fill.

(5) A development permit application that proposes permanent disposal or temporary storage of fill material covering one acre or more as the primary construction activity, and that is not associated with a separately permitted primary construction project underway with a coordinated projected completion date for both permitted activities, is subject to the following special requirements:

(A) The permittee shall submit annual reports no later than the date of each one-year anniversary of the permit's issuance documenting:

(i) the dates of receipt of fill material, each source of the fill, and the estimated quantity of material received during the past one year period;

(ii) the estimated quantity of material still required to complete the fill and the approximate date at which time the fill site will be completed; and

(iii) ESC needs and BMPs appropriate to the size of area still un-stabilized; and

(iv) for projects required to implement a SWP3, the SWP3 updated to reflect current site conditions, including current SWP3 inspection reports in accordance with Subchapter J.

(B) It is cause for revocation of the Basic Development Permit, in accordance with Section 64.071(c), if the County Executive finds that an annual report has not been provided, the annual report provides incomplete or inaccurate information, site management in accordance with the SWP3 is inadequate, or in consideration of the project's lack of compliance with the development permit and the requirements of this section.

(C) Upon written notice of revocation, the permittee must complete all final stabilization activities for all disturbed areas, in accordance with the requirements of Section 82.936(d)(3) and within the timeframe set forth in the notice of revocation.

(6) Applicable fill containment, temporary controls, and permanent stabilization standards specified in Sections 82.936, 82.937, 82.970, and the retaining wall requirements of (a)(4) and (a)(5) of this section must be followed for all fill disposal activities.

(d) Quality of Fill material. Only uncontaminated earthen material and inert construction rubble may be used as fill. Protruding metal must be removed from concrete and rubble. The use of garbage, new asphalt, non-weathered asphalt, or soils containing non-weathered asphalt residue, or any material other than industrial solid waste that is Class 3 waste is strictly prohibited. All

fill material must be inert and essentially insoluble. The applicant may be required to submit chemical analyses from a NELAC-certified laboratory to verify the fill material is inert, if the fill material has an odor, texture or appearance indicating that it is not inert and essentially insoluble.

82.944 Permanent Water Quality Control – Design[33]

(a) Every proposed development that includes the addition of greater than 10,000 square feet of impervious cover must include permanent water quality controls for storm water in accordance with the standards applicable to its watershed location.

Each application for a preliminary plan or development permit must include a water quality report which includes the design basis for proposed permanent structural and non-structural WQCs which will comply with this section and shows their locations and dimensions.

Lot development inside a common plan of development with existing permanent WQCs designed to treat the entire common plan of development is not subject to these standards unless the impervious cover proposed on the lot exceeds the original plan design thresholds for the individual lots.

(b) Western Watersheds. This subsection applies to the design of a permanent WQC proposed in a western watershed that is outside the ETJ of the City of Austin:

(1) Water Quality Volume. Each development project shall provide water quality volume in accordance with the 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 storm water storage volume.

(2) In the Lake Travis watershed, the owner of a project for which a Travis County development permit is required must also obtain a LCRA BMP Maintenance Permit in accordance with Section 4, Subchapter A, Paragraph (d) of the LCRA HLWO effective March 1, 2007.

(3) Alternate Standards. A subdivision development project that meets the criteria in (A) and a non-residential development project subject to this section that meets the criteria in (B) need not comply with paragraphs (1) – (2), except as specified in paragraph (4).

(A) Subdivision Preliminary Plans, Subdivision Final Plats, and Subdivision Construction Plans.

[33] 82.944 amended 6/28/2016, Item 24.

(i) The gross impervious cover is 15 percent or less and the cluster development sections have 20 percent or less gross impervious cover, as defined in the LCRA Technical Manual.

(ii) A street and drainage network is designed to include the use of open-roadway sections, ribbon curb, maintenance of sheet flow, and employs the applicable permanent erosion control and stabilization standards specified in Sections 82.936, 82.937, and 82.970.

(iii) Impervious cover credit by use of porous pavement, rainwater harvesting, native landscaping and other methods will be considered during the application review to gain compliance as defined in the LCRA Technical Manual.

(B) Non-Residential Site Development

(i) Projects less than three acres in area that use 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 will be considered during the application review to gain compliance as defined in the LCRA Technical Manual.

(4) The County Executive 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 (3), if a proposed project would create localized points of erosion or pollutant discharges sources and if the County Executive determines there are factors that may affect water quality such as the added volume of runoff, lot sizes in the subdivision, the location and proximity of impervious cover sections of the development to the 691 foot mean sea level contour line, the extent to which the development site is able to preserve or achieve sheet flow and sustain effective permanent site stabilization and vegetative cover, and the intensity of slopes to be developed at a site.

(c) Eastern Watersheds. This subsection applies to the design of a permanent WQC proposed in an eastern watershed or proposed in any watershed within the ETJ of the City of Austin:

(1) Each permanent water quality control must be designed in accordance with the City of Austin Environmental Criteria Manual. The permanent water quality control must provide at least the treatment level of a sedimentation / filtration system described in the City of Austin Environmental Criteria Manual.

(2) A permanent water quality control must capture, isolate, and treat the water draining to the control from the contributing area. A permanent water quality control must be constructed if 10,000 square feet or greater of impervious cover is proposed. The required capture volume is:

(A) the first one-half inch of runoff; and

(B) for each ten percent increase in impervious cover over 20 percent of gross site area, an additional 0.1 inch of runoff.

(3) The location of a permanent water quality control:

(A) must avoid recharge features to the greatest extent possible; and

(B) must be shown on the slope map, preliminary plan, site plan, subdivision construction plan, or development permit application, as applicable.

(4) On a site-specific basis, the County Executive may approve design criteria for a permanent WQC, in accordance with Section 82.933(a)(3), 82.933(b), or 82.933(c).

(d) Recording Protective Easements

(1) For a plat application, a Permanent WQC must be shown within a protective easement and, once the plat is approved by the County Executive, must be recorded by the owner in the Official Public Records of Travis County, Texas; or

(2) For a development proposal that is not a plat application, a Permanent WQC must be shown within a protective easement, and, once the easement document is approved by the County Executive, the protective easement must be recorded by the owner in the Official Public Records of Travis County, Texas.

(e) Operation and Maintenance. In both an eastern and a western watershed, the owner or primary operator shall maintain all permanent water quality controls in a proper manner that is consistent with County and other applicable standards, including the Permanent WQC Permit requirements of 82.917.

82.945 Subdivision Plat Notes[34]

(a) The following plat notes related to requirements in this Subchapter shall be included on each final subdivision plat. Additional notes may be required to more accurately reflect individual subdivision plat conditions.

[34] 82.945 amended 6/28/2016, Item 24.

(1) No cut or fill on any lot may exceed eight feet, excluding driveways, a building structure's footprint, or a parking area footprint, in accordance with the Travis County Code.

(2) As depicted on the plat, each protective easement from a critical environmental feature, including a cave, sinkhole, point recharge feature, bluff, canyon rimrock feature, wetland, and spring must remain in its existing, undeveloped, natural state. Natural vegetative cover must be retained. Construction activities, wastewater disposal, and wastewater irrigation are prohibited within a protective easement. A residential lawn or trail is allowed if it is located at least 50 feet from the edge of a critical environmental feature in accordance with the Travis County Code.

(3) As depicted on the plat, the setback area identified for each waterway is a protective easement that must remain undeveloped and activities must be limited within the easement. The protective easement must remain free of construction, development, and other alterations except when specifically approved in a Travis County development permit.

(4) Before beginning construction activities on a subdivision lot, the owner must obtain a Travis County development permit and, when applicable, obtain and implement a Storm Water Pollution Prevention Plan (SWP3). The SWP3 requires implementation of temporary and permanent Best Management Practices, including erosion and sediment controls, for protection of storm water runoff quality, in accordance with the Travis County Code.

(5) The owner is responsible for maintaining and operating all permanent water quality controls in compliance with all applicable standards and requirements of the Travis County Code. See Document _____.

(6) An activity that may adversely affect a tree of eight inches or more in trunk diameter (measured at four feet height above the ground) in a right-of-way accepted for maintenance by Travis County must comply with all standards and requirements in the Travis County Code.

(b) The subdivision final plat must depict the following information related to the requirements of this chapter:

(1) Clearly marked and labeled, the location and dimensions of each protective easement pertaining to a setback from any critical environmental feature;

(2) Clearly marked and labeled, the location and dimensions of each protective easement pertaining to a setback from any waterway;

(3) Clearly marked and labeled, the location and dimensions of any waterway or karst buffer zone easement required by the Texas Commission on Environmental Quality, Edwards Aquifer Protection Program, pursuant to 30 Texas Administrative Code, Chapter 213;

(4) Clearly marked and labeled, the location and dimensions of any easement for placement of a permanent water quality control required by the Travis County Code, or required by another jurisdiction;

(5) The locations listed in paragraphs (1) – (4) shall be integrated into the drainage, floodplain, and other easements.

Subchapter J. Storm Water Pollution Prevention and ESC Plan Inspections

82.950 Pre-Construction Conference and Inspection Required[35]

(a) The pre-construction conference and pre-construction inspection requirements of this section apply to every project for which a SWP3 must be submitted to the County for approval and every non-residential project less than one acre which requires an ESC Plan, except as specified in paragraphs (1) and (2).

(1) A pre-construction conference is not required for construction on a single family residential lot.

(2) A pre-construction conference for a non-residential project less than one acre and subject to an ESC Plan should be conducted by an inspector qualified in construction storm water management requirements and is subject to the requirements of this section, except that whenever a reference is made to a SWP3, SWP3 inspection, SWP3 report, or SWP3 pre-construction conference, it shall be construed as an ESC Plan, ESC Plan inspection, ESC Plan report, or ESC Plan pre-construction conference, respectively.

(b) The requirements of this section are in addition to any applicable pre-construction conference requirements of Section 82.603(d).

(c) The owner of a project or owner representative shall request a pre-construction conference with the designated Inspector before starting construction under an approved site plan or subdivision construction plan. Before requesting a pre-construction conference, the owner or owner's representative shall ensure the first phase of the ESC controls are installed in conformance with the approved plans, a qualified inspector (as specified in Section 82.934(c)(3)) has inspected the controls and verified compliance with the plans, and an SWP3 Inspection Report documenting this information has been submitted to the County through the method specified by the Inspector .

(d) The owner or owner's designated representative shall provide notice of the SWP3 pre-construction conference and a copy of the approved plans for the development to the following persons or entities at least two business days before the conference:

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[35] 82.950 amended 6/28/2016, Item 24.

(1) primary operator with operational control of the plans and specifications;

(2) Travis County's designated Inspector(s);

(3) design engineer or representative for the approved plans and SWP3;

(4) contractor(s) and primary operator(s) with day to day operational control of the construction site;

(5) designated qualified inspector (as specified in Section 82.934(c)(3)) for the primary operator responsible for preparing the SWP3 inspection reports

(6) municipal development review representatives, as appropriate; and

(7) affected utility representatives.

(e) The SWP3 pre-construction conference may be a discrete meeting or a subset of a larger project pre-construction conference, but must include an on-site inspection and approval by the Inspector of the installation of the first phase of the project's erosion and sediment controls before the construction activities can commence. The required preparations in advance of the pre-construction conference and the general format, roles, and expectations for the pre-construction conference are specified in Exhibit 82.950 – Pre-Construction Planning and Conference for SWP3 and ESC Plan.

(f) If the Travis County Inspector determines that installation of the first phase of a project's erosion and sediment controls has not occurred, is substantially incomplete, or requires re-inspection prior to allowing construction to commence, then the owner or owner's designated representative must pay a re-inspection fee established by the Commissioner's Court, prior to scheduling a subsequent pre-construction conference and prior to allowing construction to commence.

82.951 SWP3 and ESC Inspections[36]

(a) General. The requirements of this section are in addition to the applicable technical criteria in Section 82.933 and the requirements in 82.601. The requirements of this section apply to a construction site that requires a SWP3. For a non-residential project less than one acre subject to an ESC Plan, the inspection should be conducted by an inspector qualified in construction storm water management requirements and is subject to the requirements of this section, except that whenever a reference is made to a SWP3, SWP3 inspection, and SWP3 report, it shall be construed as an ESC Plan, ESC Plan inspection, or ESC Plan report, respectively.

[36] 82.951 amended 6/28/2016, Item 24.

(b) Owner and Operator SWP3 Inspection Responsibilities. An owner or operator shall comply with the following requirements in the implementation and inspection of construction projects and associated recordkeeping subject to a SWP3 and Travis County development permit:

(1) The owner or operator shall post at the construction site a copy of the TCEQ Construction Site Notice ("CSN"). No later than two days before the start of construction, the owner or operator must provide the County Executive a copy of the TCEQ CSN. No later than seven days before the start of construction, the owner or operator must provide to the County Executive a copy of the TCEQ Notice of Intent, if any.

(2) The owner or operator shall designate an on-site project manager and personnel with the necessary experience, qualifications, and training who will be responsible for performing and monitoring the SWP3, ESC Plan BMPs, and construction activities to ensure specified practices and structural controls are continuously implemented and maintained in effective operating condition throughout construction. The owner or primary operator must perform any ongoing inspections, monitoring, and actions necessary to maintain compliance, including preparing a signed SWP3 Inspection Report on the schedule described in paragraph (4) of this subsection. Any necessary corrective action identified shall be recorded on the SWP3 Inspection Report. The owner or primary operator shall ensure any corrective action is promptly performed in accordance with the SWP3 and requirements of this Chapter.

(3) The owner or primary operator shall designate a qualified inspector familiar with the SWP3 and possessing the required certification as specified in Section 82.934(c) to conduct weekly SWP3 inspections of the site and prepare a signed SWP3 Inspection Report each week. The designated project manager and the qualified SWP3 inspector are to coordinate with the Inspector on a regular basis during construction to help ensure the SWP3 controls and measures are properly implemented.

(4) SWP3 Inspection Schedule. SWP3 inspections shall be conducted at least once every seven calendar days on a specifically defined day until the entire site is temporarily or finally stabilized, and must begin:

(A) From the time of the initial installation of the first phase of ESC controls prior to the pre-construction conference with respect to projects for which a pre-construction conference is required; and

(B) From the start of construction site soil disturbing activity with respect to projects for which a pre-construction conference is not required.

(5) Post-Rainfall Inspections. The owner, primary operator, or other designee shall conduct a post-rainfall inspection within 48 hours of the end of a storm event of 0.5 inches or greater.

(A) The inspection must include all areas of the construction site identified in the SWP3, except as provided by paragraph (8);

(B) The owner, operator, or designee must commence corrective action, as feasible and as site conditions allow; and

(C) The owner, operator, or designee must provide the findings of the post-rainfall inspection to their SWP3 inspector no later than the next scheduled SWP3 inspection.

(6) When the entire site has been finally or temporarily stabilized, SWP3 inspections must be conducted at least once every month until full site completion and final inspection release through issuance of a Certificate of Compliance. This also applies to discrete areas or phases of a larger active site which are finally or temporarily stabilized. Unfinished sites finally or temporarily stabilized but inactive for three months or longer must be inspected once every two months as a minimum.

(7) Long, narrow, linear construction activities where access is limited may be inspected on an alternative schedule, with representative inspections in accordance with the TCEQ General Permit, if the owner or primary operator submits supporting documentation to the County and the County approves the alternative schedule.

(8) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, the inspection must be conducted as soon as access is practical.

(9) The SWP3 inspection must include inspection of the site for compliance with all applicable SWP3 requirements. SWP3 inspections must cover all areas of the construction site to determine whether SWP3 and ESC Plan BMPs are fully implemented and operating as required, and to determine if there is evidence of, or the potential for, pollutants entering the drainage system and discharging off-site. The format for SWP3 inspections and the contents of the SWP3 Inspection Report must conform to the items listed in Exhibit 82.951 – SWP3 Inspection Areas and Report Contents.

(10) The SWP3 must be revised as necessary based on any inspection result by the primary operator or Inspector for Travis County, in a manner that will eliminate or minimize, to the maximum extent practicable, the discharge or potential discharge of pollutants in runoff. The owner or primary operator must revise the SWP3 as necessary in accordance with Section 82.935(i).

(11) Final Inspection and Certificate of Compliance. The owner or operator shall schedule a final inspection with the Inspector when all construction plan requirements are completed. The final inspection must be preceded by submittal of the professional engineer's concurrence letter, as required by Section 82.953.

(A) Completion of the SWP3 elements of the construction plans includes:

(i) final site stabilization;

(ii) removal and proper disposal of all temporary sediment controls and accumulated sediment captured or deposited by all ESCs;

(iii) proper construction and functionality of each permanent water quality control and drainage structure;

(iv) removal of sediment, debris, or other materials from the construction and land disturbance which is deposited in each permanent water quality control and drainage structure; and

(v) stabilization of all subdivision disturbed lots, if a subdivision development. A subdivision lot which has obtained alternate operational control and SWP3 coverage may be excluded from this requirement.

(B) If the findings of the inspection demonstrate to Travis County that the SWP3 and construction plan requirements have been fully completed, a Certificate of Compliance will be issued for the project and any fiscal security for erosion and sedimentation controls, permanent storm water management facilities, and on-site and off-site cleanup shall be released. The primary operator must not submit a Notice of Termination until the requirements of Section 82.931(g)(4) have been achieved.

(C) If re-vegetation coverage is not fully completed, a Developers Contract as described in Section 82.936(d)(4) may be issued at the discretion of Travis County for eligible projects with fiscal security posted for erosion and sedimentation controls, as a conditional acceptance until the required vegetative coverage is attained, excess sedimentation is removed, and remaining temporary sediment controls are removed.

(D) A Certificate of Compliance is not required for construction on a single family residential lot, unless so specified in the Travis County development permit, based upon the potential impact on water quality of the activities approved for construction, or when a permanent WQC is required for the residential lot development. Regardless, residential lot construction must comply with all applicable SWP3 and ESC Plan measures and requirements of this Chapter prior to submission of the Notice of Termination, including construction sequence, final completion schedule, and final site stabilization.

(12) SWP3 Reports. Either at the time of each SWP3 inspection required by this section, or no later than the date of the inspection, the owner's designated, qualified inspector (as specified in Section 82.934(c)(3))

shall prepare and sign a SWP3 Inspection Report, containing notations of the inspection findings for the required site areas and control measures, as described in subsection (c), certifying whether the site is in compliance with the approved SWP3 and ESC Plan, and describing any corrective actions necessary.

(13) WP3 Site Notebook and Records. The SWP3 Site Notebook and contents, as described in Section 82.935(h), shall be maintained by the primary operator or the qualified inspector (as specified in Section 82.934(c)(3)) at the construction site, and it shall be readily available upon request. All SWP3 records must be kept by the owner or primary operator for a minimum of three years after site completion.

82.952 Submittal of SWP3 and ESC Plan Inspection Reports[37]

(a) Each SWP3 or ESC Plan Inspection Report that is required by this subchapter shall be submitted in a format that incorporates the contents required in Exhibit 82.951 – SWP3 Inspection Report Contents, or in a format specified by the County Executive.

(b) The owner or primary operator shall upload each SWP3 or ESC Plan Inspection Report required by this subchapter for subdivision and site development permits which require construction plans prepared by a professional engineer to the mypermitnow.org customer portal for Travis County. An alternate method of report submittal may be used if approved by the Inspector.

(c) SWP3 Reports required for construction associated with a residential lot development may be submitted using a method and at a frequency agreed upon by the owner or primary operator and Inspector.

82.953 Submittal of Engineer's Concurrence Letter[38]

This section applies to a development proposal that requires sealed plans prepared by a Texas-licensed professional engineer.

At the time of substantial completion of construction in accordance with the approved construction plan, SWP3, and Travis County development permit, a Texas-licensed professional engineer shall submit a concurrence letter to Travis County and the owner which states the project has been substantially completed in conformance with the approved plans and development permit.

The concurrence letter shall be in a format specified by the County Executive and shall request a final inspection and approval that the project is complete. The concurrence letter must address completion of final stabilization as required by Section

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[37] 82.952 amended 6/28/2016, Item 24.

[38] 82.953 amended 6/28/2016, Item 24.

82.936(d)(3)(H). These requirements are in addition to any applicable requirements of Section 82.604.

Subchapter K. Roadways and Rights of Way

82.970 ESC Plan Standards for Roadways and Drainage Easements[39]

(a) Temporary and permanent ESC Plan design for roadway right-of-way and drainage easement areas must comply with the technical criteria and standards in Sections 82.933, 82.936, 82.937, and 82.940, as well as the additional requirements outlined in this section. These standards apply to the construction of new roadways, improvements to existing roadways that require disturbance of land, and construction of utilities within existing roadway rights-of-way.

(b) The temporary ESC plan during construction must minimize the discharge of sediment and pollutants to prevent sedimentation of drainage structures, off-site areas, surface waters, adverse impacts to aquatic life, reduced flow capacity, excessive stream bank erosion, erosion around structures, or damage of adjoining property.

(c) The permanent erosion control and stabilization plan design shall be in conformance with the Austin Drainage Criteria Manual and Environmental Criteria Manual requirements for storm water velocities and shear stress to be below erosive values for the particular soil conditions and locations. All structures must be designed and constructed to withstand the erosive forces of the 25-year, 24-hour storm event. Permanent erosion control plans designed according to these standards must be revised appropriately if the owner or operator encounters field conditions during construction which demonstrate that the design will not be adequate to prevent long-term erosion, in particular for the protection of storm water outfalls and channels;

(1) The plan provisions must ensure permanent stabilization of all disturbed soil areas with permanent vegetation, including the following special considerations for slopes and embankments:

(A) Disturbed roadside slopes in excess of ten percent grade must be covered with temporary mulch or soil retention blankets or equivalent methods in addition to seeding to achieve permanent vegetative stabilization, if the slope's length and runoff volume have the potential to result in substantial erosion of the slope during or after the vegetation establishment period.

(B) The methods specified in (A) shall also be used on disturbed slopes associated with culvert and bridge crossings.

[39] 82.957 amended 6/28/2016, Item 24.

(2) The plan provisions must prevent erosion from storm water outfall flow exiting any structure, including a pond, culvert, bridge, storm sewer, or channel through use of appropriate BMPs. These BMPs must include a dissipater, rip-rap pad, level spreader, concrete lining, gabion, or similar BMPs. Plan provisions must include BMPs for erosion control protection of the inflow points to such structures where necessary. The erosion control plan designed to protect outfall and inflow structures from erosion damage must consider all contributing factors to prevent long term erosion, including velocity, volume, shear stress, slope gradients, and the specific location, geometry, and geological conditions of the outfall area that will be affected by the storm water flows;

(3) The plan provisions must prevent gullying and scouring of a roadside or outfall open channel from high shear stress, through vegetation, lining, soil retention blankets, a permanent berm structure, a drop structure, or similar BMP, both during and after the vegetation re-establishment period;

(4) The plan must include provisions that address impacts from the slope of an open channel, as follows:

(A) An open channel with a flow line grade of two percent or greater must be protected from erosion using temporary or permanent soil cover measures in addition to seeding to achieve permanent soil stabilization.

(B) Adequate soil cover measures in addition to seeding must be used to achieve permanent soil stabilization in an open channel less than two percent grade where the channel geometry, volume, velocity, or shear stress will result in erosion during or after the vegetation establishment period.

(C) Structural hardening for flow line protection in addition to the measures described in subparagraph (A) must be considered for open channels with flow line grades between two to five percent if flow volume, velocity, and shear stress will result in channel erosion both during and after the vegetation establishment period.

(D) The considerations of subparagraph (C) are mandatory if the open channel grade exceeds five percent.

(E) If heterogeneous soil conditions or stratigraphy are present in the open channel, such as exposed bedrock or subsoil layers of varying hardness, the additional measures or alternatives specified in (A) – (C) must be used to achieve effective final stabilization.

(F) Channel volume, velocity, and shear stress calculations may be performed by the engineer to propose alternate channel stabilization measures, and these calculations are mandatory

for channels required to be designed using the Austin Drainage Criteria Manual.

(5) The plan provisions must protect the integrity of any structural improvement and prevent excessive continuing sedimentation from an unstable right-of-way area into any drainage structure and roadside channel; and

(6) The plan provisions must stabilize a driveway approach to prevent erosion and achieve proper drainage conveyance on a rural design roadside, using a standard driveway approach detail in accordance with Section 82.302(g) and the corresponding exhibits or using an alternative driveway approach that is approved by the County Executive.

(c) A waterway crossing design for a roadway shall employ spanning, bridging, structural containment, or similar design methods to the maximum extent practicable to minimize the amount and the proximity of erodible fill soil for roadside embankments, approaches, and slopes adjacent to the waterway crossings. Design and alignment for a proposed crossing of a waterway through a waterway setback may require approval of an exception in accordance with Section 82.941. Sediment controls and permanent erosion control design considerations for all waterway crossing construction shall follow the applicable standards of this section and Sections 82.936 and 82.937.

82.971 Low Impact Development Design

(a) The County Executive may approve the use of alternative design criteria for selected roadside areas and local roadways to support the use of low impact development ("LID") techniques for enhanced water quality and runoff mitigation if the design can substantially meet the traffic safety and drainage conveyance design standards in Section 82.302 and can be maintained on a long-term basis. Design criteria and LID techniques must comply with the applicable technical standards in section 82.933. Alternate design criteria that may be approved include: ribbon curb without roadside drainage swales; grassed roadside drainage swale systems instead of curb and gutter; vegetative filter strips; storm water infiltration techniques; storm water wetlands; natural area preservation; reuse of native topsoil; native grasses and vegetation; and soil amendment and conservation landscaping. Alternative and LID designs must also demonstrate long-term maintenance feasibility.

(b) Applicability of Standards. The use of the alternative design criteria set forth in Subsection (a) may be applied to Travis County improvements and maintenance to County-owned or leased land, easements, and rights-of-way, including County road, park, or facilities operation and maintenance activities. Additionally, the criteria may be applied to development permit and plat applications of any type.

82.972 Native Vegetation

The applicant should consider the use of native plants and grass cover for the re-vegetation of construction areas wherever it is feasible

(1) In determining whether to use native vegetation for re-vegetation and landscaping, an applicant shall consider the existing site conditions and planned uses of the area; the degree of urbanization versus the undeveloped, natural character of the area; the limitations of the available water supply for irrigation, and the owners and parties responsible for ongoing maintenance of the area.

(2) An applicant should consider selected native vegetation and grass cover for areas that are more rural and natural in character, less urbanized and developed, and areas where regular landscape maintenance is less practicable and more suited to native vegetation, as well as any areas where it is desired to achieve a more natural, low-maintenance landscape condition.

(3) Seasonal native wildflowers should be considered for the roadsides and open spaces of Travis County, if it is feasible.

(4) An applicant should consider the use of sustainable designs with native plants to maintain or reduce long-term maintenance costs.

(5) County right-of-way areas being regularly maintained by the property owners directly adjacent to such areas shall implement the native vegetation standards specified in this section whenever feasible, but may generally follow the landscape character and maintenance standards of the adjacent developed areas, or as agreed upon by local residents or neighborhood associations, or in accordance with any maintenance or license agreements entered into with Travis County.

82.973 Tree Preservation[40]

(a) Applicability. This section applies to Travis County improvements and maintenance to County-owned or leased land, easements, and rights-of-way. This includes capital improvement projects or any construction improvements to County roads, bridges, parks, drainage, utilities, buildings, and parking facilities. This also includes County road, park, and facility operation and maintenance activities, including maintenance construction. This section also applies to applications for development permits and plats as described in subsection (c) below.

(b) County Project Implementation. The County is responsible for ensuring the design and implementation of an applicable project is completed in conformance with the requirements of this section. The person responsible for

[40] 82.973 amended 6/28/2016, Item 24.

the County project must prepare and submit a tree assessment to the County Executive for review.

(c) Development Application Requirements. Development permit and plat applications of any type that include proposed development activities affecting trees, including development activities that affect the critical root zone of a tree even if the tree trunk is not within the County right-of-way, in an existing or proposed County right-of-way shall follow the standards in this section. The applicant must prepare and submit a tree assessment in accordance with subsection (d), when applicable, as part of the development permit review process.

(d) Tree Assessment.

(1) The applicant or the applicable Travis County department proposing a development must submit a tree survey and tree assessment that evaluates areas proposed for development on County-owned land, County-leased land, and County road right-of-way. The detailed tree survey area extent in the tree assessment must include the proposed right-of-way and easement areas on the site as a minimum. The assessment must include explanations of any alternate right-of-way corridor options considered to save any particularly valuable trees, and the rationale and feasibility of the corridor selected.

(2) The tree assessment must be consistent with the guidelines of the City of Austin Environmental Criteria Manual, Section 3 – Tree and Natural Area Preservation as of August 14, 2012. The assessment must include a tree survey, identification of significant trees, proposed measures to preserve significant trees, and mitigation measures for significant trees that would not be preserved.

(3) A tree survey must be certified by a Texas-registered professional land surveyor and conducted in accordance with the most current land surveying practice pertaining to topographic, easement and boundary surveys. The tree assessment must be prepared by a person qualified in the identification of trees present in Travis County and tree condition.

(4) When a tree assessment is required, a development permit applicant proposing activities affecting trees in a right-of-way or right-of-way easement shall submit tree assessment information that includes: trunk location and diameter, tree species, proximity of the proposed construction activities to a tree(s), proposed pruning or removal activities, and proposed protection measures. Subdivision and non-residential site development construction shall include tree assessment information as part of the engineered, surveyed construction plan submittal.

(e) The tree assessment will be reviewed as a part of the application review process, or in response to a County departmental request. A determination will be made as to whether the tree assessment:

(1) is sufficiently complete and prepared consistent with the City of Austin Environmental Criteria Manual guidelines;

(2) identifies significant trees and sufficiently avoided them in the development design;

(3) includes an analysis of design constraints, clear zones associated with roadway design, and alternatives; and

(4) proposes a specific mitigation plan when protected trees are to be lost. A mitigation plan must be consistent with the identified alternatives specified in the City of Austin Environmental Criteria Manual.

(f) The approved tree assessment, the design constraints, tree protection measures, and mitigation plan become a part of the approved development plan, and shall be implemented in accordance with the approved permit and construction plans.

82.974 Responsibility for Unaccepted Roadways

(a) An owner of an unaccepted roadway is the person responsible for any pollution, discharge of pollutants, and excessive storm water drainage impacts that may be caused by the operation of the roadway.

(b) The owner of a roadway whose operation is observed to be causing pollution, the discharge of pollutants, or excessive storm water drainage discharge impacts must mitigate such effects. Erosion mitigation measures, if required, shall follow sediment control and permanent erosion control and stabilization standards set forth in Section 82.970 and Sections 82.933 - 82.940.

Subchapter L. Mine and Quarry Water Quality Protection

82.980 Applicability and Scope

This subchapter applies to proposals to develop land for the purpose of mining or quarrying. This subchapter addresses application submittal requirements, best management practices for the control of pollutants discharged in storm water as a result of mining or quarrying activities, and site stabilization following completion of mining or quarrying.

82.981 Exempt Activities

The following activities are exempt from the requirements of this subchapter, but such activities must comply with all other applicable requirements of this Chapter and Chapter 64 of the Code:

(1) Excavations or grading solely for domestic or farm use when carried out at a residence or farm;

(2) Excavations or grading conducted for the construction, re-construction, maintenance, or repair of a roadway, railroad, airport facility, or other transportation facility where the excavation or grading is entirely within the property boundaries or easement of the facility;

(3) Excavations for building construction purposes conducted on a building site; and

(4) Quarry or mine sites where less than one acre of total affected acreage occurs over the life of the quarry or mine.

82.982 Pre-Proposal Requirements

An applicant must schedule a pre-proposal concept plan meeting with the County regarding any quarry or mine proposal that will disturb five or more acres of land surface.

The meeting purpose is to discuss potential disturbed areas, slopes, setbacks, water diversions, and water quality management practices. The meeting may include a site investigation.

The applicant may be requested to modify the proposal before it is submitted as an application, in order to reduce pollutant discharges to the maximum extent practicable.

If the proposal is within the geographic boundary of a groundwater conservation district, the applicant must notify the district of the plan prior to initiating a quarry or mining facility.

82.983 Submittal Requirements for Environmental Review[41]

(a) In addition to any other requirement of the Travis County Code, an application for a quarry or mine must include the information specified in this section.

(b) Unless waived as specified in paragraph (9), the proposed non-residential site development plan and construction plan application for a quarry or mine must include:

(1) Except for small construction projects, an environmental resource inventory as specified in Section 82.942 including a survey of critical environmental features, waterways, and proposed setbacks that comply with applicable standards;

(2) Permanent water quality controls for areas of the site specified in Section 82.989 and a summary that describes how the proposed permanent water quality controls comply with applicable water quality standards and are compatible with drainage plan standards;

[41] 82.983 amended 6/28/2016, Item 24.

(3) A hydrologic report certified by a Texas-licensed professional engineer defining impoundments, streams, floodplains, and proposed drainage diversions including water quality BMPs within the proposed mine or quarry property boundaries;

(4) A Resource Extraction Plan, in accordance with Section 82.985;

(5) General construction notes that reference the SWP3 and storm water management controls for any portion of the site that does not drain to a resource extraction area, in accordance with Section 82.935(g)(1) and (2);

(6) Except for small construction projects, the application must include for any portion of the site that does not drain to a resource extraction area:

(A) SWP3 description information in standard format plan sheets or pages in accordance with Section 82.935(c) - (f) and (h);

(B) SWP3 ESC site plan and detail sheets, in accordance with Section 82.935(g)(3), including other BMPs as appropriate; and

(C) Permanent BMP Plan Sheet(s) showing the design and details of permanent water quality controls compatible with drainage plan standards, in accordance with Section 82.935(g)(4);

(7) A stabilization plan and cost estimate to implement the plan in accordance with Section 82.990 and that describes the fiscal security that will be posted to ensure final stabilization of the site, in accordance with applicable provisions of Section 82.991;

(8) For a quarry or mine site development that will use an OSSF, the application must include documentation by the applicant that the OSSF construction area will be included in the erosion and sediment controls and SWP3 coverage for the site development project; and

(9) On a case-by-case and limited basis, the County Executive may waive the requirement for an applicant to submit an environmental resource inventory, hydrologic report, or resource extraction plan. The determination will be based upon the significance of the site conditions, planned quarry or mine activities, size of the quarry or mine, and depth of excavation, professional standards for the appropriate submittals, and the project's proximity or potential impacts on surface water quality. Submittals that are waived will be communicated in writing after review of the applicant's written justification for waiver and after the pre-proposal concept plan meeting specified in Section 82.982.

82.984 Other Local, State, and Federal Regulations

An applicant must comply with Section 82.916 relating to other environmental authorizations required for the quarry or mine. In addition, the applicant must provide copies of, or access to all applicable plans, reports, and approvals from other regulatory agencies, for the following:

(1) A Spill Prevention Control, Containment, and Countermeasures Plan required by the U.S. Environmental Protection Agency;

(2) A Hazard Communications Plan as required by the Mine Safety and Health Administration;

(3) A Marl, Sand, and Gravel Mining Permit required by the Texas Parks and Wildlife Department for mining in public water of the State, if applicable; and

(5) Documentation of compliance with groundwater conservation district requirements, if applicable.

82.985 Resource Extraction Plan

A resource extraction plan shall be certified by a Texas-licensed professional engineer, or other qualified professional (i.e. a registered landscape architect or a licensed professional geoscientist), and submitted with the permit application. Each resource extraction plan must:

(1) Show the anticipated location and approximate depth of the proposed resource extraction in plan and profile view. Plan view must include two foot contour (or less) interval topography. Paper construction sheet submittals must be at a scale no greater than one inch equals 400 feet on 24-inch by 36-inch document sheets. As an alternative, digital construction plan sheets will be accepted when prepared in a commonly available format.

(2) Include a general description of material to be extracted on a cross-section profile.

(3) Show the planned initial location of all haul roads, equipment, office and facilities, and materials handling areas.

(4) Describe all initial necessary measures and installations for diversion and drainage of runoff from the site to prevent pollutant discharges to a waterway or wetland and describe all runoff diversions that may drain to a neighboring property.

(5) Provide notes on operational storm water controls for all areas of initial land disturbance.

(6) Show proposed mine or quarry boundaries, property limits, mining limits, approximate mining depths, drainage plan, creek crossings, and diversions.

(7) Describe general planned practices for material management, including planned extraction and replacement practices, overburden storage practices, procedures for accepting potential fill material in accordance with Section 82.990(b)(6), and general planned restoration practices.

82.986 Monitoring of Storm Water Discharges[42]

(a) If a discharge to a waterway or wetland of storm water associated with quarrying or mining will occur from the proposed site, then the facility must comply with all applicable federal, state, and local regulations.

(b) If a discharge is to be covered under the TCEQ Industrial Multi-Sector General Storm Water Permit, then the owner or primary operator can use applicable portions of the required SWP3 as the basis for a surface water monitoring plan, but shall monitor at least once per quarter when a representative discharge occurs, for total suspended solids.

(c) Monitoring data shall be readily available for Inspector review. At the request of the Inspector, documentation of the monitoring and results shall be submitted to the County within five business days of the request.

82.987 General Water Quality Protection Standards

(a) ESC Control. Erosion and sedimentation shall be controlled by the owner and operator throughout the quarry and mine process and during the stabilization and reclamation phases, in order to ensure that any discharge to a waterway complies with all applicable effluent limitations and requirements of a U.S. Environmental Protection Agency, TCEQ, or other discharge permit.

(b) Temporary Stabilization Requirements. Any disturbed area, including an overburden stockpile that is observed to be the source of excessive sediment in runoff, shall require improved BMP's, such as re-vegetation, sediment capture, or other suitable methods, to minimize erosion or runoff of sediment-laden storm water to a waterway.

(c) The owner and operator have the continuing obligation to operate and maintain a mine or quarry in accordance with all approved plans, specifications, and permit conditions, until all portions of the site have been stabilized as necessary to protect surface water quality, or the property has been returned to an alternative post-mining use. The alternative post-mining use will be subject to all applicable federal, state, and local rules, including requirements in the Travis County Code.

(d) For a project area discharging to a resource extraction area, an applicant shall use drainage diversions or other BMPs as necessary to prevent sediment from discharging into karst features. Recharge features with a surface opening greater than 0.25 square feet in area that are located on the floor of a quarry or mine must be sealed or protected in order to prevent sediment from infiltrating with storm water runoff.

(e) Excavation limits. All excavations may operate at a vertical slope but it is recommended that during excavation activities, side slopes not exceed a 2-

[42] 82.986 amended 6/28/2016, Item 24.

horizontal to 1-vertical unit ratio on the portion of the site adjacent to or within a waterway setback in order to prevent a breach of a natural water body.

82.988 Setbacks from Critical Environmental Features and Waterways[43]

(a) The requirements for setbacks from critical environmental features and waterways specified in Section 82.941 apply to a mine or quarry proposal.

(b) In addition to the requirements of Section 82.921, a variance from a minor waterway setback may be approved by the Commissioners' Court based on an environmental resource inventory by the applicant that a minor waterway does not exhibit significant aquatic and riparian resource value, defined bed and banks, and a change in hydrologic functions detrimental to the waterway downstream.

82.989 Permanent Water Quality Control

Permanent water quality controls must be provided for areas of the site that are to be developed and that do not drain into a resource extraction area. The applicability of permanent water quality control standards is based upon watershed location in accordance with Section 82.944. For a site in an eastern watershed, the requirements of Section 82.944 apply along with any additional criteria specified in section 1.3.4 of the City of Austin Environmental Criteria Manual, relating to Pollutant Attenuation Plan.

82.990 Stabilization Plan

(a) Each application for a Travis County development permit must include a stabilization plan. The stabilization plan must describe how the site will be stabilized using final measures to protect water quality once the mining or quarrying activities are complete. The plan must address all areas affected by mining or quarrying, and show the steps that the applicant will take to ensure the site is left in a condition that has stabilized land surfaces, provides for human safety, and is suitable for the applicant's proposed post-mining land use. Concurrent stabilization shall be conducted, whenever feasible, to minimize the land area disturbed by mining or quarrying at any given time. The plan must provide for complete stabilization of each area of the site following completion of mining or quarrying while mining or quarrying continues on other portions of the site.

(b) Each stabilization plan shall describe:

(1) the overall plan for the mine or quarry stabilization activities including methods (such as concurrent stabilization), proposed phases of stabilization for each particular area of the site, and a time schedule, including interim milestones and final completion;

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[43] Section 82.988 amended 6/28/2016, Item 24.

(2) proposed stabilization for each area of the site such as protected riparian corridor areas, restoration of disturbed areas, areas of re-vegetation, and areas where future development is planned;

(3) specific methods to establish vegetative cover within two-years of completion of each phase of excavation, except as required by paragraph (8), to restore areas to conditions compatible with what existed prior to the excavation, except on quarry walls, flooded areas, and areas that are designed to be flooded over time, including within two-years of final completion of all resource extraction at the permitted site, unless the site has been entered into an alternative post-mining use;

(4) those structures, temporary haul roads, and storage areas that will be removed within one-year of completion of each phase of excavation and within one-year of final completion of all resource extraction at the permitted site;

(5) the stabilization measures that will be used, such as re-seeding or placement of erosion blankets, temporary irrigation, and other soil stabilization practices;

(6) if applicable, the procedures to be used in accepting off-site material for backfill, in accordance with TCEQ guidance from TCEQ's Rule Interpretation Summary Form 330-4.001 and as described in Section 82.943(d);

(7) a detailed cost estimate for the construction that is necessary to completely implement the mine or quarry stabilization plan and that is consistent with the requirements of Section 82.991; and

(8) for each area of the site with disturbed land cover that drains to a waterway, the schedule and requirements for final stabilization must comply with Section 82.936(d)(3).

(c) The stabilization plan must be approved by Travis County and fiscal security shall be posted in accordance with Section 82.991 prior to issuance of the Travis County development permit for the site.

82.991 Fiscal Security[44]

(a) Within the City of Austin ETJ, fiscal security pertaining to site stabilization of the quarry or mine shall be posted with the City of Austin and evidence of the fiscal security shall be provided to Travis County.

(b) In areas outside the City of Austin ETJ, fiscal security shall be posted with Travis County unless there is a legal agreement between Travis County and

[44] 82.991 amended 6/28/2016, Item 24.

another jurisdiction that assigns fiscal security to another entity. The following requirements and procedures shall apply:

(1) Filing. Following approval of the mine or quarry stabilization plan, and as a condition of approval of the Travis County development permit, the applicant shall file fiscal security payable to Travis County. The fiscal security shall provide that the owner or operator shall faithfully perform all requirements for site stabilization necessary to adequately protect surface water quality.

(2) Amount and Duration. The amount of fiscal security shall equal as closely as possible the cost to the County Executive of hiring a contractor to complete either final stabilization initiatives or concurrent stabilization, according to the approved stabilization plan. The amount of the fiscal security may be reviewed once every five years by the County Executive to assure it equals outstanding stabilization costs.

The County Executive may accept a lesser amount if a permittee initiates a process to continuously increase the amount of fiscal security until it is adequate to complete stabilization. The period of fiscal security is dictated by the period of time approved in the stabilization plan to establish the post-mining land use.

The Travis County development permit will remain active while at least a portion of the fiscal security is still in place, and until the operator requests, in writing, for the permit to be closed. The fiscal security will remain in place, for the portions of the site not already released, until the site stabilization is successful and complete implementation of the stabilization plan has been achieved.

(3) Form of Security. Travis County will accept the fiscal security instruments described in Section 82.401(a)(5) – (6).

(4) Certification of Completion and Release. The owner or operator shall file a notice of completion with the County at the time the operator determines that stabilization of any portion of the mining or quarry site or the entire site is complete. The site, or portion thereof that was the subject of the notice of completion, shall be inspected by the County to determine if stabilization has been carried out in accordance with the stabilization plan.

(5) Reduction of Security. A partial release of the fiscal security can occur if the County determines that compliance with a portion of the stabilization plan has been achieved and requires no waiting period. After the County determines that stabilization is complete, or that the site has been entered into an alternative post-mining use, a certificate of completion will be issued to allow release of the fiscal security.

(6) Collection on Security. In the event any or all of the stabilization fails to meet the requirements specified in the approved stabilization plan, and the owner or operator fails or refuses to correct deficiencies of

implementation specified in writing by the County Executive, the County may collect the security to complete the stabilization plan. Additionally, the County may draw upon any security that is posted, for reasons specified in Section 82.401(b)(3).

(c) Assessment of Stabilization Success. A quarry or mine site, or portion of a site, is considered to have achieved final stabilization, or to be returned to an alternative post mining use if the owner or operator can demonstrate that it has accomplished either the conditions specified in (1) or (2):

(1) Final Stabilization. To achieve final stabilization, the operator shall ensure that all of the following requirements have been met:

(A) Storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute pollutants to the runoff.

(B) Soil disturbing activities related to mining at the site or portion of the site have been completed.

(C) The site or portion of the site as identified in the stabilization plan has been stabilized in accordance with the approved plan to minimize soil erosion.

(D) If appropriate depending on the type, location, or size of the site and its potential to contribute pollutants to storm water discharges, the site or portion of the site has been re-graded and re-vegetated, will be amenable to natural re-vegetation, or will be left in a condition consistent with the alternative post-mining land use described in paragraph (2).

(2) Alternative Post Mining Use. For the purposes of this section, an owner or operator will be issued a certificate of completion to allow release of the fiscal security required by this section if the land has been returned to an alternative post-mining land use and the evaluation described in paragraph (3) determines that the conditions of the site do not have the potential to cause or contribute to significant pollutant discharges. Similarly, the owner or operator will be issued a certificate of completion to allow release of the fiscal security if the land has been returned to an alternative post-mining land use, and proof is provided to the County that a new owner or operator has assumed liability for the completion of final stabilization.

(3) Evaluation of completion of paragraph (1) or (2) shall be determined by on-site inspection, or other evidence provided by the owner or operator, possibly including data, reports, or photos, indicating that all requirements have been met.

Subchapter M. [Exhibits]

82.1001 [Exhibit 82.201A Phasing Agreement]

§ EXHIBIT 82.201A Phasing Agreement

(Name of Subdivision/Development)

PHASING AGREEMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

THIS AGREEMENT is made and entered into by and between _____, a _____, (eg., a Texas Limited Partnership, etc.) (the "Developer"), and Travis County, Texas, (the "County"), hereinafter collectively referred to as the "Parties", for the purposes and consideration stated herein.

WHEREAS, the Developer is in the process of subdividing that certain _____ acre tract of land described in Exhibit "A", which is attached hereto and made a part hereof, (the "Property"); and

WHEREAS, the Developer desires to develop the Property in phases; and

(if applicable) WHEREAS, a subdivision plat for a portion of the Property described as "_____" has been previously recorded in the Plat Records of Travis County, Texas, at Book ____, Page _____, of the Plat Records of Travis County, Texas; and

WHEREAS, the Developer has currently submitted a Final Plat for that portion of the Property described as "_____" for County approval; and

WHEREAS, it is contemplated that the Developer will subsequently submit Final Plats for other portions of the Property for County approval in accordance with the approved Preliminary Plan for (Subdivision/Development Name), (the "Preliminary Plan"), dated _____, ____; and

WHEREAS, the Developer and the County desire to provide for the orderly development of the remainder of the Property, including (as applicable):

a) the improvement of arterial/collector street(s) (the Street(s)"), which will provide interior access to and through the Property; and

b) the portion of _____, a County road, (the "Road"), which is adjacent to the Property; and

WHEREAS, the development of the Property will necessitate the construction of the Street(s) and/or impact the Road; and

WHEREAS, the Parties desire to establish a process to coordinate the improvement of the Street(s) and the Road with the phased development of the Property;

NOW, THEREFORE, in consideration of these premises and the promises contained herein, the Parties agree as follows:

1) In the phased development of the Property, the Developer will:

a) upon the execution of this Agreement, dedicate or cause to be dedicated by plat or separate instrument the additional right-of way and any required slope or drainage easements necessary for:

I) the construction or (if applicable) the upgrade of the Streets within the Phase being final platted and any additional portion of the Street(s) required to provide access to the Phase being final platted, as shown on Exhibit "B", which is attached hereto and made a part hereof; and/or

II) the upgrade of the Road, as shown on Exhibit "B", and

b) as each subsequent Phase of the subdivision of the Property is submitted to the Commissioners Court for approval, post, under a County-approved form:

I) the construction security for the cost of the improvements to the Street(s) within the Phase being final platted and any additional portion of the Street(s) necessary to provide access to such Phase; and/or

II) the proportionate construction security for the cost of the improvement to one-half of the Road adjacent to the Property.

2) (if applicable) The proportionate share to be posted for the improvement of the Road adjacent to the Property will be determined on the basis of the percentage of lots or acreage (whichever affords the most equitable allocation) in the subdivision phase that is being platted out of the total number of the lots or acreage in the (Name of Subdivision/Development), as shown on the Preliminary Plan, excluding the number of lots or acreage in the first Phase to be platted, multiplied by the amount of the Construction Security.

3) In the phased development of the Property, the County will, subject to the performance by the Developer of its obligations under this Agreement and the Travis County Standards for Construction of Streets and Drainage in Subdivisions, approve the subsequent Final Plats of the Property.

4) Notwithstanding anything in this Agreement to the contrary, if the County initiates a project to improve any portion or all of the Street(s) and/or Road, including that portion of the Road which is adjacent to the Property, the Developer will:

a) have the obligation to pay for the improvement of the Street(s) within the Property; and/or

b) continue to have the obligation to post construction security pursuant to this Agreement.

If such fiscal is received after the County has begun or has completed the contemplated improvements, the fiscal will be in the form of cash and be used to reimburse the County for the actual costs of constructing the Street(s) and/or Road improvements, including that portion of the Road which is adjacent to the Property.

5) The right-of-way and any slope or drainage easement dedications, which must be dedicated under this Agreement, shall be in an approved County form and must be free from any encumbrances, conditions, restrictions, rights, or interests, which may, in the reasonable opinion of the County Attorney's Office, adversely affect the County's ability to use the right-of-way or easements for their intended purpose.

6) The presently estimated cost of constructing:

a) each Phase of the Improvements to the Street(s) within the Property is:

Phase____ $_____

Phase ____ $_____

Phase ____ $_____ and

b) one-half of the Road adjacent to the Property is $_____.

7) If the Developer submits a Final Plat(s) for a portion of a Phase of the Property or if the Preliminary Plan for the Property is revised and approved, the County and the Developer will, to the extent required, either amend this Agreement or enter into an additional or supplemental agreement(s) to coordinate the phasing process and the future improvement of the Street(s) and/or Road.

8) The County and its officers, employees, and successors and assigns will not be liable or responsible for and shall be held harmless by the Developer from any claims, losses, damages, causes of action, suits and liability of any kind for personal injury or death or property damage arising out of or in connection with any actions by or negligence of the Developer under the terms of this Agreement.

9) Miscellaneous.

a) Beneficiaries. This Agreement will be binding upon and inure to the benefit of the Parties and their successors and assigns.

b) Restrictive Covenant. This Agreement touches and concerns real property located in Travis County, Texas, and, if recorded, will constitute a covenant running with the land. However, this Agreement will not affect the title to the land conveyed to purchasers of individual lots in a Phase of the Subdivision, who will take their interests free and clear of the conditions of this Agreement without the necessity of any release or consent by the County.

c) Amendment to Agreement. Any revision, modification, or amendment of this Agreement will be effective only when reduced to writing and signed by the County and the current owners of the affected portion(s) of the Property which is affected. NO OFFICIAL, AGENT, OR EMPLOYEE OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED TO AMEND OR MODIFY THIS AGREEMENT EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE DELEGATED BY THE COMMISSIONERS COURT.

d) Assignment by the Developer. The rights, duties, and responsibilities of the Developer may be assigned only with the consent of the County, which will not be unreasonably withheld or unduly delayed.

e) Entire Agreement. This is the entire agreement between the Parties with respect to the subject matter hereof. As of this date, there are no other agreements or representations, oral or written, between the Parties in conflict with this Agreement.

f) Notice. Any notices hereunder will be in writing and addressed to the respective party at the address set forth below for such party, (i) by personal delivery, (ii) by U.S. Mail, certified or registered, return receipt

requested, postage prepaid, or (iii) by FedEx or other nationally recognized overnight courier service. Notice deposited in the U.S. Mail in the manner hereinabove described will be effective on the earlier of the date of actual receipt or three days after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified.

_____
_____
_____

Copy To: _____
_____
_____

Travis County: Joe Gieselman (or successor)
Executive Manager, TNR
P.O. Box 1748
Austin, Texas 78767

Copy to: Ken Oden (or successor)
Travis County Attorney
P.O. Box 1748
Austin, Texas 78767

The Parties may from time-to-time change their respective addresses by written notice to the other party.

g) Applicable Law and Venue. This Agreement shall be governed by the laws of the State of Texas, concerns real property located in Travis County, and is wholly performable in Travis County, Texas.

h) Severability. If any of the provisions of this Agreement are held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement will not be affected thereby and this Agreement shall be construed as if such invalid or unconstitutional portion had never been contained herein.

i) Number and gender. All terms or words used in this Agreement, regardless of the number or gender in which they are used, shall be deemed to include any other number or gender as the context may require.

EXECUTED to be effective as of the later date set forth below.

Date:

ABC, Ltd., a Texas Limited Partnership
By: XYZ, Inc., a Texas Corporation,
General Partner

By: _____

Printed Name:_____

Title: _____
Authorized Representative

Date:_____

TRAVIS COUNTY, TEXAS

By: _____
Bill Aleshire, County Judge

Date:_____

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the day of _____, ____, by _____ of Travis County, Texas, in the capacity stated.

_____
Notary Public, State of Texas
My Commission Expires:

_____
(Printed Name of Notary)

After Recording Return To:
Travis County, Texas
Attn: Transportation and Natural Resources Department
P.O. Box 1748Austin, Texas 78767

82.1001 [Exhibit 82.201B Total/Partial Cancellation of "Subdivision Name"]

§ EXHIBIT 82.201B TOTAL/PARTIAL CANCELLATION OF "SUBDIVISION NAME"

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

WHEREAS, (name of existing recorded subdivision), is recorded in Book _____, Page _____ of the Travis County, Texas, Plat Records; and

WHEREAS, The Travis County Commissioners Court by Order authorized the undersigned owners of (describe portion of subdivision in question) to cancel (describe portion of subdivision in question);

NOW, THEREFORE:

Pursuant to the provisions of Chapter 232.008 of the Texas Local Government Code, the owners of (describe portion of subdivision in question), do hereby cancel (describe portion of subdivision in question), provided, said subdivision shall, however, otherwise remain in full force and effect.

EXECUTED THE DAYS HEREAFTER NOTED.

DATE	OWNER'S SIGNATURE
_____	_____ (Enter owner's printed name)
_____	_____ (Enter owner's printed name)

ACKNOWLEDGMENT (FOR EACH OWNER)

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the _____of_____ , _____, by _____, in the capacity stated herein.

_____
Signature of Notary

82.1001 [Exhibit 82.201(C) Completeness Review Form]

§ EXHIBIT 82.201(C) COMPLETENESS REVIEW FORM

County TNR Planning and Engineering Services Division

411 West 13th Street, Executive Office Building, 8th Floor, P.O. Box 1748, Austin, TX 78767
phone (512) 854-9383 fax (512) 854-4649

FINAL PLAT APPLICATION COMPLETENESS REVIEW FORM

This form represents the standard requirements for a completeness review all final plat applications submitted after October 1, 1999. Failure to provide all of the information requested may result in the determination that the final plat application is incomplete. The application will be reviewed for completeness, not correctness. The correctness review will be based on the requirements of Chapter 82 of Travis County's Standards for Construction of Streets and Drainage in Subdivisions.

Project Name on Plan:_____

Application Type: [ ] Short Form Plat (no proposed streets) [ ] Long Form Plat (proposed streets)

[ ] Resubdivision/Amended (Plat Name)_____

Street Location: _____ Property Acreage: _____

Precinct: _____ Other Jurisdiction (City ETJ, etc.):_____

Approved Preliminary Plan Name:_____

Tax Map Parcel ID: _____ Watershed:_____

FEMA Floodplain Panel Number(s):_____

Signature of Property Owner or Agent*:_____ Date:_____

Printed Name: _____ Phone: _____ Fax:_____

** Attach written authorization signed by the Owner of Record designating him/her as agent for this project*

DEPARTMENTAL USE ONLY

Date Filed: _____ Staff Name_____

Final Plat Application Checklist Items marked with a "T" are complete, complete all circled items.
"NA" means not applicable.

[ ] 1. One (1) copy of Final Plat (drawn at 1"=100').

[ ] 2. All subdivision plat sheets shall be 18" x 24".

[ ] 3. Plat original must be drawn in black ink on mylar or vellum material.

[ ] 4. The subdivision name must be prominently displayed on each sheet of the plat.

[ ] 5. Each sheet of the plat must be sequentially numbered (example "Sheet 2 of 4").

[ ] 6. Location map, legend and north arrow comply with Preliminary Plan standards.

[ ] 7. Lot and block numbers must be systematically and sequentially arranged.

[ ] 8. Adjacent property must be referenced by book and page of Travis County Plat Records with lot and block numbers. Unplatted adjacent land must be referenced by property owner, acreage and volume and page Travis County Real Property Records.

[ ] 9. All existing and proposed easements must be shown and labeled. Existing easements must reference the holder of easement and recording information. Provide one (1) copy of all existing separate instrument easement documents.

[ ] 10. A letter, statement, or other instrument from holder of privately held easement or fee strip stating their approval of crossing or modification of the easement.

[ ] 11. Reference any covenants or restrictions imposed on the land by volume and page of Travis County Real Property Records. Provide one (1) copy of covenants/restrictions.

[ ] 12. The names and right-of-way widths of all adjacent streets must be shown.

[ ] 13. The name, linear footage and width of each street being platted must be listed.

[ ] 14. Bearings and distance for every street, lot line and easement whether curved or tangent. The radius, central angle, arc, chord, chord bearing, and tangent distance for all curves. Dimensions shown in feet and hundredths of a foot and angles must be shown in degrees, minutes, and seconds.

[ ] 15. Location of all permanent monuments and control points, including County line monumentation, if applicable, set as described in Section 82.204(c)(12) and shown on plat as per Section 82.204(c)(12) of Travis County's Standards.

[ ] 16. All drainage easements must be shown in accordance with the Preliminary Plan.

[ ] 17. Dedication of 100 year flood plain in drainage easements clearly delineated using bearings and distances.

[ ] 18. Contain all natural drainageways in drainage easements when drainage leaves or crosses existing or proposed right-of-way or when natural drainageways cross multiple lots or as determined by Travis County TNR. Clearly delineated using bearings and distances. Or provide a grading plan and the following plat note: Construction on Lot(s) ____, will not cause ponding, erosion or increased flow on adjacent properties.

[ ] 19. If there is a drainage easement, add note: "No objects, including but not limited to buildings, fences, landscaping or other structures in drainage easements except as approved by Travis County and the City of _____."

[ ] 20. For any lot affected by the 100 year flood plain, a Minimum Finished Floor Elevation must be established for each affected lot in accordance with Section 82.302(e)(8) of Travis County's Standards. If multiple base flood elevations are shown for a single lot, include the following plat note: Finished flood elevation on lot ___ shall be one (1) foot above the highest adjacent FEMA flood plain base flood elevations shown hereon.

[ ] 21. One or more benchmark monumented in subdivisions which contain or are bounded by flood plain or where new street are dedicated.

[ ] 22. The acreage of each Lot served by an onsite sewage system must be noted.

[ ] 23. Total acreage and number of lots listed on plat.

[ ] 24. The usage of each lot that is not single family residential must be noted on plat.

[ ] 25. Preamble describing exact legal description and referencing applicable statute.

[ ] 26. Surveyor certification is on the plat.

[ ] 27. County Clerk 's Affidavits on the plat.

[ ] 28. Commissioners' Court resolution.

[ ] 29. ETJ note (to be signed prior to final plat approval) by the Director of Planning for the City of Austin (or other city as applicable).

[ ] 30. Appropriate notes and signature blocks for officials of other jurisdictions.

[ ] 31. Travis County Development Permit required prior to any site development.

[ ] 32. Travis County Flood plain note.

[ ] 33. Individual sewage disposal system notes and signature block.

[ ] 34. Plat note prohibiting occupancy of any lot until connection is made to an approved public sewer system or approved private individual sewage disposal system.

[ ] 35. Plat note prohibiting occupancy of any lot until water satisfactory for human consumption is available from a source in adequate and sufficient supply for the proposed development.

[ ] 36. Plat note designating proposed water and/or wastewater provider.

Supplemental Submittal Information Required

[ ] 37. A letter from each utility company (electric power, telephone, gas, water and wastewater) serving the immediate area, indicating whether and when service will be available to all lots in the subdivision.

[ ] 38. A tax certificate from the County Tax Assessor-Collector stating that all real property taxes are paid up to and including the preceding tax year.

[ ] 39. Copy of current Owner's Property Deed.

[ ] 40. Copy of Restrictive Covenants or Joint Use Driveway Agreement if joint use driveways are proposed.

[ ] 41. Copy of Restrictive Covenants/Home Owners Agreement. (existing or proposed if required for common areas).

[ ] 42. Copy of preliminary street and drainage plans and detailed construction estimate signed and sealed by the engineer. *The application may be rejected if insufficient information is provided. Fiscal posting may need to be increased if the complete construction warrant a higher fiscal posting amount.. Complete construction plans and fiscal for restoration and the construction of streets and drainage must be provided prior to issuance of development permit, unless alternate fiscal is approved by the Court. The owner must provide fiscal or an*

executed copy of Exhibit 82.401(D) plus restoration fiscal within 48 hours of notice that the plat is to be recommended to the Court for approval and recordation or the plat may be rejected. (See supplemental checklist for streets and drainage plans).

[ ] 43. Topographic information, drainage area map, drainage plan, and drainage report.
(If different from Preliminary Plan submittal - see supplemental checklist for streets and drainage plans).

[ ] 44. Copy of Preliminary Plan for long form plat submittals. *A Preliminary Plan will not be required if the applicant is final platting the entire parent tract and provides the information required with preliminary plans.*
(See preliminary plan checklist)

[ ] 45. Copy of Traffic Impact Analysis, if required as per 82.301(b).

[ ] 46. Copy of all variance requests with appropriate supporting documentation.

[ ] 47. For developments with sidewalks, approval letter from Department of Licensing and Regulation, or a letter from a Texas Registered Professional Engineer, an architect or other profession acceptable to the Texas Department of Licensing and Regulation, stating that the design of any public accommodations meets ADA requirements, or a waiver to the requirements has been granted by TDLR, per 82.301(c)(B).

[ ] 48. Copy of Travis County Construction Agreement.

[ ] 49. Letter of concurrence from emergency service provider.

[ ] 50. Written approval for all proposed street names from E-911 Addressing.

[ ] 51. If the limits of 100 year flood plain as per FEMA vary from the current FEMA panels, provide proof of application to FEMA for a Conditional Letter of Map Amendment (CLOMA) or Conditional Letter of Map Revision (CLOMR). A Conditional Letter of Map Amendment, or Revision, must be provided prior to final plat approval and the Letter of Map Amendment or Revision must be provided prior to issuance of development permits for lot improvements.

[ ] 52. Travis County Subdivision Fees Calculation Form and receipt of payment of all required fees.

[ ] 53. Electronic media submittal. *(optional)*

Private Street Subdivision

[ ] 53. Preamble contains private street language.

[ ] 54. Private streets are shown on plat as "Private Street, Drainage Easement and PUE".

[ ] 55. One (1) copy of Home Owners Agreement.

[ ] 58. If gates are proposed, provide an entry detail showing location of gates, key pads, etc.

On this date, all items necessary for a technical review of the proposed Final Plat have been submitted and constitute a COMPLETE APPLICATION. More information about the items required herein can be obtained from Travis County, Standards for Construction of Streets and Drainage in Subdivision (Chapter 82). A copy of these standards can be obtained from TNR at 411 West 13th Street, 9th floor, (512) 854-9383, or on the Travis County web page: http://www.co.travis.tx.us/tnr/subdivision.

Application Completed: _____ Staff Name: _____

Travis County TNR Planning and Engineering Services Division
411 West 13th Street, Executive Office Building, 9th Floor, P.O. Box 1748, Austin, TX 78767
tel (512) 854-9383 fax (512) 854-4649

PRELIMINARY PLAN COMPLETENESS REVIEW FORM

This form represents the standard requirements for a completeness review for all preliminary plans required to be submitted with final plat applications after October 1, 1999. Failure to provide all of the information requested may result in a determination that the final plat application is incomplete. The review of the Preliminary Plan for correctness will be based on the requirements of Chapter 82 of Travis County's Standards for Construction of Streets and Drainage in Subdivisions.

Project Name on Plan:_____

[ ] Initial Submittal [ ] Revised Preliminary (Name):_____

Street Location:_____

Precinct:_____ Other Jurisdiction (City ETJ): _____

Property Acreage:_____

Tax Map Parcel ID: _____ Watershed:_____

FEMA Floodplain Panel Number(s):_____

Signature of Property Owner or Agent*:_____ Date:_____

Printed Name: _____ Phone: _____ Fax:_____

** Attach written authorization signed by the Owner of Record designating him/her as agent for this project*

DEPARTMENTAL USE ONLY

Date Filed: _____ Staff Name_____

Preliminary Plan Completeness Review Checklist

Items marked with a "T" are complete, circled items must be completed, "NA" means not applicable.

[ ] 1.Copy of Preliminary Plan (drawn at 1"=100').

[ ] 2. Maximum Sheet Size 24" x 36".

[ ] 3. Date of Submittal, Scale, North Arrow, Legend.

[ ] 4. Site Location Map oriented with North to the top of drawing (scale sufficient to show street names and detail to locate tract).

[ ] 5. Name, address, phone and fax numbers of the Owner, Engineer and Surveyor.

[ ] 6. Unique subdivision name.

[ ] 7. Legal Description of the property by survey name describing the Original Tract.

[ ] 8. Total acreage, number of Lots, linear footage of streets and proposed uses other than single family must be noted on Plan.

[ ] 9. Location of existing boundary lines and the width/location of platted streets or joint use driveways within or adjacent to property.

[ ] 10. Physical features shown (water courses, ravines, existing structures, existing or proposed bridges and culverts).

[ ] 11. Location of trees or clusters of trees, 6" in diameter or greater, proposed to remain within clear zone and low sight distance areas of the ROW.

[ ] 12. Topographic contours (equivalent to 2' contours on land < 5% gradient or 5' contours on land >5%gradient; contour lines not more than100' feet apart horizontally).

[ ] 13. Location of any existing utilities or easements within subdivision boundary.

[ ] 14. One (1) copy of Drainage Plan and an electronic copy of HEC runs on diskette.

[ ] 15. Delineate 100 year flood plain on Plan.

[ ] 16. If the limits of 100 year flood plain as per FEMA vary from the current FEMA panels, provide application to FEMA for a Conditional Letter of Map Amendment (CLOMA) or Conditional Letter of Map Revision (CLOMR).

[ ] 17. Names, locations, width and dimensions or proposed streets, roads, lots, alleys, drainage easements, PUE's, parks or other sites for public use, profiles of streets crossing topo grater than 15% slopes.

[ ] 18. Proposed public or private nature of the streets must be indicated.

[ ] 19. Location of clustered mailboxes (if any).
[ ] 20. Note on Plan designating utility providers.

[ ] 21. Lot sizes meet appropriate regulatory standards.

[ ] 22. Satisfy ATS and boundary street obligations.

[ ] 23. Letter from LCRA providing preliminary approval for onsite private waste disposal facilities (if in their jurisdiction).

[ ] 24. Note on plat stating municipal jurisdiction, if applicable.

[ ] 25. Travis County Subdivision Fees Calculation Form and receipt showing payment of all required fees.

More information about the items required herein can be obtained from Travis County, Standards for Construction of Streets and Drainage in Subdivision (Chapter 82). A copy of these standards can be obtained from TNR at 411 West 13th Street, 9th floor, (512) 854-9383 or on the Travis County web page: http://www.co.travis.tx.us/tnr/subdivision.

On this date, all items necessary for a technical review of the proposed Preliminary Plan have been submitted and constitute a COMPLETE APPLICATION.

Application Completed:_____ Staff Name: _____

SUBMITTAL REQUIREMENTS
COMPLETENESS REVIEW CHECKLIST FOR PRELIMINARY/FINAL STREET AND DRAINAGE PLANS

(Items 1 - 4 must be submitted with all final plats to meet the requirements of the completeness review)

PRELIMINARY STREET AND DRAINAGE PLAN SUBMITTAL REQUIREMENTS

1. **DRAINAGE AREA MAP FOR PRELIMINARY STREET AND DRAINAGE PLANS**
   - ❑ Centerline of all existing watercourses and drainage easements on or adjacent to the tract.
   - ❑ The location, size, and flowline of all existing drainage structures on or adjacent to the tract.
   - ❑ Topographic information (specify source) not less than 100 horizontal feet apart.
   - ❑ Limits of fully developed I00-year flood plain of any watercourse on or adjacent to the tract.
   - ❑ All proposed drainage easements.
   - ❑ Location of proposed and existing detention ponds.
2. **DRAINAGE PLAN FOR PRELIMINARY STREET AND DRAINAGE PLANS**
   - ❑ Layout of Subdivision (normal scale 1" = 100') with north arrow at top or right of sheet
   - ❑ Subdivision boundary as a distinguishable line.
   - ❑ Existing adjoining street layout or other property adjacent to tract, adjacent subdivision names.
   - ❑ Street names, lot and block, numbers and right-of-way lines.
   - ❑ Location of all existing drainage structures on or adjacent to project.
   - ❑ Existing contours (2' interval normal.)
   - ❑ Individual drainage areas and sub-areas based on final grading and improvements (distinguishable by heavy dashed lines.)
   - ❑ Acreage, C25, I25, I100, Q_{25} & Q_{100}'s for each specific drainage area.
   - ❑ Arrows showing flow direction for streets and lots.
   - ❑ Summation of Q's at pertinent points; i.e. street intersections, at inlets and Q passing inlets (street gutter flow can be readily determined.) Q's leaving proposed streets onto surrounding property and Q's entering proposed streets from surrounding property.
   - ❑ All low and high points (L.P. & H.P.)
   - ❑ Proposed drainage facilities (single solid line). Label all lines.
   - ❑ Existing drainage facilities (single dashed line). Give sizes.
   - ❑ Existing and proposed drainage easements.
   - ❑ I00-year flood plain shall be clearly shown for all waterways.
   - ❑ Minimum building slab elevations for lots encroached on by the I00-year flood plain.

- ❑ If the applicant is approved to participate in a municipality regional detention program, a letter from the municipality approving the applicant's participation must be submitted.
- ❑ In the event that the applicant has an agreement from adjacent and/or downstream property owners to convey or pond increased post development stormwater flows through or upon the adjacent and/or downstream properties the applicant must provide a statement from those property owners indicating their approval, or an easement to convey or pond the increased stormwater flows.
- ❑ Lower right corner: engineering firm who prepared plans, subdivision title; design engineer, and checking engineer (usually done by initials).
- ❑ Calculations for flood plain modifications and approved Conditional Letter of Map Amendment (CLOMA), or Conditional Letter of map Revision (CLOMR) from FEMA, for all proposed flood plain revisions if the proposed limits of the 100 year flood plain as per the current FEMA panels are to be changed.

3. DRAINAGE REPORT FOR PRELIMINARY STREET AND DRAINAGE PLANS

- ❑ Source of flood plain information (calculations where applicable).
- ❑ Calculations supporting adequacy of on-site (existing and proposed)
  - ❑ channels,
  - ❑ storm sewer,
  - ❑ Drainage structures.
- ❑ Calculations supporting adequacy of detention pond size and down stream conveyance and summary assessment of impact of development downstream.
- ❑ HEC-1 HEC2 input data & runs on diskette
- ❑ Signature and seal of professional engineer on report.
- ❑ Calculations of existing, offsite, and fully developed flows.
- ❑ List of any requested variances with supporting documentation.
- ❑ Calculations and summary assessment of impact of development downstream supporting adequacy of drainage facilities on adjacent properties.

4. STREET (Preliminary Plan and Profile)

- ❑ North arrow (preferably to top or right) & scale 1" = 20'; up to 1" = 50' for plan and profile
- ❑ Stationing south to north or west to east with street layout directly over the profile stationing
- ❑ R.O.W. and paving dimensions (face to face of curb)
- ❑ All fill or cut areas - shaded and labeled in plan view reflecting limits of cut/fill when the proposed work is outside of ROW

- ❑ Horizontal and vertical alignment conforming to the most recent Travis County Street Standards
- ❑ Letter from the Engineer of record certifying that the proposed streets, sidewalks, and or pedestrian ways will meet current ADA requirements
- ❑ Adequate information showing that intersection sight distance requirements will be met for all Street intersection and/or driveways. The information must be based upon topographic information surveyed on the ground.

FINAL STREET AND DRAINAGE PLAN SUBMITTAL REQUIREMENTS*

*Resubmittal of the drainage report is required if final construction plans differ from preliminary drainage plan.

*Items 1 - 4 of the preliminary street and drainage plan submittal requirements must be met and the following items must be completed prior to issuance of a development permit.

*Final street and drainage plan submittal may be made with the final plat application for concurrent review, or made after final plat approval but prior to issuance of a development permit which is required to begin construction. For applicants choosing to obtain approval of final street and drainage plans after plat approval, an additional 10% to 20% fiscal will be required to be posted prior to receiving final plat approval. Additional fiscal may be required to be posted prior to issuance of the development permit if warranted. Any excess fiscal posted at development permit approval stage will be returned to the applicant.

5. FINAL DRAINAGE PLANS

- ❑ Proposed detention pond sites.
- ❑ If the applicant is approved to participate in a municipality regional detention program, a letter from the municipality approving the applicant's participation must be submitted.
- ❑ Lower right corner: engineering firm who prepared plans, subdivision title; design engineer (signed & sealed), and checking engineer (usually done by initials).

6. FINAL DRAINAGE REPORT

- ❑ HEC-1 HEC2 input data & runs on diskette
- ❑ Calculations supporting adequacy of drainage facilities on adjacent properties.

7. FINAL STREET AND DRAINAGE PLANS* - Show the following:

- ❑ Plan legend
- ❑ Project name and sheet number in lower right corner
- ❑ North arrow (preferably to top or right)
- ❑ Lot and block number, street addresses and owners

- ❑ Open channels with a minimum flat bottom width of six feet, when possible
- ❑ All utility lines

8. **STREET (Plan and Profile)**
   - ❑ Show traffic control plans for the construction phase(s) and for final signage and striping
   - ❑ Street cross section (dimensions and pavement thickness based upon geotechinical pavement design) Submit with plans 1 copy of a geotechinical pavement design report prepared and sealed by a Texas Professional Engineer
   - ❑ Street names, rights of way, sidewalk assignment, centerline stations
   - ❑ PC, PT, CC, PRC, PCC, PVC, PVI, or PVT stations with horizontal and vertical curve data
   - ❑ Show curb return PC, Mid Point, PT with tangent and grade past point of return
   - ❑ Proposed T.C. profiles with T.C. elevations (right & left) every 50'
   - ❑ Guardrail and clear zone computations
   - ❑ Supporting documentation for proposed single access subdivisions (see 82.202(e))
9. **STREET AND DRAINAGE PROFILE - Show the following:**
   - ❑ Legend and scale
   - ❑ Even stations on heavy vertical division lines
   - ❑ Even elevations in right and left margins
   - ❑ Street profile for minimum of 50 feet beyond end of project (include property lines, proposed future and/or existing street grades)
   - ❑ Proposed top curb (TC) profiles, a minimum of two line widths to stand out from other profile lines
   - ❑ Vertical curves conforming to the Standards with the following information: curve length, PVI stations and elevations, K values, tangent intercepts, tangents and tangent grades low points and high points (show elevations every 25 feet maximum along vertical curves)
   - ❑ Curb returns PC, MID PT, PT, with tangents and grades past point of return
   - ❑ Elevations every 50 feet (i.e., +00 and +50) along street profiles
   - ❑ Curb split if applicable
   - ❑ Existing ground profile at proposed channel locations and top of bank left and right, and fill areas for channels
   - ❑ All stations and elevations at points of intersecting drainage lines, grade breaks, riprap drop sections, toe of splash pads, toe of slope, beginning of slope and riprap

- HGL25 or depth (d25), HGL100, depth (D100), and headlosses (H) for each segment of channel and indicate flow line, proposed grades, banks, natural ground profile, design water surface and show hydraulic computations including Q25' V25' QI00 and VI00 in tabular form
- Clearly show the beginning and end of construction and stations for channels
- Flowline elevations every 50 feet maximum (i.e., +00, +50)
- TC elevations at inlets on storm sewer lines
- Grade of flow line (in ~), pipe sizes and material
- HGL25 and HGL 100 and headlosses (H) when pipe is flowing full; show depth (d25) and other (d100) when pipe is not flowing full
- When roadside ditches are proposed include a table for all lots indicating the minimum culvert size for driveway culverts.
- When storm sewer pipe inlets or discharge ends are operating under inlet or outlet control include 100 year water surface elevations
- Q25' V25' QI00 and VI00 in tabular form on drainage sheet or on profile for storm sewers and channels, with stationing clearly delineated
- All riprap, headwalls, energy dissipators, structures, bank/slope protection, drop structures
- Existing and finished ground line and fill areas at pipe centerline for storm sewer lines
- Legible professional engineer's seal and signature
- When proposed channel work is indicated on construction plans, provide cross-sections with ties to property lines or easement lines

TRAVIS COUNTY TRANSPORTATION AND NATURAL RESOURCES ON-SITE WASTEWATER PROGRAM
P.O. BOX 1748
AUSTIN, TEXAS 78767

SUPPLEMENTAL DATA REQUIRMENT FOR ALL SUBDIVISIONS PROPOSING TO USE ON-SITE WASTEWATER DISPOSAL SYSTEMS

July 30, 1999

Technical information may be submitted by a registered professional engineer or geologist. Other professional authorities will be considered with approval of the Health Authroity.

1. An accurate plat showing the proposed number of lots and lot sizes. If not for single family dwellings, the planned use and number of living unit equivalents (LUE's) proposed for each lot.

2. The geographic location of the proposed subdivision and its proximity to watersheds, streams and lakes

3. Availability of utilities and the distance to and location of all existing and proposed organized disposal system and area water wells within 500 feet of the subdivision boundaries.

4. Topographic contours for the proposed subdivision and 75 feet on the adjacent area.

5. A statement addressing whether or not the water supply and distribution system has been approved by the Texas Natural Resource Conservation Commission.

6. Identify on the plat the areas and depths of scalping of fill and road cuts.

7. A detailed report of the soil evaluation of one profile hole, 6 ½ feet deep, for every 5 acres is required. The soils shall be evaluated for soil texture, soil structure, restrictive horizons and groundwater as per Chapter 285.30 of the TNRCC Rules for On-Site Sewage Facilities. Additional core testing may be required by the Health Authority where soil characteristics are highly variable. The Health Authority will select additional test sites if necessary.

8. Identify the areas of the plat that are subject to flooding based on the 100 year and 25 year flood plain.

9. A detailed soil survey of the property.

10. A comprehensive drainage and 100 year floodplain impact plan

11. Identify the approved well location and show a sanitary zone with a 150 foot radius around the well within which no absorptive-type on-site sewage facility may be constructed.

12. Identify the location of faults, fractures and sinkholes.

13. An accurate plat showing at least two areas of 2,500 square feet each under 15% slope available for use for a on-site sewage facility on all residential lots in which it is proposed to utilize soil absorption disposal systems.

14. An accurate plat showing at least an area of 3,500 square feet of land under 15% slope on each non-residential lot per living unit equivalent (LUE), available for use for an on-site sewage facility.

In addition to the above, proof of payment for the review fee to Travis County Transportation and Natural Resources/On-Site Wastewater Program must be provided to this office.

A site visit is part of the review process. Surveying and staking of the lots may be necessary to perform this review.

This Department will not conduct a review of any subdivision until all of the above items have been submitted to this office. Upon receipt of all the above items, this office will complete its review within forty-five (45) working days.

For additional information or clarification of any of the above items, please call the Travis County On-Site Wastewater Program at 473-9383.

82.1001 [Exhibit 82.201(D) Extension of Sixty Day Period for Completed Plat Application Final Action]

§ EXHIBIT 82.201(D) EXTENSION OF SIXTY DAY PERIOD FOR COMPLETED PLAT APPLICATION FINAL ACTION

Date:_____

Owner's Name and Address:_____

_____

_____

_____

Proposed Subdivision Name and Legal Description (the "Property"):

The undersigned Owner and the Executive Manager of Travis County Transportation and Natural Resources Department hereby agree that the sixty (60) day period for final action to be taken on a Completed Plat Application for the Property is hereby extended by mutual agreement and without compulsion for the reasonable period of:_____

Executed and effective as of the later date set forth below.

Owner:_____

By:_____

Name:_____

Title:_____
Authorized Representative
Travis County, Texas

By:_____
Executive Manager
Travis County Transportation and Natural Resources Department

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the day of _____, _____, by _____ of Travis County, Texas, known to me personally or on the basis of an approved form of identification, in the capacity stated.

_____

Notary Public, State of _____

My Commission Expires:

_____

(Printed Name of Notary)

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledge before me on the day of _____, _____ by

_____ of Travis County, Texas, known to me personally or on the basis of an approved form of identification, in the capacity stated.

_____

Notary Public, State of _____

My Commission Expires:

_____

(Printed Name of Notary)

After Recording Return To:

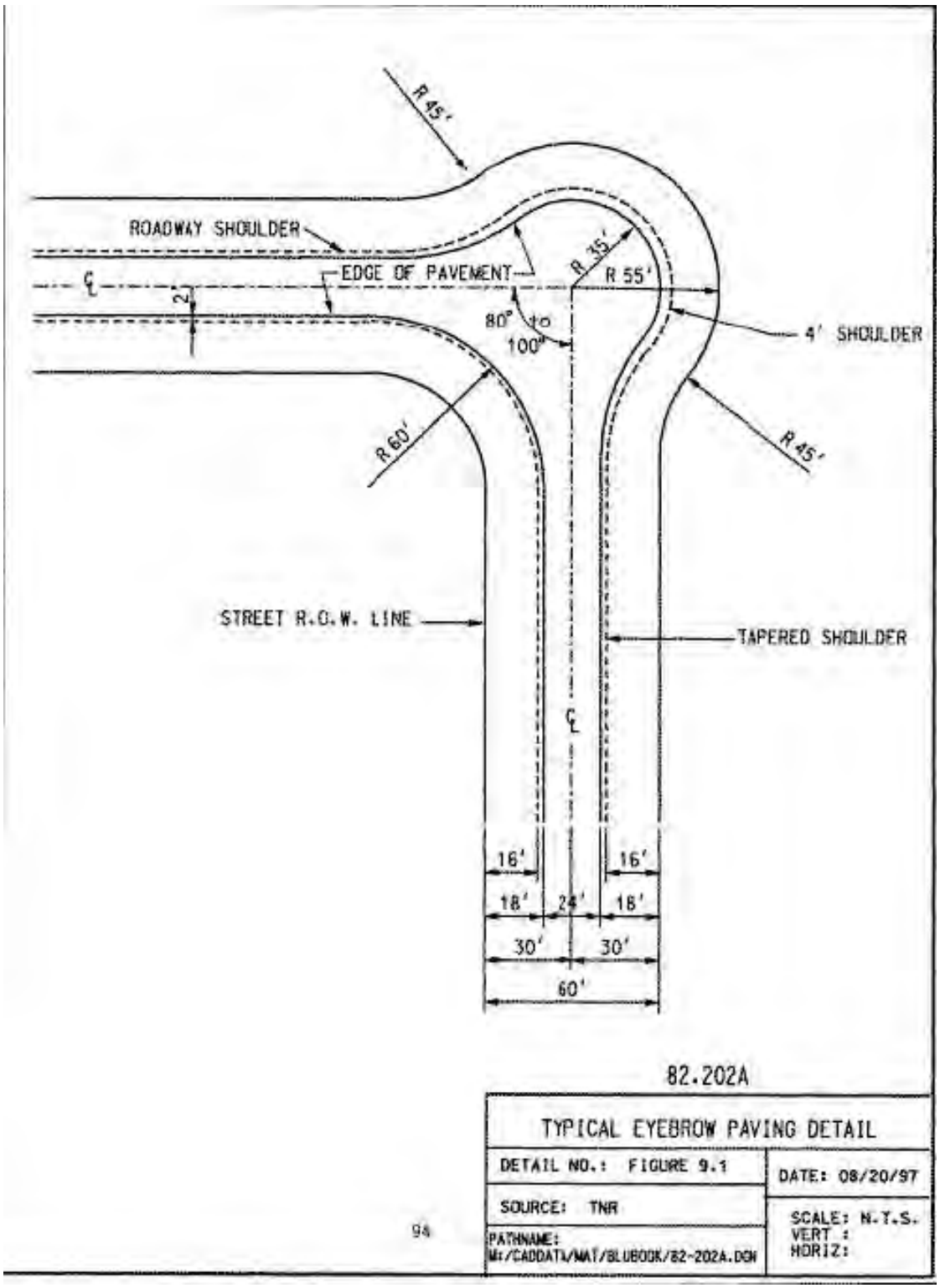
Travis County, Texas

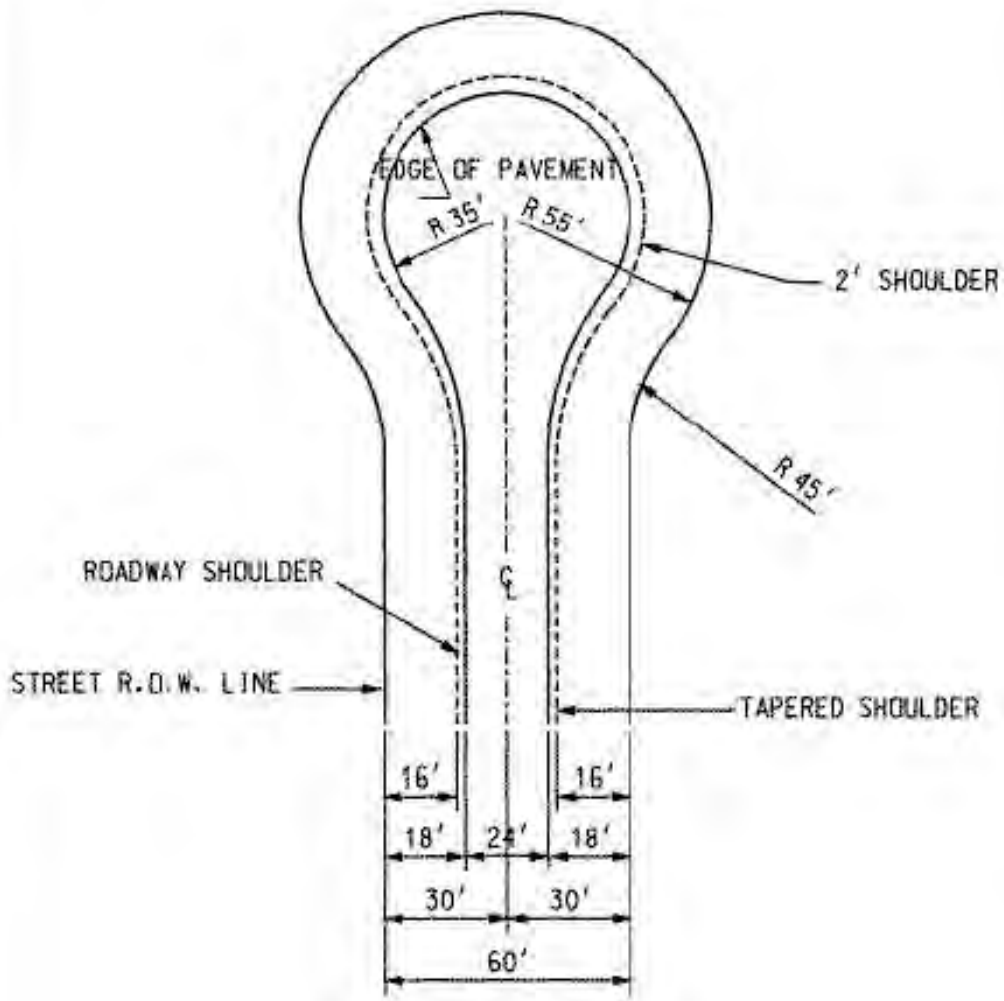
Attn: Transportation and Natural Resources Department

P.O. Box 1748

Austin, Texas 78767

82.1002 [Exhibit 82.202A Eyebrow Paving Detail; 82.202B Cul-de-Sac Paving Detail; 82.02C Detail for Turn-Around





82.2028

TYPICAL CUL-DE-SAC PAVING DETAIL	
DETAIL NO.: FIGURE 9.1	DATE: 08/20/97
SOURCE: TNR	SCALE: N.T.S. VERT : HORIZ:
PATHNAME: M:/CADDATA/MAT/BLUBOOK/82-2028.DGN	

95

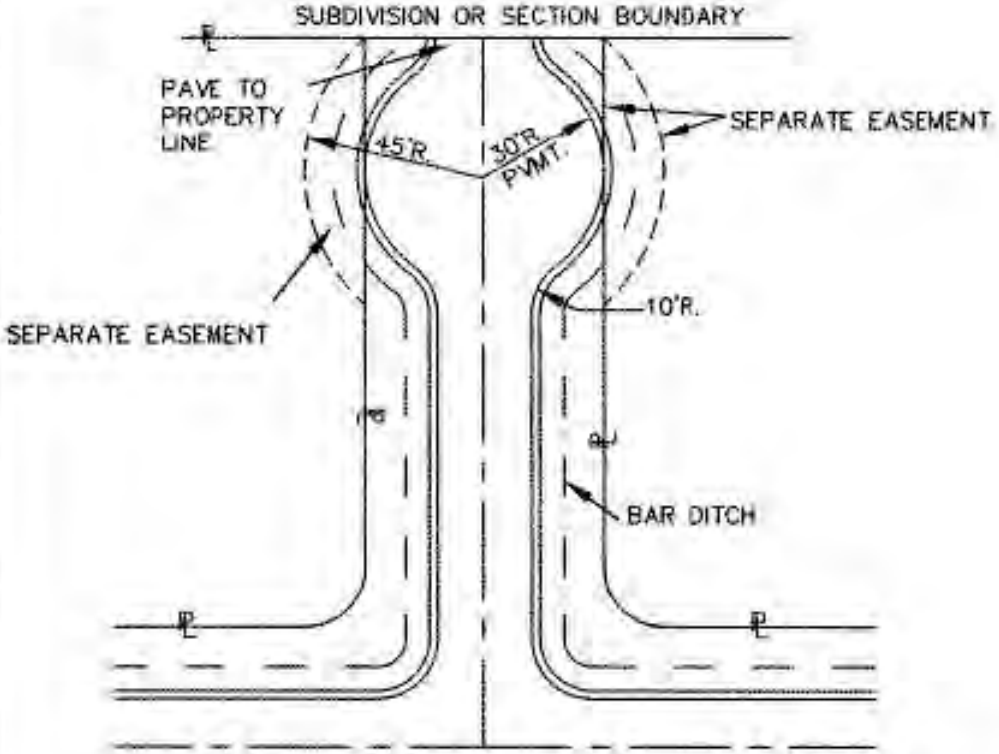
NOTES:

1. TEMPORARY TURN AROUND CONSTRUCTION AND EASEMENTS MAY BE WAIVED IF ALL LOTS BOUNDING DEAD-END STREETS ALSO FRONT OTHER ADJACENT STREETS.

2. IF TEMPORARY TURN-AROUND IS WAIVED, ACCESS TO DEAD-END STREETS FROM BOUNDING LOTS SHALL BE PROHIBITED.

3. AN EASEMENT, DEDICATED BY SEPERATE DOCUMENT SHALL BE SHOWN AS RESTRICTION ON BOUNDING LOTS WHICH MAY BE REMOVED BY SEPARATE ACTION ON CONTINUATION OF THE DEAD-END STREET.

4. STANDARD CITY OF AUSTIN BARRICADE SHALL BE PLACED AT THE END OF DEAD-END STREETS.



82.202C

TYPICAL CUL-DE-SAC PAVING DETAIL	
DETAIL NO.: FIGURE 9.1	DATE: 08/20/97
SOURCE: TNR	SCALE: N.T.S. VERT.: HORIZ.:
PATHNAME: M:/CADDATA/MAT/BLUBOOK/82-202B.DGN	

82.1003 [Exhibit 82.301A Signature Block for TxDOT, if Applicable]

_____

Texas Department of Transportation Date

Signature and Permit Block for Travis County

Reviewed By:

_____

Travis County Transportation and Natural Resources Date

_____

Development Permit Number Date

Travis County Revision Block (cover sheet and sheets revised):

No.	Revision Description	Reviewed By:	Date

82.1003 [Exhibit 82.301B Travis County Standard Construction Notes for Site Development][45]

EXHIBIT 82.301B TRAVIS COUNTY STANDARD CONSTRUCTION NOTES FOR SITE DEVELOPMENT

Plan sheets for site developments must include the following construction notes:

1. Each driveway must be constructed in accordance with Travis County Code Section 82.302(g), and each drainage structure or system must be constructed in accordance with the City of Austin Drainage Criteria Manual, unless other design criteria are approved by Travis County.

2. Before beginning any construction, the owner must obtain a Travis County development permit and post the development permit, the TCEQ Site Notice, and any other required permits at the job site.

3. Construction may not take place within Travis County right-of-way until after the owner has submitted a traffic control plan to Travis County and obtained written approval of the traffic control plan from Travis County.

4. The contractor and primary operator shall follow the sequence of construction and the SWP3 in these approved plans. The contractor and primary operator shall request Travis County inspection at specific milestones in the sequence of the construction of the site development corresponding to the priority inspections specified in Construction Sequencing notes in these approved plans. Development outside the limits of construction specified in the approved permit and construction plans is prohibited.

5. Before beginning any construction, all Storm Water Pollution Prevention Plan (SWP3) requirements shall be met, and the first phase of the temporary erosion control (ESC) plan installed with a SWP3 Inspection Report uploaded to mypermitnow.org. All SWP3 and ESC Plan measures and primary operator SWP3 inspections must be performed by the primary operator in accordance with the approved plans and SWP3 and ESC Plan Notes throughout the construction process.

6. Before starting construction, the owner or contractor or their designated representatives shall submit a request via the mypermitnow.org customer portal for Travis County to request and schedule a mandatory Preconstruction Conference and ESC Inspection. If further assistance is needed, the TNR Planning and Engineering Division staff or TNR Storm Water Management Program staff can be contacted by telephone at 512-854-9383.

7. The contractor shall keep Travis County TNR assigned inspection staff current on the status of site development and utility construction. The contractor shall notify Travis County and request priority inspections through the mypermitnow.org customer portal for Travis County in accordance with

[45] Exhibits in 82.1003 amended 6/28/2016, Item 24.

the specific milestones in the Construction Sequencing notes in these approved plans.

8. Contour data source: _____

9. Fill material must be managed and disposed of in accordance with all requirements specified in the approved plans, SWP3, and the Travis County Code. The contractor shall stockpile fill and construction materials only in the areas designated on the approved plans and not within the 100-year flood plain, waterway setback, Critical Environmental Feature setback, or outside the limits of construction. Disposal of solid waste materials, as defined by State law (e.g., litter, tires, decomposable wastes, etc.) is prohibited in permanent fill sites.

10. Before disposing any excess fill material off-site, the contractor or primary operator must provide the County Inspector documentation that demonstrates that all required permits for the proposed disposal site location, including Travis County, TCEQ Notice, and other applicable development permits, have been obtained. The owner or primary operator must revise the SWP3 and ESC Plan if handling or placement of excess fill on the construction site is revised from the existing SWP3. If the fill disposal location is outside Travis County or does not require a development permit, the contractor or primary operator must provide the County Inspector the site address, contact information for the property owner of the fill

11. The design engineer is responsible for the adequacy of the construction plans. In reviewing the construction plans, Travis County will rely upon the adequacy of the work of the design engineer.

12. In the event of any conflicts between the content in the SWP3 Site Notebook and the content in the construction plans approved by Travis County, the construction plans shall take precedence.

13. A minimum of two survey benchmarks shall be set, including description, location, and elevation; the benchmarks should be tied to a Travis County control benchmark when possible.

14. Any existing pavement, curbs, sidewalks, or drainage structures within County right-of-way which are damaged, removed, or silted, will be repaired by the contractor at owner or contractor's expense before approval and acceptance of the construction by Travis County.

15. Call the Texas Excavation Safety System at 8-1-1 at least 2 business days before beginning excavation activities.

16. All storm sewer pipes shall be Class III RCP, unless otherwise noted.

17. Contractor is required to obtain a utility installation permit in accordance with Travis County Code Section 82.901(a)(3) before any construction of utilities within any Travis County right-of-way.

18. This project is located on Flood Insurance Rate Map 48453 CO _____ E.

19. Temporary stabilization must be performed in all disturbed areas that have ceased construction activities for 14 days or longer, in accordance with the standards described in the SWP3 and ESC Plan Sheet Notes.

20. Permanent site stabilization/re-vegetation must be performed immediately in all site areas which are at final plan grade and in all site areas specified in the approved plans for phased re-vegetation, in accordance with the standards described in the SWP3 and ESC Plan Sheet Notes.

21. All trees within the right-of-way and drainage easements shall be saved or removed in accordance with the approved construction plans. Travis County tree preservation standards in Travis County Code Section 82.973, including installation and maintenance of all specified tree protection measures, must be followed during construction.

22. An Engineer's Concurrence Letter in accordance with Travis County Code Section 82.953 must be submitted via the mypermitnow.org customer portal for Travis County when construction is substantially complete. The Engineer's Concurrence Letter must be submitted before the contractor or primary operator requests a final inspection by Travis County.

23. Site improvements must be constructed in conformance with the engineer's construction plans approved by Travis County. Non-conformance with the approved plans will delay final inspection approval by the County until plan conformance is achieved or any required plan revisions are approved.

24. Final Site Stabilization. All areas disturbed by the construction must be permanently revegetated and all temporary sediment controls and accumulated sedimentation must be removed before the County will issue a Certificate of Compliance for final site stabilization as part of final inspection and project completion. A Developers Contract, as described in the SWP3 and ESC Notes Sheet may be executed with Travis County for conditional acceptance of a project for which has ESC Fiscal Security posted and for which all items are complete

82.1003 [Exhibit 82.301CTravis County Standard Construction Notes for Subdivision Development of Streets, Drainage, Water, and Wastewater][46]

EXHIBIT 82.301C TRAVIS COUNTY STANDARD CONSTRUCTION NOTES FOR SUBDIVISION DEVELOPMENT STREETS, DRAINAGE, WATER AND WASTEWATER

Plan sheets for subdivision developments must include the following construction notes:

1. Each driveway must be constructed in accordance with Travis County Code Section 82.302(g), and each drainage structure or system must be constructed in accordance with the City of Austin Drainage Criteria Manual, unless other design criteria are approved by Travis County.

[46] Exhibits in 82.1003 amended 6/28/2016, Item 24.

2. Before beginning any construction, the owner must obtain a Travis County development permit and post the development permit, the TCEQ Site Notice, and any other required permits at the job site.

3. Construction may not take place within Travis County right-of-way until after the owner has submitted a traffic control plan to Travis County and obtained written approval of the traffic control plan from Travis County.

4. The contractor and primary operator shall follow the sequence of construction and the SWP3 in these approved plans. The contractor and primary operator shall request Travis County inspection at specific milestones in the sequence of the construction of the site development corresponding to the priority inspections specified in Construction Sequencing notes in these approved plans. Development outside the limits of construction specified in the approved permit and construction plans is prohibited.

5. Before beginning any construction, all Storm Water Pollution Prevention Plan (SWP3) requirements shall be met, and the first phase of the temporary erosion control (ESC) plan installed with a SWP3 Inspection Report uploaded to mypermitnow.org. All SWP3 and ESC Plan measures and primary operator SWP3 inspections must be performed by the primary operator in accordance with the approved plans and SWP3 and ESC Plan Notes throughout the construction process.

6. Before starting construction, the owner or contractor or their designated representatives shall submit a request via the mypermitnow.org customer portal for Travis County to request and schedule a mandatory Preconstruction Conference and ESC Inspection. If further assistance is needed, the TNR Planning and Engineering Division staff or TNR Storm Water Management Program staff can be contacted by telephone at 512-854-9383.

7. The contractor shall keep Travis County TNR assigned inspection staff current on the status of site development and utility construction. The contractor shall notify Travis County and request priority inspections through the mypermitnow.org customer portal for Travis County in accordance with the specific milestones in the Construction Sequencing notes in these approved plans.

8. Contour data source: _____

9. Fill material must be managed and disposed of in accordance with all requirements specified in the approved plans, SWP3, and the Travis County Code. The contractor shall stockpile fill and construction materials only in the areas designated on the approved plans and not within the 100-year flood plain, waterway setback, Critical Environmental Feature setback, or outside the limits of construction. Disposal of solid waste materials, as defined by State law (e.g., litter, tires, decomposable wastes, etc.) is prohibited in permanent fill sites.

10. Before disposing any excess fill material off-site, the contractor or primary operator must provide the County Inspector documentation that demonstrates that all required permits for the proposed disposal site location, including Travis County, TCEQ Notice, and other applicable development permits, have been obtained. The owner or primary operator must revise the SWP3 and ESC Plan if handling or placement of excess fill on the construction site is revised from the existing SWP3. If the fill disposal location is outside Travis County or does not require a development permit, the contractor or primary operator must provide the County Inspector the site address, contact information for the property owner of the fill

11. The design engineer is responsible for the adequacy of the construction plans. In reviewing the construction plans, Travis County will rely upon the adequacy of the work of the design engineer.

12. In the event of any conflicts between the content in the SWP3 Site Notebook and the content in the construction plans approved by Travis County, the construction plans shall take precedence.

13. A minimum of two survey benchmarks shall be set, including description, location, and elevation; the benchmarks should be tied to a Travis County control benchmark when possible.

14. Any existing pavement, curbs, sidewalks, or drainage structures within County right-of-way which are damaged, removed, or silted, will be repaired by the contractor at owner or contractor's expense before approval and acceptance of the construction by Travis County.

15. Call the Texas Excavation Safety System at 8-1-1 at least 2 business days before beginning excavation activities.

16. All storm sewer pipes shall be Class III RCP, unless otherwise noted.

17. Contractor is required to obtain a utility installation permit in accordance with Travis County Code Section 82.901(a)(3) before any construction of utilities within any Travis County right-of-way.

18. This project is located on Flood Insurance Rate Map 48453 CO _____ E.

19. Temporary stabilization must be performed in all disturbed areas that have ceased construction activities for 14 days or longer, in accordance with the standards described in the SWP3 and ESC Plan Sheet Notes.

20. Permanent site stabilization/re-vegetation must be performed immediately in all site areas which are at final plan grade and in all site areas specified in the approved plans for phased re-vegetation, in accordance with the standards described in the SWP3 and ESC Plan Sheet Notes.

21. All trees within the right-of-way and drainage easements shall be saved or removed in accordance with the approved construction plans. Travis County tree preservation standards in Travis County Code Section 82.973, including

installation and maintenance of all specified tree protection measures, must be followed during construction.

22. An Engineer's Concurrence Letter in accordance with Travis County Code Section 82.953 must be submitted via the mypermitnow.org customer portal for Travis County when construction is substantially complete. The Engineer's Concurrence Letter must be submitted before the contractor or primary operator requests a final inspection by Travis County.

23. Site improvements must be constructed in conformance with the engineer's construction plans approved by Travis County. Non-conformance with the approved plans will delay final inspection approval by the County until plan conformance is achieved or any required plan revisions are approved.

24. Final Site Stabilization. All areas disturbed by the construction must be permanently revegetated and all temporary sediment controls and accumulated sedimentation must be removed before the County will issue a Certificate of Compliance for final site stabilization as part of final inspection and project completion. A Developers Contract, as described in the SWP3 and ESC Notes Sheet may be executed with Travis County for conditional acceptance of a project for which has ESC Fiscal Security posted and for which all items are complete

25. All subdivision lots and areas outside the right-of-way which are disturbed during the construction process must be included in the final stabilization/revegetation plan of the subdivision for final inspection approval, except for subdivision lots that are subject to separate Travis County development permit(s), SWP3 Notice(s), and ESC Plan(s).

26. Soil data sources: _____

27. The owner, utility contractor, or a designated representative shall submit a notice of construction via the mypermitnow.org customer portal for Travis County at least two working days prior to construction. If further assistance is needed, the TNR Planning and Engineering Division staff can be contacted by telephone at 512-854-9383

28. The work will not be accepted and the one-year warranty performance period will not begin until after the contractor has obtained TNR approval of the construction.

29. The contractor shall install all traffic markings, barricades, and signage in accordance with the latest edition of TxDOT's Manual on Uniform Traffic Control Devices prior to TNR approval of the roadway construction.

82.1003 [Exhibit 82.301(D) Special Construction Notes]

SPECIAL NOTES, AS APPLICABLE, FOR SITE DEVELOPMENT OR STREETS AND DRAINAGE

1. The subgrade material in (name of subdivision) was tested by (name of professional soil lab) in (day, month, and year) and the street section designed according to approved design criteria. The street sections are to be constructed as follows:

   [Give street names, width of right-of-way, or other methods to identify proposed design of different pavement thicknesses. In writing or graphically, describe the street section(s) to be constructed.]

2. Manhole frames, covers, and water valve covers will be raised to finished pavement grade at the owner's expense by a qualified contractor with County inspection. All utility adjustments shall be completed prior to final paving construction.

3. All collector and arterial streets shall have automatic screed control on asphaltic concrete pavement construction, placed as per ITEM 350-6 OF THE CITY OF AUSTIN STANDARD SPECIFICATIONS.

4. At intersections which have valley drainage, the crowns of the intersecting streets will culminate in a distance of 40' from the intersecting curb line unless otherwise noted. Inlets on the intersecting street shall not be constructed within 40' of the valley gutter.

5. At the intersection of two 44' streets or larger, the crowns of the intersecting streets will culminate in a distance of 40' from intersecting curb line unless otherwise noted.

6. Prior to final acceptance of a street, street name signs conforming to County standards shall be installed by developer.

7. When using lime stabilization of subgrade, it shall be placed in slurry form.

8. If applicable, a license agreement for landscaping maintenance and irrigation in street right-of-way shall be executed by the developer with Travis County prior to final acceptance of the roadway system for maintenance.

82.1003 [Exhibit 82.301E Sequence of Construction and Priority Inspections – Subdivision Development][47]

EXHIBIT 82.301E

SEQUENCE OF CONSTRUCTION AND PRIORITY INSPECTIONS – SUBDIVISION DEVELOPMENT

The owner and primary operator must follow this basic sequence of construction for each subdivision development. Within the following sequence of construction are listed Priority Inspections that the owner and primary operator must request from a representative of Travis County's Storm Water Management Program inspection team. Each Priority Inspection must be requested on-line through the mypermitnow.org customer portal for Travis County. The Priority Inspections in this exhibit are consistent with the priority inspections found in the customer portal for the project. For assurance purposes, a second request to Travis County is strongly encouraged by additionally sending an e-mail to the following address: env-inspect@traviscountytx.gov.

The sequence for items 1-4 and items 17-22 must not be altered, but the sequence for items 5-16 may be modified with the written approval of the County.

1. ESC Installation. Install all temporary erosion and sediment controls (ESC) and tree protection measures in accordance with the approved ESC Plan sheets and the SWP3.
    a. Have a qualified inspector (as specified in Section 82.934(c)(3) of the Travis County Code) inspect the temporary erosion and sediment controls and prepare a certified SWP3 Inspection Report regarding whether the temporary erosion and sediment controls were installed in conformance with the approved plans;
    b. Upload the qualified inspector's certified SWP3 Inspection Report to the mypermitnow.org customer portal for Travis County; and
    c. Request a mandatory pre-construction meeting with Travis County through the mypermitnow.org customer portal for Travis County giving at least 3 business days notification.
2. Pre-construction Meeting and ESC Inspection. Hold a mandatory pre-construction meeting that addresses the items in EXHIBIT 82.950 and the ESC Pre-construction Inspection by the County and obtain County's approval to start construction. (PRIORITY INSPECTION)
3. Inspect for Compliance with SWP3 and ESC Plan. Maintain and inspect the SWP3 controls and prepare and upload a weekly certified SWP3 Inspection Report that includes the contents listed in EXHIBIT 82.951 to the mypermitnow.org customer portal for Travis County.

[47] Exhibits in 82.1003 amended 6/28/2016, Item 24.

4. Construct Sediment Basin(s). Construct any storm water pond(s) first, whenever applicable, to be functional as construction sediment basin(s) before grading and excavating the entire site, as follows:

    a. Clear, grub, and excavate only the site areas and cut and fill quantities necessary to construct the pond(s) in accordance with these approved plans and the minimum standards described in the SWP3 and ESC Plan Sheet Notes for the temporary sediment basin embankments, walls, inflows, outfalls, drainage conveyance measures, sediment controls, and stabilization.

    b. Request County inspection and obtain County's written approval of the temporary sediment basin(s) before proceeding further in the sequence of construction. (PRIORITY INSPECTION)

5. Construct Subdivision Improvements. Begin the primary subdivision clearing, excavation, and construction activities and continue the SWP3 and ESC Plan implementation and maintenance per the approved plans.

6. Rough grade streets.

7. Install utilities to be located under the proposed pavement.

8. Begin installation of storm sewer lines.

9. Regrade streets to subgrade.

10. Perform temporary stabilization in all disturbed areas that have ceased construction activities for 14 days or longer.

11. Perform permanent site stabilization/re-vegetation immediately in all site areas at final plan grade and in all site areas specified for phased re-vegetation.

12. Complete underground utility crossings on all streets.

13. Install curb and gutter.

14. Lay final base course material.

15. Install all traffic control signing, striping, and pavement markers.

16. Complete all underground installations within the right-of-way.

17. Complete Permanent Water Quality Controls. Begin completion of permanent water quality control(s) and install the underdrain per approved plans, when applicable.

    a. Remove construction sediment, re-establish the basin subgrade, and install underdrain piping.

    b. Request County inspection and obtain County's written approval of the underdrain piping installation and associated construction materials (aggregate, filter media, etc.) before covering the underdrain and proceeding with construction of the control. (PRIORITY INSPECTION)

18. Complete final site stabilization including stabilization of all disturbed subdivision lots still under the SWP3 and ESC Plan of the primary operator for the subdivision street and drainage construction.

19. Provide Engineer's Concurrence Letter through the mypermitnow.org customer portal for Travis County when construction is substantially complete and request a final inspection by Travis County.

20. Perform a final inspection with the County and prepare a punch list with remaining items that need to be completed for project acceptance. (PRIORITY INSPECTION)

21. Obtain a Certificate of Compliance for final stabilization from the County when all final inspection punch list items are finished and final site stabilization and removal of temporary sediment controls is complete. (PRIORITY INSPECTION)

    a. Provide separate permit documentation for any subdivision lots not stabilized as part of the final subdivision stabilization plan, if necessary – including separate County development permit(s), SWP3 Notice(s), ESC Plan(s).

    b. Provide a Developers Contract, if necessary, if all items are complete except re-vegetation coverage and conditional acceptance is requested. Request re-inspection when re-vegetation coverage is complete.

22. Receive a Conditional Acceptance from Travis County to begin the Construction Warranty Period when all punch list items are complete. (PRIORITY INSPECTION).

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82.1003 [Exhibit 82.301F Inlet Flow Calculation Table]

§ EXHIBIT 82.301F

INLET NO.	DRNG AREA NO.	Q (CFS)	Q BY/SPILL (CFS)	Q TOTAL (QA) (CFS)	SLOPE (%)	YO (FT)	SPILL	PONDED WIDTH (FT)	A/LA	LA (FT)	LENGTH (FT)	L/LA	A/YO	Q/QA	Q (CFS)	Q BY (CFS)	REMARKS

82.1004 [Exhibit 82.301G Sequence of Construction and Priority Inspections – Site Development][48]

EXHIBIT 82.301E. SEQUENCE OF CONSTRUCTION AND PRIORITY INSPECTIONS – SITE DEVELOPMENT

The owner and primary operator must follow this basic sequence of construction for each site development, inclusive of all non-residential site development projects. Within the following sequence of construction are listed Priority Inspections that the owner and primary operator must request from a representative of Travis County's Storm Water Management Program inspection team. Each Priority Inspection must be requested on-line through the mypermitnow.org customer portal for Travis County. The Priority Inspections in this exhibit are consistent with the priority inspections found in the customer portal for the project. For assurance purposes, a second request to Travis County is strongly encouraged by additionally sending an e-mail to env-inspect@traviscountytx.gov.

The sequence for items 1-4 and items 9-12 must not be altered, but the sequence for items 5-8 may be modified with the written approval of the County.

1. ESC Installation. Install all temporary erosion and sediment controls (ESC) and tree protection measures in accordance with the approved ESC Plan sheets and the SWP3.
    a. Have a qualified inspector (as specified in Section 82.934(c)(3) of the Travis County Code) inspect the temporary erosion and sediment controls and prepare a certified SWP3 Inspection Report regarding whether the temporary erosion and sediment controls were installed in conformance with the approved plans;
    b. Upload the qualified inspector's certified SWP3 Inspection Report to the mypermitnow.org customer portal for Travis County; and
    c. Request a mandatory pre-construction meeting with Travis County through the mypermitnow.org customer portal for Travis County giving at least 3 business days notification.
2. Pre-construction Meeting and ESC Inspection. Hold a mandatory pre-construction meeting that addresses the items in EXHIBIT 82.950 and the ESC Pre-construction Inspection by the County and obtain County's approval to start construction. (PRIORITY INSPECTION)
3. Inspect for Compliance with SWP3 and ESC Plan. Maintain and inspect the SWP3 controls and prepare and upload a weekly certified SWP3 Inspection Report that includes the contents listed in EXHIBIT 82.951 to the mypermitnow.org customer portal for Travis County.

[48] Exhibits in 82.1004 amended 6/28/2016, Item 24.

4. Construct Sediment Basin(s). Construct any storm water pond(s) first, whenever applicable, to be functional as construction sediment basin(s) before grading and excavating the entire site, as follows:

    a. Clear, grub, and excavate only the site areas and cut and fill quantities necessary to construct the pond(s) in accordance with these approved plans and the minimum standards described in the SWP3 and ESC Plan Sheet Notes for the temporary sediment basin embankments, walls, inflows, outfalls, drainage conveyance measures, sediment controls, and stabilization.

    b. Request County inspection and obtain County's written approval of the temporary sediment basin(s) before proceeding further in the sequence of construction. (PRIORITY INSPECTION)

5. Construct Site Improvements. Begin the primary site clearing, excavation, and construction activities and continue the SWP3 and ESC Plan implementation and maintenance per the approved plans.

6. Construct Driveway Approach and Right-of-way Improvements. Install driveway approach and drainage and road improvements in the County right-of-way per approved plans, when applicable. Request a County Pre-Pour Inspection of the driveway through the mypermitnow.org customer portal for Travis County giving at least 3 business days notification. (PRIORITY INSPECTION).

7. Perform temporary stabilization in all disturbed areas that have ceased construction activities for 14 days or longer.

8. Perform permanent site stabilization/re-vegetation immediately in all site areas at final plan grade and in all site areas specified for phased re-vegetation.

9. Complete Permanent Water Quality Controls. Begin completion of permanent water quality control(s) and install the underdrain per approved plans, when applicable.

    a. Remove construction sediment, re-establish the basin subgrade, and install underdrain piping.

    b. Request County inspection and obtain County's written approval of the underdrain piping installation and associated construction materials (aggregate, filter media, etc.) before covering the underdrain and proceeding with construction of the control. (PRIORITY INSPECTION).

10. Complete construction site improvements and final stabilization per the approved plans.

11. Provide Engineer's Concurrence Letter through the mypermitnow.org customer portal for Travis County when construction is substantially complete and request a final inspection by Travis County. (PRIORITY INSPECTION)

12. Obtain a Certificate of Compliance when all final inspection punch list items, including final site stabilization and removal of temporary sediment controls. If necessary, provide a Developers Contract to the County to request conditional acceptance for use or occupancy of the site with all items completed except re-vegetation growth coverage. Request a re-inspection when re-vegetation coverage is complete. (PRIORITY INSPECTION)

82.1004 [Exhibit 82.302a Clear Zones]

§ EXHIBIT 82.302A

ROADWAY CLEAR ZONE REQUIREMENTS RURAL (SHOULDER) SECTIONS

Clear Zone Distances (in feet from edge of driving lane)

DESIGN SPEED	DESIGN ADT	FILL SLOPES			CUT SLOPE		
		6:1 or flatter	5:1 to 4:1	3:1	3:1	4:1 to 5:1	6:1 or flatter
40 MPH or Less	Under 750	7-10	7-10	**	7-10	7-10	7-10
	750-1500	10-12	12-14	**	10-12	10-12	10-12
	1500-6000	12-14	14-16	**	12-14	14-14	12-14
	Over 6000	14-16	16-18	**	14-16	14-16	14-16
45-50 MPH	Under 750	10-12	12-14	**	8-10	8-10	10-12
	750-1500	12-14	16-20	**	10-12	12-14	14-16
	1500-6000	16-18	20-26	**	12-14	14-16	16-18
	Over 6000	18-20	24-28	**	14-16	18-20	20-22
55 MPH	Under 750	12-14	14-18	**	8-10	10-12	10-12
	750-1500	16-18	20-24	**	10-12	14-16	16-18
	1500-6000	20-22	24-30	**	14-16	16-18	20-22
	Over 6000	22-24	26-32*	**	16-18	20-22	22-24

Where site-specific investigation indicates a high probability of continuing accidents, or such occurrences are indicated by accident history, the designer may provide clear zone distances greater than 30 feet as indicated. Clear zones may be limited to 30 feet for practicality and to provide a consistent roadway template if previous experience with similar projects or designs indicate satisfactory performance.

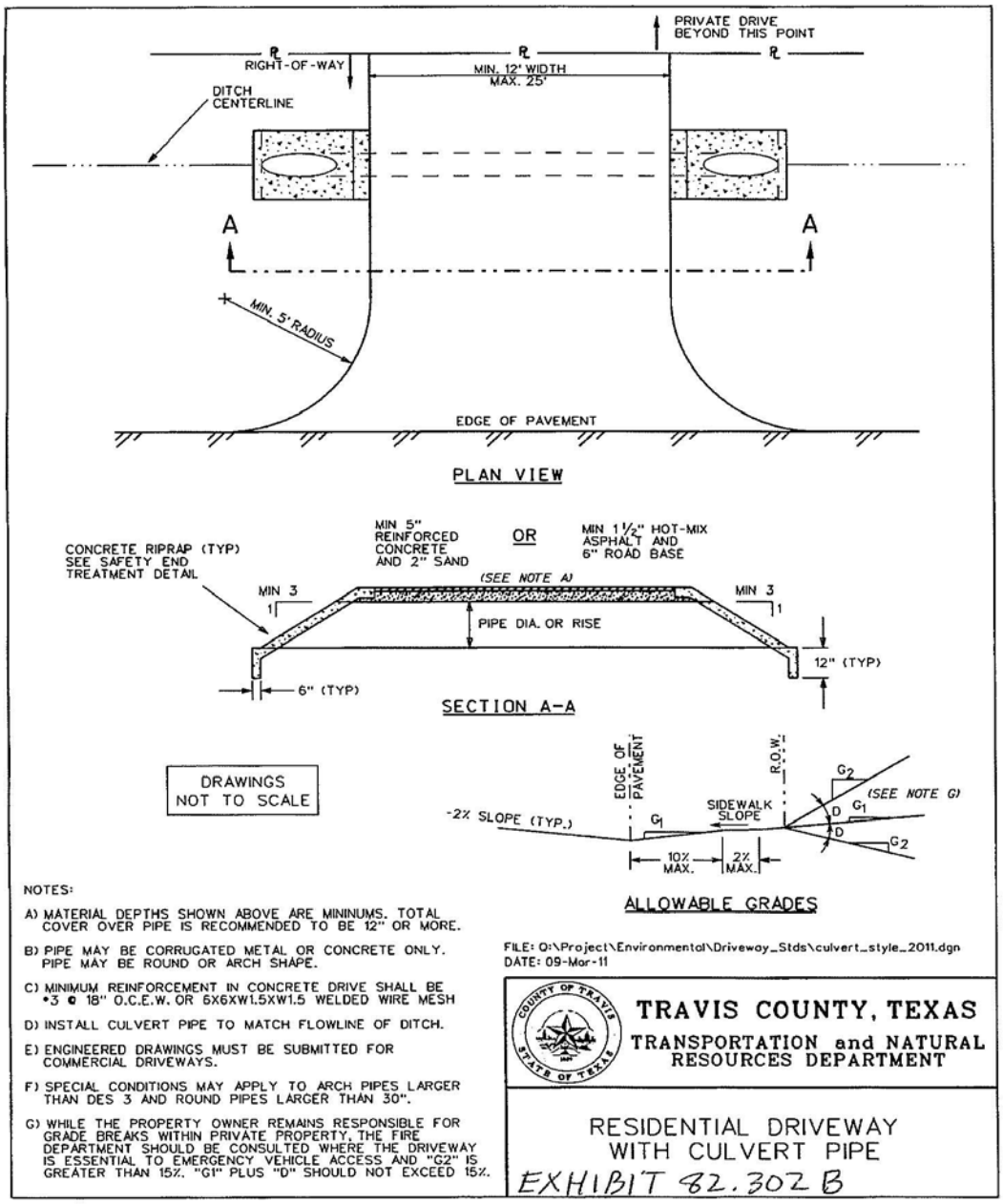
**Since recovery is less likely on the unshielded, traversable 3:1 slopes, fixed objects should not be present in the vicinity of theses slopes. Recovery of high-speed vehicles that encroach beyond the edge of shoulder may be expected to occur beyond the toe of slope. Determination of the width of the recovery area at the toe of slope should take into consideration right of way availability, environmental concerns, economic factors, safety needs, and accident histories. Also, the distance between the edge of the travel lane and the beginning of the 3:1 slope should influence the receovery area provided at the toe of slope. While the application may be limited by several factors, the fill slope parameters which may enter into determining a maximum desireable recovery area are illustrated in Figure 3.2 of the AASHTO Roadside Design Guide.

Horizontal Curve Adjustments				Kcz (Curve Correction Factor)			
DEGREE			**DESIGN**	**SPEED**			
OF	40	45	50	55	60	65	70
CURVE							
2.0	1.08	1.10	1.12	1.15	1.19	1.22	1.27
2.5	1.10	1.12	1.15	1.19	1.23	1.28	1.33
3.0	1.11	1.15	1.18	1.23	1.28	1.33	1.40
3.5	1.13	1.17	1.22	1.26	1.32	1.39	1.46
4.0	1.15	1.19	1.25	1.30	1.37	1.44	
4.5	1.17	1.22	1.28	1.34	1.41	1.49	
5.0	1.19	1.24	1.31	1.37	1.46		
6.0	1.23	1.29	1.36	1.45	1.54		
7.0	1.26	1.34	1.42	1.52			
8.0	1.30	1.38	1.48				
9.0	1.34	1.43	1.53				
10.0	1.37	1.47					
15.0	1.54						

CZc = (Lc) (Kcz) Kcz = curve correction factor Where CZc = clear zone on outside of curvature, ft. L = clear zone distance, ft., Figure 3.1 or Table 3.1

Note: Clear zone correction factor is applied to outside of curves only. Curves flatter than 2.0° do not require an adjusted clear zone.

82.1004 [Exhibit 82.302B Residential Driveway with Culvert Pipe]



NOTES:

A) MATERIAL DEPTHS SHOWN ABOVE ARE MININUMS. TOTAL COVER OVER PIPE IS RECOMMENDED TO BE 12" OR MORE.

B) PIPE MAY BE CORRUGATED METAL OR CONCRETE ONLY. PIPE MAY BE ROUND OR ARCH SHAPE.

C) MINIMUM REINFORCEMENT IN CONCRETE DRIVE SHALL BE #3 @ 18" O.C.E.W. OR 6X6XW1.5XW1.5 WELDED WIRE MESH

D) INSTALL CULVERT PIPE TO MATCH FLOWLINE OF DITCH.

E) ENGINEERED DRAWINGS MUST BE SUBMITTED FOR COMMERCIAL DRIVEWAYS.

F) SPECIAL CONDITIONS MAY APPLY TO ARCH PIPES LARGER THAN DES 3 AND ROUND PIPES LARGER THAN 30".

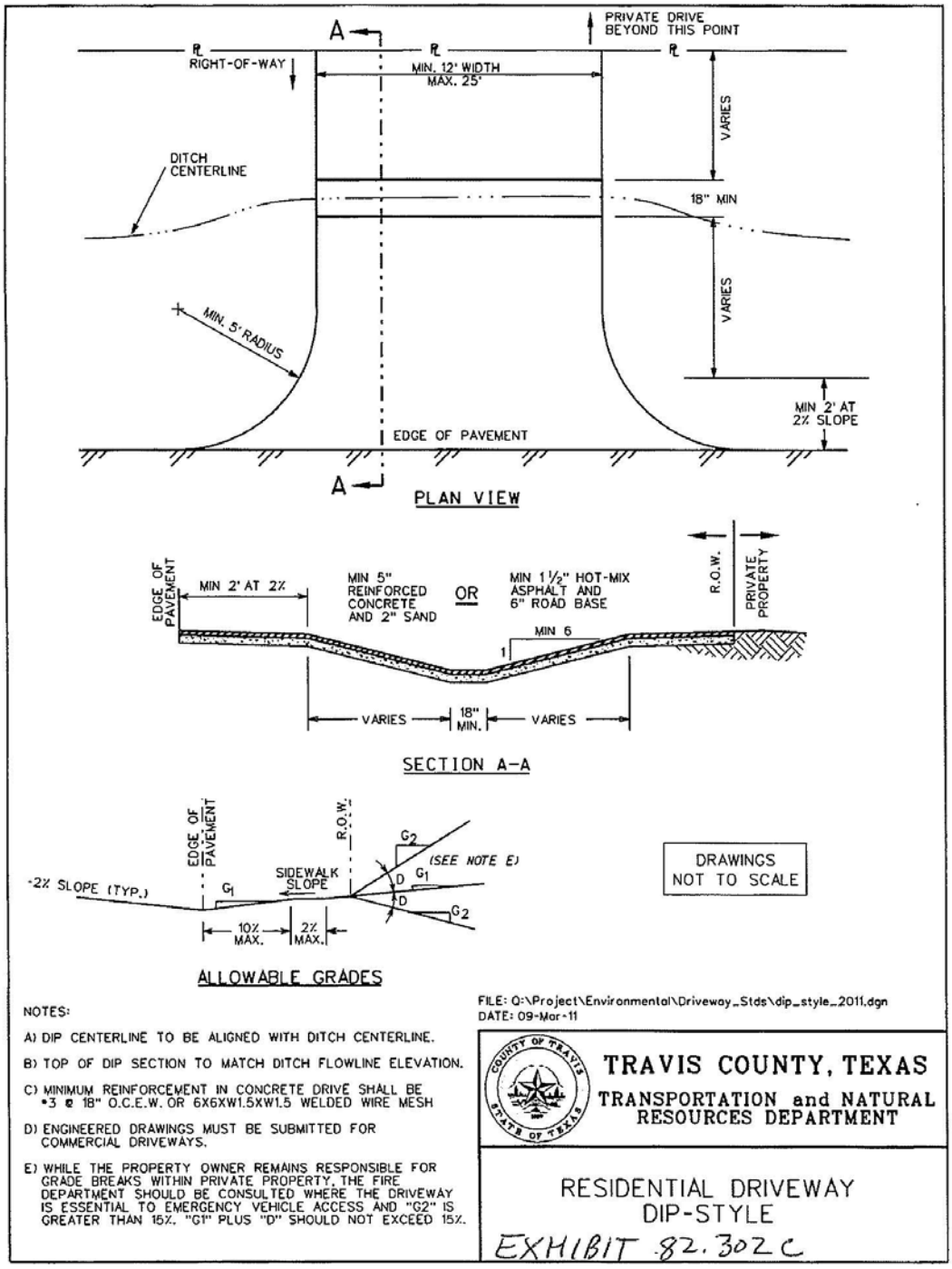
G) WHILE THE PROPERTY OWNER REMAINS RESPONSIBLE FOR GRADE BREAKS WITHIN PRIVATE PROPERTY, THE FIRE DEPARTMENT SHOULD BE CONSULTED WHERE THE DRIVEWAY IS ESSENTIAL TO EMERGENCY VEHICLE ACCESS AND "G2" IS GREATER THAN 15%. "G1" PLUS "D" SHOULD NOT EXCEED 15%.

FILE: Q:\Project\Environmental\Driveway_Stds\culvert_style_2011.dgn
DATE: 09-Mar-11

TRAVIS COUNTY, TEXAS
TRANSPORTATION and NATURAL RESOURCES DEPARTMENT

RESIDENTIAL DRIVEWAY WITH CULVERT PIPE
EXHIBIT 82.302 B

82.1004 [Exhibit 82.302C Residential Driveway Dip-Style]



NOTES:

A) DIP CENTERLINE TO BE ALIGNED WITH DITCH CENTERLINE.

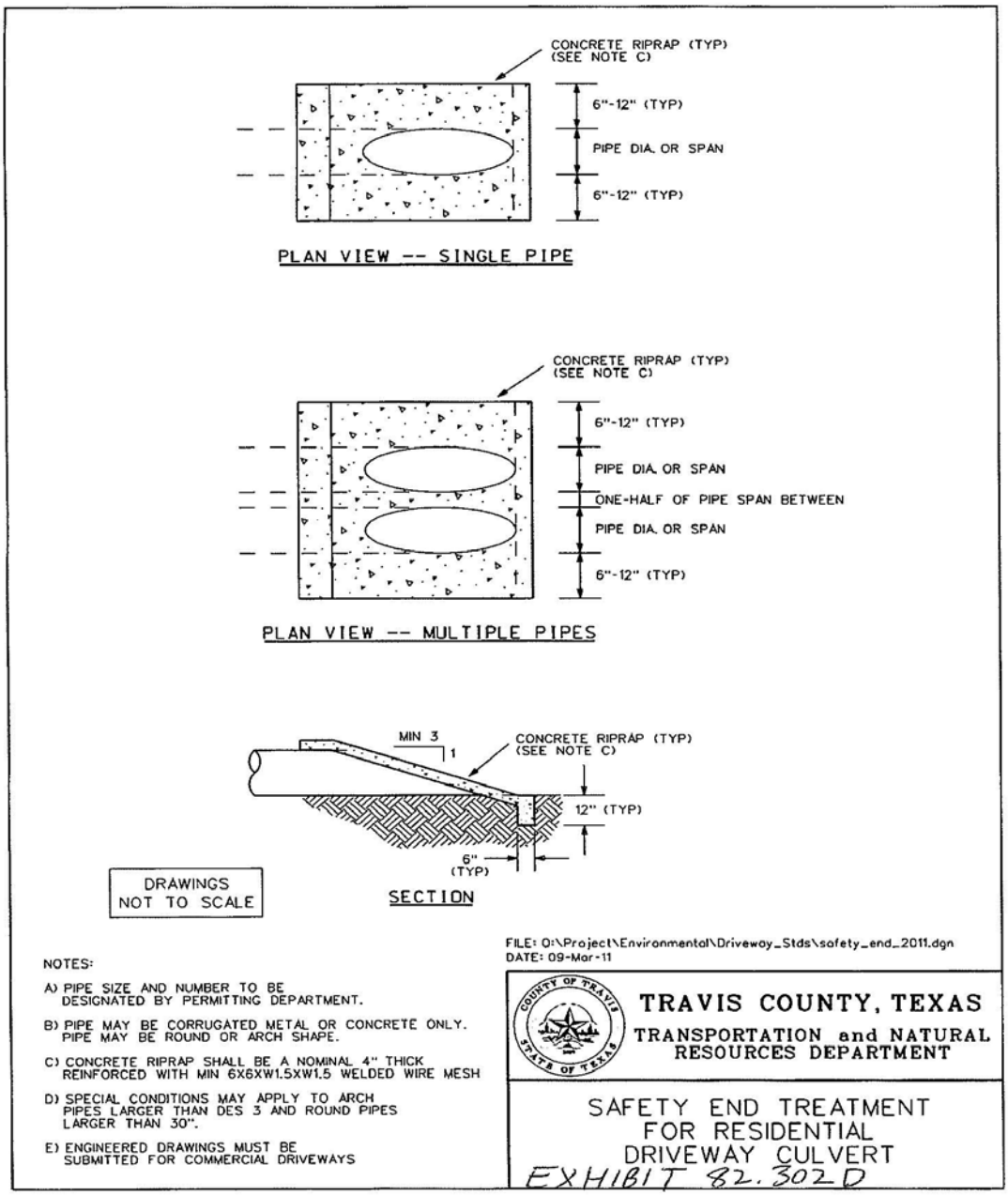
B) TOP OF DIP SECTION TO MATCH DITCH FLOWLINE ELEVATION.

C) MINIMUM REINFORCEMENT IN CONCRETE DRIVE SHALL BE #3 @ 18" O.C.E.W. OR 6X6XW1.5XW1.5 WELDED WIRE MESH

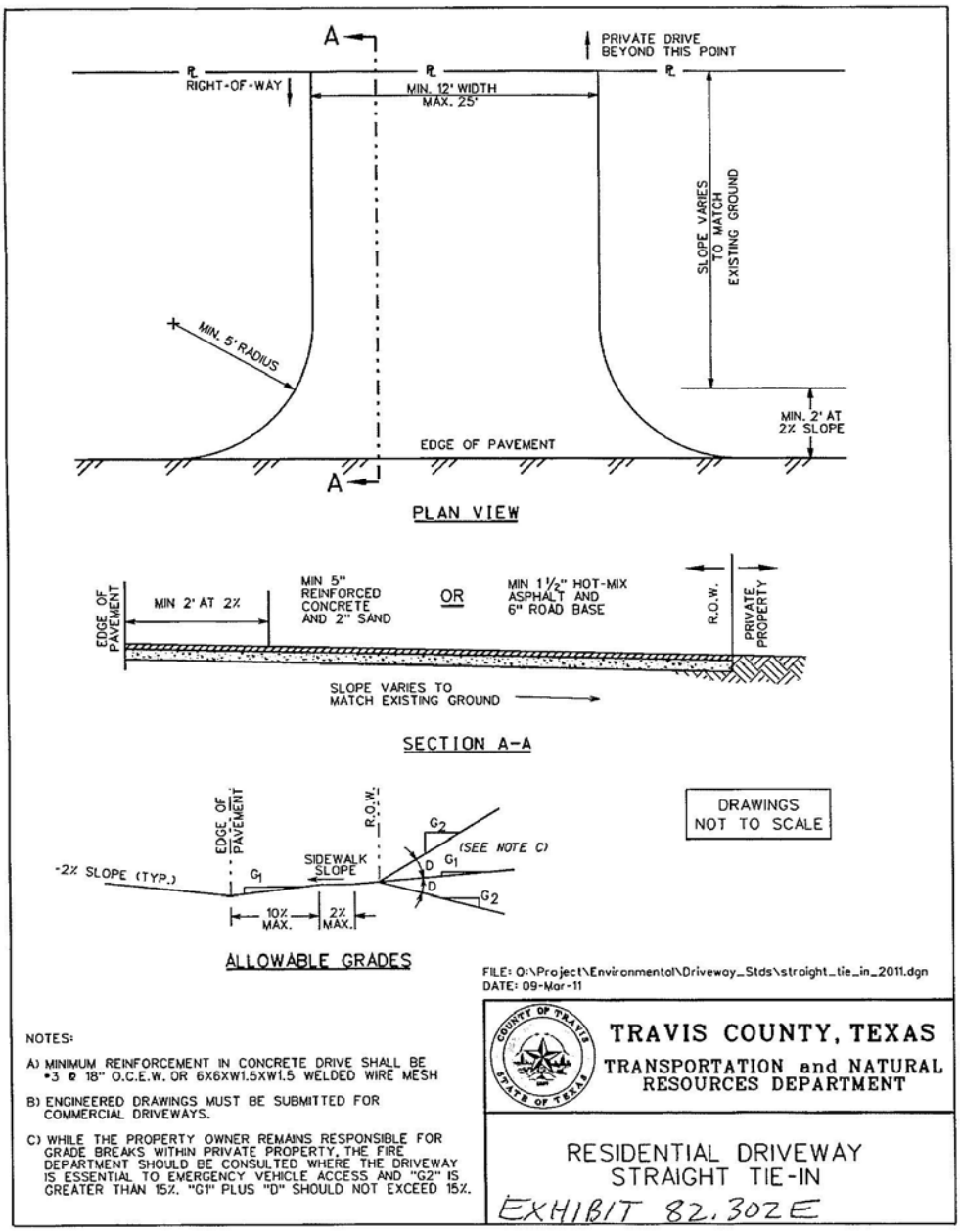
D) ENGINEERED DRAWINGS MUST BE SUBMITTED FOR COMMERCIAL DRIVEWAYS.

E) WHILE THE PROPERTY OWNER REMAINS RESPONSIBLE FOR GRADE BREAKS WITHIN PRIVATE PROPERTY, THE FIRE DEPARTMENT SHOULD BE CONSULTED WHERE THE DRIVEWAY IS ESSENTIAL TO EMERGENCY VEHICLE ACCESS AND "G2" IS GREATER THAN 15%. "G1" PLUS "D" SHOULD NOT EXCEED 15%.

82.1004 [Exhibit 82.302D Safety End Treatment for Residential Driveway Culvert]



82.1004 [Exhibit 82.302E Residential Driveway Straight Tie-In]



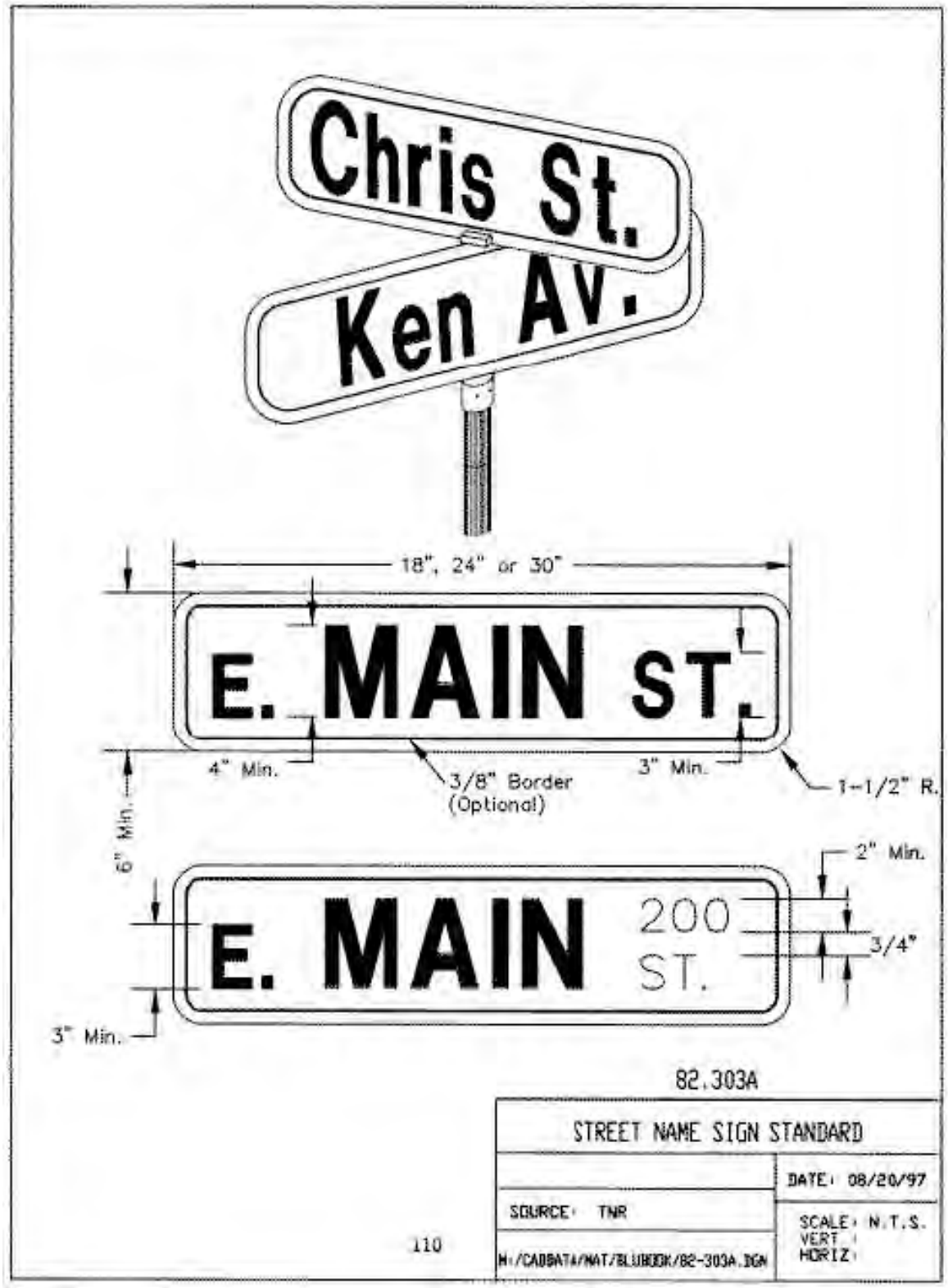
NOTES:

A) MINIMUM REINFORCEMENT IN CONCRETE DRIVE SHALL BE #3 @ 18" O.C.E.W. OR 6X6XW1.5XW1.5 WELDED WIRE MESH

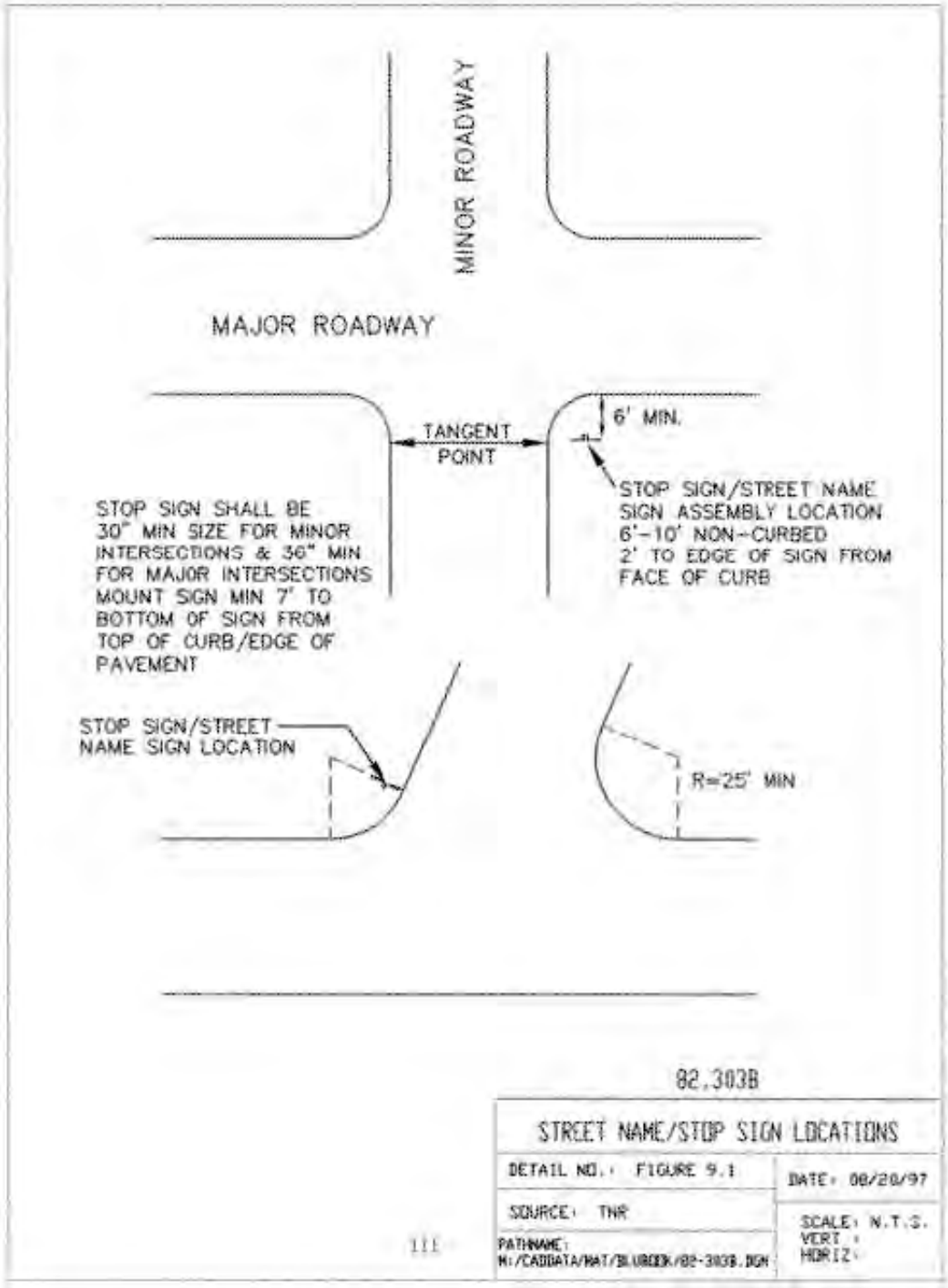
B) ENGINEERED DRAWINGS MUST BE SUBMITTED FOR COMMERCIAL DRIVEWAYS.

C) WHILE THE PROPERTY OWNER REMAINS RESPONSIBLE FOR GRADE BREAKS WITHIN PRIVATE PROPERTY, THE FIRE DEPARTMENT SHOULD BE CONSULTED WHERE THE DRIVEWAY IS ESSENTIAL TO EMERGENCY VEHICLE ACCESS AND "G2" IS GREATER THAN 15%. "G1" PLUS "D" SHOULD NOT EXCEED 15%.

82.1005 [Exhibit 82.303A Street Name Sign Detail]



82.1005 [Exhibit 82.303A Street Name Sign Layout Detail]



82.1006 [Exhibit 82.401 (A) Fiscal Security Bond]

BOND NO. _____

PRINCIPAL:

SURETY:

BENEFICIARY: Travis County, Texas

SUBDIVISION:

SUM:

DATE:

EXPIRATION DATE: Three Years from Date of Bond

The PRINCIPAL and SURETY, a Corporation authorized to write bonds in the State of Texas, are jointly and severally held and bound unto the BENEFICIARY in the above-stated sum in U.S. currency, and amount fixed by the BENEFICIARY pursuant to Chapter 232 of the Texas Local Government Code.

This Bond is conditioned on the performance of the duties of the PRINCIPAL prior to the Expiration Date to provide for the construction and completion of the street and drainage Improvements in the SUBDIVISION to current Travis County Standards for the Construction of Streets and Drainage in Subdivisions (the "Standards") so that the Improvements are performing to the Standards upon the approval of the construction of the Improvements and the acceptance of the public Improvements by the Commissioners Court and at the end for the one-year public Improvement construction performance period, which commences upon the acceptance.

Partial reductions in the Sum of this Bond may be allowed. Multiple recoveries less than the total amount of the Bond are allowed. Upon the acceptance of the Improvements, the Bond will be reduced to ten percent of the cost of the public Improvements which include common area sidewalks. If this Bond is unenforceable as a statutory Bond, the PRINCIPAL and Surety shall be bound by this contract as a common law obligation.

In lieu of drawing on the BOND, BENEFICIARY, in its sole discretion, may accept a Substitute Bond in the then current amount of the estimated cost of constructing the Improvements in the SUBDIVISION.

PRINCIPAL	SURETY
BY: _____	BY:_____
Authorized Representative	Authorized Representative*
_____	_____
Mailing Address	Mailing Address
_____	_____
City, State, & Zip Code	City, State, & Zip Code

*A certified copy of the Bylaws of the Surety or a Power of Attorney evidencing the authority of the representative to sign this Bond obligation must be provided to the County.

82.1006 [Exhibit 82.401 (B) Fiscal Security Letter of Credit]

IRREVOCABLE LETTER OF CREDIT NO. _____

TO: Travis County, Texas

ISSUER:

CUSTOMER:

AMOUNT OF SECURITY:

SUBDIVISION:

DATE OF POSTING:

EXPIRATION DATE: Three Years from Date of Credit

The ISSUER hereby establishes this Credit and shall duly honor all drafts drawn and presented in accordance with this Credit. Travis County may draw on the ISSUER for the account of the CUSTOMER up to the aggregate AMOUNT OF SECURITY.

This Credit is conditioned on the performance of the duties of the CUSTOMER prior to the Expiration Date to provide for the construction and completion of the street and drainage Improvements in the SUBDIVISION to current Travis County Standards for the construction of Roads and Drainage in Subdivision (the "Standards"), so that the Improvements are performing to the Standards upon the approval of the construction of the Improvements and the acceptance of the public Improvements by the Commissioners Court and at the end of the one-year public Improvement construction performance period, which commences upon the acceptance.

The only requirement necessary to draw on any part or all of the total amount of this Credit is a letter from the County Judge indicating that the County considers a drawing on this Letter of Credit necessary in order to complete all or part of the SUBDIVISION Improvements to the County Standards. No further substantiation of the necessity of the draw is required by this Letter.

Partial reductions in the amount of this Credit may be allowed. Multiple recoveries less than the total amount of the Credit are allowed. Upon the acceptance of the Improvements, the Credit will be reduced to ten percent of the cost of the public Improvements which include common area sidewalks. If this Letter of Credit is unenforceable as a statutory obligation, the ISSUER shall be bound by this contract as a common law obligation.

Drafts must be presented on or before the EXPIRATION DATE by the close of business and will be honored within five (5) calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Improvements. This credit may be revoked only by the written consent of the ISSUER and the County.

Except as expressly set forth herein, this credit is governed by the "Uniform Customs and Practices for Documentary Credits" [International Chamber of Commerce Publication No. 500 (1993)].

ISSUER:

BY: _____

NAME: _____

TITLE:_____
Authorized Representative

ADDRESS OF ISSUER

_____

_____

_____

82.1006 [82.401(C) Exhibit Cash Security Agreement]

TO: Travis County, Texas

DEVELOPER:

ESCROW AGENT: Travis County Treasurer

AMOUNT OF SECURITY:

SUBDIVISION:

DATE OF POSTING:

EXPIRATION DATE: Three Years from Date of Posting

The ESCROW AGENT shall duly honor all drafts drawn and presented in accordance with this Agreement. Travis County may draw on the account of the DEVELOPER up to the aggregate AMOUNT OF SECURITY upon presentation of a draft signed by the County Judge that the following condition exists:

The County considers such a drawing on this Security necessary to complete all or part of the SUBDIVISION Improvements to current Travis County Standards for the Construction of Roads and Drainage in Subdivision (the "Standards"). No further substantiation of the necessity of the draw is required by this Agreement.

This Agreement is conditioned on the performance of the duties of the DEVELOPER prior to the Expiration Date to provide for the construction and completion of the street and drainage Improvements in the SUBDIVISION to current Travis County Standards for the Construction of Roads and Drainage in Subdivision (the "Standards"), so that the Improvements are performing to the Standards upon the approval of the construction of the Improvements and the acceptance of the public Improvements by the Commissioners Court and at the end of the one-year public Improvement construction performance period, which commences upon the acceptance.

Partial drafts and reductions in the amount of Security are permitted. Upon the acceptance of the Improvements, the Security will be reduced to ten percent of the cost of the public Improvements which include common area sidewalks. Drafts will be honored within five calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Improvements. This Agreement may be revoked only by the written consent of the DEVELOPER and the County.

The Developer must indicate by signing the appropriate line, below, whether or not he wishes the escrowed funds to be invested with interest paid at the rate Travis County receives for its 90-day accounts and be charged a $25.00 investment fee every 90 days. The minimum of amount of cash security that will be considered for investment is Two Thousand Dollars ($2,000).

DEVELOPER:

ADDRESS OF DEVELOPER

BY:_____ _____

NAME:_____ _____

TITLE:_____ _____

Authorized Representative

DATE:_____

PHONE: _____

_____ Invest funds with interest paid at the rate Travis County receives for its 90-day accounts and be charged a $25.00 investment fee every 90 days.

82.1006 [Exhibit 82.401 (D) Alternative Fiscal Policy Request and Acknowledgement]

STATE OF TEXAS §

COUNTY OF TRAVIS §

TO THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS:

The undersigned Owner proposes to subdivide that certain tract of land more particularly described in Exhibit "A", which is attached hereto and made a part hereof. The owner requests that the Travis County's Transportation and Natural Resources Department ("TNR") hold the proposed plat of the land in abeyance until all of the proposed subdivision Improvements have been constructed to Travis County Standards for the Construction of Streets and Drainage in Subdivision (the "Standards") to the satisfaction of the Executive Manager of TNR. In order to qualify for this Alternative Fiscal Policy, the proposed subdivision must meet the access criteria set forth in the Standards.

Under this Policy, the Owner is not required to post fiscal Security to secure the construction of the Improvements, but is required to obtain a Travis County Development Permit. The owner will be required to post fiscal for boundary street improvements if they are not to be completed during the construction of the Improvements. Additionally, the Owner shall file Security with the submitted Final Plat to secure restoration of disturbed areas should construction not be completed.

Upon satisfactory completion of the Improvements, the submitted plat shall be forwarded by TNR to the Commissioners Court for approval and recording.

If the Owner elects to proceed under this option, the Owner acknowledges and agrees that, until the plat is filed the Owner may not use the proposed subdivision's description in a contract to convey real property, unless the conveyance is expressly contingent on the recording and approval of the final plat and the purchaser is not given the use or the occupancy of the real property before the recording of the final plat, under penalty of prosecution under Section 12.002 of the Texas Property Code. In addition, the approval of Alternative Fiscal in no way constitutes approval of the proposed plat.

If the plat is to be approved and filed, the Owner must post Security in the amount of 10% of the cost of the Improvements to secure the performance of the construction of the Improvements for one year from the date of the approval of the plat and the acceptance of the construction by the County.

Executed this _____ day of _____ , _____ .

OWNER:

By: _____

Name: _____

Title: _____
Authorized Representative

TRAVIS COUNTY, TEXAS By: _____
County Judge

ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me by _____ on the _____ day of _____, _____, in the capacity stated herein.

_____
Notary Public in and for
the State of Texas

_____
Printed or typed name of notary

My commission expires:_____

ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me by _____ on the _____ day of _____, _____, in the capacity stated herein.

_____
Notary Public in and for
the State of Texas

_____
Printed or typed name of notary

My commission expires:_____

Mailing Address of Owner:

82.1006 [82.401(E) Subdivision Construction Agreement Exhibit]

§ EXHIBIT 82.401 (E) SUBDIVISION CONSTRUCTION AGREEMENT

STATE OF TEXAS COUNTY OF TRAVIS

This Agreement is made and entered into by and between _____, (the "Subdivider") and Travis County, Texas, (the "County), hereinafter collectively referred to as the "Parties".

WHEREAS, the Subdivider owns the tract of real property described in Exhibit "A", which is attached hereto and made a part hereof, (the "Property"); and

WHEREAS, the Subdivider desires to subdivide the Property, pursuant to the proposed final plat of "_____" (the "Subdivision"); and

WHEREAS, the County desires to set forth the Subdivider's responsibility for the construction of the Subdivision's roads and drainage facilities (the "Improvements"); and

WHEREAS, the Subdivider desires to set forth the County's responsibility to accept the constructed Improvements for maintenance;

NOW, THEREFORE, the Parties agree as follows:

I. Subdivider's Obligations

A. Improvements. The Subdivider shall construct the Improvements required to comply with the County's Standards for the Construction of Streets and Drainage in Subdivisions (the "Standards"). The Improvements will conform to the construction plans, permits, and specifications approved by the County prior to commencement of construction.

B. Security. To secure the Subdivider's obligations, the Subdivider will provide a financial guarantee of performance in the amount of the estimated cost of constructing the Improvements (the "Security"), which has been determined by a professional engineer and approved by the County's Transportation and Natural Resources Department ("TNR"). The Security must be in a form approved for use in the Standards or otherwise approved by the County Attorney's Office.

C. Alternative Fiscal. Notwithstanding any other provisions of this Agreement, the Subdivider may request the Commissioners Court to hold the administratively approved plat in abeyance until all streets, alleys, sidewalks, and drainage improvements in the Subdivision. The Subdivider must post fiscal security to secure restoration of disturbed areas should construction not be completed. Upon satisfactory completion, the submitted plat shall be forwarded to the Commissioners Court for approval and recording, provided adequate fiscal security has been posted to secure the one year Construction Performance Period described below.

D. Completion. The Improvements must be constructed no later than three (3) years after the effective date of this Agreement. This period may be extended by the delivery to the County at least forty five (45) days prior to the expiration of the Security of an extension of the Security in a form approved by the County. Upon completion of the Improvements, the Subdivider will provide the County with a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

E. Warranty. The Subdivider warrants the public Improvements will be free from defects for a period of one (1) year from the date the County accepts the construction of the public Improvements (the "Performance Period"). The Subdivider shall correct and repair any defects in materials or workmanship, including design inadequacies and damage to or deterioration of the public Improvements, that occur before and during this Performance Period due to any cause. As a condition of the County's acceptance of dedication of any of the public Improvements, the Subdivider must post fiscal security in the form of cash, a performance bond, or other approved form and in the amount of ten percent (10%) of the cost of constructing the public Improvements, to secure the warranty established by this Agreement. It is expressly acknowledged that the public Improvements must meet County Standards at the end of the one year Construction Performance Period in order for the County to release the construction performance fiscal security.

F. Increase in Security. If the County determines the cost of constructing the Improvements exceeds the posted Security, within thirty (30) days after notice and demand, the Subdivider shall provide additional Security in an amount equal to the additional estimated cost.

G. Reduction in Security. During the construction of the Improvements, the Security may be reduced in accordance with the percentage of completion of the construction. The Executive Manager of TNR will execute Statements of Partial Reductions in the Amount of Security, when provided with the following documentation:

1) a professional engineer's certification of quantities of work completed;
2) a contractor's invoice for work completed; and
3) a TNR inspection report, indicating the completion of the portion of the work represented by the contractor's invoice.

After the approval and acceptance of the construction of the Improvements, the Security for the public Improvements may be reduced by ninety percent (90%) of the cost of the approved construction and held for the one-year Performance Period. After the approval of the construction of the private Improvements, the Security posted for the private Improvements will be fully released. In addition, the County agrees to release or reduce, as appropriate, the Security provided by the Subdivider, if the County accepts a substitute Security for all or any portion of the Improvements.

H. Covenant, Restriction, and Condition. In the event that the Improvements are not constructed to County Standards and the required Security has expired, the Subdivider shall not sell, transfer, or convey any of the lots in the Subdivision until sufficient Security has been posted with the County for the completion of the construction.

II. County's Obligations

A. Inspection and Approval. The County will inspect the Improvements during and at the completion of construction. If the Improvements are completed in accordance with the Standards, the County will approve the Improvements and accept the public Improvements.

B. Notice of Defect. The County will notify the Subdivider, if an inspection reveals that any portion of the Improvements is not constructed in accordance with the Standards or is otherwise defective. However, the County is not responsible for the construction of the Improvements, the quality of the material, or the construction methods utilized. In addition, the County is not responsible for making continuous on-site inspections of the construction work and the County has no privity with or responsibility for the

construction contractor or any subcontractors. The Subdivider will have thirty (30) days from such notice to cure the defect. It is an event of default under this Agreement, if the defect is not cured prior to the expiration of the time to cure.

C. Performance Period Security Release. Upon the expiration of the one-year Performance Period with no damages or defects which the Executive Manager notifies the Subdivider must be corrected, the Executive Manager will release the Performance Period Security.

D. Conditions to Draw on Security. The County may draw upon any Security posted under this Agreement upon the occurrence of one or more of the following events:

a. The failure of the Subdivider to construct the Improvements to the applicable County Standards;

b. The Subdivider's failure to renew or replace the Security at least forty-five (45) days prior to its expiration;

c. The acquisition of the Property or a portion of the Property by the issuer of the Security or other creditor through foreclosure or an assignment or conveyance in lieu of foreclosure;

d. The arrangement by the Commissioners Court for the completion of one or more of the Improvements; or

e. The determination by the Commissioners Court that the completion of one or more of the public Improvements is in the public Interest.

E. Notice of Intent to Draw. The County shall provide ten (10) days written notice of the occurrence of such an event to the Subdivider with a copy provided to any fiscal surety, lender, or escrow agent. The notice will include a statement that the County intends to provide for the performance of some or all of Subdivider's obligations hereunder for the construction of the Improvements, if the failure is not cured. The County shall be entitled to draw the amount it considers necessary to perform the Subdivider's obligations under this Agreement up to the total amount allocated for the Improvements. In lieu of a drawing based on an event described in subparagraphs (b) or (c), above, the County may accept a substitute Security.

F. Use of Proceeds.

1) The County must utilize the proceeds of any posted security solely for the purpose of completing the Improvements to the County's Standards or to correct defects in or failures of the Improvements.

2) The County may in its sole discretion complete some or all of the unfinished Improvements at the time of default, regardless of the extent to which development has taken place in the Subdivision or whether development ever commenced, without incurring any obligation to complete any of the unfinished Improvements. If the County uses the proceeds to complete, repair, or reconstruct the Improvements, it will do so as a public trustee of the development process in order to protect purchasers and taxpayers from the adverse consequences of a subdivider default or to protect the

public interest by completing the Improvements.

3) The County is not a private subdivision developer and its draft on the Security and utilization of the proceeds to complete, repair, or reconstruct the Improvements is not an acceptance of the dedication of the Improvements. The acceptance of the Improvements is specifically contingent upon the delivery to the County of Improvements, which have been constructed to County Standards or the express order of acceptance by the County's Commissioners Court.

4) The Subdivider has no claim or rights under this Agreement to funds drawn under the Security or any accrued interest earned on the funds to the extent the same are used by the County hereunder.

5) All funds obtained by the County pursuant to one or more draws under the Security shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the "Escrowed Funds"), are disbursed by the County.

6) The County shall disperse all or portions of the Escrowed Funds as Improvements are completed by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of the Improvements.

7) Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with any interest accrued thereon, shall be paid by the County to the Issuer of the Security or, if the Security was originally in the form of cash, to the Subdivider, no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvements using Escrowed Funds, whichever date is earlier.

G. Releases. The Executive Manager will, subject to the performance of the Subdivider of its obligations under this agreement and the Travis County Standards for Construction of Streets & Drainage in Subdivisions, execute such releases of this Agreement as are necessary and reasonable upon the request of the Subdivider or a purchaser of a portion of the Property.

III. MISCELLANEOUS

A. Covenants, Restrictions, and Conditions. These Covenants, Restrictions, and Conditions will operate as covenants running with the land and will be binding upon the Subdivider and the Subdivider's legal representatives, successors and assigns.

B. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the actual cost of completing the Improvements in conformance with the County's Standards, including without limitation its associated administrative expenses.

C. Remedies. The remedies available to the County and the Subdivider under this Agreement and the laws of Texas are cumulative in nature.

D. Third Party Rights. No non-party shall have any right of action under this Agreement, nor shall any such non-party, including without limitation a trustee in bankruptcy, have any interest in or claim to funds drawn on the posted Security and held in escrow by the County in accordance with this Agreement.

E. Indemnification. The Subdivider shall indemnify and hold the County harmless from and against all

claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees, for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County, if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements.

F. No Waiver. The waiver of any provision of this Agreement will not constitute a waiver of any other provision, nor will it constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement. The County's failure to enforce any provision will not constitute a waiver or estoppel of the right to do so.

G. Attorney's Fees. The prevailing party in any litigation hereunder is entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs.

H. Successors and Assigns. This Agreement is binding on the Subdivider and the heirs, successors, and assigns of the Subdivider and on any person acquiring an ownership interest in the Property through the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the written approval of the County; provided the County's approval shall not be unreasonably withheld if the Subdivider's assignee expressly assumes all obligations of the Subdivider under this Agreement. An assignment shall not be construed as releasing the Subdivider from Subdivider's obligations under this Agreement and Subdivider's obligations hereunder shall continue notwithstanding any assignment approved pursuant to this Paragraph unless and until the County executes and delivers to the Subdivider a written release. The County agrees to release the Subdivider, if the Subdivider's assignee expressly assumes the Subdivider's obligations under this Agreement and has posted the Security required by this Agreement. The County in its sole discretion may assign some or all of its rights under this Agreement and any such assignment shall be effective upon notice to the Subdivider.

I. Expiration. This Agreement will terminate upon the vacation of the Subdivision by the Subdivider or the completion of the Subdivider's obligations under this Agreement, whichever occurs first.

J. Notice. Any notice under this Agreement must be in writing and will be effective when personally delivered or three (3) days after deposit in the U.S. Mail, postage prepaid, certified with return receipt requested, and addressed as follows:

Subdivider: _____
_____
_____

County: Transportation & Natural Resources Department
P.O. Box 1748Austin, Texas 78767
Attn: Executive Manager

Copy to: Travis County Attorney's Office
P.O. Box 1748
Austin, Texas 78767

The parties may change their respective addresses for notice to any other location in the United States in accordance with the provisions of this Paragraph.

K. Severability. If any provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability shall not affect the validity of any other provision and the rights of the parties will be construed as if such provision was never part of this Agreement.

L. Jurisdiction and Venue. This Agreement concerns real property located in Travis County, Texas, and shall be governed and construed under Texas law. Venue for any action arising under this Agreement shall be exclusively in Travis County, Texas.

M. Captions Immaterial. The captions or headings of the paragraphs of this Agreement are for convenience only and shall not be considered in construing this Agreement.

N. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof. Any oral representations or modifications concerning this Agreement shall be of no force or effect, except a subsequent written modification executed by both parties. NO OFFICIAL, EMPLOYEE, OR AGENT OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED, TO AMEND, MODIFY, OR OTHERWISE CHANGE THIS AGREEMENT, EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE COMMISSIONERS COURT.

This Agreement is executed as of the dates set forth below and is effective upon approval by the County of the final plat for the Subdivision or upon approval of Alternative Fiscal in accordance with County regulations.

TRAVIS COUNTY, TEXAS SUBDIVIDER:

_____
County Judge

Date:

By:
Name:
Title:
Authorized Representative
Date:

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the day of , _____, by _____, in the capacity stated herein.

Signature of Notary

After Recording Return to:
Executive Manager,
Transportation and Natural Resources
P.O. Box 1748
Austin, Texas 78767

82.1007 82.701(A) License Agreement Exhibit

§ EXHIBIT 82.701(A) LICENSE AGREEMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This Agreement is made and entered into by and between Travis County, Texas, (the "COUNTY") and the _____ (the "ASSOCIATION"), hereinafter collectively referred to as the "Parties", for the purposes and consideration described herein.

WITNESSETH:

WHEREAS, the COUNTY has accepted the dedication of the roads in _____, a subdivision located in Travis County, being more particularly described in that certain plat recorded at Book ____, Page _____, of the Plat Records of Travis County, (the "Subdivision"); and

WHEREAS, the ASSOCIATION plans to install and maintain certain landscaping and improvements in portions of the right-of-way of _____ in the Subdivision; and

WHEREAS, the landscaping and improvements include, but are not limited to, an irrigation system, trees and shrubs, and_____ (the "Improvements") within portions of the right-of-way of the Subdivision roads, which are not intended or used for vehicular traffic; and

WHEREAS, the area of the right-of-way within which the Improvements are to be installed and/or maintained (the "Licensed Property") is described in the Exhibit "A", which is attached hereto and incorporated herein for all purposes;

NOW, THEREFORE, the COUNTY and the ASSOCIATION agree as follows:

I. Grant

Subject to the conditions in this Agreement and to the extent of the right, title and interest of the COUNTY in and to the Licensed Property and without any express or implied warranties, the COUNTY grants to the ASSOCIATION permission to use the Licensed Property to construct, maintain and repair the Improvements existing in the Licensed Property as of the date of this Agreement.

II. Consideration

The COUNTY and the ASSOCIATION each acknowledge the receipt and sufficiency of good and valuable consideration for the execution of this Agreement, including but not limited to the following:

1. The beautification to be afforded to the community by the Improvements; and

2. The agreement by the ASSOCIATION to provide the below-specified insurance and indemnification in favor of the COUNTY.

III. County's Rights to Licensed Property

A. This Agreement is expressly subject and subordinate to the present and future right of the COUNTY, its successors, assigns, lessees, grantees, and licensees, to construct, install, establish, maintain, use, operate, and renew any public utility facilities, franchised public facilities, roadways or streets on, beneath or above the surface of the Licensed Property. The COUNTY shall take reasonable measures to prevent damage to any Improvements on the Licensed Property, however, any damage to or destruction of the ASSOCIATION'S property by the COUNTY in the exercise of the above-described rights shall be at no charge, cost, claim or liability to the COUNTY, its agents, contractors, officers or employees. Nothing in this Agreement shall be construed to limit in any way the power of the COUNTY to widen, alter or improve the Licensed Property pursuant to official action by the governing body of the COUNTY or its successors; provided, however, that the COUNTY shall provide the ASSOCIATION with at least thirty (30) days prior written notice of any such contemplated action.

B. NOTWITHSTANDING ANY PROVISIONS IN THIS AGREEMENT TO THE CONTRARY, THE COUNTY RETAINS THE RIGHT TO ENTER UPON THE LICENSED PROPERTY, AT ANY TIME AND WITHOUT NOTICE, ASSUMING NO OBLIGATION TO THE ASSOCIATION, TO REMOVE ANY OF THE IMPROVEMENTS OR ALTERATIONS THEREOF, WHENEVER SUCH REMOVAL IS DEEMED NECESSARY FOR: (A) EXERCISING THE COUNTY'S RIGHTS OR DUTIES WITH RESPECT TO THE LICENSED PROPERTY; (B) PROTECTING PERSONS OR PROPERTY; OR (C) THE PUBLIC HEALTH OR SAFETY WITH RESPECT TO THE LICENSED PROPERTY.

IV. Insurance

A. TheASSOCIATION shall, at its sole expense, provide extended public liability insurance coverage, written by a company acceptable to the County licensed to do business in Texas, in the amounts of FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) per occurrence and ONE MILLION DOLLARS ($1,000,000.00) in the aggregate for property damage and personal injury and death, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the COUNTY OF TRAVIS as coinsured or as an additional insured. This insurance coverage shall cover all perils arising out or connected in any way to the activities of the ASSOCIATION, its officers, employees, agents or contractors, relative to this Agreement. The ASSOCIATION shall be responsible for any deductibles stated in the policy. A true copy of each instrument affecting such additional coverage shall be delivered to the COUNTY'S EXECUTIVE MANAGER OF TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT within twenty one (21) days of the effective date of this Agreement.

B. The ASSOCIATION shall not cause any insurance to be canceled nor permit any insurance to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until thirty (30) days after the COUNTY has received written notice as evidenced by a return receipt of registered or certified mail.

V. Indemnification

To the extent permitted by Texas law, the ASSOCIATION agrees to and shall indemnify, defend and hold harmless the COUNTY and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury,

death, or damage to any person or property, which arises from or is in any manner connected to or caused in whole or in part by the ASSOCIATION'S construction, maintenance or use of the Licensed Property. This indemnification provision, however, shall not apply to any claims, suits, damages, costs, losses or expenses (i) for which the COUNTY shall have been compensated by insurance provided under Paragraph IV., above, or (ii) arising solely from the negligent or willful acts of the COUNTY, provided that for the purposes of the foregoing, the COUNTY'S act of entering into this Agreement shall not be deemed to be a "negligent or willful act".

VI. Conditions

A. Compliance with Regulations. The ASSOCIATION agrees that all construction, maintenance and repair permitted by this Agreement shall be done in compliance with all applicable City, County, State and/or Federal policies, traffic, building, health and safety ordinances, laws and regulations.

B. ASSOCIATION'S Responsibilities. The ASSOCIATION will be responsible for any damage to or relocation of existing facilities required by the construction of the improvements. Further, the ASSOCIATION shall reimburse the COUNTY for all reasonable costs incurred by the COUNTY in replacing or repairing any property of the COUNTY or of others which was damaged or destroyed as a result of activities under this Agreement by or on behalf of the ASSOCIATION.

C. Maintenance. The ASSOCIATION shall maintain the Licensed Property by keeping the area free of debris and litter and maintaining the improvements. Removal of dead or dying plants shall also be handled by the ASSOCIATION at its expense.

D. Removal or Modification. The ASSOCIATION agrees that removal or modification of any improvements now existing or to be later replaced shall be at the ASSOCIATION'S sole discretion, except where otherwise provided by this Agreement. This Agreement, until its expiration or revocation, shall run as a covenant on the land on the above-described real property, and the terms and conditions of this Agreement shall be binding on any successors and assigns in interest to the ASSOCIATION or the COUNTY. A written memorandum of this agreement shall be filed in the Real Property Records of Travis County, Texas.

E. Security Deposit. The ASSOCIATION shall provide the COUNTY with cash or an irrevocable Letter of Credit ("LOC") in a form acceptable to the COUNTY in the amount of _____AND NO/100 DOLLARS ($ _____.00). The LOC shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established by the City of Austin's financial institution rating system in effect at the time the LOC is issued. The COUNTY and the ASSOCIATION shall revise the LOC as necessary to adequately secure the ASSOCIATION's obligations during the term of this Agreement. The ASSOCIATION shall be responsible for procuring replacement LOCs in amounts approved by the COUNTY within sixty (60) days prior to the expiration date of the LOC then on file with the COUNTY for as long as this Agreement remains in effect. The ASSOCIATION may obtain a release of any such LOC at any time by substituting cash in an equal amount. Any cash provided to the COUNTY will be deposited with the County Treasurer and interest on the amount will be paid to the ASSOCIATION on an annual basis upon the receipt by the Treasurer of a letter requesting such interest. The only condition to a draft on the LOC or the cash security shall be a letter from the Travis County Judge indicating that the District has not fulfilled its obligations under this Agreement and that the COUNTY has incurred or will incur expenses with regard to

the Improvements located on, upon or in the Licensed Property.

F. Default. In the event that the ASSOCIATION fails to maintain the Licensed Property, then the COUNTY shall give the ASSOCIATION written notice thereof by registered or certified mail, return receipt requested, to the addresses set forth below. The ASSOCIATION shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of and, if the ASSOCIATION does not satisfactorily remedy the same within the thirty (30) day period, the COUNTY may, at the COUNTY'S option, perform the work or contract for the completion of the work. In addition, the ASSOCIATION agrees to pay, within thirty (30) days of written demand by the COUNTY, all reasonable costs and expenses incurred by the COUNTY in completing the work.

VII. Commencement; Termination by Abandonment

This Agreement shall begin on the date of full execution and continue thereafter for so long as the Licensed Property shall be used for the purposes set forth herein, unless terminated under other provisions of this Agreement. If the ASSOCIATION abandons the use of all or any part of the Licensed Property for such purposes set forth in this Agreement, then this Agreement, as to such portion or portions abandoned, shall expire and terminate following thirty (30) days written notice by the COUNTY to the ASSOCIATION, if such abandonment has not been remedied by the ASSOCIATION within such period. The COUNTY shall thereafter have the same title to the Licensed Property so abandoned as though this Agreement had never been made and shall have the right to enter on the Licensed Property and terminate the rights of the ASSOCIATION, its successors and assigns hereunder. All installations of the ASSOCIATION not removed shall be deemed property of the COUNTY as of the time abandoned.

VII. Termination

A. Termination by the ASSOCIATION. This Agreement may be terminated by the ASSOCIATION by delivering written notice of termination to the COUNTY not later than thirty (30) days before the effective date of termination. If the ASSOCIATION so terminates, then it may remove installations that it made from the Licensed Property within the thirty (30) day notice period. Any installations not removed within said period are agreed to be the property of the COUNTY.

B. Termination by County. This Agreement may be revoked at any time by the COUNTY, if such revocation is reasonably required by the public interest, after providing at least thirty (30) days prior written notice to the ASSOCIATION. Subject to prior written notification to the ASSOCIATION or its successors in interest, this Agreement is revocable by the COUNTY if:

1. The Improvements or a portion of them interfere with the COUNTY'S use of the Licensed Property;

2. Use of the Licensed Property becomes necessary for a public purpose;

3. The Improvements or a portion of them constitute a danger to the public which the COUNTY deems not to be remediable by alteration or maintenance of such Improvements;

4. Despite thirty (30) days written notice to the ASSOCIATION, maintenance or alteration necessary to alleviate a danger to the public has not been made; or

5. The ASSOCIATION fails to comply with the terms and conditions of this Agreement, including, but not limited to, the insurance requirements specified herein.

If the ASSOCIATION abandons or fails to maintain the Licensed Property, and the COUNTY receives no substantive response within thirty (30) days following written notification to the ASSOCIATION, then this Agreement shall terminate and the COUNTY may remove and/or replace all improvements or a portion thereof and collect from ASSOCIATION the COUNTY'S actual expenses incurred in connection therewith.

IX. Eminent Domain

If eminent domain is exerted on the Licensed Property by paramount authority, then the COUNTY will, to the extent permitted by law, cooperate with the ASSOCIATION to effect the relocation of the ASSOCIATION'S affected installations at the ASSOCIATION'S sole expense. The ASSOCIATION shall be entitled to retain all monies paid by the condemning authority for its installations taken, if any.

X. Interpretation

In the event of any dispute over its meaning or application, this Agreement shall be interpreted fairly and reasonably and neither more strongly for or against either party.

XI. Application of Law

This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the Parties as evidenced by this Agreement.

XII. Venue

TO THE EXTENT ALLOWED BY TEXAS LAW, IT IS AGREED THAT VENUE FOR ALL LAWSUITS CONCERNING THIS AGREEMENT WILL BE IN TRAVIS COUNTY, TEXAS. THIS AGREEMENT CONCERNS REAL PROPERTY LOCATED IN TRAVIS COUNTY, TEXAS, AND IS WHOLLY PERFORMABLE IN TRAVIS COUNTY.

XIII. Covenant Running with Land

This License Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns.

XIV. Assignment

The ASSOCIATION shall not assign, sublet or transfer its interest in this Agreement without the written consent of the COUNTY. If such consent is granted, it shall then be the duty of the ASSOCIATION, its successors and assigns, to give prompt written notice to the COUNTY of any assignment or transfer of any of the ASSOCIATION'S rights in this Agreement, giving name, date, address and contact person.

XV. Notice

Any notice and/or statement, required or permitted hereunder, shall be deemed to be given and delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such other addresses specified by written notice delivered in accordance herewith:

ASSOCIATION:

_____
_____
_____
Austin, Texas 787__

COUNTY:

Honorable Bill Aleshire (or successor)
Travis County Judge
P.O. Box 1748Austin, Texas 78767

COPIES TO:

Joseph Gieselman, Executive Manager (or successor)
Travis County Transportation and Natural Resources Dept.
P.O. Box 1748Austin, Texas 78767

Honorable Ken Oden (or successor)
Travis County Attorney
P.O. Box 1748Austin, Texas 78767
Attn: File No. 163

XVI. Annexation by a City

If the total area within the Licensed Property is annexed for full purposes by a City (the "CITY"), then all references in this Agreement to "the COUNTY" shall be construed to mean "the CITY"; and any other references to COUNTY employees shall be construed to mean the analogous CITY employee or officer.

EXECUTED AS OF THE DATES SET FORTH BELOW.

TRAVIS COUNTY, TEXAS

By: _____ , County Judge

Date: _____

TERMS AND CONDITIONS ACCEPTED, this the day of , .

THE ASSOCIATION:

_____
_____
By: _____
Name: _____
Title: _____
Authorized Representative

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the day of _____, ____ by , County Judge of Travis County, Texas, a duly organized County and political subdivision of the State of Texas, on behalf of said County.

_____
Notary Public in and for the State of Texas

_____
Printed/Typed Name

_____
My commission expires:

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the day of , , by as of the_____ Inc., a Texas corporation, on behalf of said corporation.

_____

Notary Public in and for the State of Texas

_____

Printed/Typed Name

_____

My commission expires:

ADDRESS OF ASSOCIATION:

_____
_____
_____

Austin, Texas 787__

82.1007 [82.701(B) License Agreement Exhibit]

§ EXHIBIT 82.701 (B) LICENSE AGREEMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This Agreement is made and entered into by and between Travis County, Texas, (the "COUNTY") and the_____ (the "DISTRICT"), hereinafter collectively referred to as the "Parties", for the purposes and consideration described herein.

WITNESSETH:

WHEREAS, the COUNTY has accepted the dedication of the roads in _____, a subdivision located in Travis County, being more particularly described in that certain plat recorded at Book ___, Page _____, of the Plat Records of Travis County, (the "Subdivision"); and

WHEREAS, the DISTRICT plans to install and maintain certain improvements in portions of the right-of-way of _____ in the Subdivision; and

WHEREAS, the landscaping and improvements include, but are not limited to, an irrigation system, trees and shrubs, and _____ (the "Improvements") within portions of the right-of-way of the Subdivision roads, which are not intended or used for vehicular traffic; and

WHEREAS, the area of the right-of-way within which the Improvements are to be installed and/or maintained (the "Licensed Property") is described in the Exhibit "A", which is attached hereto and incorporated herein for all purposes;

NOW, THEREFORE, the COUNTY and the DISTRICT agree as follows:

I. Grant

Subject to the conditions in this Agreement and to the extent of the right, title and interest of the COUNTY in and to the Licensed Property and without any express or implied warranties, the COUNTY grants to the DISTRICT permission to use the Licensed Property to construct, maintain and repair the Improvements existing in the Licensed Property as of the date of this Agreement.

II. Consideration

The COUNTY and the DISTRICT each acknowledge the receipt and sufficiency of good and valuable consideration for the execution of this Agreement, including but not limited to the following:

1. The beautification to be afforded to the community by the Improvements; and

2. The agreement by the DISTRICT to provide the below-specified insurance and indemnification in favor of the COUNTY.

III. County's Rights to Licensed Property

A. This Agreement is expressly subject and subordinate to the present and future right of the COUNTY, its successors, assigns, lessees, grantees, and licensees, to construct, install, establish, maintain, use, operate, and renew any public utility facilities, franchised public facilities, roadways or streets on, beneath or above the surface of the Licensed Property. The COUNTY shall take reasonable measures to prevent damage to any Improvements on the Licensed Property, however, any damage to or destruction of the DISTRICT'S property by the COUNTY in the exercise of the above-described rights shall be at no charge, cost, claim or liability to the COUNTY, its agents, contractors, officers or employees. Nothing in this Agreement shall be construed to limit in any way the power of the COUNTY to widen, alter or improve the Licensed Property pursuant to official action by the governing body of the COUNTY or its successors; provided, however, that the COUNTY shall provide the DISTRICT with at least thirty (30) days prior written notice of any such contemplated action.

B. NOTWITHSTANDING ANY PROVISIONS IN THIS AGREEMENT TO THE CONTRARY, THE COUNTY RETAINS THE RIGHT TO ENTER UPON THE LICENSED PROPERTY, AT ANY TIME AND WITHOUT NOTICE, ASSUMING NO OBLIGATION TO THE DISTRICT, TO REMOVE ANY OF THE IMPROVEMENTS OR ALTERATIONS THEREOF, WHENEVER SUCH REMOVAL IS DEEMED NECESSARY FOR: (A) EXERCISING THE COUNTY'S RIGHTS OR DUTIES WITH RESPECT TO THE LICENSED PROPERTY; (B) PROTECTING PERSONS OR PROPERTY; OR (C) THE PUBLIC HEALTH OR SAFETY WITH RESPECT TO THE LICENSED PROPERTY.

IV. Insurance

A. The DISTRICT shall, at its sole expense, provide extended public liability insurance coverage, written by a company acceptable to the County licensed to do business in Texas, in the amounts of FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) per occurrence and ONE MILLION DOLLARS ($1,000,000.00) in the aggregate for property damage and personal injury and death, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the COUNTY OF TRAVIS as coinsured or as an additional insured. This insurance coverage shall cover all perils arising out or connected in any way to the activities of the DISTRICT, its officers, employees, agents or contractors, relative to this Agreement. The DISTRICT shall be responsible for any deductibles stated in the policy. A true copy of each instrument affecting such additional coverage shall be delivered to the COUNTY'S Executive Manager of Transportation and Natural Resources Department within twenty one (21) days of the effective date of this Agreement.

B. The DISTRICT shall not cause any insurance to be canceled nor permit any insurance to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until thirty (30) days after the COUNTY has received written notice as evidenced by a return receipt of registered or certified mail.

V. Indemnification

To the extent permitted by Texas law, the DISTRICT agrees to and shall indemnify, defend and hold harmless the COUNTY and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury, death, or damage to any person or property, which arises from or is in any manner connected to or caused in whole or in part by the DISTRICT'S construction, maintenance or use of the Licensed Property. This indemnification provision, however, shall not apply to any claims, suits, damages,

costs, losses or expenses (i) for which the COUNTY shall have been compensated by insurance provided under Paragraph IV., above, or (ii) arising solely from the negligent or willful acts of the COUNTY, provided that for the purposes of the foregoing, the COUNTY'S act of entering into this Agreement shall not be deemed to be a "negligent or willful act".

VI. Conditions

A. Compliance with Regulations. The DISTRICT agrees that all construction, maintenance and repair permitted by this Agreement shall be done in compliance with all applicable City, County, State and/or Federal policies, traffic, building, health and safety ordinances, laws and regulations.

B. DISTRICT'S Responsibilities. The DISTRICT will be responsible for any damage to or relocation of existing facilities required by the construction of the improvements. Further, the DISTRICT shall reimburse the COUNTY for all reasonable costs incurred by the COUNTY in replacing or repairing any property of the COUNTY or of others which was damaged or destroyed as a result of activities under this Agreement by or on behalf of the DISTRICT.

C. Maintenance. The DISTRICT shall maintain the Licensed Property by keeping the area free of debris and litter and maintaining the Improvements. Removal of dead or dying plants shall also be handled by the DISTRICT at its expense.

D. Removal or Modification. The DISTRICT agrees that removal or modification of any improvements now existing or to be later replaced shall be at the DISTRICT'S sole discretion, except where otherwise provided by this Agreement. This Agreement, until its expiration or revocation, shall run as a covenant on the land on the above-described real property, and the terms and conditions of this Agreement shall be binding on any successors and assigns in interest to the DISTRICT or the COUNTY. A written memorandum of this agreement shall be filed in the Real Property Records of Travis County, Texas.

E. Default. In the event that the DISTRICT fails to maintain the Licensed Property, then the COUNTY shall give the DISTRICT written notice thereof by registered or certified mail, return receipt requested, to the addresses set forth below. The DISTRICT shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of and, if the DISTRICT does not satisfactorily remedy the same within the thirty (30) day period, the COUNTY may, at the COUNTY'S option, perform the work or contract for the completion of the work. In addition, the DISTRICT agrees to pay, within thirty (30) days of written demand by the COUNTY, all reasonable costs and expenses incurred by the COUNTY in completing the work.

VII. Commencement; Termination by Abandonment

This Agreement shall begin on the date of full execution and continue thereafter for so long as the Licensed Property shall be used for the purposes set forth herein, unless terminated under other provisions of this Agreement. If the DISTRICT abandons the use of all or any part of the Licensed Property for such purposes set forth in this Agreement, then this Agreement, as to such portion or portions abandoned, shall expire and terminate following thirty (30) days written notice by the COUNTY to the DISTRICT, if such abandonment has not been remedied by the DISTRICT within such period. The COUNTY shall thereafter have the same complete title to the Licensed Property so abandoned as though this Agreement had never been made and shall have the right to enter on the Licensed Property and terminate the rights of the DISTRICT, its successors and assigns hereunder. All installations of the DISTRICT not removed shall be

deemed property of the COUNTY as of the time abandoned.

VIII. Termination

A. Termination by the DISTRICT. This Agreement may be terminated by the DISTRICT by delivering written notice of termination to the COUNTY not later than thirty (30) days before the effective date of termination. If the DISTRICT so terminates, then it may remove installations that it made from the Licensed Property within the thirty
B. (30) day notice period. Any installations not removed within said period are agreed to be the property of the COUNTY.
C. Termination by County. This Agreement may be revoked at any time by the COUNTY, if such revocation is reasonably required by the public interest, after providing at least thirty (30) days prior written notice to the DISTRICT. Subject to prior written notification to the DISTRICT or its successors in interest, this Agreement is revocable by the COUNTY if:

1. The Improvements or a portion of them interfere with the COUNTY'S use of the Licensed Property;

2. Use of the Licensed Property becomes necessary for a public purpose;

3. The Improvements or a portion of them constitute a danger to the public which the COUNTY deems not to be remediable by alteration or maintenance of such Improvements;

4. Despite thirty (30) days written notice to the DISTRICT, maintenance or alteration necessary to alleviate a danger to the public has not been made; or

5. The DISTRICT fails to comply with the terms and conditions of this Agreement, including, but not limited to, the insurance requirements specified herein.

If the DISTRICT abandons or fails to maintain the Licensed Property, and the COUNTY receives no substantive response within thirty (30) days following written notification to the DISTRICT, then this Agreement shall terminate and the COUNTY may remove and/or replace all improvements or a portion thereof and collect from DISTRICT the COUNTY'S actual expenses incurred in connection therewith.

IX. Eminent Domain

If eminent domain is exerted on the Licensed Property by paramount authority, then the COUNTY will, to the extent permitted by law, cooperate with the DISTRICT to effect the relocation of the DISTRICT'S affected installations at the DISTRICT'S sole expense. The DISTRICT shall be entitled to retain all monies paid by the condemning authority for its installations taken, if any.

X. Interpretation

In the event of any dispute over its meaning or application, this Agreement shall be interpreted fairly and reasonably and neither more strongly for or against either party.

XI. Application of Law

This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the Parties as evidenced by this Agreement.

XII. Venue

TO THE EXTENT ALLOWED BY TEXAS LAW, IT IS AGREED THAT VENUE FOR ALL LAWSUITS CONCERNING THIS AGREEMENT WILL BE IN TRAVIS COUNTY, TEXAS. THIS AGREEMENT CONCERNS REAL PROPERTY LOCATED IN TRAVIS COUNTY, TEXAS, AND IS WHOLLY PERFORMABLE IN TRAVIS COUNTY.

XIII. Covenant Running with Land

This License Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns.

XIV. Assignment

The DISTRICT shall not assign, sublet or transfer its interest in this Agreement without the written consent of the COUNTY. If such consent is granted, it shall then be the duty of the DISTRICT, its successors and assigns, to give prompt written notice to the COUNTY of any assignment or transfer of any of the DISTRICT'S rights in this Agreement, giving name, date, address and contact person.

XV. Notice

Any notice and/or statement, required or permitted hereunder, shall be deemed to be given and delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such other addresses specified by written notice delivered in accordance herewith:

DISTRICT:

_____

_____

_____

Austin, Texas 787__

COUNTY:

Honorable Bill Aleshire (or successor)
Travis County Judge
P.O. Box 1748

Austin, Texas 78767

COPIES TO:

Joseph P. Gieselman, Executive Manager (or successor)
Travis County Transportation and Natural Resources Dept.
P.O. Box 1748
Austin, Texas 78767

Honorable Ken Oden (or successor)
Travis County Attorney
P.O. Box 1748
Austin, Texas 78767
Attn: File No. 83.___

XVI. Annexation by a City

If the total area within the Licensed Property is annexed for full purposes by a City (the "CITY"), then all references in this Agreement to "the COUNTY" shall be construed to mean "the CITY" and any other references to COUNTY employees shall be construed to mean the analogous CITY employee or officer.

EXECUTED AS OF THE DATE SET FORTH BELOW.

TRAVIS COUNTY, TEXAS

By:

_____
Bill Aleshire, County Judge

Date:

_____

TERMS AND CONDITIONS ACCEPTED, this the day of , _____.

THE DISTRICT:

By: _____

Name: _____

Title: _____

Authorized Representative

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the day of _____, _____, by _____, County Judge of Travis County, Texas, a duly organized County and political subdivision of the State of Texas, on behalf of said County.

_____
Notary Public in and for the State of Texas

_____
Printed/Typed Name

_____
My commission expires:

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the day of , _____, by as of the _____ on behalf of said District.

Notary Public in and for the State of Texas This Agreement is made and entered into by and between Travis County, Texas, (the "COUNTY") and _____ (the "PROPERTY OWNER"), hereinafter collectively referred to as the "Parties", for the purposes and consideration described herein.

_____

_ Printed/Typed Name

_____

_ My commission expires:

ADDRESS OF DISTRICT:

_____

__ _____

__

Austin, Texas 787__

82.1007 [82.701 (C) Exhibit License Agreement]

§ EXHIBIT 82.701 (C) LICENSE AGREEMENT

STATE OF TEXAS	§
	§
COUNTY OF TRAVIS	§

WITNESSETH:

WHEREAS, the COUNTY has accepted the dedication of the roads in _____, a subdivision located in Travis County, being more particularly described in that certain plat recorded at Book ___, Page ___, of the Plat Records of Travis County, (the "Subdivision"); and

WHEREAS, the ASSOCIATION has installed and will maintain certain landscaping and improvements in portions of the right-of-way of _____ in the Subdivision; more specifically in the right-of-way upon Lot _____ of the Subdivision; and

WHEREAS, the landscaping and improvements include, but are not limited to a dry stack retaining wall, an irrigation system, trees and shrubs, and _____ (the "Improvements") within portions of the right-of-way of the Subdivision roads, which are not intended or used for vehicular traffic; and

NOW, THEREFORE, the COUNTY and the agree as follows:

I. Grant

Subject to the conditions in this Agreement and to the extent of the right, title and interest of the COUNTY in and to the Licensed Property and without any express or implied warranties, the COUNTY grants to the PROPERTY OWNER permission to use the Licensed Property to construct, maintain and repair the Improvements existing in the Licensed Property as of the date of this Agreement.

II. Consideration

The COUNTY and the PROPERTY OWNER each acknowledge the receipt and sufficiency of good and valuable consideration for the execution of this Agreement, including but not limited to the following:

1. The beautification to be afforded to the community by the Improvements; and

2. The agreement by the PROPERTY OWNER to provide the below-specified insurance and indemnification in favor of the COUNTY.

III. County's Rights to Licensed Property

A. This Agreement is expressly subject and subordinate to the present and future right of the COUNTY, its successors, assigns, lessees, grantees, and licensees, to construct, install, establish,

maintain, use, operate, and renew any public utility facilities, franchised public facilities, roadways or streets on, beneath or above the surface of the Licensed Property. The COUNTY shall take reasonable measures to prevent damage to any

Improvements on the Licensed Property, however, any damage to or destruction of the PROPERTY OWNER'S property by the COUNTY in the exercise of the above-described rights shall be at no charge, cost, claim or liability to the COUNTY, its agents, contractors, officers or employees. Nothing in this Agreement shall be construed to limit in any way the power of the COUNTY to widen, alter or improve the Licensed Property pursuant to official action by the governing body of the COUNTY or its successors; provided, however, that the COUNTY shall provide the PROPERTY OWNER with at least thirty (30) days prior written notice of any such contemplated action.

B. NOTWITHSTANDING ANY PROVISIONS IN THIS AGREEMENT TO THE CONTRARY, THE COUNTY RETAINS THE RIGHT TO ENTER UPON THE LICENSED PROPERTY, AT ANY TIME AND WITHOUT NOTICE, ASSUMING NO OBLIGATION TO THE PROPERTY OWNER, TO REMOVE ANY OF THE IMPROVEMENTS OR ALTERATIONS THEREOF, WHENEVER SUCH REMOVAL IS DEEMED NECESSARY FOR: (A) EXERCISING THE COUNTY'S RIGHTS OR DUTIES WITH RESPECT TO THE LICENSED PROPERTY; (B) PROTECTING PERSONS OR PROPERTY; OR (C) THE PUBLIC HEALTH OR SAFETY WITH RESPECT TO THE LICENSED PROPERTY.

IV. Insurance

A. The PROPERTY OWNER shall, at its sole expense, provide extended public liability insurance coverage, written by a company acceptable to the County licensed to do business in Texas, in the amounts of THREE HUNDRED THOUSAND DOLLARS ($300,000.00) per occurrence and THREE HUNDRED THOUSAND DOLLARS ($300,000.00) in the aggregate for property damage and personal injury and death, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the COUNTY OF TRAVIS as co-insured or as an additional insured. This insurance coverage shall cover all perils arising out or connected in any way to the activities of the PROPERTY OWNER, its officers, employees, agents or contractors, relative to this Agreement. The PROPERTY OWNER shall be responsible for any deductibles stated in the policy. A true copy of each instrument affecting such additional coverage shall be delivered to the COUNTY'S Executive Manager of the Travis County Transportation and Natural Resources Department within twenty one (21) days of the effective date of this Agreement.

B. The PROPERTY OWNER shall not cause any insurance to be canceled nor permit any insurance to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until thirty (30) days after the COUNTY has received written notice as evidenced by a return receiptof registered or certified mail.

V. Indemnification

To the extent permitted by Texas law, the PROPERTY OWNER agrees to and shall indemnify, defend and hold harmless the COUNTY and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury, death, or damage to any person or property, which arises from or is in any manner

connected to or caused in whole or in part by the PROPERTY OWNER'S construction, maintenance or use of the Licensed Property. This indemnification provision, however, shall not apply to any claims, suits, damages, costs, losses or expenses (i) for which the COUNTY shall have been compensated by insurance provided under Paragraph IV., above, or (ii) arising solely from the negligent or willful acts of the COUNTY, provided that for the purposes of the foregoing, the COUNTY'S act of entering into this Agreement shall not be deemed to be a "negligent or willful act".

VI. Conditions

A. Compliance with Regulations. The PROPERTY OWNER agrees that all construction, maintenance and repair permitted by this Agreement shall be done in compliance with all applicable City, County, State and/or Federal policies, traffic, building, health and safety ordinances, laws and regulations.

B. PROPERTY OWNER'S Responsibilities. The PROPERTY OWNER will be responsible for any damage to or relocation of existing facilities required by the construction of the improvements. Further, the PROPERTY OWNER shall reimburse the COUNTY for all reasonable costs incurred by the COUNTY in replacing or repairing any property of the COUNTY or of others which was damaged or destroyed as a result of activities under this Agreement by or on behalf of the PROPERTY OWNER.

C. Maintenance. The PROPERTY OWNER shall maintain the Licensed Property by keeping the area free of debris and litter, maintaining the Improvements and promptly repairing any damage which may be caused by any means. Removal of dead or dying plants shall also be handled by the PROPERTY OWNER at its expense.

D. Removal or Modification. The PROPERTY OWNER agrees that removal or modification of any improvements now existing or to be later replaced shall be at the PROPERTY OWNER'S sole discretion, except where otherwise provided by this Agreement. This Agreement, until its expiration or revocation, shall run as a covenant on the land on the above-described real property, and the terms and conditions of this Agreement shall be binding on any successors and assigns in interest to the PROPERTY OWNER or the COUNTY. A written memorandum of this agreement shall be filed in the Real Property Records of Travis County, Texas.

E. Security Deposit. The PROPERTY OWNER shall provide the COUNTY with cash or an irrevocable Letter of Credit ("LOC") in a form acceptable to the COUNTY in the amount of AND NO/100 DOLLARS ($). The LOC shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established by the City of Austin's financial institution rating system in effect at the time the LOC is issued. The COUNTY and the PROPERTY OWNER shall revise the LOC as necessary to adequately secure the PROPERTY OWNER's obligations during the term of this Agreement. The PROPERTY OWNER shall be responsible for procuring replacement LOCs in amounts approved by the COUNTY within sixty (60) days prior to the expiration date of the LOC then on file with the COUNTY for as long as this Agreement remains in effect. The PROPERTY OWNER may obtain a release of any such LOC at any time by substituting cash in an equal amount. Any cash provided to the COUNTY will be deposited with the County Treasurer and interest on the amount will be paid to the PROPERTY OWNER on an annual basis upon the receipt by the Treasurer of a letter requesting

such interest. The only condition to a draft on the LOC or the cash security shall be a letter from the Travis County Judge indicating that the District has not fulfilled its obligations under this Agreement and that the COUNTY has incurred or will incur expenses with regard to the Improvements located on, upon or in the Licensed Property.

F. Default. In the event that the PROPERTY OWNER fails to maintain the Licensed Property, then the COUNTY shall give the PROPERTY OWNER written notice thereof by registered or certified mail, return receipt requested, to the addresses set forth below. The PROPERTY OWNER shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of and, if the PROPERTY OWNER does not satisfactorily remedy the same within the thirty (30) day period, the COUNTY may, at the COUNTY'S option, perform the work or contract for the completion of the work. In addition, the PROPERTY OWNER agrees to pay, within thirty (30) days of written demand by the COUNTY, all reasonable costs and expenses incurred by the COUNTY in completing the work.

VII. Commencement; Termination by Abandonment

This Agreement shall begin on the date of approval by the County Commissioners Court and continue thereafter for so long as the Licensed Property shall be used for the purposes set forth herein, unless terminated under other provisions of this Agreement. If the PROPERTY OWNER abandons the use of all or any part of the Licensed Property for such purposes set forth in this Agreement, then this Agreement, as to such portion or portions abandoned, shall expire and terminate following thirty (30) days written notice by the COUNTY to the PROPERTY OWNER, if such abandonment has not been remedied by the PROPERTY OWNER within such period. The COUNTY shall thereafter have the same title to the Licensed Property so abandoned as though this Agreement had never been made and shall have the right to enter on the Licensed Property and terminate the rights of the PROPERTY OWNER, its successors and assigns hereunder. All installations of the PROPERTY OWNER not removed shall be deemed property of the COUNTY as of the time abandoned.

VIII. Termination

A. Termination by the PROPERTY OWNER. This Agreement may be terminated by the PROPERTY OWNER by delivering written notice of termination to the COUNTY not later than thirty (30) days before the effective date of termination. If the PROPERTY OWNER so terminates, then it shall remove installations that it made from the Licensed Property within the thirty (30) day notice period.

B. Termination by County. This Agreement may be revoked at any time by the COUNTY, if such revocation is reasonably required by the public interest, after providing at least thirty (30) days prior written notice to the PROPERTY OWNER. Subject to prior written notification to the PROPERTY OWNER or its successors in interest, this Agreement is revocable by the COUNTY if:

1. The Improvements or a portion of them interfere with the COUNTY'S use of the Licensed Property;

2. Use of the Licensed Property becomes necessary for a public purpose;

3. The Improvements or a portion of them constitute a danger to the public which the

COUNTY deems not to be remediable by alteration or maintenance of such Improvements;

4. Despite thirty (30) days written notice to the PROPERTY OWNER, maintenance or alteration necessary to alleviate a danger to the public has not been made; or

5. The PROPERTY OWNER fails to comply with the terms and conditions of this Agreement, including, but not limited to, the insurance requirements specified herein.

If the PROPERTY OWNER abandons or fails to maintain the Licensed Property, and the COUNTY receives no substantive response within thirty (30) days following written notification to the PROPERTY OWNER, then this Agreement shall terminate and the COUNTY may remove and/or replace all improvements or a portion thereof and collect from PROPERTY OWNER the COUNTY'S actual expenses incurred in connection therewith.

IX. Eminent Domain

If eminent domain is exerted on the Licensed Property by paramount authority, then the COUNTY will, to the extent permitted by law, cooperate with the PROPERTY OWNER to effect the relocation of the PROPERTY OWNER'S affected installations at the PROPERTY OWNER'S sole expense. The PROPERTY OWNER shall be entitled to retain all monies paid by the condemning authority for its installations taken, if any.

X. Interpretation

In the event of any dispute over its meaning or application, this Agreement shall be interpreted fairly and reasonably and neither more strongly for or against either party.

XI. Application of Law

This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the Parties as evidenced by this Agreement.

XII. Venue

TO THE EXTENT ALLOWED BY TEXAS LAW, IT IS AGREED THAT VENUE FOR ALL LAWSUITS CONCERNING THIS AGREEMENT WILL BE IN TRAVIS COUNTY, TEXAS. THIS AGREEMENT CONCERNS REAL PROPERTY LOCATED IN TRAVIS COUNTY, TEXAS, AND IS WHOLLY PERFORMABLE IN TRAVIS COUNTY.

XIII. Covenant Running with Land

This License Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns.

XIV. Assignment

The PROPERTY OWNER shall not assign, sublet or transfer its interest in this Agreement without the written consent of the COUNTY. If such consent is granted, it shall then be the duty of the PROPERTY OWNER, its successors and assigns, to give prompt written notice to the COUNTY of any assignment or transfer of any of the PROPERTY OWNER'S rights in this Agreement, giving name, date, address and contact person.

XV. Notice

Any notice and/or statement, required or permitted hereunder, shall be deemed to be given and delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such other addresses specified by written notice delivered in accordance herewith:

PROPERTY OWNER:

_____
_____
_____

Austin, Texas 787__

COUNTY:

Honorable Bill Aleshire (or successor)
Travis County Judge
P.O. Box 1748
Austin, Texas 78767

COPIES TO:
TNR Executive Manager
Travis County Transportation and Natural Resources Dept.
P.O. Box 1748
Austin, Texas 78767

Honorable Ken Oden (or successor)
Travis County Attorney
P.O. Box 1748
Austin, Texas 78767
Attn: File No.

XVI. Annexation by a City

A. If the total area within the Licensed Property is annexed for full purposes by a City (the "CITY"), then all references in this Agreement to "the COUNTY" shall be construed to mean "the CITY" and any other references to COUNTY employees shall be construed to mean the

analogous CITY employee or officer.

XVII. Recitals

The Recitals at the beginning of this agreement are incorporated into the body of this

Agreement.

EXECUTED AS OF THE DATES SET FORTH BELOW.

TRAVIS COUNTY, TEXAS

By: _____,
County Judge
Date: _____

TERMS AND CONDITIONS ACCEPTED, this the day of _____ ,_____.

THE PROPERTY OWNER:

_____

_____

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the day of , _____, by _____, County Judge of Travis County, Texas, a duly organized County and political subdivision of the State of Texas, on behalf of said County.

_____
Notary Public in and for the State of Texas

_____
Printed/Typed Name

_____
My commission expires:

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the day of , _____, by as of the _____ Inc., a Texas corporation, on behalf of said corporation.

_____
Notary Public in and for the State of Texas

_____
Printed/Typed Name

_____
My commission expires:

Return after filing to:
Travis County TNR
P.O. Box 1748
Austin, Texas 78767

82.1008 [Exhibit 82.801A Disposal of Platted or Dedicated Easements]

Table Outlining Travis County's Authority to Dispose of Platted or Dedicated Easements	Private Inside ETJ or Unaccepted	Private Outside ETJ or Unaccepted and Special Water District	Dedicated to Public and Accepted by Travis County	Dedicated to Public by Separate Instrument not Accepted by Travis County
Roads:	Replat: 212.014 Both City & County must Approve	Case Law and 232.008 Easement may be canceled.	Texas Transportation Code Section 251.051. Vacate can be used in Order.	Texas Transportation Code Section 251.051. Abandon must be used in the Order.
Drainage Easements:	Replat: 212.014 Both City & County must Approve	Case Law and 232.008 Easement may be canceled.	Vacate Based on Case Law. Say.... "in Accordance with State Law" in Order.	Vacate Based on Case Law. Say..."in Accordance with State Law" in the Order.
Public Utility Easements:	Replat: 212.014 Both City & County must Approve	No County Authority	No Clear Authority. Standard practice seems reasonable. Make no reference to Law.	No Clear Authority. Standard practice seems reasonable. Make no reference to Law.

Vacating an easement Ends ALL INTEREST in the easement.

Discontinuing an easement Only Ends Travis County's interest in the easement.

Abandoning an easement Ends Public's Interest in the easement. The easement technically remains for private use.

Last Revised March 7, 1997

82.1009 [Exhibit 82.950 Pre-Construction and Conference Agenda for SWP3 and ESC Plan][49]

EXHIBIT 82.950

Pre-Construction Conference Planning and Agenda for SWP3 and ESC Plan

Before starting construction, the owner or their representative must submit a request, using the mypermitnow.org customer portal for Travis County, to participate in a pre-construction conference with the designated County Inspector. Prior to the pre-construction conference request, the owner or owner's representative shall ensure the first phase of the ESC controls are installed in conformance with the approved plans, the owner's qualified inspector has inspected the controls and verified compliance with the plans, and an SWP3 Inspection Report documenting this information has been sent to the County through the method specified by the designated County Inspector.

After arranging an agreed upon date with the County and providing the initial SWP3 Inspection Report, the owner or owner's designated representative shall provide notice of the SWP3 pre-construction conference and a copy of the approved plans, if requested, to the following persons or entities at least two business days before the conference:

1. Designated County Inspector(s)
2. Design engineer for the approved plans and SWP3, or their representative
3. Contractor(s)/Primary Operator(s)
4. Primary Operator's qualified inspector responsible for preparing the SWP3 Inspection Reports
5. Other stakeholders, as appropriate: municipalities, utilities, etc.

The SWP3 pre-construction conference may be a standalone meeting or a part of a larger pre-construction conference, but must include an on-site inspection approval of the first phase of the project's ESC Plan by the County Inspector before construction begins. The County Inspector will discuss the following applicable items in the approved plans and the SWP3 with the participants:

1. The SWP3 Site Notebook for the project, including review of completeness, signatures, consistency with the approved construction and ESC plans, and the requirements for maintaining the SWP3 Site Notebook during the construction process.
2. The sequence of construction and ESC Plan implementation; sediment basin construction scope prior to full site grading; non-structural erosion source controls; start dates and schedule of events.

[49] Exhibit 82.950 in section 82.1009 added 6/28/2016, Item 24.

3. Sediment controls; phasing of perimeter and interior sediment controls during construction; structural erosion source controls such as drainage diversion; ESC maintenance requirements.
4. Adequacy of the first ESC phase and future ESC phases to address specific site conditions, and adjustment and revision of the ESC Plan and SWP3 controls during construction.
5. Temporary and permanent stabilization and re-vegetation requirements, including schedule, critical site improvements and priority re-vegetation areas.
6. On and off-site temporary and permanent spoil and fill disposal areas, haul roads, staging areas, and stabilized construction entrances;
7. Permanent water quality controls construction and County inspections, and related grading and drainage construction.
8. Supervision of the SWP3 implementation by the primary operator's designated project manager, including roles, responsibilities, and coordination when more than one operator is responsible for implementation.
9. Inspection and preparation of the weekly SWP3 Inspection Reports by the primary operator's qualified inspector; report submittal by the primary operator, and SWP3 monitoring inspections conducted by the County Inspector.
10. Observation and documentation of existing site conditions adjacent to the limits of construction before construction, including waterways and potential outfall discharge routes, rights-of-way and easements, buffer zones, and critical environmental features.
11. Special site conditions and plan provisions, such as protection of waterways, critical environmental features, trees to be saved, and future homebuilding on subdivision lots.
12. Rain gage location or rainfall information source to be used during construction and reporting.
13. Final inspection and acceptance requirements, including the engineer's concurrence letter, completion of revegetation coverage before the Notice of Termination is submitted by the primary operator, stabilization of residential subdivision lots, removal of temporary sediment controls, the Certificate of Compliance and release of ESC fiscal surety.
14. Exchange of telephone numbers and contact information for the primary participants.

The design engineer shall prepare and distribute notes, key decisions, and follow up from the preconstruction conference to all participants within three business days after completion of the conference.

82.1009 [Exhibit 82.951SWP3 Inspection Areas and Report Contents][50]

EXHIBIT 82.951 SWP3 Inspection Areas and Report Contents

The owner or primary operator of the construction site shall designate a qualified inspector possessing the required certification (as specified in Section 82.934(c)(3)) to perform a weekly SWP3 inspection and prepare a signed SWP3 Inspection Report of the inspection findings.

The construction site areas and the control measures listed herein are to be used as a minimum as the uniform criteria by the owner's qualified inspector, as well as the County Inspector, to evaluate and determine a project's compliance status with the approved SWP3 and ESC Plan.

In addition, on an ongoing basis and following storm events, the primary operator's responsible on-site personnel shall also inspect and address these items during construction as required by the SWP3, ESC Plan, and Travis County Code, Section 82.951.

Areas of Inspection. At the very least, the following areas must be inspected:

1. Disturbed areas and the approved limits of construction.
2. Perimeter and interior sediment controls.
3. Areas undergoing temporary stabilization or permanent vegetation establishment.
4. Temporary and permanent fill and spoil storage or disposal areas.
5. Storage areas for materials and equipment that are exposed to rainfall.
6. Outfall locations and the areas immediately downstream.
7. Structural controls, including sediment ponds, sediment traps, and drainage diversions.
8. Haul roads and locations where vehicles enter or exit the site, and adjacent roadways for evidence of off-site sediment tracking.
9. Waterway crossings and areas adjacent to waterways and critical environmental features.
10. Concrete wash out areas and all areas requiring control measures for non-storm water discharges, including dust, solid waste, de-watering, material spills, vehicle maintenance and washing, and wash water discharges.
11. Locations of all control measures that require maintenance, including any control measure identified in the previous SWP3 Inspection Report which required maintenance or revision by the owner or primary operator.
12. Locations of any discharge of sediment or other pollutants from the site and any disturbance beyond the approved limits of construction.

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[50] Exhibit 82.951 in section 82.1009 added 6/28/2016, Item 24.

13. Locations of control measures that failed to operate as designed or proved inadequate for a particular location.

14. Locations where an additional ESC or control measure is needed.

The SWP3 Inspection Report must include:

A. Findings as to whether the following structural and non-structural controls required for the site areas listed above are functioning :in compliance with the approved SWP3 and ESC Plan:

   1. Erosion source controls, including the approved sequence of construction and grading plan limits, drainage diversion measures, temporary and permanent fill disposal and stockpile management measures.

   2. Sediment controls, including perimeter and interior controls, sediment traps and basins, and the sequence of construction requirements for the sediment controls.

   3. Permanent erosion and soil stabilization controls, based on the sequence of construction and critical site improvements, and the cessation of construction activities, including temporary stabilization measures for areas inactive for longer than 14 days, and permanent stabilization measures for areas at final grade.

   4. Other applicable controls and pollution prevention measures.

B. Rainfall documentation:

   1. For projects that comprise ten acres or more, the documentation must include rainfall dates and amounts in accordance with Section 82.934(e); and

   2. For projects that comprise less than ten acres, the documentation must include accurate rainfall data from a location closest to the site.

C. Corrective actions required for any non-compliant items and the schedule for bringing these items into compliance.

The SWP3 Inspection Report contents must contain the inspection findings for the required areas and control measures listed herein and certify whether the site is in compliance with the approved SWP3 and ESC Plan.

Either at the time of each SWP3 inspection, or no later than the date of the inspection, the owner’s qualified inspector shall prepare and sign a SWP3 Inspection Report.

The owner or primary operator shall upload each required SWP3 or ESC Plan Inspection Report to the mypermitnow.org customer portal for Travis County. An alternate method of report submittal may be used if approved by the County Inspector.