

Travis County Code
Effective Date: August 14, 2012

Title VII. Improvements -- Subtitle A. Roads

Chapter 82. Travis County Development Regulations.

Subchapter I. Submittal Requirements and Water Quality Protection Standards.

- 82.931. Minimum Requirements for Environmental Review.
- 82.932. Standards and Requirements for Technical Adequacy.
- 82.933. Technical Criteria.
- 82.934. General Storm Water Management Requirements for Construction Activities.
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- 82.938. Erosion and Sediment Control Maintenance Requirements for Construction Activities.
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- 82.941. Setbacks from Critical Environmental Features and Waterways.
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- 82.944. Permanent Water Quality Control.
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82.941. Setbacks from Critical Environmental Features and Waterways.

(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.

(b) Except for crossings or activities approved as set forth in Subsection (j), setbacks for critical environmental features and waterways shall be included within protective, platted easements and shall not be within areas disturbed by construction activities.

(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;
- (2) construction and related activities are prohibited; and
- (3) 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 300 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) An applicant must provide an environmental assessment that concludes the alignment is the most appropriate alternative, based on an evaluation of the effects of alternative wastewater line alignments.
 - (B) The depth of a wastewater line crossing and location of associated manholes shall not be constructed within a City of Austin Erosion Hazard Zone where erosion is predicted to affect the structure.
 - (C) Except for a necessary crossing, a wastewater line in a waterway setback must be located outside the two-year floodplain.
 - (3) 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.
 - (4) The County Executive may approve a low impact park development that is limited to trails, picnic facilities, open space not used as a parking lot, and similar construction that does not significantly alter the existing vegetation and drainage patterns or increase erosion. A low impact park development cannot include a stable or corral for animals.
 - (5) Drainage retention basins and floodplain alterations are permitted in a waterway setback if they comply with the requirements of Chapter 64 of the Code.
 - (6) In an eastern watershed:

- (A) A reduction of the setback width, up to a minimum of 50 feet from a minor waterway, may be permitted so long as the overall surface area of the setback is the same or greater than the surface area that would be provided without this exception.
 - (B) Innovative permanent water quality controls, as specified in Section 1.6.7 of the City of Austin Environmental Criteria Manual, may be placed within the outermost one-half of the setback of an eastern waterway.
- (k) An application for development is also subject to the requirements of Chapter 64 of the Code, relating to development restrictions in a floodplain.