



Notice of Special Meeting
Commissioners Court of Caldwell County, Texas

Notice is hereby given that a meeting of the Caldwell County Commissioners Court will be held on the 12th day of May, 2014 at 1:15 P.M. in the Commissioners Courtroom located at 1403 Blackjack Street, Lockhart, Texas at which time the following subjects will be discussed, considered, passed or adopted, to wit:

Note: Commissioners Court Meeting packets are prepared several days prior to each meeting. This information is reviewed and studied by the Court members, eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of the Court.

Start times for regular agenda items are tentative; some items may be held earlier or later than the scheduled time.

For the convenience and comfort of members of the public and Caldwell County officials and employees, the Commissioners Court may take a recess from 10:30-10:45 a.m. and from noon to 1:30 p.m.

Agenda

Call Meeting to order.

2014.05.12.01 EXECUTIVE SESSION pursuant to Section 551.071(2) (Consultation with Attorney when the Attorney's obligations under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code regarding the proposed revisions to the Caldwell County subdivision ordinance. No action will be taken in executive session.

2014.05.12.02 Discussion/Action concerning revisions to the Caldwell County subdivision ordinance. **Cost:** None; **Speaker:** Commissioner Roland; **Backup:** 1.

2014.05.12.03 Adjournment

As authorized by the Texas Government Code, the Commissioners' Court of Caldwell, County, Texas reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above as they may relate to Texas Government Code Section 551.071(1) (Consultation with Attorney about pending or contemplated litigation or settlement offers);

Texas Government Code Section 551.071(2) (Consultation with Attorney when the Attorney's obligations under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code);

Texas Government Code Section 551.072 (Deliberations about Real Property); Texas Government Code Section 551.073 (Deliberations about Gifts and Donations); Texas Government Code Section 551.074 (Personnel Matters); Texas Government Code Section 551.0745 (Deliberations about a County Advisory Body); Texas Government Code Section 551.076 (Deliberations about Security Devices); and Texas Government Code Section 551.087 (Economic Development Negotiations).

In the event that the Court adjourns into Executive Session, unless otherwise specified on the agenda, the Court will announce any other parties who are authorized to be present during the deliberations in Executive Session and will announce under what section of the Texas Government Code the Commissioner's Court is using as it's authority to enter into an Executive Session. The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the County Judge's office at 512-398-1808 for further information.

www.co.caldwell.tx.us

FILED this 9th day of May 2014
1:10 P.M.
CAROL HOLCOMB
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Anthony Connor Deputy

2014.05.12.01 EXECUTIVE SESSION

pursuant to Section 551.071(2)

Consultation with Attorney when the Attorney's obligations under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code regarding the proposed revisions to the Caldwell County subdivision ordinance. No action will be taken in executive session.

2014.05.12.02 Discussion/Action
concerning revisions to the Caldwell
County subdivision ordinance. **Cost:**
None; **Speaker:** Commissioner Roland;
Backup: 1.

**CALDWELL COUNTY
SUBDIVISION AND DEVELOPMENT FEE SCHEDULE
DRAFT POSTED 6-OCTOBER-2010**

Preliminary plat (no floodplain)	\$375 plus \$50/lot
Preliminary plat (with floodplain)	\$500 plus \$125/lot for 1 to 20 lots plus \$50/lot for lots over 20
Final plat (with construction plans)	\$375 plus \$100/lot
Short form plat	\$400
Plat Revision / Vacation	\$300 plus \$20/lot
Vacation of R.O.W / Easement	\$500
Variance Request	\$350 per variance
Waiver Request	\$225 per waiver
Extension Request (Platting or Development Permit)	\$250
Publication of Notice (newspaper)	actual cost of add plus \$75
Publication of Notice (mailings)	actual cost of mailings plus \$175
Family Land Grant	\$275
Work in R.O.W Permit (Driveway)	\$25
Work in R.O.W. Permit (Utility - OH)	\$50
Work in R.O.W. Permit (road cut or other)	\$125
Residential Development Permit	\$225
Site Development Permit (<\$10,000 Construction Cost)	\$175
Site Development Permit (\$10K - \$1M Construction Cost)	\$175 plus \$2.5 / \$1,000 value for cost above \$10,000
Site Development Permit (Construction Cost in excess of \$1M)	\$2650 plus \$1.75 / \$1,000 value for cost above \$1,000,000
Floodplain Revision	\$750
Subdivision Construction	1.5% of Cost of Streets and Drainage
Manufactured Rental Home Communities	See platting fees (1 manufactured rental home = 1 lot)

**CALDWELL COUNTY
SUBDIVISION AND DEVELOPMENT FEE SCHEDULE ADDITIONS
ADOPTED JULY 23, 2012**

Administrative fee for any construction which commenced without obtaining the appropriate permit	\$25
Permit for any non-residential construction which commenced without obtaining the appropriate permit	Double the original fee

-
- R) The 25-year hydraulic grade line shall be at or below the gutter line and shall in no case surcharge back through an inlet or inlets.
 - S) All storm sewers, inlets, manholes or junctions shall be designed in accordance with Texas Department of Transportation hydraulic criteria.
 - T) Headwalls, wing-walls, ditch checks, inlets or other drainage structures shall be designed in accordance with Texas Department of Transportation standards.

F. APPENDIX F – EROSION AND SEDIMENT CONTROL REQUIREMENTS

- A) Minimum requirements for temporary and permanent erosion control design for site and subdivision projects shall be as follows:
 - 1) The temporary (construction-phase) erosion control plan shall be sufficient to prevent sedimentation of drainageways, drainage structures, and floodplain areas that could result in reduced flow capacity, excessive streambank erosion, erosion around structures, or damage to adjoining property.
 - 2) The permanent erosion control plan shall be sufficient to:
 - a) Permanently stabilize all disturbed areas with vegetation, including slopes and embankments.
 - b) Prevent erosion at culvert and storm sewer outlets, at bridges, and within channels through use of energy dissipaters, rip-rap, level spreaders, vegetative channel treatments, erosion resistant structural linings or gabions; erosion control blankets, retards or drop structures both during and after the vegetation re-establishment period.
 - c) Protect the integrity of structural improvements including prevention of ongoing sedimentation of drainage structures, channels, and roadside drainage ditches.
- B) Stormwater discharges from all land development projects must conform to the National Pollutant Discharge Elimination System (NPDES) requirements of the Clean Water Act which is administered through the U. S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality. Based on construction scope and total acreage of disturbed soil area, requirements may include compliance with NPDES General Permits for Industrial Activity, preparation and execution of a Storm Water Pollution Prevention Plan (SWPPP), and construction start and completion notifications.
- C) Rock or riprap retards shall be used to control the erosive characteristics of drainage in roadside ditches on steep slopes. Retards shall be designed to reduce flow velocities to a non-erosive level and to prevent storm flows from encroaching on the driving surface. Retards shall not project onto shoulder surfaces and shall blend into ditch lines so that normal roadside ditch maintenance is possible.

G. APPENDIX G – PROTECTION OF STREAMBANKS AND BLUFFS

G.1. STREAM SETBACK REQUIREMENTS

Development activity in Caldwell County, including grading, clearing and construction, shall be set back from the top of the streambank of waterways the following distances based upon the size of the contributing watershed:

- | | |
|---|----------|
| A) Minor Waterways (64 to 320 acres) | 50 feet |
| B) Intermediate Waterways (320 to 1280 acres) | 100 feet |
| C) Major Waterways (greater than 1280 acres) | 150 feet |
- D) Setback distances shall in no case extend more than twenty-five (25') feet beyond the limits of the 100-year floodplain.

G.2. BLUFF PROTECTION

Development activity including clearing of natural vegetation shall be set back from the crest of a bluff (or top of bank) a distance of 75 feet from the top of the bluff OR a horizontal distance equal to three (3) times the height from the toe to the top of the bluff, whichever is less.

G.3. EXEMPTIONS

Development activity exempted from this requirement includes: necessary roadway crossings, utilities, driveways, and trails designed to minimize disturbance to the protected zone to the maximum extent practical (subject to the approval of the County Engineer).

G.4. WAIVER

A waiver from these requirements will be granted if:

- 1) a water quality plan meeting or exceeding the requirements of the LCRA Water Quality Management Technical Manual (or other equivalent entity as may be recognized by Caldwell County) is implemented within the subdivision; and
- 2) a geotechnical analysis demonstrates that the streambank slope or bluff is sufficiently stable to support itself and any proposed structures located along the crest of the bluff or engineering measures are employed to stabilize the slope.

H. APPENDIX H – FLOODPLAIN REVISION REQUIREMENTS

- A) Under FEMA's National Flood Insurance Program (NFIP), it is the responsibility of the County to assure that local Flood Insurance Rate Maps (FIRM) continue to accurately represent the boundaries of the 100-year floodplain (the "Special Flood Hazard Areas" (SFHA)) when development within the community results in changes to the flood boundary. Applications for subdivision or construction permits in Caldwell County shall include detailed hydrologic and hydraulic analyses of existing and proposed FEMA regulatory base

Fifth Amendment to Caldwell County Development Ordinance

Section 4.1 (E) of the Caldwell County Development Ordinance is hereby modified to read in its entirety as follows:

(E) If construction is not underway within one hundred eighty (180) days from the date of County approval of construction plans, all Construction Permits will expire and a new permit application 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 must obtain a new development permit. Construction Permits issued are valid for one (1) year. Extensions may be granted at the sole discretion of the County for a period of one (1) year if the plan for construction has not changed, 2) the applicant can demonstrate that they have made reasonable attempts to construct the improvements, and 3) the applicant can demonstrate that they have a reasonable expectation of completing the construction in the additional time granted. Projects which cannot reasonably be completed within the time allowed under the construction permit shall be broken in to construction phases that can be accomplished within the valid period of the construction permit. A new and separate permit shall be obtained for each construction phase. Phased construction shall address interim grading, drainage, interim / permanent erosion & sedimentation controls, and all applicable technical components contained in this ordinance and its appendices.

Section 4.1 (G) Third Bullet of the Caldwell County Development Ordinance is hereby modified to read in its entirety as follows:

- The application will be reviewed by the County for completeness under the applicable requirements and procedures of these Standards. The County will notify the Owner within fifteen (15) business days regarding information or documents that are lacking. An incomplete application shall be conclusively deemed to be withdrawn if the Owner does not provide the documents or other missing information within fifteen (15) days after the County has notified the Owner of the missing documents or information. Upon acceptance by the County that the application is complete, the County will review the application for compliance with these Standards.

Section 4.1 (G) Fourth Bullet of the Caldwell County Development Ordinance is hereby modified to read in its entirety as follows:

- An administratively complete application will be reviewed by the County Engineer for technical and/or regulatory non-compliance. If an application is determined to be non-compliant, it will be returned to the Owner with comments within thirty (30) calendar days for the initial submittal and within fourteen (14) days for subsequent submittals. Applicants shall make revised submittals addressing all comments provided within fourteen (14) days the issuance of the comments by the County. Applicants failing to satisfactorily address comments after two rounds of review will be asked to reimburse the County for the cost of additional review and / or have their application rejected at the Court's discretion.

Section 4.3.2 (H) of the Caldwell County Development Ordinance is hereby modified to read in its entirety as follows:

(H) A traffic impact analysis for site development projects that generate traffic volumes in excess of 200 vehicles trips per day.

Appendix F of the Caldwell County Development Ordinance is hereby modified to include the following:
D) Excavation and / or fill exceeding twelve (12) feet from natural grade is prohibited. The following construction activities are except from this provision: detention / water quality ponds, temporary excavation for utility construction, building foundations, construction of roads / streets when the excavation / fill is required to meet roadway geometric design criteria, construction of airport runways / taxiways / aprons where required to meet geometric design criteria.

Section G.1 of the Caldwell County Development Ordinance Appendix G is hereby modified to read in its entirety as follows:

Development activity in Caldwell County, including grading, clearing and construction, shall be set back from the top of the stream bank of waterways the following distances based upon the size of the contributing watershed:

- A) Minor Waterways (64 to 320 acres) 100 feet
- B) Intermediate Waterways (320 to 1280 acres) 200 feet
- C) Major Waterways (greater than 1280 acres) 300 feet
- D) In the event that the waterway contains a FEMA floodplain and the setback distance in items A) thru C) above fall within the FEMA defined floodplain, the setback distance shall be increased to include the entirety of the floodplain plus twenty-five (25') feet on either side.

Fee Schedule accompanying Caldwell County Development Ordinance is modified as follows:

Site Construction Permit (\$10K - \$1M Construction Cost)	\$2,650 plus \$2.50 /
\$1,000 value for the cost above \$1,000,000	
Floodplain Revision	Consultant Review Fees
plus 15%	



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Proposed Development Ordinance Revisions

Tracy Bratton

To j.roland60@yahoo.com,

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Commissioner / Marisa,

Below are my draft recommendations for revisions based upon the concerns raised by a proposed Appendix F provision in yellow (cut/fill limitations) because I am not drawing the authority for this from. I *think* the general public health and safety and groundwater quality as well as inherent slope stability / safety issues excess I do not KNOW that. For the sake of getting something adopted, I recommend repeal this provision if future information proves beyond the County's authority whether to include that item or not.

Kasi called me today asking for information to take to Court on Monday to engage consultant for the County. I will get that information to here. Unfortunately, I have a meeting scheduled for Monday morning and cannot attend Commissioners Court at 9.

Tracy A. Bratton, P.E. | Branch Manager
Bowman Consulting

3101 Bee Cave Rd. Suite 100 Austin, TX 78746

direct: 512.366.9559

TBPE Firm No. F-14309

tbratton@bowmanconsulting.com | bowmanconsulting.com |

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Proposed Development Ordinance Revisions

Tracy Bratton May 7 at 10:33 PM

To Me, marisa@lf-lawfirm.com

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Commissioner / Marisa,

Below are my draft recommendations for revisions based upon the concerns raised today. I highlighted a proposed Appendix F provision in yellow (cut/fill limitations) because I am not 100% confident where we draw the authority for this from. I think the general public health and safety theme applies (surface and groundwater quality as well as inherent slope stability / safety issues excessive cut / fill creates). But I do not **KNOW** that. For the sake of getting something adopted, I recommend adopting it and we can repeal this provision if future information proves beyond the County's authority. Ultimately, your call on whether to include that item or not.

Kasi called me today asking for information to take to Court on Monday to engage Bowman as consultant for the County. I will get that information to here. Unfortunately, I have a conflicting meeting scheduled for Monday morning and cannot attend Commissioners Court this coming Monday at 9.

Tracy A. Bratton, P.E. | Branch Manager
Bowman Consulting

3101 Bee Cave Rd. Suite 100 Austin, TX 78746
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Fifth Amendment to Caldwell County Development Ordinance

Section 4.1 (E) of the Caldwell County Development Ordinance is hereby modified to read in its entirety as follows:

(E) If construction is not underway within one hundred eighty (180) days from the date of County approval of construction plans, all Construction Permits will expire and a new permit application 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 must obtain a new development permit. Construction Permits issued are valid for one (1) year. Extensions may be granted at the sole discretion of the County for a period of one (1) year if the plan for construction has not changed, 2) the applicant can demonstrate that they have made reasonable attempts to construct the improvements, and 3) the applicant can demonstrate that they have a reasonable expectation of completing the construction in the additional time granted. Projects which cannot reasonably be completed within the time allowed under the construction permit shall be broken in to construction phases that can be accomplished within the valid period of the construction permit. A new and separate permit shall be obtained for each

2014.05.12.03 Adjournment