



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL WORKSHOP
Wednesday, December 4, 2024 at 12:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Workshop on the 4th day of December 2024 at 12:00 noon, in the Janet Room, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

1. Call to Order
2. Citizen Communications The City Council welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Administration Discussion and review of the Council Retreat Report, proposed Strategic Plan and prioritization of goals, objectives and initiatives.
4. Administration Discussion and review of On-Site Sewage Facilities (OSSF) in the city of West Lake Hills.
5. Adjournment

Approved by: James Vaughan, Mayor

Certificate

I certify that the above Notice of the December 4, 2024 City Council Workshop was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Wednesday, November 27, 2024 by 5:00 pm. and will remain posted continuously until said workshop is convened.

Signed by: Terry Blanchard, City Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodation and equal access to communications will be provided upon request.



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>December 4, 2024</u>	Item Number:	<u>3</u>
Department:	<u>Administration</u> Trey Fletcher, City Administrator	Cost / Budget:	<u>\$12,307.19</u>
Exhibits:	<u>Council Retreat Report</u>	Source of Funds:	<u>FY 25 General Fund</u>

Subject

Discussion and review of the Council Retreat Report, proposed Strategic Plan and prioritization of goals, objectives and initiatives.

Recommendation

No action is being taken. Discuss and provide direction as appropriate.

Discussion

The City Council of West Lake Hills, Texas, held a retreat on Wednesday, October 30, to establish the Council's strategic priorities and goals. The retreat was attended by the Mayor, members of the Council as well as the City Administrator and executive staff. The retreat was facilitated by Hilary Shine of SGR. Attached is a summary of the main discussion and outcomes of the retreat.



West Lake Hills, TX Council Retreat Report

November 7, 2024

The City Council of West Lake Hills, Texas, held a retreat on Wednesday, October 30, to establish the Council's strategic priorities and goals. The retreat was attended by the Mayor, members of the Council as well as the City Administrator and executive staff. The retreat was facilitated by Hilary Shine of SGR. Below is a summary of the main discussion and outcomes of the retreat.

Pre-Work

Interviews were conducted with each member of the Council prior to the retreat. Also interviewed were Eanes ISD Superintendent Dr. Jeff Arnett, Fire Chief David Wilson and WCID10 Director Carla Orts. Questions were asked intended to gain individual perspectives on group dynamics, strengths, weaknesses, opportunities and threats, strategic issues and strategic priorities. The results of those interviews are the composite lists presented at the retreat and detailed in the retreat summary below.

City Council Retreat Summary

Governance: Hilary Shine presented a session on the principles of good governance and governance as a system.

Vision, Mission, Values: Hilary Shine presented the purposes for having vision, mission and values statements and what they should contain when drafted. She then presented the individual Councilmember thoughts that came from the advance interviews to serve as the starting point for statement development.

Vision: The Why

- Desirable place to live
- Unique identity
- Beautiful, serene, private
- Sense of community, connectedness, ability to gather
- Community trust, engagement
- Successful commercial corridors
- Safe
- Generational access to housing
- Well-planned, effective, responsive

Mission: The What

- Providing safety (crime and disaster)
- Establishing and enforcing laws, ordinances, plans
- Mitigating impacts of redevelopment
- Providing quality infrastructure
- Protecting natural beauty, environment
- Partnering for services

Values: The How

- Transparent
- Responsive
- Financially responsible
- Collaborative
- Data-driven
- Innovative
- Naturalist

SWOT Assessment: Each Councilmember was asked in advance interviews what he or she believed were the community's strengths, weaknesses, opportunities and threats. Composite lists for each area were presented to the Council for discussion and to frame the current feelings related to the organization and community.

Strengths

- Great location
- Natural beauty
- In the woods/rural feel
- Strong leadership (Council and Staff)
- Council works together to accomplish things
- Strong financial position
- Strong property value/tax base
- Proactive with aging infrastructure
- Feeling of safety
- Community pride
- Neighbors know each other
- Smart, creative, expert residents
- Philanthropic residents
- Long-term, generational residents
- Partnerships for amenities
- Access to amenities
- Great schools

Weaknesses

- State law restrictions
- Enforcement of codes, ordinances, plans
- People not abiding by rules
- Inefficient, ineffective systems
- Inflexibility
- Infrastructure planning
- Community awareness, engagement
- Affordability
- Lack of public spaces
- Perceptions of wealth

Opportunities

- Managing redevelopment
- Master Plan review (land use)
- Comprehensive Plan review
- Wastewater improvements
- Office space redevelopment
- 911 Westlake Drive
- Village Center -Westlake @ Redbud

- Sales tax generation
- More communication with Council/Town
- New municipal complex
- Redevelopment of current City Hall
- New amenities
- Community gathering spaces
- Communication, community engagement
- Improving relationship with School District

Threats

- Unmanaged redevelopment
- Losing unique character
- Losing natural beauty
- Fire
- State Legislature
- Commercial corridor turnover
- Wastewater uncertainty
- Losing community trust

Stakeholder Input: WCID10 Director Carla Orts, Fire Chief David Wilson and Eanes ISD Superintendent Dr. Jeff Arnett were interviewed prior to the retreat to ensure emerging issues in their fields would be noted as future plans are developed for the City of West Lake Hills. Summaries of those interviews are below.

Water

- Good relationship with staff
- Water availability
- System in good repair
- 2015 bond projects
- Strong financial position
- Hydrant replacements
- Generators
- Joint wildfire exercise
- Need second tank
- Communication infrastructure
- Building height restrictions

Fire

- Good relationship with staff (Police)
- Strong interest in fire mitigation
- Update Fire Code
- Canopy clearing
- Aging facilities-new station
- Turnover planning
- Equipment replacement challenges
- ISO 2 to 1
- Wildfire concerns
- Traffic impacting response

Schools

- Good relationship with staff
- Enrollment declining
- Financial pressure
- Pressure to provide community amenities
- Affordable housing (PFC)
- Camp Craft Road work
- Traffic at municipal center/elementary
- Traffic control around HS and elementary
- Sewer limitations
- Board & CC engagement

Establishment of Strategic Priorities

Members were asked in their advance interviews to provide their top three strategic vision priority areas. A composite list of those responses was presented in order of the number of members in agreement. The following list was provided for Council discussion:

- Development Standards - 5
- Community Engagement - 3
- Bee Cave Road - 3
- Affordability - 2
- Fire Safety - 2
- Preserve Character/Beauty - 2
- Feeling of Safety - 1

Interviews revealed other items of note that did not make the top priority areas list. Those items were presented to ensure they could be captured in other priority areas. Additional items were:

- Infrastructure
- Comprehensive Plan/Master Plan/Land Use Plan
- Quality of life amenities
- Downtown/Town Center
- Traffic
- Business development
- Current/future staffing needs
- Legislature
- Communication with residents
- Finances

City Council determined there were four priority areas that captured all items of concern. Those priority areas are titled in bold. Items in italics are topics Council agreed should be included in those title areas.

Preserve and Enhance Natural Beauty and Access to Nature

Development standards, neighborhoods, planning documents, legislative efforts

Quality of Life: Business Development

Charming downtown, quality services, Bee Cave Road, infrastructure, traffic, demographics, right of way and street maintenance

Quality of Life: Residents

Community engagement, service delivery, quality of life amenities

Community Safety

Policing, fire mitigation, emergency response, engagement, traffic management

Establishment of Priority Area Goals

With Priority Areas established, City Council began discussing what goals should be established in support of priorities. We discussed that goals should be specific, measurable and timebound. We also discussed Council's role to set goals and staff's role to build action plans to achieve them. The following is the list of Strategic Priority Areas and supporting Goals.

Preserve and Enhance Natural Beauty and Access to Nature

Goal 1: Review and update City's Master Plan

Goal 2: Review and assess ordinances related to Priority Area 1 (including but not limited to trees, setbacks, dark skies, sustainability)

Goal 3: Define natural priorities related to development, and establish appropriate administrative discretion

Goal 4: Update Drainage Manual

Quality of Life: Business Development

Goal 1: Update Master Plan

Goal 2: Support Eanes ISD PFC efforts

Goal 3: Promote interconnectivity of lots, land assembly, multi-use shaded pedestrian pathways

Goal 4: Commission economic viability, sustainability, desirability study

Goal 5: Determine feasibility of commercial redevelopment to support charming downtown

Quality of Life: Residents

Goal 1: Improve community engagement, communication and education

Goal 2: Evaluate and propose changes to reflect multiple residential zoning and neighborhood compatibility standards

Goal 3: Improve Code Compliance processes and outcomes (development process – ZAPCO approvals)

Goal 4: Enhance access to amenities (911 Westlake)

Community Safety

Goal 1: Support Emergency Management

Goal 2: Enhance fire mitigation and evacuation efforts

Goal 3: Prioritize road maintenance, traffic, safety

Goal 4: Adopt a Right of Way Management Policy

Goal 5: Enhance community outreach related to fire, crime and child safety

Goal 6: Update building and safety codes (Fire Code)

Goal 7: Sustain law enforcement level of service

The Strategic Plan framework is included in a separate document for staff to begin drafting action items and performance metrics for each goal.

Expectations for Staff Follow-up

- Draft the Strategic Goals for review with stakeholders.
- Staff should develop the workplan to achieve Strategic Goals.
- City Council should officially adopt the Strategic Goals with timeline for review and affirmation.
- Official actions, such as budget preparation, should reference Strategic Goals.
- Regular reporting expectations should be set and reports delivered to track progress.



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>December 4, 2024</u>	Item Number:	<u>4</u>
Department:	<u>Administration</u>		
	<u>Trey Fletcher,</u>		
Prepared By:	<u>City Administrator</u>	Cost / Budget:	<u>n/a</u>
Exhibits:	<u>Code Excerpt</u>	Source of Funds:	<u>n/a</u>

Subject

Discussion and review of On-Site Sewage Facilities (OSSF) in the city of West Lake Hills.

Recommendation

No action is being taken. Discuss and provide direction as appropriate.

Discussion

The purpose of this agenda item is to review ordinances and policies related to the administration of On-Site Sewage Facilities (OSSF) in the City of West Lake Hills and discuss opportunities for improvement to the same. Ordinance requirements are in the City Code, Article 18.03 Sewers, specifically in [Division 3 On-Site Sewer Facilities](#) which is also attached to this agenda item.

The Texas Commission on Environmental Quality (TCEQ) establishes the minimum standards that must be followed by a jurisdiction for the installation and maintenance of OSSF often referred to as septic systems. In order to review plans and inspect systems, the inspector must be a licensed with the state of Texas as a Designated Representative. As the city does not have anyone with this license on staff, the city contracts SAFEbuilt, a third-party inspection service, that both approves submitted plans and inspects new or repaired systems.

Section 18.03.066 and Section 18.03.067 of the West Lake Hills Code of Ordinances include local amendments and supplemental rules and procedures in addition to the minimum TCEQ standards. Some of the standards include providing a tree count, restrictions of multiple dwellings connected to one system, and a lot must have at least one quarter acre per bedroom.

DIVISION 3
On-Site Sewage Facilities

§ 18.03.061. Chapter 366.

The city acknowledges the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities (OSSFs), and will fully enforce chapter 366 of the Texas Health and Safety Code (H&SC) and chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in section 18.03.064 of this division of the code.

(Ordinance 170 adopted 9/9/09)

§ 18.03.062. Area of jurisdiction.

The rules shall apply to all of the area within the incorporated limits of the city.

(Ordinance 170 adopted 9/9/09)

§ 18.03.063. OSSF rules.

Any permit issued for an OSSF within the jurisdictional area of the city must comply with the rules adopted in section 18.03.064 of this division of the code.

(Ordinance 170 adopted 9/9/09)

§ 18.03.064. OSSF Rules adopted.

The rules, title 30 Texas Administrative Code (TAC) chapter 30, subchapters A and G and title 30 TAC chapter 285, promulgated by the state commission on environmental quality (TCEQ) for OSSFs are hereby adopted, and all officials and employees of the city, having duties under said rules are authorized to perform such duties as are required of them under said rules.

(Ordinance 170 adopted 9/9/09)

§ 18.03.065. Incorporation by reference.

The rules, 30 TAC chapter 30, subchapters A and G and title 30 TAC Chapter 285, all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules.

(Ordinance 170 adopted 9/9/09)

§ 18.03.066. Amendments.

The city finds it necessary and advisable to adopt more stringent rules to regulate OSSF's within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code. The city submits that these more restrictive rules are justified due to its challenging topography, complex drainage characteristics, predominately shallow and poor soil and sensitive location relative to the Edwards Aquifer and tributaries of the Colorado River. The TCEQ has approved the following more restrictive/stringent rules requested by the city.

City of West Lake Hills - OSSF Amendments

1. All drip irrigation systems shall be designed to an application rate of less than or equal to 0.1 g/sf/day regardless of the soil class. Dosing of the drip tubing must be controlled by a timer set to spread the design flow dosing over a period of 18 to 20 hours per day.
2. An inspection shall be required on all treatment units at the following intervals: once every three years for residential OSSFs located in the Edwards Aquifer Recharge Zone; once every seven years for all other residential properties located outside of the Edwards Aquifer Recharge Zone; and once every year for commercial OSSFs. Properties that are partially located in the Edwards Aquifer Recharge Zone are subject to the shorter inspection intervals unless otherwise determined by the city administrator. All treatment units will be pumped by a licensed waste transporter at the owner's expense and the city will inspect the treatment unit and conduct a surface walk over inspection. The city administrator may vary the seven-year pumping interval for residential OSSFs based on verified loading rates.
3. All persons/companies pumping OSSF treatment units or repairing an OSSF component for any reason shall notify the designated representative in advance of pumping or repairs made on a working day or on the first business day after a weekend or holiday on which the work was performed.
4. Pump tanks shall be sized to contain a minimum of one day's flow between the alarm-on level and the inlet to the pump tank.
5. An owner of an OSSF located within the Edwards Aquifer Recharge Zone shall ensure that the facility is capable of consistently meeting, at minimum, secondary treatment standards specified in chapter 309 of the Texas Administrative Code.
6. Before the city issues a written notice of approval (license to operate) for an OSSF whose planning material is required by the rules to be prepared by a professional engineer or professional sanitarian, (designer), the city must receive a written letter from the designer stating that based on personal inspection, the designed system has been constructed in accordance with the approved submitted design material.
7. All OSSF planning materials shall be prepared by a registered professional engineer or registered sanitarian and all local procedures for permitting shall be complied with and observed. The planning materials must clearly show at the minimum the information from the submittal checklist located on the city's website. A copy of the checklist must accompany all submittals.

(Ordinance 2020-218 adopted 12/9/20)

§ 18.03.067. Supplemental rules and procedures.

The city has also found it necessary and advisable from time to time to adopt additional rules and administrative procedures to regulate OSSFs within its jurisdiction which reflect specific local conditions, desires, and needs unique to the city, but which the city has not considered nor intended to be more restrictive/stringent than any TCEQ requirement. Such supplemental rules and procedures follow:

- (1) Permitting and licensing of on-site sewage facilities.

- (A) A permit shall be obtained from the designated representative prior to installing, or modifying an on-site sewage facility.
- (i) All permit fees shall be collected by the city at the time the application is made. Fees are not refundable.
 - (ii) The city may, by resolution, establish permit fees to cover the cost of applications, inspection, and other costs incurred by the city in the administration of this division.
 - (iii) When substantial changes in design of an on-site sewage facility are made after issuance of a construction permit, the city inspector shall review the changes and payment of an additional permit fee is required.
 - (iv) Applicants or individuals contemplating the removal of live vegetation of any kind for any reason to accomplish the work to be allowed under a permit to install or substantially modify an on-site sewage facility, shall schedule a vegetation inventory or “tree count” with the city inspector. No permit shall be issued and no live vegetation shall be removed unless and until the city inspector has completed such inventory or “tree count.”
- (B) A license shall be obtained from the designated representative prior to operating a new on-site sewage facility or an existing on-site sewage facility to which substantial modifications have been made.
- (i) If an application for a license is rejected, the city shall notify the applicant of such fact in writing and state the reason or reasons for rejection. Upon rejection of an application, the city may issue temporary license containing such terms and conditions as it deems suitable.
 - (ii) License for an on-site sewage facility shall be issued for a one-year period if it is located in the waterfront zone and for a three-year period if it is located outside the waterfront zone. Renewal licenses shall be issued under the terms and conditions of this section. License for commercial property sewage facility shall be issued for a one-year period. The issuance of a license in no way relieves a property owner from his obligation and responsibility of maintaining his on-site sewage facility in properly functioning order, safe to public health.
 - (iii) A license issued by the city is revoked if there is any construction or modification on the site which affects the sewage load of an on-site sewage facility without first obtaining the approval of the city. The following shall be added to the city septic license:

“This license is revoked if there is any change to the originally approved use, alteration or modification to any structure, building, or residence or any addition of new construction on the property which affects the sewage load of this on-site sewage facility without first obtaining the approval of the city.”
 - (iv) All septic tanks will be inspected and pumped at least once a year for commercial and once every three years for residential systems and the city furnished a copy of

the pumping company invoice. The city administrator may vary the three-year requirement to pump residential systems based upon demonstrated loading rates.

- (C) No person, except the person owning or having the right of possession and use of the property upon which a proposed on-site sewage facility is to be located, or a designated representative, may apply for a permit or license to install, modify or operate an on-site sewage facility.
- (D) The design, construction, installation, modification, operation or maintenance of each on-site sewage facility shall meet the requirements set forth in the standards.
- (E) No person may cause, suffer, allow or permit the installation or substantial modification of an on-site sewage facility unless a permit has been first issued by the designated representative.
- (F) No component of a new on-site sewage facility or of a substantial modification of an on-site sewage facility shall be covered by soil or other material until the designated representative has inspected and approved the component. Provided, however, absorption trenches, evapotranspiration beds or absorption beds may be partially backfilled, except that ends and other critical areas shall not be covered until the designated representative has determined that the installation or modification complies with this division, the standards, and special conditions, if any, specified in the permit authorizing the installation or modification.
- (G) No person may cause, suffer, allow, or permit the operation or use of a new on-site sewage facility, or an on-site sewage facility that has been substantially modified, unless an operating license has been issued by the designated representative.
- (H) Due to the fact that some of the land within the city lies over the Edwards Aquifer Recharge Zone, an environmentally sensitive area, and is subject to the more stringent regulations contained in the standards which are specifically applicable to on-site sewage facilities on the recharge zones of the Edwards Aquifer, the installation of a new on-site sewage facility on a lot or tract which is smaller than one acre, or which fails to meet the other criteria contained in the standards, is prohibited. The foregoing notwithstanding, a new on-site sewage facility may be constructed on a lot smaller than one acre if such lot was platted and recorded in the county deed or plat records prior to November 21, 1983; provided that it is demonstrated by an analysis performed by a registered professional engineer or registered professional sanitarian that the facility can be operated on such lot or tract without causing a threat or harm to the public health or an existing or proposed water supply system, and without creating the threat of pollution or nuisance conditions.
- (I) No person may cause, suffer, allow or permit the operation or maintenance of an on-site sewage facility in a manner that causes pollution, injury to public health, or nuisance conditions.
- (J) No on-site sewage facility for a single-family residence shall be installed within the city on a lot or tract of land less than one acre and does not lie over the Edwards Aquifer Recharge Zone unless:

- (i) The lot is in a subdivision legally platted, approved, and recorded in the office of the county clerk prior to May 5, 1970.
 - (ii) The tract was divided by metes and bounds description and legally recorded in the office of the county clerk prior to May 5, 1970.
- (K) Combining more than one dwelling's sewage in one septic system requires the prior approval of the city council.
- (L) On-site sewage facilities for two-family residential dwellings are authorized only on lots or tracts of land not over the Edwards Aquifer Recharge Zone with an area of at least one acre or one-quarter acre per bedroom for each family unit and unless:
 - (i) The lot is in a subdivision legally platted, approved and recorded in the office of the county clerk prior to May 5, 1970.
 - (ii) The tract was divided by metes and bounds description and legally recorded in the office of the county clerk prior to May 5, 1970.
- (M) Specific authorization is required by the city council and no on-site sewage facility shall be installed on a lot or tract of land containing less than one-quarter acre per bedroom for each family unit. All on-site sewage facilities for two-family residential shall have septic tanks with two or more compartments, shall be large enough to accommodate a two-day sewage loading and include sufficient usable land for a primary and alternate disposal field. Combining more than one dwelling's sewage in one disposal system requires the prior approval of the city council.
- (N) Where a residential use more intense than a single-family residence is involved or anticipated, a permit shall not be issued to construct a disposal system until the applicant for such permit shows to the satisfaction of the city and produces evidence of a registered engineer or registered sanitarian that a disposal system will be capable of functioning properly.
- (O) No on-site sewage facility for commercial property (nonresidential) shall be installed within the city on a lot or tract of land less than 1-1/2 acres. In determining whether lots are suitable for any type disposal system development, the city shall require such information, supporting data, soil percolation tests, soil borings, and other tests reasonably necessary to determine whether a disposal system including sufficient usable land for a primary and alternate disposal field each of 6,000 square feet on slopes of less than 30 percent will function properly on each lot in the subdivision in accordance with the criteria set out in this division. The cost of all tests shall be borne by the applicant and the city shall have the right to witness all tests and inspect the property. All tests must be certified by a registered professional engineer, registered sanitarian, or other person who, in the opinion of the city, is qualified to make the determination. All on-site sewage facilities for commercial property (nonresidential) shall have septic tanks with two or more compartments, shall be large enough to accommodate a three-day sewage loading, and shall include sufficient usable land for a primary and alternate disposal field. No more than 4,000 gallons of effluent per building per day shall be disposed into one field. Over 4,000 gallons per building per day effluent disposal shall require an on-

site package treatment plant or other means of disposal as approved by the state commission on environmental quality.

- (P) Where a commercial use more intense than a single-family residence is involved or anticipated, a permit shall not be issued to construct a disposal system until the applicant for such permit shows to the satisfaction of the city and produces evidence of a registered engineer or registered sanitarian that a disposal system will be capable of functioning properly.
- (Q) Upon satisfactory evidence that an on-site sewage facility has been properly constructed in compliance with this section, the city shall issue a license in accordance with this division.

(2) Permit to construct or modify an on-site sewage facility.

- (A) Any person desiring to build, alter, or replace on-site sewage facilities shall be required to obtain a permit from the city before any construction work is begun.
- (B) No building permit shall be issued until either an application for a permit to construct, modify or replace an on-site sewage facility has been filed and approved by the city, or it is shown to the satisfaction of the city that the building is to be served by an organized disposal system.
- (C) An application for a permit to construct a new on-site sewage facility or to make substantial modifications to an existing on-site sewage facility shall comply with local procedures and must clearly show the information from the submittal checklist located on the city's website.
- (D) The application shall not contain any false information or conceal any material facts.

(3) Conditions for obtaining a construction permit.

- (A) To obtain a permit to construct an OSSF, the following conditions must be met:
 - (i) The design of the OSSF must meet the construction standards of this division and all minimum construction standards promulgated by the TCEQ.
 - (ii) Each lot upon which an OSSF is to be located must have an area of at least one acre (43,560 square feet), unless such lot was platted and recorded in the county plat records or deed records prior to May 5, 1970, if not over the Edwards Aquifer Recharge Zone, or November 21, 1983, if over the Edwards Aquifer Recharge Zone, and meet the requirements set forth in this division.
 - (iii) A permit shall not be issued except as indicated below to construct an on-site sewage disposal system if the slope of the ground where the primary or alternate sewage disposal field is to be located exceeds 15 percent.
 - a. Narrow trench type soil absorption systems (conventional or low pressure dose) may be located on slopes up to and including 25 percent providing that all other applicable requirements are met according to the criteria and setback limitations set forth in the most current version of title 30, chapter 285, and

section 18.03.066 above. Such systems shall also be located on slopes up to and including 30 percent provided that they meet the requirements noted above and are hand excavated with the spoils removed as they are excavated.

- b. The permit application for any OSSF on natural slopes between 15 percent and 30 percent and for existing systems which require replacement shall establish to the satisfaction of the city inspector and shall provide evidence from a state registered engineer or registered sanitarian that the system will meet the most current TCEQ standards, and will be capable of functioning properly at that site.
 - c. A certified ground survey with one-foot interval contours shall be required for both the primary and alternate disposal field areas for all systems regardless of slope conditions. The survey shall be sealed and certified by a state registered public surveyor.
 - d. New development on lots subdivided after July 1, 1991 shall not dispose effluent on natural slopes in excess of 30 percent.
 - e. When disposal by conventional or alternative soil absorption is proposed, the city inspector must do a vegetation inventory or "tree count". No permit shall be issued and no live vegetation shall be removed unless and until the city inspector has completed a vegetation inventory or "tree count."
- (B) No permit shall be issued to construct a on-site sewage facility within the city unless the city finds, on the basis of tests, inspections, and reports as it deems appropriate, that the nature of the soils and the drainage of the property, including sufficient area for an alternate disposal field, will permit the use of the proposed facility. In making such determination, the city shall consider the following:
- (i) The location of the property;
 - (ii) The location (or proposed location) of the OSSF on the property;
 - (iii) The nature of the use (or proposed use) of the property;
 - (iv) Total proposed maximum area of impervious surfaces;
 - (v) The probable population density of the development and the adjacent area;
 - (vi) The anticipated sewage load (daily sewage flow per capita);
 - (vii) The soil absorption capacity;
 - (viii) The location of intermittent springs;
 - (ix) The proposed subsurface soil absorption or evapotranspiration system;
 - (x) The depth of and characteristics of subsurface impervious strata;
 - (xi) The groundwater table;

- (xii) The quantitative geologic description of soil and rock encountered by profile holes;
 - (xiii) Topography or ground slope and drainage characteristics in the area of the proposed facility;
 - (xiv) The volume of soil removed or relocated during construction;
 - (xv) The septic tank capacity and the requirement for a two-compartment tank or two single-compartment tanks, installed in series with the first tank comprising between one-half and two-thirds of the total storage capacity;
 - (xvi) The distance from floodplains, wells, lakes, creeks, faults, and water lines;
 - (xvii) The possible contamination of streams, lakes, creeks, groundwater, or waterlines;
 - (xviii) The usable land available for the primary and alternate absorption fields;
 - (xix) Whether alternate methods would be more suitable; and
 - (xx) Other relevant factors.
- (C) All OSSFs shall be constructed in accordance with the requirements contained in the current edition of title 30, chapter 285, as amended. Where any conflict exists between the state standards and the city standards, the city standards shall govern, provided such standards do not fall below state standards. The city shall require a 25 percent increase in field sizing above the state standards. The city shall require a leak monitor detection system for lined and partially lined evapotranspiration beds or trenches.
- (D) The city may require such additional tests and inspections as it considers appropriate to determine whether the proposed construction will comply with the provisions of this division. It shall require that the proposed construction and the on-site sewage facility as constructed be approved by the inspectors. All tests and inspections shall be at the expense of the owner.
- (E) The city shall have the right to select and engage sanitarians or engineers, or any combination thereof, to conduct investigations, tests, examine plans and specifications, present evidence, advise and represent the city, and assist the applicant in the development of a on-site sewage facility in accordance with the provisions of this division; and the applicant shall be required to reimburse the city for reasonable costs of such services.
- (F) The city shall have access to the property during construction of an on-site sewage facility for the purpose of verifying compliance with this division. After construction is completed, a final inspection shall be made by a city inspector.
- (4) Approval of new or modified on-site sewage facilities.
- (A) Each new on-site sewage facility and each existing on-site sewage facility that has been substantially modified shall be inspected and approved by the designated representative at all critical stages of construction, according to the inspection schedule prescribed by the designated representative. The person installing or modifying the facility shall give

the designated representative at least two work days' advance notice of the need for an inspection at a particular stage. Additionally, the applicant or installer shall provide whatever reasonable assistance the designated representative requests in order to make the inspection.

- (B) Within five days after completing the final inspection of a new or modified on-site sewage facility, the designated representative shall make a finding on the issuance of an operating license, based upon the information obtained from the inspection and any other information available to the designated representative. Upon a finding that the facility complies with the requirements of this division, and upon receipt of a letter of certification from a registered professional engineer or registered professional sanitarian that the facility has been installed or modified in accordance with the requirements of this division, the designated representative shall issue a license to operate the facility to the applicant. Upon a finding that a license to operate the facility will not be issued, the designated representative shall notify the applicant in writing within five days of that finding, and shall include in the notice the reasons for denying the issuance of the license.
- (C) A license issued pursuant to this division shall be for a term outlined in this division, and shall be transferred to a succeeding owner if the facility has not been substantially modified without authorization subsequent to issuance of the operating license. Upon the request of a new owner of a licensed on-site sewage facility, the designated representative shall transfer the license to the new owner.
- (5) Information to be provided to certain purchasers, lessees and renters. Any person desiring to construct a residential development containing two or more lots upon which on-site sewage facilities will be utilized and located, in whole or in part, over the Edwards Aquifer recharge zone, as such recharge zone is defined by the state commission on environmental quality (TCEQ), and desiring to sell, lease, or rent the lots therein, must give written notice to each prospective purchaser, lessee, or renter of the following:
 - (A) That each lot within the regulated development is subject to the requirements of this division;
 - (B) That a permit to construct must be obtained from the city before an on-site sewage facility can be constructed in the subdivision;
 - (C) That a license to operate an on-site sewage facility must be obtained from the city; and
 - (D) Whether or not an application for a water pollution abatement plan, as defined in 30 T.A.C. chapter 213, has been submitted to the TCEQ, and whether or not such application has been approved, together with a description of any restrictions or conditions placed on that approval.
- (6) Approval for subdivisions where on-site sewage facilities may be used.
 - (A) This division shall apply to all proposed subdivisions within the city and in the city's extraterritorial jurisdiction, and these subdivisions shall comply with title 30, chapter 285.

- (B) No subdivision plat shall be recorded until approved by the city pursuant to this section.
- (C) All plats shall meet all the requirements of article 26.02 and chapter 36 and shall show any existing on-site sewage facilities or parts thereof.
- (D) Before the city approves any subdivision plat, the applicant shall demonstrate and certify that all lots, other than those served by an organized sewage system, will support the installation of private on site sewage disposal facilities.
- (E) In determining whether lots will support private on site sewage disposal facilities, the city may require such information, supporting data, profile holes, soil borings, or other tests reasonably necessary to determine whether disposal systems, including sufficient usable land for primary and alternate drain fields of 6,000 square feet each on natural slopes of less than 30 percent, will function properly on each lot in the subdivision in accordance with the criteria of this division. The applicant shall bear the cost of all tests and the city shall have the right to witness all tests and inspect the property. All tests must be certified by a registered professional engineer, registered sanitarian, or other person whom the city deems qualified to make such determination.
- (F) If any lot in the proposed subdivision located within the city's municipal boundaries is not served by an organized disposal system, the plat shall not be approved unless it bears a conspicuous legend stating:

“Septic systems: Every lot within the city's municipal boundaries in this subdivision is subject to the City of West Lake Hills' sanitation ordinance, as amended, in article 18.03, division 3, of the city Code. No septic system or other on-site sewage facility may be constructed on those city lots until the City of West Lake Hills has issued a permit for their construction. No on-site sewage facility in the city limits may be used until the facility has been approved and licensed by the city. Lot size requirements for residential and commercial on-site sewage facilities shall conform to construction and development limitations in the Sanitation Ordinance 108, as amended, in article 18.03, division 3, of the city code.”

- (G) If the city has determined that any lot in the subdivision is not suitable for a disposal system, the plat shall not be approved unless the legend also contains substantially the following additional language:

“Notice. Lot (designating the lot by number) has been determined not suitable for septic system development.”

(7) Noncomplying on-site sewage facilities.

- (A) Upon receiving notification that an on-site sewage facility is being operated in a manner that is causing or will cause pollution of the Edwards Aquifer or other areas of the city or otherwise violates the requirements of this division, the designated representative shall make an on-site investigation to determine if the facility complies with the requirements of this division. If the designated representative determines that the facility violates the requirements of this division, the cost of any inspection or tests conducted by the designated representative in the course of the on-site investigation shall be assessed against the property owner, which shall be immediately due and payable to the

city, and may be billed to the property owner.

- (B) If the designated representative determines that an on-site sewage facility violates the requirements of this division, he shall give written notice thereof to the property owner.
 - (C) A property owner shall, within 30 days of receiving a notice of noncompliance from the designated representative, complete all repairs or other work necessary to bring the facility into compliance with the requirements of this division and shall present evidence of compliance to the designated representative. If adverse weather or other problems outside the control of the owner prevent the performance of such work during this period, the designated representative shall grant an extension not to exceed an additional 30 days. Additional extensions of time can only be granted by the city council.
 - (i) If noncompliance has not been corrected within the period allowed for its correction, the city shall revoke the license or permit and notify the property owner in writing.
 - (ii) If the city determines that continued use of an OSSF constitutes an immediate threat to the public health and welfare, the city health authority may revoke the license by notice to the owner(s) and/or persons in possession of the property and direct that use of such facility cease immediately.
 - (iii) A license or permit which has been revoked is void and of no effect as if the license or permit had never been issued.
 - (iv) If a complaint has been lodged with the city and tests are required to verify the complaint, the cost of such tests shall be borne by the property owner unless the tests prove negative, in which event, the cost shall be borne by the city.
 - (D) Failure by a property owner to bring a noncomplying on-site sewage facility into compliance with the requirements of this division within the time prescribed shall constitute a violation of this division, and shall subject the owner to the penalty provided by this division. Further, the city shall revoke the license to operate of any property owner who fails to bring a noncomplying OSSF into compliance with the requirements of this division within the time prescribed by this division.
- (8) Chemical toilets and holding tanks. Neither chemical toilets nor holding tanks are permitted as a permanent means of dealing with sewage; however, the city may authorize the use of either for a period not to exceed 180 days under the following terms and conditions:
- (A) Holding tanks must be provided with an audible alarm system which will trigger when the tank is three-quarters full. The alarm shall be placed in a location which can be easily detected by persons responsible for the tank.
 - (B) Persons authorized use of chemical toilets and holding tanks shall maintain a complete and accurate record of the servicing and emptying of the tank which record shall be delivered to the city inspector on the last business day of every month. This record shall be available to the city inspector at reasonable times and places.
 - (C) The city may require the temporary use of chemical toilets at construction sites.

- (D) The use of either a chemical toilet or a holding tank without the prior approval of the city is prohibited.
- (E) Every chemical toilet and holding tank shall be maintained and operated so as not to constitute a nuisance.
- (9) Disposal of chemical waste. Liquid or powdered chemical waste may be toxic to the bacteria in septic tanks and will not be disposed of in an OSSF. Such waste shall be temporarily stored on the premises in a properly designated and maintained container for a periodic pickup and transfer to a licensed waste disposal site.
- (10) Experimental OSSFs.
 - (A) Experimental, nonconventional sewage systems for private on-site sewage treatment may be authorized for use within the city. All requests for experimental on-site sewage facilities must be submitted in writing to the zoning and planning commission. Upon recommendation of the zoning and planning commission, the city council may authorize the use of experimental on-site sewage facilities when, in its opinion, the facility complies with the intent of this article and does not endanger the public health and the environment as provided for the article. The city may require that the experimental facility be approved by the state commission on environmental quality.
 - (B) Licenses issued for experimental on-site sewage facilities shall be issued for a one-year period. The water pollution control and abatement officer or the city inspector may inspect the experimental facility to determine whether or not the system is operating satisfactorily. If the city finds that the system has performed satisfactorily during the test, the experimental facility may be licensed for periods as provided for in this division.
- (11) Notice. All notices required or permitted under this division shall be given by written notice delivered by personal service or by registered or certified mail. Notice by mail shall be deemed given when deposited in the United States mail.
- (12) Variances.
 - (A) Variances from the requirements of this division may be granted by the city council.
 - (B) All requests for variances from the requirements of this division must be submitted in writing to the city secretary. Upon recommendation of the designated representative, the city council may grant a variance.
 - (C) The city council may prescribe conditions with respect to a variance if such conditions are deemed necessary for or desirable in the public interest.
 - (D) A variance shall not be granted unless the city council finds that:
 - (i) There are special circumstances or conditions affecting the property involved, such that the strict application of the requirements of this division would deprive the applicant of the reasonable use of his property;
 - (ii) The variance is necessary for the preservation and enjoyment of a substantial

property right of the applicant;

- (iii) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;
 - (iv) The granting of the variance will not have the effect of preventing the orderly development of other properties in accordance with the requirements of this division; and
 - (v) Alternative methods to the installation or modification of the facility would not be suitable.
- (E) In making the findings required under this section, the city council shall take into account the nature of the proposed use of the property involved, and the probable effect upon the public health, safety, convenience and welfare in the vicinity of the on-site sewage facility that is the subject of the application for a variance.
- (F) A variance may be granted only when in harmony with the general purposes and intent of this division so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.
- (G) The findings of the city council, together with the specific facts upon which such findings were based, shall be incorporated into the official minutes of the city council meeting at which the variance was granted or denied.
- (H) Any recommendation or findings of the zoning and planning commission may be appealed to the city council. The city council may reverse such recommendations or findings by simple majority vote of those present. This appeal must be filed in writing within 30 days. Upon request of applicant, the commission may allow one postponement of the variance request(s) to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request(s) to the board of adjustment/city council without a recommendation.
- (I) If the variance application(s) are denied or withdrawn prior to approval, the applicant has ten (10) days to bring the property into compliance. If the deviation(s) are not corrected within the ten (10) days, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.
- (13) Offenses. A person commits an offense if he/she knowingly:
- (A) Disposes of sewage in a manner contrary to the requirements of this division;
 - (B) Constructs, installs or modifies an on-site sewage facility without a permit;
 - (C) Operates a new on-site sewage facility, or an on-site sewage facility to which substantial modifications have been made, without a license;

- (D) Uses or allows the use of an on-site sewage facility on property owned or possessed by such person in a manner which results in a threat to public health, or causes pollution of the Edwards Aquifer, or is contrary to the provisions of this division;
- (E) Removes or hauls waste from an on-site sewage facility unless approved by the state commission on environmental quality or the Austin-Travis County Health Department for such activity;
- (F) Permits sewage or effluent to flow onto adjoining property;
- (G) Possesses premises upon which there is a nuisance, and then fails to abate the nuisance after notice; or
- (H) Violates any provision of this division.
- (I) Occupies a property without either:
 - (i) A functioning connection to the city's central wastewater system; or
 - (ii) A licensed, functioning on-site sewage facility.

(Ordinance 373 adopted 9/11/19; Ordinance 2021-004, att. A, adopted 6/23/21)

§ 18.03.068. Mandatory OSSF.

The city deems it necessary that any eligible property not connected to the city's central wastewater system shall have a licensed and fully operational on-site sewage facility.

(Ordinance 185, att. A, adopted 1/13/10)

§ 18.03.069. Revocation of certificate of occupancy.

In the event a property has neither:

- (1) A functioning connection to the city's central wastewater system; or
- (2) A licensed, functioning on-site sewage facility, the city may revoke the certificate of occupancy issued for the structure.

The revocation in accordance with this section is in addition to any other remedies available to the city at law or in equity.

(Ordinance 185, att. A, adopted 1/13/10)

§ 18.03.070. Duties and powers.

The city inspector for OSSFs must be certified by the TCEQ before assuming her/his duties and responsibilities. The persons listed below are authorized to inspect OSSFs. This authorization shall be effective until revoked by the city with notice to the person affected.

- (1) The city inspector, city sanitarian, or designated representative;
- (2) Governmental agencies or persons approved by the TCEQ or the Austin-Travis County

Health Department to inspect on-site sewage facilities;

(3) The city's water pollution control and abatement officer; or

(4) Any other person the city authorizes to inspect OSSFs.

(Ordinance 170 adopted 9/9/09)

§ 18.03.071. Fees.

All fees collected for permits and/or inspections shall be made payable to "The City of West Lake Hills." Application fees for permits, licenses, re-inspections or other shall be set by the city council and are not refundable.

(Ordinance 170 adopted 9/9/09)

§ 18.03.072. Appeals.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the city council. A person may appeal the denial of a permit or license, or a determination of noncompliance under this division by filing a written request with the city administrator within ten calendar days of receiving notice of denial or notice of noncompliance. The city council shall conduct a hearing on the appeal within a reasonable time after receipt of the request.

(Ordinance 170 adopted 9/9/09)

§ 18.03.073. Penalties.

This division of the code adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in chapters 341 and 366 of the Texas Health and Safety Code, chapters 7, 26, and 37 of the Texas Water Code and 30 TAC chapters 30 and 285. A violation of this division shall be punishable by a fine of not more than \$2,000.00.

(Ordinance 170 adopted 9/9/09)

§ 18.03.074. through § 18.03.090. (Reserved)