



**HIGHLAND LAKES WATERSHED ORDINANCE
APPLICATION PACKET – DEVELOPMENT PERMIT**

The LCRA Highland Lakes Watershed Ordinance requires permits for the following activities:

- Development activities including construction of subdivision infrastructure, single family, multi-family, and commercial buildings, parking areas, roadways, clearing land or filling, etc. that will add more than 10,000 square feet of impervious cover or disturb more than 1 acre of land.
- Mine or Quarry activities that create more than 10,000 square feet of impervious cover or disturb more than five (5) acres of land or that are located within a Buffer zone of a creek or river.
- Utility line construction and maintenance.
- Dredge and Fill Activities that dredge more than 500 cubic yards or disturb more than 500 linear feet of shoreline.

The Ordinance requires Written Notification and the use of Erosion and Sediment Controls for any Development activity even if a permit is not required. Refer to the “NOTIFICATION OF NO PERMIT REQUIRED” form in page 10 of this packet.

Development activities that are subject to permitting requirements shall comply with the following performance standards:

Performance Standards	Ordinance Section	Minimum Requirements
Pre-development Planning	Section 5.1 (a)	Meeting with LCRA staff to review project
Water Quality Management	Section 5.1 (b)	Plan showing drainage layout and BMP design information
Buffer Zones	Section 5.1 (c)	Plan showing buffer zones for creeks, and buffer zone protection measures
Construction- Phase Erosion and Sediment Control	Section 5.1 (d)	Construction-phase erosion control plan with details and specifications
Water Quality Education	Section 5.1 (e)	Contact LCRA to initiate education program

The landowner or land user must submit a permit application to LCRA for review and approval before beginning work. If the Development activity involves subdivision of land, LCRA will also review preliminary plans and final plats for compliance with Ordinance requirements.

Submit applications and/or notices to:

**LCRA – Mail Stop L106
P.O. Box 220
Austin, TX 78767
Attn: Watershed Engineering & Planning**

For questions regarding the **permit submittal process**, contact 800-776-5272, ext. 2324. **For technical questions** regarding the ordinance, construction requirements, etc., contact 800-776-5272, ext. 2091 or ext. 4080.

Before a permit can be issued, the applicant must post a notice at the project site and mail a notice to landowners within 500 feet of the property. The notification requirements are the responsibility of the applicant.

In addition, a Letter of Credit in the amount equal to the cost for installation of erosion and sediment controls and site stabilization must be provided after LCRA approves the cost estimate. A template for the letter of credit is included in this packet. A Letter of Credit with an expiration date of less than three years will not be accepted. A cashier’s or corporate check may be provided in lieu of a letter of credit.

Issuance of a Development Permit does not relieve the applicant of applying for and obtaining permits from other agencies that may also be required (i.e., city, county, state or federal agencies). It is the responsibility of the applicant to obtain all applicable permits.

The following is a packet of information to assist in submitting a Development Permit application. Contact LCRA for appropriate alternate forms and checklists for a Master Plan, Utility General Permit, Quarry/Mine Permit/Certification, Dredge and Fill Permit, or BMP Maintenance Permit.

Permit Application Form

Application # _____
(to be completed by LCRA)

LCRA HIGHLAND LAKES WATERSHED ORDINANCE DEVELOPMENT PERMIT APPLICATION

APPLICANT NAME: _____ FIRM: _____
(PERSON OR STREET ADDRESS: _____
ENTITY CITY/STATE/ZIP: _____
SEEKING PHONE: _____ FAX: _____ EMAIL: _____
PERMIT)

PROPERTY NAME: _____ FIRM: _____
OWNER STREET ADDRESS: _____
CITY/STATE/ZIP: _____
PHONE: _____ FAX: _____ EMAIL: _____

AGENT/ NAME: _____ FIRM: _____
ENGINEER STREET ADDRESS: _____
CITY/STATE/ZIP: _____
PHONE: _____ FAX: _____ EMAIL: _____

PROJECT NAME: _____

NUMBER OF ACRES IN PROJECT: _____

ADDRESS/LOCATION OF PROPERTY: _____

COUNTY: _____ LAKE: _____ TAX PARCEL ID: _____

BRIEF DESCRIPTION OF PROJECT: _____

CERTIFICATION

I (we), the undersigned, do hereby certify that to the best of our knowledge this application correct, complete and complies with the LCRA Highland Lakes Watershed Ordinance. By submitting an application, the applicant and/or owner is authorizing LCRA to enter the site to obtain information required for review of this permit application.

Applicant

Date

Property Owner

Date

Agent/Engineer

Date

Fee Schedule

Development Permit

\$1,830 + \$366/acre (0-10 acres) + \$165/acre (10-100 acres) + \$146/acre (> 100 acres)

Alternative Standards – Development Permit Fee (fast track permit and fee)

\$1,830 + \$73/acre (0-100 acres) + \$18/acre (>100 acres)

Master Plan Review

\$3.50 per acre for projects seeking alternate standards

\$5.00 per acre for projects not seeking alternate standards approval

Utility General Permit

\$500 for project lengths ranging from 1 to 5,000 linear feet

\$1,000 for project lengths greater than 5,000 linear feet

Annual Maintenance Inspection Fee

\$400/year (one to five water quality basins + \$50 for each additional Best Management Practice [BMP]). First fee paid at project completion by developer at issuance of BMP Maintenance Permit. Subsequent fee paid by owner/maintenance association.

Quarry/Mine Certification or Permit

\$1,000 + \$100/acre (0-10 acres) + \$45/acre (10-100 acres)+\$10/acre (> 100 acres)

Annual Quarry/Mine Inspection Fee

\$500 + \$200 for each pit/mine and water quality basin.

Dredge and Fill Permit

\$500 for projects ranging from 500 to 1,000 cubic yards

\$1,000 for projects greater than 1,000 cubic yards

Reinspection Fee

\$100

Permit Amendment

\$100

Plan Revisions

\$50 per plan sheet (fee to be charged only for sheets with substantive changes; no charge for changes to cover sheet, key map or detail sheets to reflect revisions)

**APPLICATION FEES MUST BE SUBMITTED AT THE TIME
APPLICATION IS MADE
Administrative Completeness Checklist**

To initiate the permitting process for a Development Permit, the following items must be submitted to the LCRA Water Quality Protection Office, Watershed Engineering & Planning Team:

- _____ Completed application form, including signature(s)
- _____ Ownership information (warranty deed or tax record)
- _____ Permit fee
- _____ Location map illustrating project location (indicating county, roads, etc.)
- _____ Engineer's report containing calculations and a description of the best management practices (BMPs) to be implemented. This report must be sealed by a professional engineer.
- _____ Construction plans including a water quality management plan and an erosion and sediment control plan. Plans must be sealed and signed by a professional engineer.
- _____ Engineer's cost estimate for temporary erosion controls. This cost estimate also must include revegetation costs in addition to silt fence, rock berm, stabilized construction entrance, etc. costs.

Refer to the attached Development Permit Submittal Requirements for further details regarding the required submittals. Contact LCRA for appropriate alternate forms and checklists for a Master Plan, Utility General Permit, Quarry/Mine Permit/Certification or BMP Maintenance Permit.

This information also can be found in the LCRA Water Quality Management Technical Manual Appendices. Application submittal and permit processing guidance is detailed in Section I Chapter 1 of the Technical Manual for Development Projects and Section II Chapter 1 for Quarry/Mine projects.

Before a permit can be issued, the applicant must post a notice at the project site and mail a notice to landowners within 500 feet of the property. The notification requirements are the responsibility of the applicant.

In addition, a letter of credit in the amount equal to the cost for installation of erosion and sediment controls and site stabilization (restoring vegetation) must be provided after LCRA approves the cost estimate. A template for the letter of credit is included in this packet. A letter of credit with an expiration date of less than three years will not be accepted. A cashier's or corporate check may be provided in lieu of a letter of credit.

Development Permit Submittal Requirements

Provide two (2) copies of documents listed below (except the application form). Electronic copies of reports and documents may be required upon request.

1. Completed application form and fee.
2. List of property owners within 500 feet of the site. The names of the property owners shall be determined by the applicant based upon records from the appropriate County Tax Appraisal District.
3. Detailed location map, description and address of the property.
4. Engineering Report – the report shall discuss site characteristics, water quality management strategies and include the following information:
 - description of site and of proposed development.
 - location and type of soils. This information can be obtained from the County Soil Survey.
 - vegetative cover map including tree and ground cover.
 - engineer's seal, signature and statement certifying that the plan is complete and in compliance with this ordinance.
 - data and calculations for water quality BMPs and associated drainage facilities, including drainage area, impervious cover area, time of concentration, runoff coefficients and discharge for 1 year and 25 year storm events (used to size vegetative filter strip width and determine flow splitter elevation/by-pass at water quality basins), stable constructed channel documentation, volume calculations for all ponds, floodplain calculations for fully developed conditions or FEMA floodplain delineation when used to define a buffer zone.
 - description of the permanent BMPs to be implemented to achieve the performance standards for Water Quality Management.
5. Water Quality Management Plan – the plan shall include sheet(s) at an appropriate scale¹ and in sufficient detail to ensure that permanent BMPs and associated drainage facilities are constructed in accordance with the design intent. Required information on the plan includes the following, however additional information may be required:
 - existing topography.
 - proposed grading and drainage patterns including drainage area maps for any offsite contributing areas (may be larger scale as needed).
 - delineation of buffer zones and notes restricting activities within same.
 - site layout showing all existing and proposed improvements and structures including buildings, parking areas, utilities, driveways, sidewalks, trails, etc.
 - location and schematic of the Best Management Practices (BMPs).
 - details for drainage system and permanent BMPs.
 - permanent BMPs shall be drawn at a scale to allow readability by reviewers and contractors, and include all notes and details.
6. Erosion and Sedimentation Control (ESC) Plan – plan sheets(s) at appropriate scale¹ showing the following information:

- existing topography.
- proposed grading and drainage patterns.
- all existing and proposed improvements and structures, including buildings, parking areas, utilities, driveways, sidewalks, trails, etc.
- limits of construction line.
- location of all access roads, haul roads, equipment storage areas, spoil and topsoil stockpile areas.
- location and schematic of temporary and permanent ESC.
- detailed sequence of construction indicating items to be constructed in each construction stage and ESC modifications to be implemented as construction progresses.
- details and specifications for ESC, and locations of controls.
- location and specifications for all structural stabilization, including stabilization of cut and fill areas.
- restoration plans for all disturbed areas on the site that include seed, sod and mulch type and rate of application; application technique; watering and fertilization schedule; criteria for acceptance of site stabilization.

¹ **Suggested minimum scale of 1"=50' for tracts under 100 acres, 1" = 100' for tracts 100 to 250 acres 1" = 200' for tracts 250 to 400 acres, and 1" = 400' for larger tracts. Suggested contour line interval of 2' intervals for projects up to 400 acres or 5' intervals for projects greater than 400 acres. Offsite areas can utilize USGS topographic maps at a scale of 1"= 2000' to delineate drainage area boundaries.**

7. Slope maps, at the same scale as the water quality management plan, depicting slope categories of 0-5%, 5-20%, and over 20%. The slope categories shall be determined by measuring between contour lines. For 2 foot contours the average of 5 contour intervals may be used and for 5' contours the average of 4 will be accepted. Permit applications submitted under ALTERNATE PERFORMANCE STANDARDS FOR SINGLE FAMILY SUBDIVISIONS and COMMERCIAL DEVELOPMENT will not require slope maps.
8. A maintenance plan as described in Sections 1.5 and Chapter 5 of this manual if permanent BMPs are included in the application.
9. A cost estimate, sealed by a Professional Engineer, for temporary and permanent erosion controls. The costs shall include topsoil, seed, mulch and watering for site stabilization. Financial Security, in a form approved by the LCRA, will be required prior to issuance of the permit. See the attached letter of credit example.
10. For sites with shoreline frontage on any of the Highland Lakes, contact LCRA to determine whether the project will require compliance with Dredge and Fill Standards, or a permit for Marina, and Private Sewage Facility Licensing.
11. For sites within LCRA Onsite Sanitary Sewer Facility (OSSF) jurisdiction, contact LCRA to determine OSSF permitting requirements.

Letter of Credit Template

[Required format for Letters of Credit related to Lower Colorado River Authority issued Development Permits- remove this text from final document]

(Issuing Bank letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____

Date: _____, 20__

Expiration Date: _____, 20__

Beneficiary:

Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767

Applicant:

[Developer Name and address]

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit No. _____ in your favor up to the aggregate amount of US\$ xx,xxx.xx [dollar and cents words written xxxxxxxxxxxx and xx/100] U.S. Dollars available by draft(s) drawn on us at sight, marked "Drawn under Irrevocable Standby Letter of Credit No. _____ of _____ [Issuing Bank name]" accompanied by the following:

1. A certificate signed by an authorized officer or agent of the Lower Colorado River Authority (hereinafter "LCRA") indicating that:
 - a) Applicant has failed to construct and maintain all required erosion and sedimentation controls, including final stabilization as set forth in Permit # _____ and the LCRA Highland Lakes Watershed Ordinance (the "Ordinance"), as amended.
 - b) LCRA has notified Applicant of such failure and Applicant has not constructed or maintained said erosion and sedimentation controls within 30 days of such notice.
 - c) LCRA has not failed to perform with respect to any material obligation required of it under the Ordinance.
2. An opinion signed by an attorney for LCRA certifying that:
 - a) An event has occurred as described in subparagraph 1.a) above which entitles LCRA to draw on this Letter of Credit, and the event has not been cured and is continuing.

b) LCRA has not failed to perform with respect to any material obligation required of it under the Ordinance.

3. This original Letter of Credit and any amendments thereto (if any). In the event of a partial drawing, the original Letter of Credit will be endorsed and returned to you, unless the Letter of Credit has expired or the amount available is reduced to zero.

We hereby engage with you that documents drawn under and in compliance with the terms of this Irrevocable Standby Letter of Credit will be duly honored if presented for payment to [Issuing Bank name and address of Letter of Credit department] prior to _____ a.m./p.m. [deadline] Central Time on or before the expiration date of this Letter of Credit.

It is a condition of this Letter of Credit that it shall be automatically extended without amendment for an additional period of one year from the current expiration date and each future expiration date, for as long as the Final Stabilization required by the Permit supported by the Letter of Credit has not been completed, or until a BMP Maintenance Permit has been approved by LCRA, whichever is later.

This Letter of Credit is subject to the International Standby Practices 1998, International Chamber of Commerce Publication No. 590 ("ISP98"), in effect on the date this Letter of Credit is issued, and as to matters not addressed by ISP98 is subject to and governed by Texas State Law and applicable U.S. Federal Law.

_____ [Issuing Bank name]

Authorized Signature

Authorized Signer Name

Authorized Signer Telephone Number

Instructions: Edit text in brackets depending on the type of application being requested (e.g., select **DEVELOPMENT PERMIT, MASTER PLAN** or both), fill in blanks and include variances requested in the application (if any) in the project description section.

Mailed Notice Template

Mailing Date: _____

NOTICE OF [DEVELOPMENT PERMIT/MASTER PLAN] APPLICATION

Application Number: _____

Project Name: _____

Applicant Name & Address: _____

Site Location: _____

Dear Sir or Madam:

The Lower Colorado River Authority (LCRA) has received an application for [Development Permit/Master Plan] approval for the referenced project. You are being notified of this application because the LCRA Highland Lakes Watershed Ordinance requires notification of neighboring property owners when a [Development Permit/Master Plan] application is submitted.

Project Description: _____

[include variances requested in the application, if any]

LCRA has determined that the application is administratively complete. Any interested person may comment on the application. Written comments must be received by LCRA no later than 15 days from the date on this letter in order to be considered in the review of the application:

Mail:

LCRA, Mail Stop L106
Watershed Engineering & Planning
P.O. Box 220
Austin, TX 78767

Delivered:

LCRA, Mail Stop L106
Watershed Engineering & Planning
3700 Lake Austin Blvd.
Austin, TX 78703

Additional information regarding this application may be obtained by contacting the LCRA Watershed Engineering & Planning Office at 512-578-2324.