

**RULE NO.: R161-21.04**

**ADOPTION DATE: March 9, 2021**

**NOTICE OF RULE ADOPTION**

By: Jorge L. Morales, P.E., CFM, Director  
Watershed Protection Department

The Director of the Watershed Protection Department has adopted the following rule. Notice of the proposed rule was posted on January 14, 2021. Public comment on the proposed rule was solicited in the January 14, 2021 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is attached to this notice.

**EFFECTIVE DATE OF ADOPTED RULE**

A rule adopted by this notice is effective on March 9, 2021.

## **TEXT OF ADOPTED RULE**

R161-21.04: Modifies Environmental Criteria Manual ECM Appendix Q1, *Net Site Area & Appendix Q2, Impervious Cover*: Deletes and replaces ECM Appendices Q1 and Q2. Non-substantive changes have been made to improve plan review. 1) Added line numbers for ease of reference when communicating with applicants; 2) re-arranged information to group “slope category” information together; 3) added a line to Q2 tables for “existing impervious cover,” which is information that reviewers often have to ask applicants to insert manually.

## **COMMENTS AND CHANGES FROM PROPOSED RULE**

No comments were received, and no changes were made.

## **AUTHORITY FOR ADOPTION OF RULE**

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality is established in Chapter 25-8 of the City Code.

## **APPEAL OF ADOPTED RULE TO CITY MANAGER**

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Rule Adoption (R161-21.04), the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director’s administrative authority.

**REVIEWED AND APPROVED**

  
\_\_\_\_\_  
Jorge L. Morales, P.E., CFM, Director  
Watershed Protection Department

Date: 03/03/2021

*Anne L Morgan*  
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Anne L. Morgan  
City Attorney

Date: 3/4/2021

This Notice of Rule Adoption was posted on the City website by the City Clerk. The date and time stamp are on the front of the notice.

APPENDIX Q-1

NET SITE AREA

NOTE: NET SITE AREA IS ONLY APPLICABLE TO WATERSHEDS CLASSIFIED AS WATER SUPPLY SUBURBAN / WATER SUPPLY RURAL/ BARTON SPRINGS ZONE

<u>1</u>	<b>TOTAL GROSS SITE AREA</b>	= _____	<b>ACRES</b>
<b>SITE DEDUCTIONS</b>			
<u>2</u>	CRITICAL WATER QUALITY ZONE (CWQZ)	= _____	ACRES
<u>3</u>	WATER QUALITY TRANSITION ZONE (WQTZ)	= _____	ACRES
<u>4</u>	WASTEWATER IRRIGATION AREAS	= _____	ACRES
<u>5</u>	<b>DEDUCTION SUBTOTAL</b>	= _____	<b>ACRES</b>
<u>6</u>	<b>UPLAND AREA (GROSS SITE AREA MINUS DEDUCTION SUBTOTAL)</b>	= _____	<b>ACRES</b>
<b>NET SITE AREA CALCULATIONS</b>			
<u>7</u>	AREA OF UPLANDS WITH SLOPES 0-15%	= _____ X 100%	= _____ ACRES
<u>8</u>	AREA OF UPLANDS WITH SLOPES 15-25%	= _____ X 40%	= _____ ACRES
<u>9</u>	AREA OF UPLANDS WITH SLOPES 25-35%	= _____ X 20%	= _____ ACRES
<u>10</u>	AREA OF UPLANDS WITH SLOPES >35%	= _____ X 0%	= _____ ACRES
<u>11</u>	<b>NET SITE AREA</b>	= _____	<b>ACRES</b>

APPENDIX Q-2

IMPERVIOUS COVER

WATER SUPPLY SUBURBAN / WATER SUPPLY RURAL/ BARTON SPRINGS ZONE

<b>WATER QUALITY TRANSITION ZONE (WQTZ)</b>			
<u>1</u>	WQTZ OUTSIDE OF 100-YEAR FLOODPLAIN (NON-FP WQTZ)	= _____	ACRES
<b>ALLOWABLE IMPERVIOUS COVER</b>			
<u>2</u>	IMPERVIOUS COVER ALLOWED AT _____ % X <b>NON-FP WPTZ</b>	= _____	ACRES
<u>3</u>	IMPERVIOUS COVER ALLOWED AT _____ % X <b>NET SITE AREA</b>	= _____	ACRES
<u>4</u>	<b>TOTAL ALLOWED IMPERVIOUS COVER ALLOWED</b>	= _____	ACRES
<b>ALLOWABLE IMPERVIOUS COVER BREAKDOWN BY SLOPE CATEGORY</b>			
	TOTAL ACREAGE WITH SLOPES 15-25% = _____	X 10%	= _____ ACRES
<b>PROPOSED TOTAL IMPERVIOUS COVER</b>			
<u>5</u>	IMPERVIOUS COVER IN NON-FP WQTZ		
<u>5a</u>	<b>EXISTING PROPOSED TO REMAIN</b>	= _____ ACRES	= _____ %
<u>5b</u>	<b>PROPOSED NEW</b>	= _____ ACRES	
<u>5c</u>	<b>SUBTOTAL</b>	= _____	ACRES
<u>6</u>	IMPERVIOUS COVER IN UPLANDS ZONE		
<u>6a</u>	<b>EXISTING PROPOSED TO REMAIN</b>	= _____ ACRES	= _____ %
<u>6b</u>	<b>PROPOSED NEW</b>	= _____ ACRES	
<u>6c</u>	<b>SUBTOTAL</b>	= _____	ACRES
<u>7</u>	<b>TOTAL PROPOSED IMPERVIOUS COVER</b>	= _____	ACRES

<b>ALLOWABLE IMPERVIOUS COVER BREAKDOWN BY SLOPE CATEGORY</b>					
<u>8</u>	TOTAL ACREAGE WITH SLOPES 15-25% = _____	ACRES X 10%	= _____ ACRES		
<b>PROPOSED IMPERVIOUS COVER ON SLOPES</b>					
	<b>SLOPES</b>	ACRES	<b>IMPERVIOUS COVER</b>		DRIVES / ROADWAYS
			ACRES	% OF SLOPE CATEGORY	
<u>9</u>	0-15%	_____	_____	_____	_____
<u>10</u>	15-25%	_____	_____	_____	_____
<u>11</u>	25-35%	_____	_____	_____	_____
<u>12</u>	OVER 35%	_____	_____	_____	_____
<u>13</u>	<b>TOTAL GROSS SITE AREA</b>	_____			

APPENDIX Q-2

IMPERVIOUS COVER

SUBURBAN WATERSHEDS

NOTE: Q-1 TABLES ARE NOT REQUIRED FOR SUBURBAN WATERSHEDS

<u>1</u>	IMPERVIOUS COVER ALLOWED AT _____% X <u>GROSS SITE AREA</u> <u>(GROSS SITE AREA)</u>	= _____ ACRES
<b>ALLOWABLE IMPERVIOUS COVER BREAKDOWN BY SLOPE CATEGORY</b>		
	TOTAL ACREAGE WITH SLOPES 15-25% = _____ ACRES X 10%	= _____ ACRES
<b>PROPOSED <u>TOTAL</u> IMPERVIOUS COVER</b>		
<u>2</u>	<u>EXISTING IMPERVIOUS COVER PROPOSED TO REMAIN</u>	= _____ ACRES
<u>3</u>	<u>PROPOSED NEW IMPERVIOUS COVER</u>	= _____ ACRES
<u>4</u>	<b>TOTAL PROPOSED IMPERVIOUS COVER</b>	= _____ ACRES
		= _____ %

<b>ALLOWABLE IMPERVIOUS COVER BREAKDOWN BY SLOPE CATEGORY</b>				
<u>5</u>	TOTAL ACREAGE WITH SLOPES 15-25% = _____ ACRES X 10% = _____ ACRES			
<b>PROPOSED IMPERVIOUS COVER ON SLOPES</b>				
		<b>IMPERVIOUS COVER</b>		
		<b>BUILDING / OTHER IMPERVIOUS COVER</b>		<b>DRIVES / ROADWAYS</b>
	<b><u>SLOPES</u></b>			
	SLOPE CATEGORIES	ACRES	ACRES	% OF SLOPE CATEGORY
				ACRES
<u>6</u>	0-15%	_____	_____	_____
<u>7</u>	15-25%	_____	_____	_____
<u>8</u>	25-35%	_____	_____	_____
<u>9</u>	OVER 35%	_____	_____	_____
<u>10</u>	<b>TOTAL GROSS SITE AREA</b>	_____		