

**ORDER NO. \_\_\_\_\_**

**AN ORDER OF THE COMMISSIONERS COURT OF GILLESPIE COUNTY, TEXAS: (1) APPROVING THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS; (2) APPROVING A FEE SCHEDULE AND CIVIL AND CRIMINAL ENFORCEMENT REMEDIES FOR SAID REGULATIONS; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.**

**WHEREAS**, Gillespie County, Texas (“County”) is a duly organized and operating county of the State of Texas pursuant to the constitution and laws of Texas, and further, the Gillespie County Commissioners Court (“Commissioners Court”) is the governing body of the County; and

**WHEREAS**, pursuant to Article V, Section 18 of the Texas Constitution, Chapter 232 of the Texas Local Government Code, and other authority, the County may approve, adopt, and enforce regulations governing plats and subdivisions of land, and governing manufactured home rental community development, in the unincorporated area of Gillespie County, Texas in order to promote the health, safety, morals, and general welfare of said county and the safe, orderly, and healthful development of the unincorporated area of said county, and further, to prevent colonias or other substandard development, said matters being declared to be worthwhile public purposes and in the public interest; and

**WHEREAS**, the County desires to approve, adopt, implement, and enforce the **Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas** (“Regulations,” including the attached Appendix) in the form and scope described in the attached **Exhibit 1**, said Regulations being related, among other things, to plats and subdivisions of land, plat procedure, design and construction standards, enforcement and other remedy issues, a fee schedule, and other related land development matters, including manufactured home rental community development and regulations, for application, implementation, and enforcement in the unincorporated area, as authorized by law for County regulation; and

**WHEREAS**, the approval, adoption, implementation, and enforcement of the Regulations and this order shall accomplish or substantially achieve all public purposes described in those instruments;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Gillespie County Commissioners Court, for and on behalf of said county and in the public interest, as follows:

- (1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each

include the other, and the singular and plural number shall each include the other, where necessary for a correct meaning.

- (2) The caption and preliminary recitals of this order and all attached documents are incorporated by reference.
- (3) The Commissioners Court approves, adopts, and shall implement and enforce the **Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas** (including the attached Appendix) in the form and scope described in the attached **Exhibit 1**.
- (4) The Commissioners Court orders that:
  - (a) on behalf of the County and its Commissioners Court, the County Judge shall properly execute the Regulations and timely initiate and complete all tasks necessary or desired to accomplish the implementation and enforcement of the Regulations in the public interest;
  - (b) this order and the Regulations shall be filed of record in the official minutes of the Commissioners Court;
  - (c) true and correct copies of this order and the Regulations shall be included and incorporated in the appropriate booklets, packets, or other documents published, distributed, or made available by the County to the public regarding land development matters; and
  - (d) the County's staff and legal counsel shall assist the County Judge in the timely completion of all tasks herein described.
- (5) All notice and conditions precedent for the lawful approval and adoption of the Regulations have been timely accomplished by the County.
- (6) All prior acts of the County, including its elected officials, appointed officials, officers, employees, attorneys, agents, and representatives are hereby ratified, confirmed, and approved regarding the Regulations and any related matter.
- (7) This order shall take effect immediately from and after its passage.
- (8) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.



**ORDERED, APPROVED, AND ADOPTED** on this the 19<sup>th</sup> day of December, 2022 at 9:21 a.m.

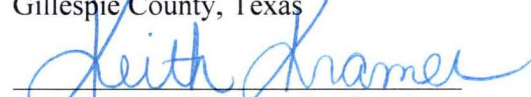
**THE COMMISSIONERS COURT OF  
GILLESPIE COUNTY, TEXAS**



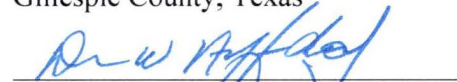
County Judge  
Gillespie County, Texas



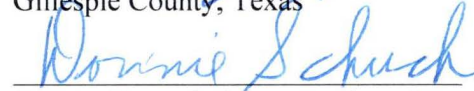
County Commissioner, Precinct 1  
Gillespie County, Texas



County Commissioner, Precinct 2  
Gillespie County, Texas




County Commissioner, Precinct 3  
Gillespie County, Texas



County Commissioner, Precinct 4  
Gillespie County, Texas

**ATTEST:**

  
County Clerk or Deputy County Clerk  
Gillespie County, Texas



**EXHIBIT 1**

**(Subdivision and Manufactured Home Rental Community Regulations  
for Gillespie County, Texas; Effective Date: December 19, 2022)**



**SUBDIVISION AND MANUFACTURED HOME  
RENTAL COMMUNITY REGULATIONS**

**FOR**

**GILLESPIE COUNTY, TEXAS**

**EFFECTIVE DATE: DECEMBER 19, 2022**

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**ARTICLE 1 -- ADMINISTRATIVE PROVISIONS**

**§ 1.1 Enactment.**

- (A) County and Governing Body. Gillespie County, Texas (“County”) is a duly organized and operating county of the State of Texas, and the Gillespie County Commissioners Court (“Commissioners Court”) is the governing body of the County.
- (B) Declaration. The County, acting by and through its Commissioners Court, hereby declares that these **Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas** (“Regulations”) are hereby lawfully approved, enacted, and shall be enforced pursuant to and in compliance with the express and implied authority described in the Regulations.

**§ 1.2 Public Purposes.**

- (A) Identification. These Regulations are approved, enacted, and shall be enforced to accomplish all public purposes described in the Regulations, including without limitation the following:
- (1) The Regulations shall govern plats and subdivisions of land as well as manufactured home rental communities (“MHRC”) within the unincorporated area of Gillespie County, Texas to promote the health, safety, morals and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and further, to prevent colonias or other substandard development.
  - (2) The Regulations shall ensure that adequate plats, plans, design and planning procedures, water, sewer, septic, and on-site sewer facilities (“OSSF”), and water and wastewater utility and transportation infrastructure, are provided in the unincorporated area of the county.
  - (3) The Regulations, among other things, are reasonably enacted to: (a) fulfill an obligation mandated by federal or state law; (b) regulate development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of owners of interests in groundwater; (f) prevent subsidence; (g) provide a response to a real and substantial threat to public health and safety, said response being designed to significantly advance said purpose and not to impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; and (i) prevent the imminent destruction of property or injury to persons from flooding within a floodplain established by a federal or state flood control program, and enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property.



- (B) Accomplishment. The approval, enactment, and enforcement of the Regulations shall accomplish or substantially achieve all public purposes described in the Regulations.

**§ 1.3 Conditions Precedent and Notice.**

- (A) Conditions Precedent. All notice and conditions precedent for the lawful approval, enactment, and enforcement of the Regulations have been accomplished.
- (B) Notice. Any notice or document submission to the County required by the Regulations shall be in writing and delivered by the United States Postal Service (by certified mail), or alternatively, by courier, or hand-delivery, and in either case, with proof of delivery to the County established by a delivery receipt or other document. The County's contact official and address regarding notice or document submissions required by the Regulations are identified as follows:

**Contact Official:**

County Judge  
Gillespie County, Texas

**Business Office and Mailing Address:**

Gillespie County Courthouse  
101 West Main Street  
Mail Unit 9, Room 101  
Fredericksburg, Texas 78624-3700  
Telephone: 830-997-7502

- § 1.4 Effective Date.** The effective date ("Effective Date") of the Regulations is December 19, 2022.
- § 1.5 Partial Invalidity.** Should any part of the Regulations, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or government office, the remainder of the Regulations shall remain fully effective, in force, and operable.
- § 1.6 Headings.** The separate headings contained in the Regulations are for reference and convenience only and shall not limit or otherwise affect the meaning of the Regulations.
- § 1.7 ETJ Regulation.** Pursuant to § 232.0013 of the Texas Local Government Code, the authority of the County to regulate plats or subdivisions of land by these Regulations in the extraterritorial jurisdiction ("ETJ") of a municipality located in Gillespie County, Texas is subject to any applicable limitation prescribed by an active, written interlocal governmental agreement between the County and the municipality under Chapter 242 of the Texas Local Government Code and Chapter 791 of the Texas Government Code.
- § 1.8 Adopted Authority.** The following legal authority, and the express and implied regulatory

powers therein granted to the County, are hereby approved and adopted by the County to support the interpretation, application, use, and enforcement of these Regulations: TEX. CONST. Article 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Chapter I, Subchapter B, Parts 59-60; TEX. HEALTH & SAFETY CODE Chapters 341, 343, 364, and 366; TEX. LOC. GOV'T CODE Chapter 232, Subchapters A, B, and E (including without limitation §§ 232.0032, 232.023, 232.029, 232.032, and 232.101-232.109 therein); TEX. LOC. GOV'T CODE Chapters 233 and 242; TEX. PROP. CODE Chapters 12 and 13 (including without limitation § 12.002 therein); TEX. TRANSP. CODE §§ 201.619, 251.003, and 251.008; TEX. WATER CODE Chapters 7 and 26; TEX. WATER CODE Chapter 16, Subchapters I and J (including without limitation § 16.343 therein); TEX. HEALTH & SAFETY CODE Chapters 341, 366; Title 16 of the Texas Administrative Code, Chapter 76; Title 30 of the Texas Administrative Code, Chapters 30, 285, and 290 (including without limitation 30 TAC §§ 230.1-230.11); Title 31 of the Texas Administrative Code, Chapter 364 (including without limitation 31 TAC §§ 364.1-364.72); the County's active flood damage prevention orders or other floodplain management regulations; the County's active sewer, septic, or OSSF orders or regulations; and all other authority described in the Regulations. The aforesaid authority is identified for interpretation as the active version of the authority in effect on the Effective Date of these Regulations; however, should that authority be amended or revised after the Effective Date by a legislative, administrative, or governing body, please refer to the amended or revised authority to support the interpretation, application, use, and enforcement of these Regulations.

## ARTICLE 2 – DEFINITIONS, INTERPRETATION, AND APPENDIX

### § 2.1 Word Usage and Special Definitions.

- (A) Common Usage. Unless specially defined, words used in the Regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.
- (B) Special Definitions. Unless otherwise designated, the following special definitions shall apply whether the term or phrase appears in capital letters or in bolded, italicized, or underlined print:
- (1) **“Business Day”** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County.
  - (2) **“Colonias”** shall mean substandard, generally (but not always) impoverished rural subdivisions or other developments lacking basic utilities, drainage, and other infrastructure;
  - (3) **“Commissioners Court”** or **“Court”** shall mean the Commissioners Court of Gillespie County, Texas.
  - (4) **“County”** shall mean Gillespie County, Texas, including its elected officials,



appointed officials, employees, agents, and representatives.

- (5) **“County Clerk”** shall mean the County Clerk of Gillespie County, Texas.
- (6) **“County Engineer”** shall mean the County Engineer of Gillespie County or another person employed, engaged, and/or designated as an agent of the County to act as an engineer for the purposes of these Regulations, which engineer shall be a currently licensed and registered professional engineer pursuant to Texas law.
- (7) **“County Judge”** shall mean the County Judge of Gillespie County, Texas.
- (8) **“County Road”** shall mean a road under the control and maintenance of the County.
- (9) **“County Subdivision Inspector” or “Inspector”** shall mean, in the absence of the County Engineer, as defined previously, a person designated as an agent of the County, either employee or person under contract as a consultant; to act as the contact for the County for questions regarding these regulations; to review all plats; to review all storm drainage plans; and to periodically inspect construction of roads, bridges, and drainage facilities; and other construction required in the development of a platted subdivision. This includes subdivisions in the unincorporated areas of Gillespie County, as well as those areas in any city extraterritorial jurisdiction, for which Gillespie County is responsible for the maintenance of public roadways.
- (10) **“Cul-de-sac”** shall mean a short public road having only one opening or access to another public road and which is terminated by a permanent vehicular turnaround.
- (11) **“Day”** shall mean a calendar day unless otherwise designated as a Business Day.
- (12) **“Developer” or “Subdivider”** shall mean: (a) the fee simple owner (or authorized agent, assignee, or successor thereof) of land which is the subject of development; and (b) any owner of land (or authorized agent, assign, successor, or agent thereof) proposing to divide or dividing land so as to constitute a subdivision, including an individual, firm, corporation, or other legal entity that directly or indirectly subdivides land into lots for sale or lease as part of a common promotional plan in the ordinary course of business.
- (13) **“Development”** shall mean any actual or proposed man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.
- (14) **“Drinking Water”** shall mean all water distributed by any agency or individual, public or private, for human consumption, use in preparing foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of

food or beverages for human beings, human bathing, or clothes washing.

- (15) **“Driveway”** shall mean an area surfaced with asphalt, gravel, concrete or similar surface providing vehicular access between a public or private road and private property.
- (16) **“Engineer”** shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.
- (17) **“ETJ”** shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.
- (18) **“Exempt Subdivision”** shall mean a subdivision which is not required to be platted due to facts sufficient to establish an authorized plat exception described in the Regulations. All other subdivisions are non-exempt and must be platted pursuant to the requirements of the Regulations.
- (19) **“FDIC”** shall mean the Federal Deposit Insurance Corporation.
- (20) **“Floodplain”** shall mean: (a) any area in the 100-year floodplain that is susceptible to being inundated by water from any source or that is identified by the Federal Emergency Management Agency (“FEMA”) under the National Flood Insurance Act of 1968 (42 U.S.C. Sections 4001 through 4127) or NFIP; or (b) if said floodplain has not been identified by FEMA, any area subject to a 1% or greater chance of flooding in any given year.
- (21) **“Hill Country PGMA”** shall mean the Hill Country Priority Groundwater Management Area designated by TCEQ and the Texas Water Development Board pursuant to Chapters 35 and 36 of the Texas Water Code and other authority as an area experiencing or expected to experience critical groundwater problems, with said area including all of Kerr, Bandera, Blanco, Gillespie, and Kendall Counties, Texas and parts of Bexar, Comal, Hays, and Travis Counties, Texas.
- (22) **“Independent Testing Laboratory”** shall mean a commercial testing laboratory or firm that has no business or family relationships to the developer, contractor, or County personnel involved in the development of a subdivision. The laboratory shall be experienced in the design of flexible pavements.
- (23) **“Lease”** shall include an offer to lease.
- (24) **“Manufactured Home”** shall mean: (a) a manufactured home or mobile home as defined by § 1201.003 of the Texas Occupations Code; (b) any other type of mobile home; and (c) any trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.



- (25) **“Manufactured Home Rental Community” or “MHRC”** means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as a residence, as defined by § 232.007 of the Texas Local Government Code.
- (26) **“Minimum State Standards”** shall mean the minimum standards of the State of Texas set out for: (a) safe and adequate drinking water under the quality and quantity standards set forth by the Texas Water Code (including without limitation Chapters 16 and 26 thereof) or other state authority; (b) safe and adequate wastewater, sewer, and septic/OSSF facilities under the standards set forth by the Texas Health and Safety Code (including without limitation Chapter 366 thereof), Texas Water Code (including without limitation Chapters 7 and 37 thereof), or other state authority; or (c) the safe and adequate treatment, disposal, and management of solid waste and litter by the standards set forth by the Texas Health and Safety Code (including without limitation Chapters 361-365 thereof) or other state authority.
- (27) **“Model Subdivision Rules” or “Model Rules”** shall mean the Model Subdivision Rules described in **Appendix/Exhibit H** pursuant to §§ 232.023 and 232.108 of the Texas Local Government Code, § 16.343 of the Texas Water Code, and 31 TAC §§ 364.1-364.72.
- (28) **“NFIP”** shall mean the National Flood Insurance Program pursuant to federal law, including the National Flood Insurance Act pursuant to Sections 4001-4027, Title 42 of the United States Code, and 44 CFR Chapter I, Subchapter B, Parts 59, 60.
- (29) **“OSSF”** shall mean an on-site sewage facility (including a septic system), as defined in the regulations adopted by TCEQ, including without limitation 30 TAC Chapter 285.
- (30) **“Plat”** shall mean: (a) a map, chart, survey, plan, or replat containing a description of the subdivided land with ties to permanent landmarks or monuments; (b) a plat required by the Regulations; and (c) map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in the Regulations.
- (31) **“Plat Application”** shall mean the Subdivision Plat Application Form described in **Appendix/Exhibit A** of the Regulations.
- (32) **“Platted”** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (33) **“Primary Road” or “Collector Road”** shall mean a road: (a) providing for travel between a secondary road and the arterial road network; or (b) serving more than

100 lots or divided spaces.

- (34) **“Private Road”** shall mean a road that is not dedicated or maintained as a public road, and a vehicular access way under private ownership and maintenance.
- (35) **“Purchaser”** shall include purchasers under executory contracts for conveyance of real property.
- (36) **“Regulations”** shall mean this instrument with its attached Appendix.
- (37) **“Secondary Road”** or **“Neighborhood Road”** shall mean a road providing for travel between residential areas and a Primary Road.
- (38) **“Sewer,” “Sewer Services,” “Sewerage Facilities,” and “Sewer Facilities”** shall mean: (a) treatment works as defined by § 17.001 of the Texas Water Code (or other state law authority), or individual, on-site (or OSSF), or cluster treatment systems such as septic tanks, and including drainage facilities and other improvements for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards described in these Regulations.
- (39) **“State”** shall mean the State of Texas and its administrative agencies.
- (40) **“Subdivide”** shall mean to divide the surface area of land into lots or other divided parts intended primarily for residential use or non-residential uses.
- (41) **“Subdivision”** shall mean a division of land constituting a “subdivision” as defined by the division of land provisions of the Regulations (whether the subdivision is exempt or non-exempt from regulation by this instrument) and including land made the subject of a proposed re-subdivision (or replat) of land previously subdivided.
- (42) **“Surveyor”** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (43) **“TAC”** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (44) **“TCEQ” or “the Commission”** shall mean the Texas Commission on Environmental Quality.
- (45) **“Texas Open Meetings Act”** shall mean Chapter 551 of the Texas Government Code.
- (46) **“TWDB” or “Board”** shall mean the Texas Water Development Board, and



**“Executive Administrator”** shall mean the executive administrator of the TWDB.

- (47) **“Utility”** shall mean a person, legal entity, or political subdivision that provides the services of: an electric utility under § 31.002 or Chapter 181 of the Texas Utilities Code; a gas utility or corporation pursuant to § 101.003 or Chapter 181 of the Texas Utilities Code; a water and sewer utility pursuant to § 13.002 of the Texas Water Code; or any other utility defined by state law or these Regulations.
- (48) **“Water Availability Requirements”** shall mean the water availability requirements described in § 4.1(L) of these Regulations and authorized by § 35.019 of the Texas Water Code and other authority for use and application regarding subdivision plat approval in Gillespie County, Texas, a county located in the Hill Country PGMA.
- (49) **“Water District”** shall mean the following described, duly organized, and operating special district with jurisdictional authority granted by state law regarding the whole land area of Gillespie County, Texas, said district having been created for the purpose of conserving, preserving, and recharging groundwater, controlling subsidence, protecting and preventing waste of groundwater in the aquifers, and implementing proper management techniques to address local groundwater conditions in Gillespie County, Texas: the **Hill Country Underground Water Conservation District** (“Hill Country UWCD”), with its present business office located at 508 South Washington Street, Fredericksburg, Texas 78624 (telephone 830-997-4472), and its present e-mail address being [hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com).

## § 2.2 Interpretation and Appendix.

- (A) Tense, Gender, and Number. Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.
- (B) Incorporation by Reference. The following matters are approved and incorporated by reference in and as a part of the Regulations: (1) all statements made in the preliminary recitals; (2) all documents attached as the Appendix; and (3) where applicable for the application, use, or enforcement of these Regulations, all provisions of the County’s active floodplain management, sewer, septic/OSSF, or other development regulations.
- (C) Minimum Requirements. These Regulations shall be considered as minimum requirements and liberally construed in favor of the County.
- (D) Superseding Effect. These Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

**ARTICLE 3 -- PLAT PROCEDURE**

**§ 3.1 Plat Required for Division of Land.**

- (A) Division Defined. Pursuant to § 232.001 of the Texas Local Government Code, the owner of a tract of land in Gillespie County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- (B) Scope of Division. A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made: (1) by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method; or (2) for the purpose of residential, business, commercial, industrial, or other development.

**§ 3.2 Plat Submission and Review.**

- (A) Plat Application. The County's Subdivision Plat Application Form is described in **Appendix/Exhibit A**. It shall be provided at no cost to the public at the office of the County Judge at the notice address described in § 1.3 of the Regulations. The Plat Application Form describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute and contain:
- (1) the complete and executed application;
  - (2) the proposed plat and all supporting documents, as herein described;
  - (3) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the proposed subdivision development project; and
  - (4) payment for all required fees as described in the fee schedule attached as **Appendix/Exhibit D**.
- (B) Submission of Completed Plat Application Required. A completed Plat Application shall be submitted by the Developer to the County Judge at the notice address described in § 1.3. County acceptance of a submitted Plat Application shall not constitute plat approval by the County. Pursuant to § 232.0025(b) of the Texas Local Government Code, if a Developer submits a Plat Application to the County that does not include all of the documentation or



other information required by law and these Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.

- (C) Review. Upon submission of a completed Plat Application, the County will review the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with the Regulations. The County shall act on the completed application and proposed plat pursuant to the review, approval, approval with conditions, and disapproval procedures and requirements of §§ 232.002 and 232.0025-.0028 of the Texas Local Government Code (see **Appendix/Exhibit L**). Pursuant to said authority, the Commissioners Court:
- (1) must approve a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should the plat be: (a) the result of a completed Plat Application; (b) supported by a good and sufficient bond or other financial security if required by the Regulations; and (c) in all things complete, sufficient, and in compliance with all requirements prescribed by law and these Regulations, including the payment of required fees; and
  - (2) may approve with conditions or disapprove a submitted plat by a recorded vote at a public meeting by an order entered into the official Court minutes, should: (a) the plat not comply with all requirements prescribed by law and these Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exist for the land made the subject of the proposed development; or (d) the plat not be supported by a good and sufficient bond or other financial security, if required by the Regulations.
- (D) Voluntary Preliminary Review Procedure.
- (1) Should the proposed subdivision be non-exempt and located in the unincorporated area, the Developer may choose to participate in the County's Voluntary Preliminary Review Procedure by:
    - (a) delivering written notice to the County Judge that Developer participation in this voluntary procedure will occur to obtain a preliminary review of the proposed subdivision prior to the expense and time being incurred by the Developer in preparing and submitting to the County a completed plat application, final plat, and related technical and supporting documents as required by these Regulations; and
    - (b) thereafter or contemporaneously with the delivery of said written notice -- but prior to the submission of a completed plat application,

required final plat, and all supporting documents required by these Regulations -- delivering to the County Judge a concept plan, site plan, preliminary plat, and other documents deemed appropriate by the Developer regarding the proposed subdivision -- so that the County may begin a preliminary review of the subdivision prior to the Developer's submission of a completed plat application and final plat as otherwise required by these Regulations.

- (c) Should the Developer choose to participate in this voluntary procedure, the following matters shall be expressly understood by the Developer and its consultants:
  - (a) Developer participation in this procedure is strictly voluntary and shall occur only through the exercise of the Developer's sole discretion, consent, and best judgment.
  - (b) Developer submission to the County of the aforesaid concept plan, site plan, preliminary plat, and/or other documents are not required to be submitted to the County for plat approval pursuant to these Regulations.
  - (c) Pursuant to § 232.0025(b) of the Texas Local Government Code and other authority, it shall be understood that:
    - (i) Developer submission of the aforesaid concept plan, site plan, preliminary plat and/or other documents to the County during this voluntary procedure shall not imply or constitute the submission of a completed plat application and final plat as required by these Regulations for final plat approval; and
    - (ii) County acceptance and review of the aforesaid concept plan, site plan, preliminary plat and/or other documents submitted to the County during this voluntary procedure do not constitute approval of a completed plat application and final plat as required by these Regulations.

**§ 3.3 Plat Amendment, Revision, and Cancellation.** The County adopts the following authority for use and application in these Regulations, as further described in **Appendix/Exhibit K**: (a) the plat procedure requirements specified by §§ 232.008 (general cancellation), 232.0083 (obsolete plat cancellation), and 232.0085 (cancellation regarding undeveloped land) of the Texas Local Government Code; (b) the plat revision procedure requirements of § 232.009 of said code; (c) the plat amendment requirements and procedure of § 232.011 of said code; and (d) the dormant project and plat requirements of §§ 232.002(c) and 245.005(a)-(c) of said code.



**ARTICLE 4 – PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE**

- § 4.1 Minimum Plat Standards. For plat approval and recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the plat must comply with the minimum standards described in the Regulations.
- (A) Lawful Compliance. The plat and all other documents submitted to the County to support a request for plat approval must be truthful, accurate, correct, and prepared in compliance with the requirements (including methodology) prescribed by law and these Regulations, including the applicable statutes and regulations of the State of Texas and federal government (and the administrative agencies thereof), and the County’s active flood damage prevention order or other floodplain management regulations, sewer, septic, OSSF or other wastewater regulations, or other land development regulations.
- (B) Acknowledgment and Recordation. Before lots are sold, the approved plat must be: (1) acknowledged by the Developer as required for the acknowledgment of deeds; and (2) recorded in the Official Public Records (Real Property and/or Plat Records) of the County Clerk on/before 90 days from approval in compliance with § 12.002, Texas Property Code.
- (C) Surveyor and Engineer Certification. The plat on approval must be signed, sealed, and certified by the Developer’s surveyor and engineer, and said surveyor and engineer must be currently licensed and in good standing to practice in Texas.
- (D) Property Description, Identifying Data, and Signatures.
- (1) General Description. The plat must describe the subdivision and all of its parts by a metes and bounds description made as a result of an on the ground survey and inspection, drawn to the required scale and dimensions, and including the following: (a) the subdivision boundary; (b) the internal parts of the subdivision, including all lots, divisions of land, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; (c) the effective plat date; (d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certification, supporting documentation, and professional seals required by the Regulations.
- (2) Additional Descriptions. The plat must describe all identifying data required by the Regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (d) driveways, common areas and any areas to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent, or

proposed; (g) water bodies, water courses, and floodplain boundaries; (h) building and set-back lines; (i) lot frontages; and (j) adequate descriptive references to restrictive covenants, restrictions, or reservations whether of record or proposed.

- (E) **Survey Data.** The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part, and at least one exterior corner of the subdivision shall be defined on the plat and located by State Plane Coordinates. Boundary lines must be shown by bearings and distances, calls for the lines of established surveys, landmarks, school districts and other data furnished in a manner sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the required scale must be prominently shown.
- (F) **Lot/Block Dimension.** The plat must state the dimensions of, and accurately but separately describe by metes and bounds, each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part. Lot and block numbers must be arranged in a systematic order and shown on the plat in distinct and legible figures.
- (G) **Water/Sewer/OSSF Disclosures.**
- (1) **Public Facilities/Constructed.** Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain information and documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) to be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (including Hill Country UWCD) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.
  - (2) **Private Facilities.** Should private groundwater, surface water, septic or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain information and documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat,



said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (Hill Country UWCD) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

- (H) **Drainage.** The plat must describe the provision of a reasonable drainage plan approved by the Developer's engineer for the subdivision (including all roads, streets, bridges, culverts or other drainage facilities, driveways, or common use areas located therein) in accordance with standard engineering practice, and in compliance with the reasonable drainage standards described in **Appendix/Exhibit C**, in order to efficiently manage the flow of storm water runoff in the subdivision and to coordinate subdivision drainage with the general drainage pattern for the area, including a description of: (1) the exact location, dimensions, descriptions and flow line of existing and proposed future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision.
- (I) **Topographical Description.** The plat must identify the topography of the area and the proposed subdivision by the use of contour lines. The contour lines must be based on: (1) a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (2) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (3) data provided by the County, or in lieu thereof, data from any governmental agency or department, the identity of which must be specified on the plat. The plat must indicate by the use of contour lines any changes in the existing topography proposed by the Developer and said contour lines must be based on the government data, vertical interval, and slope rates previously identified in this paragraph.
- (J) **Roads, Bridges, Driveways, Lot Frontage, and Floodplain Description.**
- (1) **Roads/Driveways.**
- (a) The plat must include a description of all roads, bridges, driveways, culverts or other drainage facilities, and areas of common usage in the subdivision. These descriptions and all constructed roads, streets, bridges, culverts or other drainage facilities, driveways, and common usage areas shall comply with Texas professional engineering, design, and construction standards (see **Appendix/Exhibit J**) and drainage standards (see **Appendix/Exhibit C**) described in the Regulations.
- (b) Regarding sufficient emergency vehicle and lot access to roads and streets, the following must be described on the plat and made the subject of compliance by the Developer: (i) the subdivision shall provide at least two points of entry/exit access to an external public road (located outside the

subdivision) for a sufficient route of travel to and from each lot in the subdivision, for use by lot owners and emergency vehicles, and for use during evacuations resulting from fire or other natural disasters; and (ii) the subdivision must have internal roads or streets designed and constructed so that each lot in the subdivision shall have access to an internal road or street leading to the aforesaid entry/exit access point in the subdivision, for a sufficient route of travel to and from each lot in the subdivision, for the use by lot owners and emergency vehicles, and for use during evacuations resulting from fire or other natural disasters.

- (c) Prior to any road, street, bridge, driveway, culvert or other drainage facility, or area of common usage being constructed in a subdivision, the County must first approve the construction through a review of the completed construction drawings and any required drainage plan. Clearing and grubbing of the site (as well as minor grading to allow access for testing and water well drilling equipment), and stripping of right of way to identify sub-grade types for testing, are exceptions to this provision.
  - (d) The Developer shall comply with the road damage and repair provisions described in **Appendix/Exhibit E**.
  - (e) The County may disapprove a submitted plat pertaining to a proposed subdivision in which the plat application documents or plat show that the subdivision: (i) lacks contiguous and direct access to an existing external public road leading to or from the subdivision; (ii) lacks sufficient and safe access to a properly designed, structurally adequate, and safe existing external public road leading to or from the subdivision, due to any reason, including the degree and type of road travel and traffic impact on and regarding said road anticipated to occur as a result of the subdivision development; or (iii) contains a proposed or existing internal road that is not or will not be properly designed, structurally adequate, and safe, due to any reason, including the degree and type of road travel and traffic impact on and regarding said road anticipated to occur as a result of the subdivision development. Should any of the aforesaid and adverse road issues exist regarding a proposed subdivision development, the County may require the following to be completed for County review prior to a decision regarding plat approval, at the Developer's sole cost and expense, in order to review and analyze those adverse road issues and determine whether any of those issues may impair or diminish public safety, traffic efficiency or control, or the required public resources to be expended regarding any such road made the subject of review: (i) a Texas Department of Transportation study; (ii) a traffic impact study; and/or (iii) an engineering study or review.
- (2) No Acceptance Policy. The roads, bridges, culverts or other drainage facilities, driveways, and areas of common use in the subdivision (described hereafter as



“those aforesaid facilities or infrastructure” -- whether private or dedicated to public use) shall not be dedicated as County property, and those aforesaid facilities and infrastructure typically shall not be accepted by the County for County construction, operation, or maintenance. The County typically shall never be obligated to construct, repair, or maintain (i) any of those aforesaid facilities or infrastructure located in any subdivision, or (ii) any non-County road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as acceptance of any of those aforesaid facilities or infrastructure located in any subdivision. A subdivision plat must contain a specific description of this provision.

- (3) Exception Regarding No Acceptance Policy. Notwithstanding anything to the contrary stated in these Regulations and prior to plat approval during the plat review process, should the Commissioners Court determine (as an exception to the County’s typical non-acceptance policy stated above) that a road, bridge, culvert or other drainage facility, driveway, or area of common use which is described and dedicated to the public on the plat (hereafter described as “the aforesaid dedicated facility or infrastructure”) may be considered by the Commissioners Court at a later date for acceptance into the County’s public road, bridge, or drainage system of operation and maintenance, then, in that event (i) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations, (ii) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval, (iii) the Developer must comply with the bond or other financial guarantee requirements of **Appendix/Exhibit G**, and (iv) the certifications required for plat approval must be accordingly revised.
- (4) Lot Frontage. The plat must include a description of all lot frontages in the subdivision. These descriptions and all lot frontages on the ground shall comply with the following standards hereby adopted and approved pursuant to §§ 232.101, 232.103, 232.107 of the Texas Local Government Code and other authority:
  - (a) These Regulations are designed to provide reasonable standards for minimum lot frontages on existing county or other public roads (including lot frontages in relation to curves in a road) in compliance with accepted engineering practice and standards.
  - (b) The minimum lot frontage required for lots located on county or other public roads are as follows, unless otherwise required by state or federal law: 200 feet for a major thoroughfare, primary road, secondary road, or state or federal highway; and 100 feet on a cul de sac.
- (5) Floodplain. The plat must describe all land in the subdivision that is located in a floodplain, and contain a certification by the surveyor or engineer for the Developer

that: (a) describes and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and (b) states that the plat and subdivision comply with the County's active floodplain management, sewer, septic/OSSF, or other development regulations related to floodplain prevention, floodplain management, or flooding.

- (6) Reserve Strips. There shall be no reserve strips (i.e., negative easements) by plat, deed, or other instrument controlling the access to any land dedicated or intended to be dedicated for public use. A plat note shall be required regarding this issue.
- (K) Fire Suppression System. The following subdivision fire suppression system standards, pursuant to §§ 232.101, 232.107, and 232.109 of the Texas Local Government Code, are adopted and approved regarding a subdivision that is not served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility service:
- (1) Subdivision with Fewer Than 50 Lots, Units, or Houses. The Developer (including its successors and assigns) shall construct and maintain at all times a fully operational fire suppression system for the subdivision containing a minimum of 2,500 gallons of water storage to be supplied to the subdivision through a storage tank with a 2.5-inch NST pipe connection to said tank. The plat must accurately describe the: (a) location and components of the fire suppression system; and (b) fire suppression system compliance obligations of the Developer (including its successors and assigns) required by this section.
- (2) Subdivision of 50 or More Lots, Units, or Houses. The Developer (including its successors and assigns) shall construct and maintain at all times a fully operational fire suppression system for the subdivision with: (a) a minimum of 2,500 gallons of storage with a centralized water system; or (b) 5,000 gallons of storage to be supplied to the subdivision through a storage tank with a 2.5-inch NST pipe connection to said tank. The plat must accurately describe the: (a) location and components of the fire suppression system; and (b) fire suppression system compliance obligations of the Developer (including its successors and assigns) required by this section.
- (L) Water Availability Requirements.
- (1) Application. These Water Availability Requirements shall apply to all subdivisions required to be platted after the Effective Date of these Regulations.
- (2) Purchase Contract and Plat Disclosure. Pursuant to §§ 232.003, 232.101, and 232.107 of the Texas Local Government Code, each purchase contract between a Developer and a purchaser of land in the subdivision, and any approved subdivision plat, must contain a statement describing the extent to which water will be made available to the subdivision, and if it will be made available, how and when. This



requirement must be stated in the submitted subdivision plat application and plat.

- (3) General Considerations and Public Purpose. The Commissioners Court finds and declares the following:
- (a) Due to current growth and environmental conditions, Gillespie County has experienced, and in the future is expected to experience, critical groundwater problems. Gillespie County is located in the Hill Country PGMA, and in the jurisdictional territory of the Hill Country UWCD, which district is charged with the responsibility to protect, conserve, and manage groundwater resources in Gillespie County, Texas.
  - (b) Hill Country UWCD has adopted regulations and requirements for the protection, conservation, and management of groundwater in Gillespie County, Texas, including without limitation well permitting, drilling permits, production and operating permits, production caps, and other matters constituting water availability requirements pertaining to land development in Gillespie County, Texas for development projects such as subdivisions, lots, multi-unit attached dwellings, mobile home parks, RV parks or sites, stand-alone housing, apartments, duplexes, condominiums, and tiny homes.
  - (c) Other water availability requirements available for adoption, use, and implementation by the Commissioners Court in these Regulations also exist pursuant to other state law in the form of certain state statutes and administrative regulations, including without limitation: § 232.0032 of the Texas Local Government Code, and 30 TAC §§ 230.1-230.11, the administrative regulations enacted to implement § 232.0032; the Model Subdivision Rules authorized by § 16.343 of the Texas Water Code, and Subchapters B, C, and E of Chapter 232 of the Texas Local Government Code, and 31 TAC §§ 364.1-364.72, the administrative regulations enacted to implement the Model Subdivision Rules; § 35.019 of the Texas Water Code; the state minimum standards (including Chapter 366 of the Texas Health and Safety Code), and the County's active sewer, septic/OSSF regulations, which designed to prevent pollution and protect surface and groundwater resources in the county; and §§ 232.101 and 232.107 of the Texas Local Government Code.
  - (d) Pursuant to §§ 232.0032 and 232.101-.107 of the Texas Local Government Code, § 35.019 of the Texas Water Code, and other authority, the Commissioners Court hereby approves and adopts the Water Availability Requirements described in these Regulations, including the standards and procedure of said requirements, which shall be applied, used, and implemented as subdivision platting requirements in the unincorporated areas of Gillespie County, Texas (where subdivision platting procedure is

required), because said requirements are necessary to prevent the current or projected water use in Gillespie County from exceeding the safe and sustainable yield of the county's water supply.

- (e) Pursuant to the authority herein recited, the County reserves all rights to consult with the Hill Country UWCD and seek its non-binding recommendations regarding the sufficiency of a subdivision plat and supporting documents submitted by a Developer to the County for approval, particularly in reference to the compliance of the submitted plat and supporting documents with the then active regulations of said district. The County encourages all Developers, prior to the submission of a subdivision plat application to the County, to consult with the Hill Country UWCD to determine the: (i) active regulations of said district which apply to the proposed subdivision development; and (ii) requirements for approval of any proposed subdivision plat and related development project issues in order to comply with said district's then active regulations.
- (4) **Developer Compliance with Water Availability Requirements.** Through subdivision plat and supporting plat application documents submitted by the Developer to the County, the Developer must show compliance with the following described Water Availability Requirements, and their standards, methodology, and procedure, and further, must specifically show that an adequate supply of water of sufficient quantity and quality (using minimum state standards for a minimum period of 30-years) is available to supply the number of lots proposed for the platted area:
- (a) **Groundwater Sufficiency Disclosure Statement.**
    - (i) Pursuant to the standards, requirements, and methodology of § 232.0032 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the plat application and plat shall have attached a statement that: (1) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (2) certifies that adequate groundwater is available for the subdivision.
    - (ii) The form and content of this certification shall be in compliance with the applicable rules of TCEQ as required by § 232.0032, including but not limited to the standards, requirements, and methodology of a groundwater availability study complying with 30 TAC §§ 230.1 through 230.11 for water availability and certifying the long-term quantity and quality (using minimum state standards for a minimum period of 30-years) of available groundwater for the proposed subdivision.



- (iii) Should this plat certification be required, the Developer also shall transmit to the TWDB, and any groundwater conservation district (including Hill Country UWCD) that includes in the district's boundaries any part of the subdivision, as required by § 232.0032 and the applicable rules of TCEQ and TWDB, information that would be useful in: (1) performing groundwater conservation district activities; (2) conducting regional water planning; (3) maintaining the state's groundwater base; or (4) conducting studies for the state related to groundwater. Prior to subdivision plat approval, the Developer shall confirm and verify in writing to the County that all required information pursuant to said § 232.0032 has been transmitted to the TWDB and an applicable groundwater conservation district, if required by this provision.
- (b) Compliance with the Hill Country UWCD Regulations. The Developer's subdivision plat and related application shall demonstrate that the subdivision is in compliance with the then current Hill Country UWCD regulations, and further, the plat shall contain a: (i) certification by the General Manager of Hill Country UWCD stating that the plat is in compliance with the active Hill Country UWCD regulations; and (ii) plat note stating that all water wells described in the plat, or to be constructed, used, and operated in the subdivision, shall be in compliance with the then active Hill Country UWCD regulations.
- (c) Surface Water Sufficiency Disclosure Statement. If the source of the water supply intended for the subdivision is surface water, the submitted subdivision plat application and plat shall demonstrate and have attached a statement that: (i) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (ii) certifies through sufficient evidence that sufficient water rights have been obtained and dedicated, either through acquisition or a wholesale water supply agreement, that will provide a sufficient supply of surface water to serve the needs of the subdivision for a term of not less than 30 years.
- (d) Number and Size of Lots.
  - (i) The total number of lots permitted in a subdivision shall not exceed the total acreage in the subdivision divided by four (4) when individual water wells are planned to be the primary source of potable water. Any future request for a replat of a subdivision, or any part thereof, approved under this regulation shall not be approved if the resulting average lot size in the whole subdivision is less than the total subdivision acreage divided by four (4).
  - (ii) Minimum lot sizes are established as follows:



- (1) three (3) acres for lots where individual water wells are planned to be the primary source of potable water'
  - (2) two (2) acres for lots served by a community or public water system and an OSSF (provided such OSSF can be installed in compliance with the current OSSF regulations of the County), and the total number of lots permitted will be the total acreage divided by three (3); and
  - (3) one (1) acre for lots served by a community or public water system and a community or public sewage collection system. And the total number of lots permitted will be the total acreage divided by two (2).
- (M) Plat Format. The Plat Application must include a digital map that is: (1) compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 of the Texas Natural Resources Code; and (2) in a format widely used by common geographic information system software. An exemption from this requirement shall exist if the Developer submits with the Plat Application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible. The plat must be prepared on mylar, or by the use of other material and methods of a permanent nature in general use by the engineering profession. The plat must be drawn to scale on plat sheets of at least the following dimension: 24 inches by 36 inches. The Developer shall provide to the County: (1) the original plat (including all required and attached documents) and two clearly marked, same-size copies of the original plat. The plat must be drawn according to the following scale: (1) one inch to 100 feet; or (2) one inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of one foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.
- (N) Building or Set-Back Lines. Pursuant to Sections 232.104 and 233.032 of the Texas Local Government Code, and for the promotion of the general welfare and safety of the public, the following standards are adopted, and approved for building and set-back lines in subdivisions: the plat shall describe and depict a twenty (20) foot building and set-back line on the front, sides, and rear of all lots or other divided parts in the subdivision.
- (O) Limitations Regarding County Construction/Maintenance or Other Matters. The plat must contain the following statements and plat notes:
- (1) regarding any public dedication described on the plat:

**REGARDING ANY LAND, ROAD, EASEMENT, IMPROVEMENT,  
FACILITY, OR OTHER PROPERTY OR INFRASTRUCTURE**

**DEDICATED FOR PUBLIC USE ON THIS PLAT, AND UPON APPROVAL, IF ANY, OF THIS PLAT BY THE GILLESPIE COUNTY COMMISSIONERS COURT, GILLESPIE COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES SAID DEDICATED PROPERTY. UPON PLAT APPROVAL, THE CONSTRUCTION OR MAINTENANCE OF SAID PROPERTY SHALL REMAIN THE RESPONSIBILITY OF ITS OWNER (INCLUDING THE OWNER'S SUCCESSORS AND ASSIGNS), IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS.**

- (2) regarding any private land or improvements described on the plat:

**GILLESPIE COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DESCRIBED ON THIS PLAT FOR PRIVATE OWNERSHIP OR USE. UPON APPROVAL OF THIS PLAT, IF ANY, BY THE GILLESPIE COUNTY COMMISSIONERS COURT, ANY SUCH PRIVATE PROPERTY SHALL BE OWNED BY AND REMAIN THE RESPONSIBILITY OF ITS OWNER, IN ACCORDANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS.**

**FURTHERMORE, GILLESPIE COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, ROADS, DRIVEWAYS, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES NOTED ON THIS PLAT. THE PROPERTY OWNERS IN THIS SUBDIVISION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, ROADS, DRIVEWAYS, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY, DEFEND, AND SAVE HARMLESS GILLESPIE COUNTY, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS AS SET FORTH HEREIN.**

- (3) Regarding water availability, quantity or quality, and flooding:

**GILLESPIE COUNTY HEREBY MAKES NO CERTIFICATION, REPRESENTATION, OR GUARANTEE: (1) OF WATER AVAILABILITY, QUANTITY, OR QUALITY REGARDING THIS SUBDIVISION; OR (2) THAT A PRESENT OR FUTURE ADEQUATE WATER SUPPLY EXISTS TO SERVICE THIS SUBDIVISION.**



**REGARDING THIS SUBDIVISION, THE UNLAWFUL BLOCKING OF THE FLOW OF WATER, THE CONSTRUCTION OF ANY IMPROVEMENTS IN A DRAINAGE EASEMENT, AND THE FILLING OR OBSTRUCTION OF A DESIGNATED FLOODWAY, ARE PROHIBITED. THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE SUBDIVISION PROPERTY WILL REMAIN OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS. GILLESPIE COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID DRAINAGE WAYS OR THE CONTROL OF EROSION. GILLESPIE COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOODING CONDITIONS.**

- (P) Owner/Developer Signature and Disclosure. Upon submission and at plat approval, the Developer shall: (1) sign and date the plat and all required or attached documents; (2) acknowledge the plat in the manner required for the acknowledgment of deeds; and (3) attest by affidavit to the veracity and completeness of the matters described in the plat and all attached documents by stating the following on the plat:

**I CERTIFY THAT: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE IN COMPLIANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS; (2) THE REPRESENTATIONS ON THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE AND CORRECT; (3) THE DEVELOPER SHALL COMPLY WITH SAID REGULATIONS; AND (4) ALL DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, OR OTHER PROPERTY DESCRIBED ON THIS PLAT ARE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC FOREVER.**

- (Q) Lien Subordination Disclosure. The plat upon approval shall contain statements, signed and acknowledged by the Developer and any lienholder (current addresses shown), which certify lienholder consent and lien subordination to all public dedications.
- (R) Surveyor Signature/Disclosure. The plat shall contain a signature, seal, certification, date, and affidavit by the surveyor for the Developer which states the following:

**I CERTIFY THE FOLLOWING: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES REPRESENT A TRUE AND ACCURATE SURVEY ON THE GROUND MADE BY ME OF THE SUBDIVISION IDENTIFIED; (2) ALL REQUIRED SURVEY MONUMENTS ARE CORRECTLY SHOWN ON THIS PLAT; (3) ALL**



**EXISTING EASEMENTS AND RIGHTS OF WAY ARE SHOWN ON THIS PLAT ACCORDING TO DOCUMENTS OF RECORD OR APPARENT CIRCUMSTANCES OBSERVED ON THE LAND; (4) THE PERIMETER FIELD NOTES ARE ACCURATELY TIED TO AN ORIGINAL CORNER OF THE ORIGINAL SURVEY; (5) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES COMPLY WITH ALL SURVEYING AND PLAT DRAFTING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS; AND (6) ALL SURVEYING REPRESENTATIONS ON THIS PLAT ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL LAND SURVEYING PRACTICE IN THE STATE OF TEXAS.**

- (S) Developer Engineer Signature/Disclosure -- When engineering services are required by these Regulations to be performed by the Developer's engineer, the plat upon approval must contain a signature, seal, certification, date, and affidavit by the registered professional engineer for the Developer which states the following:

**I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.**

- (T) Commissioners Court Approval. The plat upon approval must contain a signature, certification, and acknowledgment by the County Judge, as hereafter stated:

**I CERTIFY THE FOLLOWING: (1) THIS PLAT WAS APPROVED ON \_\_\_\_\_ BY THE COMMISSIONERS COURT OF GILLESPIE COUNTY, TEXAS IN ACCORDANCE WITH CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE (THE TEXAS OPEN MEETINGS ACT), AND OTHER AUTHORITY; AND (2) THIS PLAT IS AUTHORIZED FOR FILING AND RECORDING WITH THE COUNTY CLERK OF GILLESPIE COUNTY, TEXAS PURSUANT TO THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS.**

- (U) County Engineer Approval. If reviewed by a Texas registered professional and licensed engineer engaged by the County for plat review and consultation, and if the proposed subdivision and plat are in compliance with these Regulations, upon County approval, said engineer must sign and seal the plat, and state on said plat the following:

**I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GILLESPIE COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.**

- (V) County Clerk Certification. The County Clerk must: (1) attest and certify the signature of the County Judge on the approved plat; and (2) show on the plat the date of the Commissioners Court action which approved the plat and authorized its filing. When the plat is filed and recorded in the Office of the County Clerk, said clerk must conspicuously mark and record the plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of the record where the plat was recorded. Upon “approval” of the plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as “accepted” by the Commissioners Court. Pursuant to these Regulations, “acceptance” by the County of any road, street, bridge, or drainage facility dedicated to the public on the plat only can occur, if ever, by a subsequent, separate order of acceptance being approved by the Commissioners Court through a recorded vote at a public meeting in compliance with the Regulations.
- (W) Additional Plat Certifications. The following additional certifications shall appear on the plat: (1) the Water District (including Hill Country UWCD) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision, shall certify on the plat that (i) the Developer and/or all lot owners in the subdivision shall comply with the permitting, registration, use, spacing, and pumping requirements of said district, and (ii) all water wells shall be in compliance with said district requirements; (2) the applicable electric and gas utility service providers for the subdivision shall certify on the plat that electric and gas utility service is (a) currently available to all lots of the subdivision, or can be made available in the future to all lots in the subdivision, subject to proper application, permitting, infrastructure, and/or utility easement acquisition, and (b) the easements shown on the plat are of sufficient nature, shape, and size to accommodate electric utility service to all lots in the subdivision; (3) the wastewater, sewer, and septic/OSSF facilities shown on the plat or intended for the subdivision shall be certified by the Developer, the Developer’s engineer, and the County’s wastewater, sewer, and septic/OSSF regulation officer (or agent or designee) as being in all things compliant with minimum state standards



as herein required; and (4) all other plat certifications, notes, or statements, described in these Regulations for inclusion on the plat or its attached documents.

- (X) Utility Connection Requirements. Pursuant to §§ 232.029, 232.101 and 232.106-232.107 of the Texas Local Government Code, the utility connection standards, requirements, and procedure described in **Appendix/Exhibits F and N** are adopted and shall apply for all subdivisions subject to regulation by these Regulations.
- (Y) Developer Participation Contracts. Pursuant to the provisions of § 232.105 of the Texas Local Government Code and other authority, the County hereby adopts and approves its authority to make, but not its obligation to make, Developer participation contracts with a Developer of a subdivision or land in the unincorporated area of Gillespie County, Texas to construct public improvements, but not including a building, related to the development. Such contracts, if any, shall be made and implemented using the lawful authority, discretion, and best business judgment of the Commissioners Court, and in the manner and procedure authorized by the aforesaid statute. The County reserves the right not to make a proposed Developer participation contract should the discretion and best business judgment of the Commissioners Court indicate that the making and implementation of such a contract would not be in the County's best public interests.
- (Z) Access by Emergency Vehicles. As a matter of public health, safety, and welfare, and pursuant to §§ 232.101 and 232.107 of the Texas Local Government Code, and regarding a residential subdivision in the unincorporated area of Gillespie County, Texas, the following standards and requirements regarding emergency vehicle access are adopted:
  - (1) at least two means of ingress and egress in the subdivision shall be provided, and shown by the Developer on the plat, to provide for sufficient routes of travel for use by emergency vehicles and for use during evacuations resulting from fire or other natural disasters; and
  - (2) said means of ingress and egress in the subdivision shall be designed, platted, constructed, and operated pursuant to the road, bridge, drainage, public road access, driveway, and other transportation infrastructure standards or requirements of these Regulations.
- (AA) Future Transportation Corridors. Pursuant to § 232.0033 of the Texas Local Government Code, if all or part of a subdivision for which a plat is required under these Regulations is located within a future transportation corridor identified in an agreement under Section 201.619 of the Texas Transportation Code:
  - (1) the Commissioners Court may refuse to approve the plat for recordation unless the plat states that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor;



- (2) the Commissioners Court may refuse to approve the plat for recordation if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and
  - (3) each purchase contract or lease between the Subdivider and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.
- (BB) Additional Requirements for Certain Subdivisions. Pursuant to the authority herein described, including without limitation §§ 232.023, 232.032, 232.101, and 232.107-108 of the Texas Local Government Code, these additional provisions and requirements for plat sufficiency and approval are required for a proposed subdivision in the unincorporated area of Gillespie County, Texas in which at least one of the lots in the subdivision is 5 acres or less.
- (1) Method of Subdivision Creation. A subdivision subject to regulation under this subsection (BB) includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.
  - (2) Plat Content. The plat must:
    - (a) be certified by a surveyor or engineer registered to practice in this state;
    - (b) define the subdivision by metes and bounds;
    - (c) locate the subdivision with respect to an original corner of the original survey of which it is a part;
    - (d) describe each lot, number each lot in progression, and give the dimensions of each lot;
    - (e) state the dimensions of and accurately describe each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part;
    - (f) include or have attached a document containing a description in English of the water and sewer facilities and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to service the subdivision and a statement specifying the date by which the

facilities will be fully operable;

- (g) have attached a document prepared by an engineer registered to practice in this state certifying that the water and sewer service facilities proposed under the above item (f) are in compliance with the Model Subdivision Rules adopted (see **Appendix/Exhibit H**) under § 16.343 of the Texas Water Code, and containing a certified estimate of the cost to install water and sewer service facilities;
  - (h) provide for drainage in the subdivision, pursuant to the reasonable drainage standards and specifications described in **Appendix/Exhibit C** and provide a plan to: (i) avoid concentration of storm drainage water from each lot to adjacent lots, (ii) provide positive drainage away from all buildings, (iii) coordinate individual lot drainage with the general storm drainage pattern for the area, and (iv) adopt reasonable drainage specifications for the subdivision to efficiently manage stormwater runoff in the subdivision;
  - (i) include a description of the drainage requirements as provided in the above item (h);
  - (j) identify the topography of the area;
  - (k) include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision that is in a floodplain or stating that no area is in a floodplain;
  - (l) include certification that the subdivider has complied with the requirements of § 232.032 of the Texas Local Government Code (see **Appendix/Exhibit I**) and the Model Subdivision Rules, and that: (i) the water quality and connections to the lots meet, or will meet, the minimum state standards; (ii) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (iii) electrical connections provided to the lots meet, or will meet, the minimum state standards; and (iv) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards; and
  - (m) a subdivider may meet the requirements of the above item (l) through the use of a certificate issued by the appropriate County or state official having jurisdiction over the approval of septic systems stating that lots in the subdivision can be adequately and legally served by septic system.
- (3) Plat Acknowledgment and Recordation. The subdivider of the tract must acknowledge the plat by signing the plat and attached documents and attest to the veracity and completeness of the matters asserted in the attached documents and in the plat. The approved plat must be filed and recorded with the County Clerk. The



plat is subject to the filing and recording provisions of § 12.002, of the Texas Property Code (including without limitation the attachment of tax certificates or other documents described by that statute showing no ad valorem tax delinquencies exist regarding the real property made the subject of the subdivision).

- (4) **Digital Map Requirement.** A plat application submitted for approval must include a digital map that is compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under § 21.071 of the Texas Natural Resources Code. A digital map required under this subsection may be required only in a format widely used by common geographic information system software. An exemption from this requirement may be obtained through a variance request if the subdivider of the tract submits with the plat application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible.
- (5) **Commissioners Court Approval.** A plat filed with the County is not valid unless the Commissioners Court first approves the plat by an order entered in the minutes of the Court. The Commissioners Court shall refuse to approve a plat if it does not meet the requirements prescribed by these Regulations, or if any required bond or other financial security under the Regulations is not filed with the County Clerk.
- (6) **Floodplain Land.** If any part of a subdivision plat applies to land intended for residential housing and any part of that land lies in a floodplain, the Commissioners Court shall not approve the plat unless: (a) the subdivision is developed in compliance with the minimum requirements of the NFIP and local regulations or orders of the County adopted under § 16.315 of the Texas Water Code; and (b) the plat evidences a restrictive covenant prohibiting the construction of residential housing in any area of the subdivision that is in a floodplain unless the housing is developed in compliance with the minimum requirements of the NFIP and local regulations adopted under § 16.315 of the Texas Water Code.
- (7) **County Clerk Response Requirements.** On request, the County Clerk shall provide to the Office of the Texas Attorney General, the Office of the Texas Water Development Board, or other state or federal government office or officer: (1) a copy of each plat that is approved under these Regulations; or (2) the reasons in writing and any documentation that support a variance granted under these Regulations.

## **§ 4.2 Plat Exceptions.**

- (A) **Statutory and Local Plat Exceptions.**
  - (1) A subdivision plat is not required if the facts establish one or more of the specific plat exceptions described in § 232.0015 of the Texas Local Government Code;



however, an exception pursuant to § 232.0015 does not apply regarding a subdivision subject to regulation pursuant to the Model Subdivision Rules unless an exception is expressly authorized by those rules.

- (2) Pursuant to § 232.0015(a) of the Texas Local Government Code (in part stating that a county need not require platting for every division of land otherwise within the scope of Subchapter A of Chapter 232 of said code), the following local exceptions are hereby adopted for use and application for subdivisions described in these Regulations, except regarding a subdivision subject to regulation pursuant to the Model Subdivision Rules (unless an exception is expressly authorized by those rules):
- (a) a subdivision plat is not required to be filed if a division of land occurs pursuant to a final judgment issued by a court in a lawsuit or probate proceeding;
  - (b) a subdivision plat is not required to be filed if: (i) the land being divided is (1) inherited property between heirs, (2) being divided between donees who have acquired title by gift deed, or (3) being divided by a probate court action or agreement in said court; (ii) each of the resulting tracts meets the applicable requirements of these Regulations; and (iii) the heirs or donees are related to the testator or donor within the third degree of consanguinity or affinity, as determined by Chapter 573 of the Texas Government Code; but provided however that (iv) this exception does not apply if the division of land will (1) change the boundary between two legally platted lots, or (2) decrease the area of land described in a legally platted subdivision;
  - (c) a subdivision plat is not required if: (i) the division of land is by sale or exchange with an adjoining owner; and (ii) the smaller of the resulting tracts is at least 3 acres and the average size of the resulting tracts is at least 4 acres; but provided however that (iii) this exception does not apply if the division of land will (1) change the boundary between two legally platted lots, or (2) decrease the area of land described in a legally platted subdivision; and
  - (d) a subdivision plat is not required if: (i) a smaller tract is surveyed out of the parent tract solely for the purpose of obtaining financing regarding that part of the property; but provided however that (ii) this exception does not apply if the division of land will (1) change the boundary between two legally platted lots, or (2) decrease the area of land described in a legally platted subdivision.
- (B) Previously Platted Lots. Pursuant to §§ 232.010, 232.101, and 232.107 of the Texas Local Government Code, the conveyance of portions of one or more previously platted lots by metes and bounds description may be authorized by the Commissioners Court to occur

without revising the approved and recorded plat if: (1) the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights; and (2) a variance is obtained pursuant to these Regulations.

- (C) 911 Emergency Service Addressing. Should a plat not be required by these Regulations, the Developer is requested to submit to the County (at no charge to the Developer) the location of the development project to the following public office in order to confirm correct information for 911 and emergency service addressing purposes: the County Judge at the notice address described in § 1.3 of these Regulations.

#### § 4.3 Variances.

- (A) Procedure. These variance provisions are adopted for use and application for subdivisions described in these Regulations – however, they do not apply to a subdivision subject to regulation pursuant to the Model Subdivision Rules unless expressly authorized by those rules. When applicable, these provisions apply to variance requests by a Developer seeking: (1) plat approval regarding proposed subdivision development; or (2) MHRC and related infrastructure development plan approval. A variance, if granted, must be the result of the Commissioners Court acting through a recorded vote at a public meeting.
- (B) Application. A Developer may request a variance from the County through the timely submission of a written variance request to the County Judge at the notice address described in § 1.3. Regarding a variance sought from the County’s subdivision regulations, the variance request must be submitted with the Subdivision Plat Application as described in **Appendix/Exhibit A**. Regarding a variance sought from the County’s MHRC regulations, the variance request must be submitted with the MHRC Application as described in **Appendix/Exhibit B**.
- (C) Prohibition. Notwithstanding anything to the contrary stated in these Regulations, the Commissioners Court may not grant a variance regarding: (1) the necessity of an approved subdivision plat or MHRC infrastructure development plan as required by the Regulations; (2) a required bond or other financial security; (3) the payment of fees, unless the applicant is a unit of government or a non-profit entity; (4) a variance which violates the variance standards hereafter described; or (5) a variance from compliance with the Model Subdivision Rules, unless expressly authorized by those rules.
- (D) Standards. A variance to these Regulations may be granted by the Commissioners Court within its discretion, only when the submitted evidence and the attendant circumstances establish the following:
- (1) a special circumstance must exist which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated property owners or developers with similarly timed development of the same nature and scope;



- (2) the variance will constitute only a minimum departure from the Regulations, and will not constitute a violation of state or federal law;
- (3) the variance will not create a special privilege, use, or safety for the Developer that is not enjoyed by similarly situated property or developers with similarly timed development of the same nature or scope;
- (4) the variance must be based on the general intent of the Regulations and deemed to be in the public interest;
- (5) the variance must not prevent or impair the safe, healthy, or orderly development of other land in the unincorporated area in accordance with the Regulations; and
- (6) an ad valorem tax delinquency must not exist regarding the land made the subject of the proposed development.

#### **ARTICLE 5 – MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS**

**§ 5.1 Regulations Adopted.** Pursuant to § 232.007 of the Texas Local Government Code, the Commissioners Court approves and adopts the following regulations for Manufactured Home Rental Communities located in the unincorporated area of the county.

- (A) **Application.** The County’s Manufactured Home Rental Community Application Form is described in **Appendix/Exhibit B**. It shall be provided at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of these Regulations. The MHRC Application form describes all required documents for submission by the Developer to the County of a completed MHRC application.
- (B) **Completed Application.** A completed MHRC application shall constitute: (1) the fully completed and executed application; (2) the required infrastructure development plan (“plan”) and all supporting documents as herein described; and (3) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project.
- (C) **Infrastructure Development Plan.** Construction and occupancy of a proposed MHRC may not begin before the plan has been approved by the County, as follows:
  - (1) **Drainage.** The plan shall show and describe: (a) the provision of adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) the necessary drainage culverts and other drainage facilities for the MHRC; (c) all areas of the MHRC located in the floodplain; and (d) compliance with the drainage standards and requirements for subdivisions described in the Regulations, including **Appendix/Exhibit C**.
  - (2) **Water.** The plan shall show and describe: (a) the provision of an adequate public



- or community drinking water supply to the MHRC in accordance with minimum state standards; (b) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341, of the Texas Health and Safety Code; and (c) compliance with the active regulations of the Hill Country UWCD.
- (3) Sewer, Septic, OSSF. The plan shall show and describe (a) the provision of access of the MHRC to sanitary sewer or septic/OSSF facilities and lines, (b) the provision and location of all sanitary sewer or other wastewater facilities and lines, and (c) the provision and location of adequate septic/OSSF facilities and lines, all in accordance with minimum state standards, including without limitation Chapter 366, of the Texas Health and Safety Code, the active County sewer or septic/OSSF regulations, and the active regulations of the Hill Country UWCD.
- (4) Survey. The plan shall contain a land survey of the MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.
- (5) Roads. The plan shall show and describe all roads in the MHRC. Those roads shall be designed and constructed to comply with following standards, and to provide ingress and egress for emergency vehicles and lot or space users: as described in the Regulations for subdivisions, including **Appendix/Exhibit J**. The MHRC Developer shall comply with the road damage and repair provisions described in **Appendix/Exhibit E**.
- (D) Signature and Completeness. The MHRC application and proposed plan shall be: (1) signed, dated, approved, and acknowledged by the Developer; and (2) signed, dated, approved, and stamped by the Developer's engineer and surveyor. The MHRC application and plan are considered complete when all applicable documents or other information required by the Regulations is received by the County.
- (E) Submission. The original and 2 copies of the MHRC application and proposed plan (both being fully executed, complete, and in compliance with the Regulations), with payment for all required fees, if any, and with written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project, shall be submitted by the Developer to the County Judge at the notice address described in § 1.3 of the Regulations.
- (F) County Review.
- (1) The County (through its designee to be appointed and designated by the Commissioners Court) shall review the plan and thereafter shall approve or reject

the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny the MHRC and its proposed plan if: (a) the plan does not comply with these Regulations; (b) the required fees, if any, are not paid; or (c) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is approved, the County designee shall so certify on the plan, and shall acknowledge the plan. The plan shall be filed and recorded by the Developer with the County Clerk, with a certified copy of said recorded plan being provided to the County Judge on or before 5 business days from the date of filing.

- (2) Pursuant to the authority herein recited, the County reserves all rights to consult with the Hill Country UWCD and seek its non-binding recommendations regarding the sufficiency of a MHRC plan and supporting documents submitted by a Developer to the County for approval, particularly in reference to the compliance of the submitted plan and supporting documents with the then active regulations of said district. The County encourages all Developers, prior to the submission of a MHRC plan to the County, to consult with the Hill Country UWCD to determine the: (i) active regulations of said district which apply to the proposed MHRC development; and (ii) requirements for approval of any proposed MHRC plan and related development project issues in order to comply with said district's then active regulations.

**§ 5.2 Construction and Occupancy.** Construction of the MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the plan is approved by the County. The County may require inspection of the infrastructure during or on completion of construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue the MHRC Certificate of Compliance in accordance with § 232.007 of the Texas Local Government Code.

**§ 5.3 Utility Service.** A utility may not provide utility services (including water, sewer, gas, and electric services) to an MHRC subject to an approved infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County. As used in this paragraph, "utility" means: (a) a municipality that provides utility services; (b) a municipality owned or municipally operated utility that provides utility services; (c) a public utility that provides utility services; (d) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (e) a county that provides utility services; (f) a special district or authority created by state law that provides utility services; or (g) other utility described in the Regulations.

**§ 5.4 Lawful Compliance.** The plan and all other documents submitted to the County to support a request for plan approval must be truthful, accurate, correct, and prepared in compliance with the requirements (including methodology) prescribed by law and these Regulations,



including the: (a) all applicable requirements of these Regulations, and the statutes and regulations of state and federal governments and their administrative agencies; (b) the County's active and applicable floodplain, water, drainage, sewer, and/or septic regulations; (c) the regulations of the Water District (including Hill Country UWCD) having territorial jurisdiction regarding water wells and related permits for the land of the MHRC, including compliance with the permitting, registration, use, spacing, and pumping requirements of said district; (d) the electric and gas utility service provider regulations or requirements for the MHRC, with the inclusion of a provider certification on the plan showing that electric and gas utility service will be available to all lots or spaces in the MHRC; and (d) minimum state standards for water and wastewater service to all lots or spaces in the MHRC.

**§ 5.5 Variance.** The Commissioners Court may grant a variance from these MHRC requirements pursuant to the variance provisions described in the Regulations.

### **ARTICLE 6 – ENFORCEMENT AND INSPECTION**

#### **§ 6.1 Enforcement.**

- (A) All Enforcement Authority Adopted. All applicable civil enforcement remedies and penalties, criminal enforcement remedies and penalties, and litigation recovery rights (whether legal, equitable, or mixed) authorized by these Regulations, or by Texas or federal law, are hereby adopted, approved and shall be implemented for a violation or threatened violation of these Regulations, including without limitation the enforcement provisions described in the following authority: Chapters 232, 233, and 235 of the Texas Local Government Code; Chapter 12 of the Texas Property Code; Chapter 16 of the Texas Water Code; 31 TAC §§ 364.1-364.72; the County's active floodplain management regulations; the County's active sewer, septic, or OSSF regulations; and all other enforcement authority described in these Regulations.
- (B) Action to Prevent or Remedy a Violation of the Regulations. Nothing in these Regulations shall prevent the County from taking necessary or desired action to prevent or remedy a violation or threatened violation of these Regulations as allowed by law.


**§ 6.2 Inspection.** The County's officers, employees, agents, or consultants, as determined by the Commissioners Court, are authorized to: inspect proposed or active development projects to determine compliance with these Regulations; and make recommendations to the Commissioners Court regarding violations or threatened violations of the Regulations or other applicable authority pertaining to land development in the unincorporated area of Gillespie County, Texas.

**[End of Regulations]**

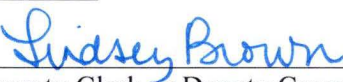
**CERTIFICATE OF ADOPTION****APPROVED BY:** The Commissioners Court of Gillespie County, Texas**ADOPTED:** December 19, 2022

I, Mark Stroehrer, the undersigned, being the County Judge of Gillespie County, Texas and the Presiding Officer of the Commissioners Court of Gillespie County, Texas ("Commissioners Court"), do hereby certify that the above and foregoing instrument (with attached Appendix) is the Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas ("Regulations"), which instrument was duly considered, approved, and adopted at a public meeting duly convened and conducted by the Commissioners Court on this date. Copies of the Regulations may be obtained from the official minutes of the Commissioners Court filed with and maintained by the County Clerk of Gillespie County, Texas, or reviewed and downloaded from the internet website of said county at [www.gillespiecounty.org](http://www.gillespiecounty.org).

**EXECUTED** on the 19<sup>th</sup> day of December, 2022 at 9:21 a.m.

  
 Hon. Mark Stroehrer, County Judge  
 Gillespie County, Texas

**ATTEST:**

  
 County Clerk or Deputy County Clerk  
 Gillespie County, Texas





**APPENDIX TO:**

**SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY  
REGULATIONS FOR GILLESPIE COUNTY, TEXAS**

**Effective Date: December 19, 2022**

**APPENDIX:**

**EXHIBIT A**

**GILLESPIE COUNTY, TEXAS -- SUBDIVISION PLAT APPLICATION**

**PROPOSED SUBDIVISION:** \_\_\_\_\_

**COMMISSIONER PRECINCT:** \_\_\_\_\_

**SCHOOL DISTRICT(S) IDENTIFIED:** \_\_\_\_\_

**TRACT SIZE AND LOCATION:** \_\_\_\_\_  
\_\_\_\_\_

**TOTAL LOTS, PARTS, OR DIVISIONS:** \_\_\_\_\_

**NAME OF NEAREST PUBLIC ROAD:** \_\_\_\_\_

**WATER AND SEWER SERVICE PROVIDERS:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ELECTRIC SERVICE PROVIDER:** \_\_\_\_\_

**GAS SERVICE PROVIDER:** \_\_\_\_\_

**DEVELOPER:** \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

**ENGINEER:** \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

**SURVEYOR:** \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

(1) Regarding a proposed subdivision plat, the following documents are required to be submitted to Gillespie County ("County") for review with this Plat Application ("Application"):



all documents required for subdivision plats by the active Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas (“Regulations”), the contents of which are incorporated by reference), said documents being described in the attached **Document List for Subdivision Plat Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations: County Judge, Gillespie County, Texas, at the address and phone number described in § 1.3 of the Regulations.

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify and describe all issues to support the variance requested pursuant to the Regulations, and attach all supporting documents to this Application.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the subdivision be served by public water (including groundwater or surface water) facilities or sewer or other wastewater facilities? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the subdivision be served by private water (including groundwater or surface water) facilities or wastewater (including septic or OSSF) facilities? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the subdivision require a permit or other approval by another government or private entity? ANSWER: \_\_\_ YES; \_\_\_ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

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(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: \_\_\_ YES; \_\_\_ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: \_\_\_\_\_

---

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: \_\_\_ YES; \_\_\_ NO. If NO, please

explain: \_\_\_\_\_.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: \_\_\_ YES; \_\_\_ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: \_\_\_\_\_.

\_\_\_\_\_. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

**THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:**

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas. All documents required by the Regulations have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

\_\_\_\_\_  
Developer  
Printed Name: \_\_\_\_\_, Title \_\_\_\_\_  
Date: \_\_\_\_\_

**RECEIPT BY COUNTY:**

**RECEIVED BY:** \_\_\_\_\_  
Printed Name: \_\_\_\_\_, Title: \_\_\_\_\_  
Gillespie County, Texas  
Date: \_\_\_\_\_

**DOCUMENT LIST FOR SUBDIVISION PLAT APPLICATION**

The following documents shall be submitted with the Subdivision Plat Application Form, as required by the Regulations:

1. **Regarding a subdivision of land subject to regulation pursuant to the Model Subdivision Rules, as described in § 4.1(BB) and Appendix/Exhibit H of the Regulations, the following documents are required:**
  - (a) \_\_\_\_\_ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees;
  - (b) \_\_\_\_\_ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following



matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat;

- (c) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with all plat requirements and standards described in the Regulations;
- (d) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the requirements of § 4.1(BB) and Appendix/Exhibit H of the Regulations regarding the water (including groundwater or surface water), sewer, septic, wastewater, OSSF, greywater, and sludge facilities (public or private) proposed for the subdivision, including: (i) the water availability and wastewater facility requirements of the Regulations; (ii) the results of all required suitability analysis, surface and subsurface testing, or other analysis (including quantitative and qualitative analysis) required by the Regulations to be performed by any person or entity (including an engineer or surveyor) to demonstrate compliance with minimum state standards regarding said facilities; (iii) the acquisition of permits or agreements for said facilities required between the Developer and a private entity, or between the Developer and a governmental entity or agency other than the County; (iv) stamped and sealed engineering reports and supporting documents regarding said facilities, including the availability, methodology, and cost estimates of providing said facilities to the subdivision;
- (e) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(BB) and Appendix/Exhibit H of the Regulations regarding the: (i) minimum set-back distances required for the subdivision; (ii) required restriction of only one single family detached dwelling to be located on each lot; and (iii) detailed planning materials regarding proposals required for submittal of multi-family residential development to determine proper water and wastewater utility type and design;
- (f) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(BB) and Appendix/Exhibit II of the Regulations regarding the required plat formatting and other information therein stated;
- (g) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(BB) and Appendix/Exhibit H of the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision;

- (h) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(BB) and Appendix/Exhibit H of the Regulations, and including evidence that the Subdivider has complied with the: (i) water availability requirements of the Regulations (including groundwater or surface water); (ii) requirements of the Regulations regarding water, sewer and/or OSSF facilities, roads, adequate drainage, electric utility service, and gas utility service); (iii) requirements that the water quality and connections to the lots meet, or will meet, the minimum state standards; (iv) requirements regarding sufficient sewer connections to the lots or septic tanks that meet, or will meet, the minimum requirements of state standards; (v) requirements that electrical connections provided to the lots meet, or will meet, the minimum state standards; and (vi) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards;
- (i) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the utility connection requirements and plat certification;
- (j) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the purchase contract disclosure obligation of the Developer regarding water availability and implementation;
- (k) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat;
- (l) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal and state law requirements, including minimum state standards regarding water, sewer, septic, OSSF and related facilities; (ii) compliance with specific property description, identifying data, and proper signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with specific water and OSSF disclosure requirements; (vi) compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff pursuant to the standards described in the Regulations; (vii) compliance with specific topographical description requirements, (viii) compliance with specific road/driveway,



lot frontage, and floodplain management requirements; (ix) compliance with specific fire suppression system requirements; (x) compliance with the traffic impact study and/or engineering study or review [if required upon preliminary review by County]; and (xi) compliance with the development standards and requirements described in the Regulations;

- (m) \_\_\_\_\_ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development; and
- (n) \_\_\_\_\_ documents showing payment of all required fees to the County as required by the Regulations.

**2. Regarding a subdivision of land not subject to Regulation under the Model Subdivision Rules as described in § 4.1(BB) and Appendix/Exhibit H of the Regulations, but otherwise described as a subdivision in the Regulations, the following documents are required:**

- (a) \_\_\_\_\_ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees;
- (b) \_\_\_\_\_ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat;
- (c) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the Regulations regarding required plat formatting and other information, including without limitation: property description, identifying data, and signatures; survey data; metes and bounds descriptions; lot, block, and other part dimensions; water (including groundwater and surface water), sewer, and OSSF facility and service disclosures; drainage plan; topographical descriptions with contour lines; road, driveway, lot, frontage, and floodplain descriptions; fire suppression system descriptions; utility connection requirements; purchase contract disclosure; compliance with the water availability requirements of the Regulations; building and set-back lines; lien subordination; and plat execution and certification;
- (d) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the utility connection and plat certification requirements of the Regulations;

- (e) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the purchase contract disclosure obligation of the Developer regarding water availability and implementation;
- (f) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat;
- (g) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal and state law requirements, including minimum state standards regarding water (including groundwater and surface water), sewer, septic, OSSF and related facilities; (ii) compliance with specific property description, identifying data, and proper signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with the water availability requirements and wastewater requirements of the Regulations; (vi) compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff, pursuant to the standards described in the Regulations; (vii) compliance with specific topographical description requirements; (viii) compliance with specific road/driveway, lot frontage, and floodplain management requirements; (ix) compliance with specific fire suppression system requirements; (x) compliance with the traffic impact study and/or engineering study or review [if required upon preliminary review by County]; and (xi) compliance with the development standards and requirements described in the Regulations;
- (h) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the bond or other financial security requirements in the Regulations;
- (i) \_\_\_\_\_ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development; and
- (j) \_\_\_\_\_ documents showing payment of all required fees.



**APPENDIX:**

**EXHIBIT B**

**GILLESPIE COUNTY, TEXAS -- MANUFACTURED HOME  
RENTAL COMMUNITY ("MHRC") APPLICATION**

**PROPOSED MHRC:** \_\_\_\_\_

**COMMISSIONER PRECINCT:** \_\_\_\_\_

**TRACT SIZE AND LOCATION:** \_\_\_\_\_

**TOTAL LOTS, PARTS, OR SPACES:** \_\_\_\_\_

**SCHOOL DISTRICT(S):** \_\_\_\_\_

**NAME OF NEAREST PUBLIC ROAD:** \_\_\_\_\_

**WATER AND SEWER SERVICE PROVIDERS:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ELECTRIC SERVICE PROVIDER:** \_\_\_\_\_

**GAS SERVICE PROVIDER:** \_\_\_\_\_

**DEVELOPER:** \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

**ENGINEER:** \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

**SURVEYOR:** \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

(1) Regarding a proposed MHRC, the following documents are required to be submitted to Gillespie County ("County") for review with this MHRC application ("Application"): all documents required for the MHRC development as described by the active Subdivision and

Manufactured Home Rental Community Regulations for Gillespie County, Texas (“Regulations”), the contents of which are incorporated by reference), said documents being described in the attached **Document List for MHRC Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations: County Judge, Gillespie County, Texas, at the business office address and telephone number described in § 1.3 of the Regulations.

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify and describe all issues to support the variance requested pursuant to the Regulations, and attach all supporting documents to this Application.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the MHRC be served by a public water or sewer system? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the MHRC be served by a private water wells or septic/OSSF systems? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the MHRC require a permit or other approval by another government or private entity? ANSWER: \_\_\_ YES; \_\_\_ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

\_\_\_\_\_.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: \_\_\_ YES; \_\_\_ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: \_\_\_\_\_

\_\_\_\_\_.

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: \_\_\_ YES; \_\_\_ NO. If NO, please explain why you have not done so: \_\_\_\_\_.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of



the proposed development? ANSWER: \_\_\_\_ YES; \_\_\_\_ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: \_\_\_\_\_

\_\_\_\_\_. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

**THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:**

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas. All documents required by the Regulations for the proposed MHRC have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

\_\_\_\_\_  
Developer

Printed Name: \_\_\_\_\_, Title: \_\_\_\_\_

Date: \_\_\_\_\_

**RECEIPT BY COUNTY:**

**RECEIVED BY:**

\_\_\_\_\_  
Printed Name: \_\_\_\_\_, Title: \_\_\_\_\_

Gillespie County, Texas

Date: \_\_\_\_\_

**DOCUMENT LIST FOR MHRC APPLICATION**

The following documents shall be submitted with the MHRC Application Form, as required by the Regulations:

- (a) \_\_\_\_ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees;
- (b) \_\_\_\_ a proposed infrastructure development plan ("Plan") as described by the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor) designated in the Regulations -- but excluding from compliance at MHRC Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County's representatives, and (ii) the filing or recordation of the Plan;
- (c) \_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with the drainage, water, and wastewater

requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (i) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (ii) necessary drainage culverts and other drainage facilities for the MHRC; (iii) areas of the MHRC located in the floodplain; (iv) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state standards and the Regulations; (v) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341 of the Texas Health and Safety Code; (vi) compliance with the active regulations of the Hill Country UWCD if groundwater is the source of water for the MHRC; (vii) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards -- and including (1) providing and identifying the location of all sanitary sewer facilities and lines and (2) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366 of the Texas Health and Safety Code; (viii) compliance with the road, driveway, and road access requirements of the Regulations; and (ix) compliance with the requirements of the Regulations regarding a traffic impact study and/or engineering study or review [if required upon preliminary review by County];

- (d) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with all land survey requirements of the Regulations, including: (1) an accurate description of the proposed MHRC boundaries, and any significant features located therein; (ii) the proposed location of all spaces, lots, or other parts of the MHRC; (iii) the proposed or existing utility, road, and drainage easements; and (iv) the dedications of easements and rights-of-way, if any;
- (e) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with the road requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC, with said roads to be constructed in compliance with the road and street standards and requirements described in these Regulations for subdivisions;
- (f) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with all applicable requirements of: (i) the Regulations; (ii) state and federal law; (iii) the County's active floodplain management, sewer, drainage, septic, or OSSF regulations;
- (g) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific restrictions described in the Regulations



regarding the prohibited: (i) construction and/or occupancy of the MHRC prior to issuance by the County of the MHRC compliance certificate; and (ii) provision of utility services to the MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC compliance certificate issued by the County;

- (h) \_\_\_\_\_ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed MHRC development; and
- (i) \_\_\_\_\_ documents showing payment of all required fees.

**APPENDIX****EXHIBIT C:****DRAINAGE STANDARDS**

These drainage standards shall apply for subdivisions and manufactured home rental communities ("MHRC") located in the unincorporated area of Gillespie County, Texas:

- (1) General Purpose – In the interests of public safety, these standards are designed to:
  - (a) provide adequate drainage for each lot, space, or other divided part (including streets or roads) of the proposed development area in compliance with standard engineering practice;
  - (b) provide adequate drainage to the proposed development area to efficiently manage the flow of storm water or other runoff or flooding (including flooding or runoff associated with a 100-year flood) in compliance with standard engineering practice;
  - (c) provide adequate plats, plans, design and planning procedures, water, sewer, septic, and OSSF facilities, and related drainage for the proposed development area in accordance with standard engineering practice; and
  - (d) coordinate adequate drainage in the proposed development area with the general storm drainage pattern for the area in accordance with standard engineering practice.
  
- (2) Drainage Study – The following requirements shall apply:
  - (a) All lots, spaces, or other divided parts of the development site shall comply with the minimum requirements of: (i) the County's on-site sewage facilities order, or other applicable County sewer, septic, or OSSF regulations; (ii) the minimum state standards and these Regulations regarding sewer, septic, or OSSF systems; (iii) the minimum state standards and these Regulations regarding water wells, water service and related water facilities; the active regulations of the Hill Country UWCD; and (iv) all drainage requirements described in these Regulations.
  - (b) A drainage study shall be made of the proposed development area to insure proper drainage and, if necessary, additional right of way shall



be obtained for drainage easement(s) as determined to be necessary or desired. The drainage study (including calculations and related drawings) shall be submitted in the application accompanying submission of the plat or plan for the proposed development. The study shall include all necessary requirements to adequately handle all drainage water entering into and being generated as a result of the proposed development.

- (c) The exact dimensions and type of the permanent drainage system for the development area, including culverts, bridges, pipes, drainage boxes, low water crossings, and other drainage facilities and infrastructure shall be established for each development project in accordance with these Regulations.
  - (d) A proper and adequate system of drainage shall be constructed to effectively dispose of surface and storm water (including that associated with a 100-year flood) regarding the area of the proposed development. The drainage system shall include the drainage of all lots, spaces, or other parts of the development area offered to the public for sale, lease, use, or occupancy, the roads and streets of said area, and all other divided parts of said area.
  - (e) Drainage from the proposed development area shall be extended to the natural drains in the area having the capacity to efficiently manage the flow of storm water runoff.
  - (f) Drainage material, equipment, facilities, and infrastructure shall be constructed of a permanent type, either concrete or steel and concrete, or as otherwise described in these Regulations or approved by the County. All drainage facilities, equipment, and infrastructure shall be designed and constructed in accordance with recognized engineering standards and practices.
- (3) Drainage Design – All drainage design shall be based on the following criteria unless otherwise approved by the County:
- (a) General: All storm drainage calculations shall be based on the Manning's Equation for Flow, as follows:
    - Q = A times (1.486 divided by n) times R to the 2/3 power times S to the 1/2 power
    - Q = Discharge in cubic feet per second
    - A = Cross sectional area of the drainage way in square feet
    - n = Roughness coefficient
    - R = Hydraulic radius in feet

S = Hydraulic slope

- (b) Roughness Coefficients:
- Reinforced concrete pipe (to be approved by County - n = .012)
  - Corrugated metal pipe (to be approved by County)
    - Asphalt Coated - n = .024
    - Asphalt paved inert - n = .020
    - Fully asphalt lined - n = .012
  - Smooth interior plastic pipe - n = .012
  - Reinforced concrete boxes - n = .012
  - Concrete lined open channel -- n = .012
  - Unlined open channels
    - Bottom width < 25 ft. - n = .040
    - Bottom width > 25 ft. - n = .035
- (c) Design Criteria for Unlined Open Channels:
- |                        |                                                                           |
|------------------------|---------------------------------------------------------------------------|
| Minimum Velocity       | 2 feet per second                                                         |
| Maximum Velocity       | 4 feet per second'                                                        |
| Minimum Free Board     | 1 foot                                                                    |
| Minimum Side Slope     | 3 foot horizontal to 1 foot vertical or as otherwise designated by County |
| Bottom Width           | as required                                                               |
| Minimum Easement Width | 30 feet or as otherwise approved by County                                |
| Minimum Slope          | 0.10 percent                                                              |
- (d) Design Criteria for Lined Channels:
- |                        |                                            |
|------------------------|--------------------------------------------|
| Minimum Velocity       | 2 feet per second                          |
| Maximum Velocity       | 10 feet per second                         |
| Minimum Free Board     | 1 foot                                     |
| Minimum Side Slopes    | 2 foot horizontal to 2 foot vertical       |
| Bottom Width           | As required                                |
| Minimum Easement Width | 30 feet or as otherwise approved by County |
- (e) Driveways and Culverts: All driveway culverts placed for access to a lot or other divided part, or space shall be sized to carry a minimum of 125% of the Design Requirement including entrance and exit losses. Minimum culvert size shall be 18". All driveways shall be designed to not obstruct the normal flow of water.
- (f) Determination of Run-Off: Run-Off from the development area will



be determined by the "Rational Method," from the equation below and a C-factor based on total development of the proposed subdivision. Intensity for Runoff calculations for minor drainways within the development area will be based on a 5, 25, and 100-year storms for all major drainways within the development area.

Q= CIA  
 Q = Cubic feet, per second  
 I = Intensity in inches per hour  
 A = Area in acreage  
 C = Run-off coefficient

- (g) **Outfalls from Ditches:** Outfalls from ditches into natural or constructed drainage ways shall enter at or above the grade of drainage channel. If necessary, drop or other types of outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.
- (h) **Water Conveyance:** Lots, spaces, and other divided parts shall be graded so that surface or storm water drainage will be conveyed to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be conveyed to a defined drainage course as directly as possible.
- (i) **Grade Requirements:** The maximum grade of all streets and roads shall be 5.0% (or degree) unless otherwise approved by the County. The minimum grade of streets and roads shall be 0.2% (or degree) unless otherwise approved by the County.
- (j) **Drainage Ditches:** All streets and roads without curbs and gutters shall have drainage ditches adjacent to and running parallel to the adjacent streets and roads. The drainage ditches shall have a minimum depth of 12 inches below the level of the edge of the adjacent street or road.
- (k) **Permanent Drainage Structures:** Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and/or bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets.
- (l) **Permanent Obstacles for Erosion Prevention:** Permanent obstacles (such as concrete, rip-rap, or rock retards) shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion.

- (m) Open Drainage Ditch/Channel Design: Open drainage channels and ditches shall be designed and constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters. All drainage easements must be of an adequate width to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.
  - (n) Plat or Plan Description: The location, dimension, description, and flow line of all existing and proposed drainage features or structures, and the location, flow line, and floodplain of existing water courses located in the proposed development area, must be shown on all plats and plans submitted to the County for review.
  - (o) Floodplain Requirements: Should the proposed development area contain land designated as a floodplain: (i) the plat or plan must clearly describe and depict all floodplain, flood zone, and floodway locations; and (ii) any structure to be constructed in the floodplain must have a finished floor elevation established that is a minimum of 1 foot above the base flood elevation, and otherwise comply with the NFIP, state law, and the County's active flood damage prevention order or other floodplain management regulations.
- (4) Water/Sewer/OSSF Facilities –
- (a) Public Facilities/Service -- Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) that will be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water (including groundwater and surface water), drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District (including the Hill Country UWCD) with territorial jurisdiction

regarding the water wells and related permits for the land of the development project.

- (b) Private Facilities -- Should private water (including groundwater and surface water), septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water (including groundwater and surface water), drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District (including the Hill Country UWCD) with territorial jurisdiction regarding the water wells and related permits for the land of the development project.
- (5) Additional Drainage Requirements.
- (a) The Developer of all subdivisions where the average lot size is less than 10 acres shall prepare a Storm Drainage Plan. Two (2) copies of this plan prepared by a Registered Professional Engineer shall be submitted and shall contain calculations showing anticipated storm water runoff including watershed area, percentage, velocity of runoff, and time of concentration. This plan shall have the same contours and scaled lot sizes as shown on the plat. Any required Storm Drainage Plan shall have been submitted for approval prior to submittal of the Final Plat.
  - (b) Drainage facilities shall be provided and constructed in accordance with approved plans as required in these Regulations. Drainage plans shall be prepared by a Registered Professional Engineer experienced in hydrology analysis, and shall be signed and sealed by such engineer. At a minimum, drainage plans shall show all culverts, low water crossings, drainage basins and drainage easements.
  - (c) Drainage structures shall be designed to minimize any adverse impact to private property or public right-of-way either within or outside the proposed subdivision. The post-construction runoff rates at the point of flow leaving the new site shall not exceed the pre-construction



peak runoff rate for the five (5), ten (10) or one-hundred (100) year storm frequency. Provisions must be made to assure that no adverse impact is made to existing drainage systems within public right of way. This detention requirement will be considered on a case-by-case basis.

- (d) When a drainage channel or overflow section is to be constructed, two (2) copies of the design complete with construction plans, profiles, and specifications shall be submitted. The plans shall show construction details, calculations showing the anticipated storm water runoff, including watershed area, percentage and velocity of runoff, and time of concentration.
- (e) Road Drainage – The Developer shall comply with the road drainage requirements described in **Appendix/Exhibit J** of the Regulations.

**APPENDIX**  
**EXHIBIT D:**  
**FEE SCHEDULE**

The following fee schedule is approved and adopted by Gillespie County, Texas ("County"), regarding subdivision and manufactured home rental community ("MHRC") development located in the unincorporated areas of said county:

- (1) Requirements.
  - (a) Subdivision plat application fees shall be paid to the County by the Developer at the time of plat application submission - but recording fees pertaining to an approved subdivision plat shall be paid to the County Clerk by the Developer upon plat filing and recordation.
  - (b) MHRC recording fees pertaining to an approved MHRC infrastructure development plan shall be paid to the County Clerk by the Developer upon plan recordation.
  - (c) The County shall require: (i) financial reimbursement regarding all third-party engineering review fees and inspection costs, if any, incurred by the County for its review of a Developer's submitted subdivision plat (including a replat) and the supporting documents pertaining thereto; and (ii) said financial reimbursement shall be paid by the Developer after having received written notice from the County of the incurred fees and costs, and before a decision is made by the County regarding approval of the submitted plat (including a replat).
  - (d) All fee and cost amounts shall be paid in full by cashier's check or money order, payable to the order of Gillespie County, Texas, and shall be timely delivered by hand, courier, or mail to: (i) regarding subdivision plat (including replat) fees and costs - to the office of the County Judge described in § 1.3 of the Regulations; and (ii) regarding recording fees for approved subdivision plats (including replats) and approved MHRC infrastructure development plans -- to the office of the Gillespie County Clerk, Gillespie County Courthouse, 101 West Main Street, Mail Unit 13, Room 109, Fredericksburg, Texas 78624-3700 (telephone 830-997-6515).
- (2) Fee Amounts.
  - (a) Regarding a subdivision plat (including the original or amended instrument - but not a replat), the following fees are required:
    - (i) a base application fee of \$500 for 1 to 4 (inclusive) lots, spaces, or divided parts -- or a base application fee of \$1,000 for 5 to 20 (inclusive) lots, spaces, or divided parts -- or a base application fee of \$2,000 for 21 to 40 (inclusive) lots, spaces, or divided parts -- or a base application fee of \$3,000 for 41 or more lots, spaces or divided parts -- and in addition to the aforesaid base

- fee, a fee of \$100 for each lot, space or divided part to be located in the subdivision;
- (ii) the reimbursement of all third-party engineering review and inspection costs, if any, incurred by the County regarding its review of the Developer submitted plat and supporting documents; and
  - (iii) all required recording fees upon plat approval (please contact the office of the Gillespie County Clerk for the active recording fee schedule).
- (b) Regarding a subdivision replat (including the original or amended instrument) the following fees are required:
- (i) a base application fee of \$100.00 per affected lot on the replat;
  - (ii) the reimbursement of all third-party engineering review and inspection costs, if any, incurred by the County regarding its review of the submitted replat and supporting documents; and
  - (iii) all required recording fees upon plat approval (please contact the office of the Gillespie County Clerk for the active recording fee schedule).
- (c) Regarding an approved MHRC infrastructure development plan (including the original or amended instrument), the following fees are required: all required recording fees upon plan approval (please contact the office of the Gillespie County Clerk for the active recording fee schedule).
- (d) Regarding a Certificate of Approved Subdivision Plat, a fee of \$100.00 is required for each requested certificate.
- (e) Regarding a Certificate of MHRC Compliance, a fee of \$100.00 is required for each requested certificate.



**APPENDIX:**

**EXHIBIT E**

**DEVELOPER ROAD DAMAGE AND REPAIR PROVISIONS**

- (1) **Definitions.** The special definitions of the above and foregoing Subdivision and Manufactured Home Rental Community Regulations of Gillespie County, Texas are incorporated by reference, and for purposes of this **Exhibit E**, “**Developer**” shall include the employees, agents, assigns, successors, contractors, and subcontractors of the Developer.
- (2) **Road System.** The County’s public road and bridge system (“**Road System**”) is located in Gillespie County, Texas and is owned, operated, and maintained by the County. The Road System includes the County’s: roads, easements, and rights of way; bridges and abutments; driveways, fencing, and gates; bar-ditches, culverts, and drainage areas; traffic signals, delineators, road signs, and other traffic control devices; and all other land, infrastructure, facilities, equipment, and personal property owned or used by the County for its public road and bridge system.
- (3) **Developer Obligations.** The road damage and repair obligations of the Developer described in these provisions shall begin on the date of the subdivision plat or MHRC infrastructure development plan approval, if any, and said obligations shall be effective and enforceable for the periods of project construction, operations, and maintenance, and for as long as the development project (as described in said plat or plan) exists in Gillespie County, Texas. Should a violation of these road damage and repair obligations be committed by the Developer, the County may pursue and recover all remedies authorized by law or equity. Upon said plat or plan approval, the County and Developer shall endeavor to approve and execute a separate road damage and repair agreement regarding the development project which includes the provisions stated in this **Exhibit E**; however, such agreement shall not be a condition to plat or plan approval.
- (4) **Road System Use and Repair.**
- (a) **Authorized Road System Use.** The Developer is authorized to use the following parts of the County’s Road System for its development project operations: all County roads and bridges in said system.
  - (b) **Required Licenses and Permits.** While using the Road System for those stated operations, the Developer shall obtain and maintain in full force and effect all licenses and permits required by federal or state law for the operation of its vehicles, equipment, and accompanying weight loads.
  - (c) **Developer Repair Obligations.** The Developer shall repair at its sole expense (using all required labor, materials, and equipment) any part of the County’s Road System which is: (i) located outside the boundary of the

subdivision or MHRC development area; and (ii) damaged by a Developer-caused damage event during project construction, operations, or maintenance. The repair of said damage shall be completed by the Developer: (i) on or before 90-days from the occurrence of a Developer-caused damage event, unless a reasonable time extension is requested by the Developer and granted by the written consent of the County, which consent shall not be unreasonably withheld; and (ii) pursuant to the following standard of repair -- specifically, a repair to the Road System which restores the system to the same or better condition as existed before the damage event, normal wear being excepted. Upon the cessation of development project construction, operations, or maintenance, and/or the removal of project facilities and equipment from the development area, the Developer shall leave the Road System in the same or better condition as existed before the Developer-caused damage event, normal wear being excepted.

- (d) **Traffic Disruption.** The Developer shall: (i) use commercially reasonable efforts to minimize the disruption to the Road System caused by project construction, operations, or maintenance; and (ii) during project construction, operations, or maintenance that may adversely affect the Road System, take commercially reasonable action to reasonably notify the Gillespie County Judge and any affected Gillespie County Commissioner of the proposed disruption to the Road System.
- (e) **Traffic Signal Replacement.** The Developer shall replace any road signs, delineators, or other traffic signals or devices of the County's Road System damaged by the Developer during project construction, operations, or maintenance.
- (f) **County Inspection Rights.** The County shall have the right to: (i) inspect all repair work conducted on the Road System by the Developer to confirm compliance with these provisions, however, County inspections shall not unreasonably interfere with the Developer's repair work being conducted on the Road System; and (ii) inspect and obtain (at the County's sole expense) copies of the Developer's non-confidential business records regarding the repair work to ensure Developer compliance with these provisions.
- (g) **Notice of Repair Completion.** On or before 10-days after the completion of the aforesaid Developer repairs to the Road System, the Developer shall provide the County with a signed letter from the Developer's engineer (which shall include the engineer's professional stamp authorized by the State of Texas) certifying that the resulting repairs and any related improvements were constructed: (i) in compliance with these provisions;

and (ii) within the public road or bridge right of way or easement.

- (h) Insurance. Regarding all repair work conducted by the Developer on the Road System pursuant to these provision, the Developer shall maintain the following insurance coverage, and shall provide insurance coverage certificates to the Gillespie County Judge confirming such coverage on or before seven 7-days prior to commencement of any repair activities conducted on the Road System, and also confirming such coverage within 24-hours of any change in the required coverage: (i) liability coverage (naming the County as an additional insured) regarding death, personal injury, and/or property damage resulting from the repair activities on the Road System, in the minimum amount of \$1,500,000.00 per occurrence; (ii) applicable workers' compensation coverage regarding the employees of the Developer (or its contractors or subcontractors) conducting repair activities on the Road System, in the minimum amounts required by state law (including self-insurance, if any, authorized by Texas law); and (iii) motor vehicle coverage regarding all vehicles used by the Developer during said repair activities, in the minimum amounts required by Texas law.



**APPENDIX**

**EXHIBIT F:**

**UTILITY CONNECTION REQUIREMENTS**

The utility connection requirements authorized by §§ 232.029, 232.101 and 232.106-.107 of the Texas Local Government Code (see also **Appendix/Exhibit N**) are adopted and approved for application and use in these Regulations, as hereafter described:

- (a) Prohibition of Service/Water or Sewer Service -- Except as provided by subparagraph (c) of this exhibit, or § 232.037(c) of the Texas Local Government Code, a utility may not serve or connect any subdivided land with water or sewer service unless the utility receives a certificate issued by the Commissioners Court under § 232.028(a) of the Texas Local Government Code, or receives a determination from the Commissioners Court under § 232.028(b)(1) of the Texas Local Government Code, that the plat has been reviewed and approved by the Commissioners Court.
- (b) Prohibition of Service/Electricity or Gas Service -- Except as provided by subparagraphs (c) or (k) of this exhibit, or § 232.037(c) of the Texas Local Government Code, a utility may not serve or connect any subdivided land with electricity or gas unless the entity receives a determination from the Commissioners Court under §§ 232.028(b)(2) and (3) of the Texas Local Government Code that adequate water and sewer services (including septic or OSSF facilities) have been installed to service the lot or subdivision.
- (c) Certificate Facts -- An electric, gas, water, or sewer service utility may serve or connect subdivided land with water, sewer, electricity, gas, or other utility service -- regardless of whether the utility receives a certificate issued by the Commissioners Court under § 232.028(a), or regardless of whether the utility receives a determination from the Commissioners Court under § 232.028(b) -- if the utility is provided with a certificate issued by the Commissioners Court that states that:
  - (1) the subdivided land: (a) was sold or conveyed by a subdivider by any means of conveyance, including a contract for deed or executory contract (i) before September 1, 1995, or (ii) before September 1, 1999, if the subdivided land on August 31, 1999, was located in the ETJ of a municipality as determined by Chapter 42 of the Texas Local Government Code; (b) has not been subdivided after September 1, 1995, or September 1, 1999, as applicable under the immediately preceding subpart (a); (c) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003; and (d) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code;

- (2) the subdivided land is a lot of record and has adequate sewer services installed that are fully operable to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code; or
  - (3) the land was not subdivided after September 1, 1995, and (a) water service is available within 750 feet of the subdivided land, or (b) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.
- (d) Supporting Documents -- A utility may provide utility service to subdivided land described by subparagraph (c)(1), (2), or (3) only if the person requesting service: (1) is not the land's Subdivider or the Subdivider's agent; and (2) provides to the utility a certificate described in subparagraph (c) above.
- (e) Documentation -- A person requesting service may obtain a certificate under subparagraph (c)(1), (2), or (3) only if the person is the owner or purchaser of the subdivided land and provides to the Commissioners Court documentation containing:
- (1) a copy of the means of conveyance or other documents that show that the land was sold or conveyed by a Subdivider before September 1, 1995, or before September 1, 1999, as applicable under said subparagraph (c) above;
  - (2) a notarized affidavit by that person requesting service under subparagraph (c)(1) that states that construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 2003, and the request for utility connection or service is to connect or serve a residence described by subparagraph (c)(1)(c) above;
  - (3) a notarized affidavit by the person requesting service that states that the subdivided land has not been further subdivided after September 1, 1995, or September 1, 1999, as applicable under subparagraph (c) above; and
  - (4) evidence that adequate sewer service or facilities have been installed and are fully operable to service the lot or dwelling from an entity described by § 232.021(14) of the Texas Local Government Code or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code.
- (f) [This subparagraph is intentionally left blank]



- (g) Document Disclosure -- On request, the Commissioners Court shall provide to the Texas Attorney General and any appropriate local, county, or state law enforcement official, a copy of any document on which the Commissioners Court relied in determining the legality of providing services.
- (h) Limited Effect -- These utility connection requirements may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a Subdivider for a violation of a state or local law, regardless of the date on which the violation occurred.
- (i) Exception/Municipal ETJ -- The prohibition established by these utility connection requirements shall not prohibit a water, sewer, electric, or gas utility from providing water, sewer, electric, or gas utility connection or service to a lot sold, conveyed, or purchased through a contract for deed or executor contract or other device by a Subdivider prior to July 1, 1995, or September 1, 1999, if on August 31, 1999, the subdivided land was located in the ETJ of a municipality that has adequate sewer services installed that are fully operable to service the lot, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code, and was subdivided by a plat approved prior to September 1, 1989.
- (j) In these utility connection requirements, "foundation" means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure, which is partly or wholly below the surface of the ground and on which the residential structure rests.
- (k) Exception/Previous Service – Subject to subparagraphs (l) and (m), a utility that does not hold a certificate issued by, or has not received a determination from, the Commissioners Court under § 232.028 to serve or connect subdivided property with electricity or gas may provide that service to a single-family residential dwelling on that property if:
  - (1) the person requesting the utility service: (a) is the owner and occupant of the residential dwelling,; and (b) on or before January 1, 2001, owned and occupied the residential dwelling;
  - (2) the utility previously provided the utility service on or before January 1, 2001, to the property for the person requesting the service;
  - (3) the utility service provided as described in subparagraph (2) above was terminated not earlier than 5-years before the date on which the person requesting utility service submits an application for that service; and
  - (4) providing the utility service will not result in: (a) an increase in the volume of utility service provided to the property; or (b) more



than one utility connection for each single-family residential dwelling located on the property.

- (l) Required Documentation -- A utility may provide service under subparagraph (k) only if the person requesting the service provides to the Commissioners Court documentation that evidences compliance with the requirements of subparagraph (k) and that is satisfactory to the Commissioners Court.
- (m) Limitation for Service -- A utility may not serve or connect subdivided property described by subparagraph (k) if, on or after September 1, 2007, any existing improvements on that property are modified.
- (n) Exception/Government Funding Program -- Except as provided in subparagraph (o), this subparagraph (n) does not prohibit a water or sewer utility from providing water or sewer utility connection or service to a residential dwelling that:
  - (1) is provided water or wastewater facilities under or in conjunction with a federal or state funding program designed to address inadequate water or wastewater facilities in colonias or to residential lots located in the County;
  - (2) is an existing dwelling identified as an eligible recipient for funding by the funding agency providing adequate water and wastewater facilities or improvements;
  - (3) when connected will comply with the minimum state standards for both water and sewer facilities as prescribed by the model subdivision rules adopted under § 16.343 of the Texas Water Code.
  - (4) is located in a project for which the municipality with jurisdiction over the project or the approval of plats within the project area has approved the improvement project by order, resolution, or interlocal agreement under Chapter 791 of the Texas Government Code, if applicable.
- (o) Exception – A utility may not serve any subdivided land with water utility connection or service under subparagraph (n) unless the entity receives a determination from the County Commissioners Court under § 232.028(b)(3) of the Texas Local Government Code that adequate sewer services have been installed to service the lot or dwelling.
- (p) Fees -- The Commissioners Court hereby imposes the following reasonable fee for a certificate issued under these utility connection requirements for a subdivision which is located in the county and not within the limits of a municipality: as described in the Fee Schedule (see **Appendix/Exhibit D**) attached to these Regulations.
- (q) Plat Disclosure Statement -- An approved subdivision plat shall contain the following

statement regarding these utility connection requirements:

**GILLESPIE COUNTY ("COUNTY"), BY AND THROUGH ITS GOVERNING BODY, THE COMMISSIONERS COURT OF GILLESPIE COUNTY, TEXAS ("COMMISSIONERS COURT"), HAS ADOPTED CERTAIN UTILITY CONNECTION REQUIREMENTS AUTHORIZED BY LAW, AND NOTICE IS HEREBY GIVEN REGARDING THOSE MATTERS:**

**WATER OR SEWER SERVICE -- UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH WATER OR SEWER SERVICE UNLESS THE UTILITY RECEIVES A CERTIFICATE ISSUED BY THE COMMISSIONERS COURT, OR RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT, THAT THE SUBDIVISION PLAT HAS BEEN REVIEWED AND APPROVED BY THE COUNTY.**

**ELECTRICITY OR GAS SERVICE -- UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH ELECTRICITY OR GAS SERVICE UNLESS THE UTILITY RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT THAT ADEQUATE WATER AND SEWER SERVICES (OR OSSF SERVICES AS AN ALTERNATIVE TO SEWER SERVICES) HAVE BEEN CONSTRUCTED OR INSTALLED TO SERVICE THE LOT OR SUBDIVISION, AND THAT: (1) SAID WATER SERVICE FACILITIES ARE FULLY OPERABLE AND THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET THE MINIMUM STATE STANDARDS; (2) SAID SEWER SERVICE FACILITIES ARE FULLY OPERABLE AND THE SEWER CONNECTIONS TO THE LOTS MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS; AND/OR (3) ALTERNATIVELY, IF SEPTIC SYSTEMS (OSSF) ARE USED, THAT THE LOT IS SERVED BY A PERMITTED OSSF, OR THAT LOTS IN THE SUBDIVISION CAN BE ADEQUATELY AND LEGALLY SERVED BY SEPTIC SYSTEMS, THAT MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS.**



**APPENDIX**

**EXHIBIT G:**

**BOND OR OTHER FINANCIAL GUARANTEE REQUIREMENTS**

1. General Requirements
  - (a) Bond or Financial Guarantee Required. Notwithstanding anything to the contrary stated in these Regulations -- and prior to plat approval during the plat review process -- should the Commissioners Court determine (as an exception to the County's typical non-acceptance policy stated in the Regulations) that a road, street, bridge, culvert or other drainage facility, driveway, or area of common use which is described and dedicated to the public on the plat (hereafter described as "the aforesaid dedicated facility or infrastructure") as an exception may be considered by the Commissioners Court at a later date for acceptance into the County's public road, bridge, or drainage system of operation and maintenance, then, and in that event: (i) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations; and (ii) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval.
  - (b) Approval. The bond or financial guarantee must be submitted to and approved by the Commissioners Court in a form and amount required by these Regulations, and that amount must be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure for the subdivision but must not exceed the estimated cost of construction. The bond or guarantee shall apply to and be in a form and amount sufficient to ensure, the proper construction of the aforesaid dedicated facility or infrastructure for the subdivision.
  - (c) Construction/Maintenance Limitations for Public Dedication. Upon plat approval, the County expressly does not accept for County construction, operation, repair, or maintenance purposes the aforesaid dedicated facility or infrastructure described on the plat. Upon plat approval, the construction or maintenance of the aforesaid dedicated facility and infrastructure described on the plat shall remain the responsibility of the Developer (in accordance with these Regulations and the approved bond or other guarantee) until said facility or infrastructure are accepted, if ever, by the Commissioners Court by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court.
2. Bond Requirements
  - (a) Bond Payee or Beneficiary Description. The bond shall be payable to the County Judge (in his official capacity) or his successor in office, fully executed by the



Developer and his surety, and approved by the Commissioners Court prior to plat approval.

- (b) **Bond Surety Requirements.** The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's criteria for surety acceptability includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.
- (c) **Bond Amount.** The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision but must not exceed the estimated cost of construction.
- (d) **Bond Condition.** The bond shall be conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the bond) shall be: (i) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (ii) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval.
- (e) **Bond Term.** The bond shall be for a term of years not less than one year from the date of plat approval.

### 3. Other Financial Guarantee Requirements

- (a) **Guarantee Types.** In lieu of a bond, the Developer may deposit another good and sufficient financial guarantee approved by the Commissioners Court in the form of: (i) a monetary deposit (in good funds approved by the County); (ii) an irrevocable letter of credit ("LOC") issued by a federally insured financial institution; or (iii) another form of good and sufficient financial guarantee deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.
- (b) **Guarantee Conditions.** The financial guarantee (whether a monetary deposit, LOC, or other type authorized by these Regulations) shall be:

- (i) payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his guarantor, and approved by the Commissioners Court prior to plat approval;
  - (ii) be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision, but must not exceed the estimated cost of construction;
  - (iii) conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the guarantee) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; (2) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval; and
  - (iv) be for a term of years not less than one year from the date of plat approval.
- (c) Letter of Credit. If an LOC is used for the guarantee, it must conform to the following requirements:
- (i) Beneficiary. The LOC must list as the sole beneficiary the County Judge or his successor in office.
  - (ii) Developer and Financial Institution Execution. The LOC must be fully executed by the Developer and the financial institution, in compliance with these Regulations, and approved by the Commissioners Court prior to approval of the plat.
  - (iii) Requirements. The LOC shall meet the following requirements.
    - (1) Financial Institution Qualifications. Any LOC submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications:
      - (a) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least \$25 million.
      - (b) Savings and loan associations must be: federally insured; with tangible capital of at

least 1.5% of total assets; with total assets greater than \$25 million, or tangible capital of at least 3.0% of total assets if total assets are less than \$25 million; and with a Sheshunoff rating of 30 or better.

- (c) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
- (d) Any LOC submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications:
- (e) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with a primary capital of at least 7.0% of total assets, and total assets of at least \$75 million.
- (f) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets, and total assets greater than \$75 million (or alternatively, tangible capital of at least 5.0% of total assets if total assets are less than \$75 million); and with a Sheshunoff rating of 30 or better.
- (g) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.



- (2) Sole Beneficiary and Approval. The LOC shall list as sole beneficiary the County Judge (in his official capacity), or his successor in office, and must be approved by the Commissioners Court. The form of the LOC shall be modeled after the form attached in Appendix 2B of 31 TAC § 364.54.
  - (3) Amount and Conditions. The LOC must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but in an amount not to exceed the estimated cost of construction. The LOC must be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named and described in the LOC) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval.
- (4) Maintenance Bond Requirement.
- (a) Before release of the security bond (or other authorized financial security) and to insure that the roads and drainage improvements, facilities, or infrastructure are maintained to the satisfaction of the County, the Developer shall furnish the County a maintenance bond, executed by a surety company holding a license to do business in the State of Texas, made payable to the County Judge of Gillespie County, Texas, or his successor in office, and acceptable to the County, in an amount equal to thirty (30) percent of the total cost of the roads, improvements, facilities, or infrastructure required to be constructed in said subdivision, as estimated by the Developer's Engineer and approved by the County.
  - (b) The Maintenance Bond shall contain the following condition: upon completion of the aforesaid roads, improvements, facilities, or infrastructure, and upon approval of same by the Commissioners Court, the Developer will maintain said roads, improvements, facilities, or infrastructure in good condition at Developer expense for a period of at least one (1) year after date of approval of the completed construction by the Commissioners Court and until final acceptance thereof by the Commissioners Court.
  - (c) The Commissioners Court shall not accept the aforesaid roads, improvements, facilities, or infrastructure on behalf of the County for a

period of at least one (1) year after such proper completion, and not then unless and until the Precinct Commissioner/Inspector again certifies that they have been maintained in good condition for said period of one year and are in good condition at such time. The County shall accept such roads, improvements, facilities, or infrastructure (if at all) only upon motion duly passed at a regular or legally called special meeting of the Commissioners Court, and the Developer shall remain responsible for the maintenance thereof until legally accepted by the County.

- (d) Proper maintenance of roads shall include (without limitation) regular maintenance due to (i) degradation of or damage to the road surface caused by traffic, weather events, or drainage by others; (ii) spilled concrete, mud, and other debris on the road, and (iii) damage caused by unknown springs, pumping, and unraveling. Proper maintenance of drainage improvements shall include (without limitation) regular maintenance in the form of: (i) removing debris; (ii) re-sodding eroded areas; and (iii) the installation of additional concrete riprap where designated by the County to permanently prevent erosion.

**APPENDIX**

**EXHIBIT H:**

**MODEL SUBDIVISION RULES**

- (1) **Application.** These Model Subdivision Rules (or Model Rules) are approved and adopted as a part of § 4.1(BB) of the Regulations, and shall apply only to a subdivision therein described in which there is created two or more lots of five acres or less intended for residential purposes. *See* TEX. LOC. GOV'T CODE §§ 232.023, 232.032, 232.101, and 232.107-.108; TEX. WATER CODE § 16.343; and 31 TAC §§ 364.1-364.72. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.
- (2) **Interpretation.** Should a conflict exist between a provision in these Model Rules and a provision appearing elsewhere in these Regulations, these Model Rules shall control and be fully operative and effective regarding a residential subdivision to which the Model Rules apply.
- (3) **Purpose and Basic Provisions.** These Model Rules shall: (a) provide the criteria for assuring that an adequate supply of safe drinking water and adequate, safe sewer facilities are available to residential areas of the subdivision in accordance with state standards established by the Texas Department of Health and TCEQ; (b) prohibit the establishment of residential developments (as herein described) without adequate water supply and sewer services; (c) prohibit more than one single-family, detached dwelling to be located on each subdivision lot; and (d) establish minimum set-backs to ensure proper operation of water supply and sewer services and to reduce the risk of fire hazards. These Model Rules shall promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in the aforesaid subdivisions within the jurisdiction of Gillespie County, and to apply the minimum state standards for water and wastewater facilities to said subdivisions.
- (4) **Presumption.** These Model Rules apply only to a residential subdivision as defined in this section. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds. The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of the Model Rules is prohibited.
- (5) **Effective Date.** These Model Rules are effective on the Effective Date.



- (6) Division of Land.
- (a) The Subdivider of a tract of land located in Gillespie County, Texas outside the corporate limits of a municipality, which divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
  - (b) No subdivided land shall be sold or conveyed until the Subdivider: (1) has received County approval of a final plat of the tract; and (2) has filed and recorded with the County Clerk of the county in which the tract is located a legally approved plat.
  - (c) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.
- (7) Severability. Notwithstanding anything to the contrary stated in these Regulations, if any part or provision of these Regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Regulations without any such part, provision or application.
- (8) Special Definitions. The special definitions of 31 TAC § 364.18 are incorporated by reference (**see Appendix/Exhibit M**) for use in these Model Rules (whether appearing in capital letters or in bolded, italicized, or underlined print).
- (9) Plat Requirements. A plat required by these Model Rules shall contain the following:
- (a) The plat shall be certified by a surveyor or engineer registered to practice in this state.
  - (b) The plat shall define the subdivision by metes and bounds.
  - (c) The plat shall locate the subdivision with respect to an original corner of

the original survey of which it is a part.

- (d) The plat shall describe each lot by metes and bounds, number each lot in progression, and give the dimensions of each lot.
- (e) The plat shall state the dimensions of and accurately describe each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
- (f) The plat shall include or have attached a document containing a description in English of the water and sewer facilities, and roadways and easements dedicated for the provision of water and sewer facilities, which will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operable.
- (g) The plat shall have attached a document prepared by an engineer registered to practice in this state certifying that (i) the water and sewer service facilities proposed under the immediately preceding subparagraph (f) are in compliance with these Model Rules, and (ii) a certified estimate of the cost to install the water and sewer service facilities.
- (h) The plat shall provide for drainage in the subdivision to efficiently manage the flow of stormwater runoff and coordinate subdivision drainage with the general storm drainage pattern for the area, and further, shall: (i) comply with the reasonable drainage standards for subdivisions described in these Regulations; and (ii) include a description of those drainage requirements for the subdivision.
- (i) The plat shall identify the topography of the area.
- (j) The plat shall include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision in a floodplain or stating that no area is in a floodplain.
- (k) The plat shall include certification that the Subdivider has complied with the requirements of § 232.0032, Texas Local Government Code, and show that: (i) the water quality and connections to the lots meet, or will meet, the minimum state standards; (ii) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (iii) electrical connections provided to the lots meet, or will meet, the minimum state standards; and (iv) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards. A Subdivider may meet the requirements of this provision through the use of a certificate issued by the appropriate County or state official having

jurisdiction over the approval of septic systems stating that lots in the subdivision can be adequately and legally served by septic systems.

- (l) The Subdivider of the tract must acknowledge the plat by signing the plat and attached documents and attest to the veracity and completeness of the matters in the attached documents and plat.
  - (m) The plat must be filed and recorded with the County Clerk and is subject to compliance with § 12.002, Texas Property Code.
  - (n) The Plat Application shall include a digital map that is compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under § 21.071 of the Texas Natural Resources Code. An exemption from this requirement is granted if the Subdivider submits with the application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this provision was not reasonably accessible.
  - (o) The plat and all supporting documents submitted for plat approval shall comply with: (a) the standards (including methodology) of Division 2 and the requirements (including methodology) of Division 3 of Subchapter B of 31 TAC Chapter 364; (b) the other requirements (including methodology) for plat sufficiency and approval described in these Model Rules (including the 31 TAC § 364.53 requirements); and (c) pursuant to § 16.343 of the Texas Water Code, and 31 TAC § 364.16, the other subdivision requirements (including methodology) described in these Regulations (including the water availability requirements) which do not conflict with or are not superseded by these Model Rules.
- (10) Water Facilities Development/Public Water Systems.
- (a) Agreement with Retail Public Utility -- Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A of 31 TAC § 364.32. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.



- (b) CCN Acquisition -- Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity ("CCN") from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency). The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38-290.51 and §§ 290.101-290.120. If groundwater is to be the source of the water supply, the Subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the Subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or a wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for not less than 30 years.
- (11) Water Facilities Development/Non-Public Water Systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the Subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§ 290.104, 290.106, 290.108 and 290.109, either: (a) without any treatment to the water; or (b) with treatment by an identified and commercially available water treatment system.
- (12) Water Facilities Development/Transportation of Potable Water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the Subdivider does not constitute an emergency.
- (13) Wastewater Disposal/Organized Sewerage Facilities.
- (a) Waste Disposal Permit Acquisition. Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the Commission (or the Texas Public Utility Commission if permit issuance is required by law

from that administrative agency) in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from TCEQ.

- (b) Agreement with Retail Public Utility. Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B of 31 TAC § 364.33 with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system and those said fees have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.
- (14) Wastewater Disposal/On-Site Sewerage Facilities (OSSF).
- (a) Wastewater Disposal. On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
  - (b) Sewage Disposal. Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
  - (c) Commission Review and Inspections. The Commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system complies with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5 and 285.30-285.39 therein. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.
- (15) Greywater Systems for Reuse of Treated Wastewater/Organized Sewerage Systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the Commission.
- (16) Greywater Systems for Reuse of Treated Wastewater/On-Site Sewerage Facilities.



Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

- (17) Sludge Disposal. The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.
- (18) Set-backs. In areas that lack a nationally recognized fire code as described in §§ 233.061-.062 of the Texas Local Government Code, and that also lack water lines sized for fire protection, set-backs from roads and rights-of-way shall be a minimum of 10-feet, set-backs from adjacent property lines shall be a minimum of 5-feet and shall not conflict with separation or set-back distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Notwithstanding anything to the contrary stated in this paragraph (18), set-back lines required elsewhere in the County's orders or rules (including these Regulations) shall control to the extent greater set-backs are therein required.
- (19) Number of Dwellings Per Lot. No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the subdivision plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.
- (20) Plat Application. An application for approval of a plat shall be filed with the County Judge (at the notice address described in § 1.3 of the Regulations) by the record owner or Subdivider of the property to be subdivided or the duly authorized agent thereof. Every plat creating two or more lots of five acres or less for residential use shall comply with all of the requirements described in 31 Texas Administrative Code, Chapter 364 (Model Subdivision Rules), Subchapter B, Divisions 2 (Minimum Standards) and 3 (Plat Approval).
- (21) Final Engineering Report/General Requirements. The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under 31 TAC § 364.54, the schedule shall include the start dates and completion dates.



- (22) Final Engineering Report/Public Water Systems.
- (a) Agreement with Retail Public Utility. Where water supplies are to be provided by an existing public water system, the Subdivider shall furnish an executed contractual agreement between the Subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in 31 TAC § 364.32(a)(1). Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project, which may include in addition to the County, the Commission and the County health department, if any, and the appropriate Water District. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.
  - (b) CCN Acquisition. Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Subdivider shall establish a retail public utility and obtain a CCN from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency) and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.
- (23) Final Engineering Report/Non-Public Water Systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with 31 TAC § 364.32. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to 31 TAC § 364.32(b) does not meet the water quality standards as set forth in that section without treatment by an identified and

commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

- (24) Final Engineering Report/Organized Sewerage Facilities.
- (a) Agreement with Retail Public Utility. Where wastewater treatment is to be provided by an existing retail public utility, the Subdivider shall furnish evidence of a contractual agreement between the Subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in 31 TAC § 364.33(a)(2). Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the Commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
  - (b) CCN Acquisition. Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the Subdivider shall establish a retail public utility and obtain a CCN from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency). Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the Commission (or the Texas Public Utility Commission if permit issuance is required by law from that administrative agency) and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction.
- (25) Final Engineering Report/On-Site Sewerage Facilities (OSSF). Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation



described by 30 TAC § 285.30 and all other information required by the County's OSSF order.

- (26) Additional Plat Information. The following additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process shall be submitted by the Subdivider to the County and described on the proposed plat: (a) layout of proposed street and drainage work; (b) legal description of the property; (c) existing area features; (d) topography; (e) floodplains; (f) existing easements; (g) layout of other utilities; (h) notation of deed restrictions; (i) public use areas; (j) proposed area features; and (k) the other matters described for plat approval in § 4.1 and other parts of these Regulations.
- (27) Financial Guarantee/Applicability. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the Subdivider, to serve lots intended for residential purposes as described in § 4.1(BB) of the Regulations at the time final plat approval is sought, then the Commissioners Court shall require the Subdivider of the subdivided tract to execute an agreement with the County in substantially the form attached in Appendix 2A of 31 TAC § 364.54 secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements hereafter described.
- (28) Financial Guarantee/Bonds. Unless a person has completed the installation of all water and sewer service facilities required by these Model Rules on the date that person applies for final approval of a plat under these Regulations, the Commissioners Court shall require the Subdivider of the tract to execute and maintain in effect a bond or, in the alternative, a person may make a cash deposit in an amount the Commissioners Court determines will ensure compliance with these Regulations. A person may not meet these requirements through the use of a letter of credit ("LOC") unless that LOC is irrevocable and issued by an institution guaranteed by the Federal Deposit Insurance Corporation. The Developer must comply with the requirement before subdividing the tract. The bond must be conditioned on the construction or installation of water and sewer service facilities that will be in compliance with these Model Rules adopted under § 16.343 of the Texas Water Code and other authority. A bond or financial guarantee shall meet the following requirements:
- (a) Payable to County Judge. The bond or financial guarantee shall be executed by the Subdivider and his surety and shall be payable to the County Judge or his successor in office, and in his official capacity.
- (b) Amount. The bond or financial guarantee shall be an amount determined by the Commissioners Court adequate to ensure proper construction or installation of the public or non-public water facilities and wastewater



facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

- (c) Surety. The bond shall be executed by a corporate or other business entity surety as may be approved by the Commissioners Court. The County's criteria for acceptability of the surety includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.
- (d) Bond Conditions. The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting criteria established by 31 TAC Chapter 364, Subchapter B, Division 2, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners Court.
- (29) Financial Guarantee/Letter of Credit. A letter of credit shall meet the following requirements:
  - (a) Financial Institution Qualifications. Any LOC submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications: (i) banks must be federally insured, with a Sheshunoff rating of 10 or better, with primary capital of at least 6.0% of total assets, and with total assets of at least \$25 million; (ii) savings and loan associations must be federally insured, with tangible capital of at least 1.5% of total assets, and with total assets greater than \$25 million, or tangible capital of at least 3.0% of total assets if total assets are less than \$25 million, and with a Sheshunoff rating of 30 or better; and (iii) other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment, and the investment instrument must be registered in the County's name, and the

County must receive safekeeping receipts for all collateral before the LOC is accepted.

- (b) **Additional Qualifications.** Any LOC submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications: (i) banks must be federally insured with a Sheshunoff rating of 30 or better, with primary capital of at least 7.0% of total assets, and with total assets of at least \$75 million; (ii) savings and loan associations must be federally insured, with tangible capital of at least 3.0% of total assets, with total assets greater than \$75 million, or tangible capital of at least 5.0% of total assets if total assets are less than \$75 million, and with a Sheshunoff rating of 30 or better; and (iii) other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment, and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
  - (c) **Sole Beneficiary and Approval.** The LOC shall list as sole beneficiary the County Judge in his official capacity, or his successor in office, and must be approved by the Commissioners Court. The LOC form shall be the form attached in Appendix 2B of 31 TAC § 364.54.
  - (d) **LOC Conditions.** The LOC shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under 31 TAC Chapter 364, Subchapter B, Division 2, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.
- (30) **Amount of Financial Guarantee.** The County will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.
- (31) **Alternative to Financial Guarantee.** The County may approve a final plat without receiving a financial guarantee in the name of the County if: (a) the property being subdivided lies wholly within the jurisdiction of the County; (b) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and (c) the municipality has executed an interlocal agreement with the County that imposes the obligation on the municipality to (i) accept the bonds, letters of credit, or other financial guarantees that meet the requirements of 31

TAC § 364.54, (ii) execute the construction agreement with the Subdivider, and (iii) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

- (32) Review and Approval of Final Plats.
- (a) **Scope of Review.** The County will review the final plat to determine whether it meets the standards of Division 2 and the requirements of Division 3 of 31 TAC Chapter 364, Subchapter B, and these Regulations.
  - (b) **Approval/Disapproval Authority.** The County shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Model Rules. The procedures and authority described by § 3.2 of these Regulations are incorporated by reference and shall be applied for plat review regarding these Model Rules.
  - (c) **Prerequisites to Approval.**
    - (i) Final plat approval shall not be granted unless the Subdivider has:
      - (1) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities – and provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these Model Rules and the approvals from the Commission of the plans and specifications for such construction, including any change orders filed with these agencies; or (2) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the County secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria in Division 3 of 31 TAC Chapter 364, Subchapter B.
    - (ii) A plat filed under these Model Rules is not valid unless the Commissioners Court approves the plat by an order entered in the minutes of the Court. The Commissioners Court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Model Rules or if any bond required is not filed with the County Clerk.



- (33) Time Extensions for Providing Facilities/Base Rule.
- (a) The Commissioners Court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if: (i) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with 31 TAC § 364.54 are submitted which will be effective for the period of the extension; and (ii) the Court finds the extension is reasonable and not contrary to the public interest.
  - (b) If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
  - (c) An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Division 2 of Chapter 364 of Title 31 of the Texas Administrative Code.
- (34) Time Extensions for Providing Facilities/Special Rule for Subdivisions Occurring Prior to September 1, 1989.
- (a) This subpart (34): (i) applies only to tracts that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded; and (ii) is in addition to the authority of the County to grant a delay or variance pursuant to Local Government Code § 232.043 or a rule of the County adopted pursuant to such provision.
  - (b) It is the purpose of this provision to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the County.
  - (c) In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the Commissioners Court and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared

and approved by the Commissioners Court as provided in this provision in lieu of the filing of a plat of the subdivision.

- (d) The Commissioners Court may approve the plat of a residential lot which does not comply with 31 TAC §§ 364.15(b) (sale restrictions), 364.36 (set-backs), 364.37 (number of dwellings per lot), 364 (Final Engineering Report), and 364.5 (financial guarantees for improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these Model Rules so that the public health, safety, and welfare may be secured and substantial justice done.
  - (i) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.
  - (ii) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the Commissioners Court may request to support the application, including: (1) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989; (2) the name and address of the original Subdivider or the Subdivider's authorized agent, if known; (3) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and (4) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.
  - (iii) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the Commissioners Court that: (1) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original Subdivider; (2) a plat was required for the subdivision, but has not been filed with the County by the Subdivider legally obligated to file it; (3) an existing, currently occupied residential dwelling is located on the lot; (4) existing water and sewer services which comply with the minimum standards set forth in these Model Rules are available to the lot; and (5) the request is reasonable, compliance with specified sections of these Model Rules is impractical, and a waiver is not contrary to the public health and safety.

- (e) The Commissioners Court shall make the final decision on an application for a waiver, following review and recommendation by the Court. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the Court, the County shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.
- (35) Oversight and Inspection. The owner, by submitting a plat, acknowledges the authority of the County and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these Model Rules. Pursuant to § 232.0775 of the Texas Local Government Code, a fee shall be imposed (as described in the Appendix/Exhibit D) on a Subdivider or Developer of property under these Model Rules to ensure compliance with the subdivision regulations adopted under said rules, § 16.343 of the Texas Water Code, or other law.
- (36) General Enforcement Authority. These Model Rules are enforceable pursuant to the specific provisions of the Regulations related to enforcement and state law, including: Chapter 7 and §§ 16.352, 16.353, 16.3535, 16.354, and 16.3545 of the Texas Water Code; §§ 232.037, 232.078, 232.079 and 232.080 of the Texas Local Government Code; and the other enforcement authority described in the Regulations or state law.



**APPENDIX****EXHIBIT I:****POST-APPROVAL OBLIGATIONS OF SUBDIVIDER WITH  
APPROVED SUBDIVISION PLAT**

Pursuant to §§ 232.023, 232.032, 232.101, and 232.107-.108 of the Texas Local Government Code, a Subdivider having an approved plat for a subdivision under § 4.1(BB) of the Regulations shall:

- (1) furnish [to the County and all lot owners] a certified letter from the utility provider stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards required by Section 16.343 of the Texas Water Code, and consistent with the certification in the letter, that water of that quality and quantity will be made available to the point of delivery to all lots in the subdivision;
- (2) furnish [to the subdivision with confirming evidence of same being furnished to the County and all lot owners] sewage treatment facilities that meet minimum state standards to fulfill the wastewater requirements of the subdivision -- or furnish [to the County and all lot owners] written certification by the appropriate county or state official having jurisdiction over the approval of the septic systems indicating that lots in the subdivision can be adequately and legally served by septic systems as provided under Chapter 366 of the Texas Health and Safety Code;
- (3) furnish [to the subdivision with confirming evidence of same being furnished to the County and all lot owners] roads satisfying minimum standards as adopted by the County in these Regulations;
- (4) furnish [to the subdivision with confirming evidence of same being furnished to the County and all lot owners] adequate drainage meeting standard engineering practices as required by these Regulations; and
- (5) make a reasonable effort [and furnish confirming evidence of said effort to the County and all lot owners] to have electric utility service and gas utility service installed by a utility.

**APPENDIX****EXHIBIT J:****ROAD DESIGN AND CONSTRUCTION STANDARDS**

The following road design and construction standards (including utility line matters) are approved and adopted by Gillespie County, Texas ("County"), regarding subdivision development located in the unincorporated areas of said county:

- (1) Permitted Roads. All roads, whether maintained by the County, by the individual property owners, or by a homeowners association, shall be constructed at the owner's/developer's expense in accordance with these Regulations and shall be classified as one of the three following types of roads:
  - (a) publicly dedicated, paved and to be maintained by Gillespie County (if constructed to the then applicable County standards for acceptance of maintenance, and accepted for maintenance, if ever, by the Commissioners Court), and construction to occur in accordance with paragraph (5).
  - (b) private, paved and to be maintained by the Developer, a Homeowners Association, or property owners in perpetuity (or until constructed to the then applicable County standards for acceptance of maintenance, and accepted for maintenance, if ever, by the Commissioners Court) and with construction to occur pursuant to paragraph (6); and
  - (c) private, unpaved and to be maintained by the Developer, a Homeowners Association or property owners in perpetuity (or until constructed to the then applicable County standards for acceptance of maintenance, and accepted for maintenance, if ever, by the Commissioners Court) and with construction to occur pursuant to paragraph (7).
- (2) Dedication to Public. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest, by a dedication on the plat conveying perpetual right of way easement in the property to the County for public use, or by perpetual right of way easement. No dedication shall be effective until approved by the Commissioners Court and the Final Plat is recorded. In no event shall any private lot extend into a dedicated roadway. No road shall be considered to be accepted into the County's maintenance system unless and until the process for accepting roads for maintenance, as set out in paragraph (10) hereof, has been completed.
- (3) Design of Public Improvements.
  - (a) All improvements shall be designed by a Registered Professional Engineer and

installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and roads and to permit continuity of improvements to adjacent properties. One complete set of construction plans, signed and sealed by the Developer's Professional Engineer engaged for the development project, shall be provided to and approved by the appropriate County Precinct Commissioner prior to the beginning of construction.

- (b) Roadway design shall be accomplished pursuant to the following requirements:
- (ii) Road Layout: Adequate roads shall be provided by the developer, and the arrangement, length, width, grade and location of each shall be considered in its relation to existing and planned roads, to topographical conditions, to public safety and convenience, and in the appropriate relationship to the proposed use of land to be served by such roads. The road layout shall be designed by a Registered Professional Engineer and devised for the most advantageous development of the entire neighborhood. Completed 24" x 36" size construction drawings shall have been presented to the County for review prior to submittal of the Final Plat.
  - (iii) Relation to adjoining road system: Where necessary to the neighborhood pattern, existing roads in adjoining areas shall be continued, and shall be at least as wide as such existing roads and in alignment therewith. When any tracts of the new subdivision will front on an existing county road, the tracts shall be laid out so as to provide for a sixty foot (60') right of way for the existing road. One-half (1/2) of the sixty foot (60') right of way is required for a tract on one side of the existing County right of way or easement.
  - (iv) For a distance of 2 miles, measured along the roadway; outside the ETJ of the City of Fredericksburg, a roadway right of way to match the width required by the City of Fredericksburg's Major Thoroughfare Plan shall be required. Additional right of way may be required as set forth in (4) below.
  - (v) For county roadways outside the limits set forth above, for roadways not indicated on the City of Fredericksburg Major Thoroughfare Plan as a major thoroughfare, and all other county roads, a roadway right of way width of sixty (60') feet shall be required.
  - (vi) Road Intersections: Road intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.
  - (vii) Curves: Curves in secondary roads shall have a minimum radius of two



hundred (200) feet. A smaller radius may be considered when the wearing surface width is increased to thirty (30) feet. Use of the smaller radius shall not be made unless approved by the County. On primary roads, the minimum radius shall be four hundred (400') and on roadways indicated on the City of Fredericksburg's major thoroughfare plan, the minimum shall be as established by the City of Fredericksburg for that roadway. Where an existing County road has a curvature less than set forth, additional right of way to provide for a future change of curvature construction shall be provided.

- (viii) Lot and Block Numbers: Each plat shall show lot and block (if applicable) numbers arranged in systematic order.
  - (ix) Road construction shall meet requirements of this exhibit.
  - (x) Road Names: Proposed roads which are in alignment with existing named roads shall bear the names of the existing road. Proposed roads shall comply with the Road Naming and Addressing Guidelines promulgated by Gillespie County and shall be approved by the Commissioners Court. Road names must be reviewed for conflict and acceptability by the County 911 Rural Addressing Office before Final Plat approval.
  - (xi) Signs: The developer shall present a sign placement plan to the respective Precinct Commissioner for approval prior to acceptance of the Final Plat. All traffic signs shall be furnished and installed by the developer in accordance with the latest issue of the "Texas Manual of Uniform Traffic Control Devices" issued by the Texas Department of Transportation ("TXDOT").
  - (xii) Roads to be dedicated to the public shall have a pavement design, including sub-grade, base, and surface treatments, provided by an Independent Testing Laboratory. The pavement shall be designed for a two HS-20 loadings per day, each day. The average daily traffic count for the road will be based on the number of lots with 4 trips each way, for each lot, per day. Design may include stabilization of any portion and/or geo-textile fabrics or geogrid reinforcing.
- (c) Stripping of road sub-grade areas to allow for testing will be allowed. Also, right of way, property clearing, and minor grading to allow soil testing, water availability and septic requirement equipment access to the site, shall be allowed prior to approval of completed construction plans.
  - (d) At the completion of construction, one (1) complete set of plans that includes

all “as built” changes shall be provided to the Precinct Commissioner.

- (4) Access to Permitted Roads. Tracts shall have the minimum direct frontage onto at least one permitted road set forth below:

<u>Road Classification</u>	<u>Minimum Lot Frontage</u>
Major Thoroughfare	200 feet
Primary Road	200 feet
Secondary Road	200 feet
Cul de sac (Turning Circle)	100 feet

- (5) Public Roads or Bridges to be Maintained by Gillespie County (if Ever Accepted by County).

- (a) Clearing and Grubbing: The entire area of the right of way shall be selectively cleared and grubbed to a depth of not less than one foot below natural ground in fill areas and one foot below sub-grade elevation in excavated areas. Trees, brush and other debris shall be removed from the right of way and disposed of as elected by the developer.
- (b) Grading: The roadway area (sub-grade ditches and slopes) shall be constructed substantially in accordance with the following requirements:
- (i) Earthen embankments shall be placed in lifts of not more than eight (8) inches loose depth and each lift shall be thoroughly compacted by sprinkling and rolling before placement of the succeeding lifts. Rock fill may be placed in lifts of not more than thirty (30) inches or as directed.
- (ii) Unstable material encountered in either excavated sections or beneath embankments shall be removed to a depth of not less than one foot below natural ground or finished sub-grade and replaced with satisfactory material. Material so removed shall be properly disposed of and removed from the right of way.
- (iii) Prior to final finishing, sub-grade shall be proof rolled as directed by the Precinct Commissioner/Inspector to assure uniformity of both cuts and fills and any unstable material shown shall be removed and replaced with satisfactory material. The Precinct Commissioner/Inspector may require density tests to prove compaction has been adequate to obtain maximum density of 95% of AASTHO T180-61 (Standard Proctor). One test, if required, shall be performed in an alternate lane pattern at the rate of one test every five hundred linear feet (500 L.F.) Additionally, tests shall be performed as directed. Tests shall meet the requirements of paragraph (9).

- (iv) The sub-grade may require stabilization or reinforcement if on a publicly maintained road, as determined by the pavement design of the Independent Testing Laboratory.
- (c) Roadway Ditches: Ditches intended for parallel drainage shall be designed to accommodate runoff to be expected at five (5) year frequency. On grades of more than three (3) percent, in friable soils, erosion control by sodding and/or seeding or by properly designed checks of concrete, stone or sod blocks shall be included.
- (d) Culverts: Cross drainage culverts shall be designed for runoff to be expected at following storm frequencies: (i) ten (10) years for equalizer and minor drainage channel culverts that drain from one (1) to one hundred (100) acres; (ii) twenty-five (25) years for medium drainage channel culverts that drain an area from one hundred-one (101) acres to five hundred (500) acres; (iii) fifty (50) years for major drainage channel culverts that drain an area over five hundred (500) acres and named stream culverts; and (iv) one hundred (100) years for river crossing culverts or bridges. Culverts may be standard reinforced concrete pipe, corrugated galvanized metal pipes, reinforced concrete boxes, or other material currently approved for this purpose by the Texas Department of Transportation. Regardless of material, each culvert shall be capable of sustaining "HS-20 Highway Loading". No box culvert shall be smaller than two (2) feet in either waterway height or depth. No pipe structure shall have waterway area of less than one and six-tenths (1.6) square feet.
- (e) Entrance Culverts: No culvert shall be installed at any entrance to private property except by individual permit issued by the authority of the Precinct Commissioner in whose precinct the installation is proposed, except that entrances from a State maintained road or highway shall be as directed by the proper State authority. Base material comparable to that on the roadway shall be placed between the right of way line and the edge of the pavement by the owner or developer. No entrance culvert shall be less than thirty (30) feet in total length with waterway of not less than one and six tenths (1.6) square feet and shall be designed for runoff of five year frequency. Culvert ends shall be encased in concrete riprap so as to provide a 6:1 sloped safety end treatment. The safety end treatment shall have no vertical component. Culvert shall provide for a 14' long minimum section between 6:1 sloped safety end treatments. The developer shall ensure that buyers of tracts in the subdivision are provided a copy of this requirement at the time of sale of the tract.
- (f) Bridges: All bridges shall be designed by a Registered Professional Engineer for a hundred (100) year frequency of storm and with not less than one foot six inches (1' 6") freeboard for drift collection. The load capacity of bridges shall not be less than "HS-20". Bridges shall be founded and protected by riprap to



withstand floods of one hundred (100) year frequency.

- (g) **Overflow Section Requirements:** In general, the Commissioners Court will, on individual consideration, approve the installation of overflow sections. Such consideration will adjudge the probable frequency and depth of overflow, the traffic potential, the nature of the tributary area, and economic factors. The following conditions are considered suitable for the installation of overflow sections: (i) drainage courses having no defined channel where channel construction would possibly develop liability for diversion or concentration of runoff; (ii) streams having a defined channel for normal flow and usual runoff with a wide floodplain covered by infrequent storms; and (iii) stream crossings where traffic potential does not economically warrant bridge construction.
- (h) **Overflow Section Specifications:** Under conditions g(i) above, the roadway gradient should conform as nearly as feasible with natural ground slopes and no culvert should be installed, nor should roadway ditches be constructed. For conditions g(ii) and g(iii) above, the overflow structure shall be designed by a Registered Professional Engineer within the following limitations:
  - (i) The section shall be of reinforced concrete not less than seven (7) inches in thickness and containing not less than five (5) sacks of Portland cement (3000 psi compressive strength at 28 days) per cubic yard of finished concrete; shall extend horizontally between high water elevations calculated for frequency of drainage channel (see above storm frequencies) shall be anchored with toe structures with a minimum vertical depth of eighteen (18) inches or dowelled into rock for a minimum depth of twelve (12) inches on a maximum twenty-four (24) inch spacing.
  - (ii) Drainage waterways adequate for storms of ten (10) year frequency shall be provided, with the additional requirement that the finished grade at the low point of the roadway shall be no higher than three feet above the flow line of the stream or one-half the depth of the ravine section, whichever is lower and in no case shall be lower than one foot (1') above the top of provided drainage waterways.
  - (iii) Reinforcement shall be not less than No. 4 bars placed fourteen inches on center both longitudinally and transversely. Laps, if required, shall be not less than fifteen (15) inches and shall be staggered in position. Laps or splices at the crown line will not be acceptable.
  - (iv) The crown width of overflow sections shall be not less than six (6) feet wider than the approach pavement or surface and centered on the approach.

- (v) Overflow section-side slopes shall be paved as stated in paragraph (1) above, but the thickness shall be four (4) inches. Reinforcing shall extend out of the crown width section and bent to provide a lap splice in the slope paving. Toe structures will not be provided at the edge of the crown width, but shall be provided at toe of the slope paving. The toe structures shall also meet requirements of this exhibit.
- (i) Base and Base Courses:
  - (i) Material: Material for base courses shall be in accordance with Texas Department of Transportation (TxDOT) Standard Specification as shown for each type of roadway, as follows: Primary Road – Type A, Grade 2; Secondary Road – Type A, Grade 2; Type C, Grade 2; or Caliche, Grade 3. Minor variations from these requirements may be permitted by the Commissioners Court where local conditions permit. Thickness of the base course or courses will be increased to compensate for lesser quality material. In no case shall there be less than eight (8) inches of base material allowed for secondary roads and ten (10) inches for primary roads, unless otherwise determined by the pavement design of an Independent Testing Laboratory.
  - (ii) Construction Methods. Base material on all roads shall have a minimum compacted thickness as shown in the Schedule of Minimum Dimensions. The material shall be dumped, spread, mixed, wind rowed, watered and processed as necessary to produce a uniformly blended mixture of the desired course thickness, moisture condition and gradation. Shaping of the blended mixture to the required grade and line shall follow the mixing procedure and precede compaction. Compaction of each course of material shall be accomplished by suitable equipment to obtain maximum density of 95% of AASHTO T180-61 (Standard Proctor). Optimum moisture content as determined by proctor plus or minus two (2) percent shall be maintained during compaction. Soft spots that develop during compaction will be removed and replaced to the required density. Areas that show evidence of segregation shall be replaced before the compaction of the course is complete. The same procedures shall be used in the construction of each course. The final course of base, upon which pavement is to be placed, shall be accurately finished to typical section and allowed to “cure” at least 24 hours, or as directed, before application of the prime coat.
  - (iii) Testing Material. Prior to the delivery of base material to the road, the results of physical tests of the material proposed for use on the road shall be submitted to the Precinct Commissioner/Inspector for approval. These tests results shall be certified as conforming to the requirements by an



approved commercial laboratory. This certification shall define the area and column represented by the tabulated results.

- (iv) Base course on publicly maintained roads may require additional treatment as determined by the pavement design of the Independent Testing Laboratory.
- (j) Prime Coat. After finishing, curing and correction of any irregularities developed during the curing period, the area of the base which is to receive surfacing shall be primed with an application of approximately two-tenths (0.2) gallons of MC-30 cutback asphalt, or other acceptable product as approved by the Precinct Commissioner/Inspector, per square yard of surface covered. Generally, traffic shall be diverted from the primed area until placement of the surface. Should diversion of traffic not be feasible, the prime coat shall be blanket rolled with a pneumatic roller immediately following application or sanded. The prime coat shall be allowed to cure for not less than forty-eight (48) hours following application and before application of surface courses or pavement, unless otherwise approved by the Precinct Commissioner/Inspector.
- (k) Surface Treatment. All roads in subdivisions, and providing access to subdivisions, shall be provided with a wearing surface, the minimum acceptable standards for which are as follows:
  - (i) A two-course asphalt surface treatment composed of asphalt and aggregates of the grades and rates of distribution as shown below. Emulsified asphalt shall be Grade CRS-2P or other equivalent emulsified asphalt as approved by the County. Aggregates may be crushed limestone, crushed gravel, gravel or limestone rock asphalt with the grading system as established by the Texas Department of Transportation Standard Specifications,

GRADING AND RATES OF DISTRIBUTION

First Course:

Emulsified Asphalt	Grade CRS-2P	Rate of 0.42-0.45 gals. per sq. yd.
Aggregate	Not finer than Grade 4	One cub. yd. per 85 - 95 sq. yds.

Second Course:

Emulsified Asphalt	Grade CRS-2P	Rate of 0.42-0.45 gals. per sq. yd.
Aggregate	Grade 4 or 5	1 cub. yd. per 110-125 sq. yds.

Total Asphalt for both courses shall be not less than 0.6 gallons per sq. yd.

- (ii) Should the developer elect, a bituminous concrete pavement may be placed in lieu of the minimum surface treatment described. Such pavement



may be either Hot Mix Asphaltic Concrete, Hot Mix Cold Laid Asphaltic Concrete, or Limestone Rock Asphalt, proportioned, mixed and laid as required by the pertinent specifications of the Texas Department of Transportation Standard Specifications.

- (iii) Bituminous concrete pavement shall be placed in such quantity and spread at such rate as to provide a minimum compacted depth of mat of one and one-half (1 1/2 ) inch.
- (iv) Neither surface treatment nor Asphaltic Concrete shall be placed at any time between October 1<sup>st</sup> and April 1<sup>st</sup> or when the ambient air temperature is below 60 degrees Fahrenheit. As an exception to this policy, the respective Precinct Commissioner may authorize the placing of either wearing surface when the ambient temperature is stabilized above 50 degrees Fahrenheit and the roadway surface temperature is above 60 degrees Fahrenheit. An additional exception will be considered of an alternative asphalt material that can be applied in cold weather. Such asphalt shall be approved by the County prior to its use.
- (l) Curbed Roads: Where roads are proposed to be provided with curbs or curbs and gutters, design and construction details shall be approved by the respective Precinct Commissioner.
- (m) Shoulders: Untreated shoulders shall be bladed and dragged for uniformity after placement of the surface and shall be smooth, stable and well compacted for the entire width. The thickness of base shall not vary from the prescribed thickness by more than one half (1/2) inch at any point tested.
- (n) Schedule of Minimum Dimensions.

INCREMENT	PRIMARY RD	SECONDARY RD
Right of Way Width*	60 ft	60 ft
Cul de Sac Right of Way	65 ft radius	65 ft radius
Cul de Sac Wear Surface Width	50 ft radius	50 ft radius
Maximum Grade	10 %	12 %
Subgrade Crown Width	34 ft	30 ft
Base Course Thickness (minimum**)	10 in	8 in
Prime Coat Width	30 ft	26 ft
Wear Surface Width	24 ft	20 ft
Shoulder Width	3 ft	3 ft
Culvert Length (Square Crossing)	40 ft (minimum)	36 ft
Bridge Roadway Width	30 ft	26 ft
Overflow Section Roadway Width	30 ft	26 ft

Cattle Guards (if permitted)                      26 ft                      22 ft

\* Right of Way width on hillsides and in cuts shall be expanded to reach ten (10) feet beyond the toe of a slope or the top of a cut.

\*\* Base course thickness shown are for privately maintained roads. Base course thickness for publicly maintained roads shall be determined by the pavement design of the Independent Testing Laboratory.

- (o) Cattle Guards. The Precinct Commissioner in whose precinct the subdivision is located may authorize the installation of cattle guards when considered essential to the public safety. When permitted, a cattle guard shall be not less than six (6) feet in length, measured along the center line of the road, and of width not less than two (2) feet greater than the width of the pavement. Deck members shall be either weldable steel tubing two and three-eighths (2 3/8) inches outside diameter or relayer rails weighing not less than seventy (70) pounds per yard. Oil field tubing is not acceptable. Support members shall be structural steel shapes of size and section adequate for HS-20 loading with twenty-five (25) percent impact allowance. Support sections shall be spaced not more than thirty-one (31) inches for tubing decks or forty-eight (48) inches for rail decks. Units may be prefabricated or welded in place provided fastenings to the masonry foundation are arranged for easy removal for cleanout. The supporting masonry shall extend to firm foundation or shall be designed as an open flume with ends closed, except where the structure serves as a drainage structure. Closed end structures shall be provided with pit drainage.
- (6) Privately Maintained Paved Roads. All private, paved roads shall be designed and constructed in accordance with the standards specified in the Gillespie County Road Design and Construction Specifications for paved, publicly dedicated roads as outlined in paragraph (5). Private roads shall be permitted only within subdivisions satisfying each of the following criteria:
  - (a) Private roads shall be constructed in accordance with the schedule of minimum dimensions herein and no pavement design is required.
  - (b) All private roads shall be signed in accordance with these Regulations.
- (7) Privately Maintained Unpaved Roads. Unpaved roads shall be designed and constructed in accordance with the Gillespie County Road Design and Construction Specifications for paved, publicly dedicated roads as outlined in paragraph (5), except for the specifications pertaining to Surface Treatment. Private road base shall be primed. Unpaved roads shall be permitted in a Subdivision only if each of the following criteria is satisfied:

- (a) All resulting tracts with frontage or access onto the road shall be 10 acres or larger.
  - (b) A maximum of eight (8) tracts designed for single-family occupancy may have access to the privately maintained unpaved road.
  - (c) All of the resulting tracts with frontage or access onto the unpaved road are prohibited from any future re-subdivision of any tract into lots smaller than ten (10) acres and only one re-subdivision per tract, unless the road is first constructed to the County's standards then in effect for paved roads and accepted for maintenance, if ever, by the County.
  - (d) All private roads shall be signed in accordance with these Regulations.
- (8) Inspections. Proposed roads, bridges, and drainage improvements or facilities will be inspected by an authorized representative of the Commissioners Court, at minimum, for the following stages of development as described below:
- (a) on receipt of formal notice that subdivision of lands is proposed, a site inspection will be conducted to evaluate the conceptual plans and validate preliminary determinations of road routing and classification;
  - (b) when right of way has been cleared for grading, location and size of drainage structures will be reviewed and verified. Any special grading sections will be established at this time;
  - (c) when grading is complete and subgrade is prepared for receipt of base material;
  - (d) during placement of base material when the material being delivered will be sampled and tested for conformity with quality and grading requirements;
  - (e) after base material has been completed and finished for the prime coat;
  - (f) when prime coat is cured and before placement of the wearing surface;
  - (g) such other inspections as might be considered necessary for unforeseen conditions;
  - (h) a final in-depth inspection of the completed work as a prerequisite for recommending acceptance of the work and release of the surety;
  - (i) Interim maintenance and condition inspections during a period of one year following tentative acceptance of the work by the Commissioners Court.



Interim maintenance activities shall include such items as drainage correction and refinement, spilled concrete, mud and debris on road, damage from previously unknown springs, pumping of pavement, unraveling of pavement, etc. Maintenance of drainage improvements shall include removing debris, re-grading eroded areas, re-sodding eroded areas and the installation of additional concrete riprap where designated by the Precinct Commissioner/Inspector to permanently prevent erosion; and

- (j) the owner/developer shall notify the appropriate Precinct Commissioner or authorized representative of the Commissioners Court of the pending completion of each phase of work in order that inspections may be conducted without delaying the progress of the work.
- (9) Tests. Tests of existing and/or proposed subgrade materials shall be performed by an Independent Testing Laboratory to establish the base for the pavement design required for publicly maintained roads. Testing of existing subgrade materials will not be required for privately maintained roads. The following tests will be required for both types of roads.
- (a) Preliminary Tests. Material proposed for use as base material and for aggregates for surface treatment shall be tested for conformity with the specification requirements prior to delivery to the project. Such tests shall be performed and reported by an approved commercial laboratory, a Registered Professional Engineer or a competent laboratory technician. Material to be tested shall be sampled by the developer or his contractor as directed by the County representative. All expense associated with preliminary testing shall be borne by the owner/developer.
    - (i) Material proposed for use as base material shall be tested for determination of the following physical constants: liquid limit; plasticity index; linear shrinkage; and screen analysis.
    - (ii) Aggregates for Surface Treatment shall be tested for: screen analysis; and percent of wear (Tex 410-A).
    - (iii) Materials other than Base Material and Aggregates for Surface Treatment that are obtained from commercial sources will be acceptable with certification of conformity by the producer/supplier.
  - (b) Progress Tests: The following tests shall be performed at the expense of the owner/developer.
    - (i) Compaction of subgrade shall be verified by proof rolling the entire area with approved compaction equipment. If subgrade compaction testing

by proof rolling cannot accurately be performed due to moisture content, or is questionable, the owner shall obtain the services of an Independent Testing Laboratory and verify the compaction by testing. It is intended that the subgrade be compacted to not less than 95% of the maximum dry density determined using Texas SDHPT Test Method TEX 113-E.

- (ii) The owner/developer shall retain the services of an approved Independent Testing Laboratory for the purpose of quality control during base construction. In place density tests shall be performed for each 500 linear feet of surface area of the compacted base material, in an alternate lane pattern. Additional tests shall be performed, as directed by the Precinct Commissioner/Inspector. The owner/developer shall furnish the County with copies of the test reports of density testing.
- (10) Acceptance of Roads or Bridges for County Maintenance. The developer, property owners in the subdivision, or homeowners association shall remain responsible for all maintenance and repair of roads, bridges, and related improvements within a subdivision unless or until the Commissioners Court accepts (if ever), by a separate recorded vote in a public meeting, the obligation to maintain and repair such roads. Improvements, as specified herein, shall include but are not limited to roads, bridges, culverts, drainage systems, structures, and ditches. The Commissioners Court's decision to approve (if ever) a Final Plat or dedication of the right of way for a road shall not be deemed to constitute acceptance of any roads for County maintenance.
- (a) Tentative Acceptance. Upon certification by the developer, property owners or homeowners association, to the Commissioners Court that the construction has been completed in accordance with these Regulations, and if the Commissioners Court approves such certification, the Court may declare the work complete and approve tentative acceptance of the roads in the Subdivision. However, final acceptance, inclusion in the County system of roads, and assumption of maintenance of the roads shall be delayed for a period of one (1) year following tentative acceptance. During this period, maintenance of the roads and improvements will be the responsibility of the developer, property owners or homeowners association, and all required maintenance and repairs shall be performed at no cost to the County. The following, as a minimum, shall be accomplished by the developer prior to tentative acceptance, unless otherwise approved by the Precinct Commissioner/Inspector.
    - (i) An attempt shall be made to obtain an 80% stand of grass during this one year period.
    - (ii) The right of way shall be mowed at the developer expense at least twice during this one year period, ideally, after seed heads have formed on natural or seeded vegetation.



- (iii) The roads and right of way shall be maintained in acceptable condition.
  - (iv) The developer shall notify the Precinct Commissioner/Inspector after each mowing of the right of way.
- (b) Final Acceptance. At least one (1) year following tentative acceptance, upon request of the developer, property owners or homeowners association, the Precinct Commissioner/Inspector will inspect all roads and improvements within the Subdivision, and if all are found to be in compliance with these Regulations, the Commissioners Court, through a recorded vote at a public meeting, may give final acceptance and the roads and improvements will then be included in the County system for maintenance by County forces. The Commissioners Court may require written certification from a Registered Professional Engineer that the roads are currently in compliance with the applicable standards set out in these Regulations. The cost of any improvements, maintenance or repairs required to achieve those standards shall be borne by the developer, property owners or homeowners association, not by the County, prior to final acceptance by the Commissioners Court. The following, as a minimum, shall be accomplished by the developer prior to Final Acceptance.
- (i) The pavement has been broomed to remove loose surfacing material.
  - (ii) Any damage to the roadway surface has been satisfactorily repaired.
  - (iii) All culverts and ditches are clean and free of obstructions.
  - (iv) The right of way has recently been mowed.
  - (v) A stand of grass and vegetation is in place in the ditches and right of way on areas of exposed soils, covering at least 80%.
  - (vi) All signs have been installed and in very good condition.
  - (vii) Any erosion damage has been satisfactorily repaired.
  - (viii) Temporary erosion control measures have been removed.
- (11) Acceptance of roads that will be privately maintained. Prior to release of the security bond for privately maintained roads, since no maintenance bond is required, the above requirements for Final Acceptance of paragraph 10(b) of this Section shall have been met, except for sub-paragraphs (v) and (viii).
- (12) Additional Matters.
- (a) Drainage Requirements for Roads. Regarding the roads of a proposed



subdivision, the Developer also shall comply with the road drainage requirements described in **Appendix/Exhibit C** of the Regulations.

- (b) Utility Lines.
  - (i) All utility services, including without limitation electricity and telephone trunk service, shall be planned and constructed concurrent with the construction of the road infrastructure in a subdivision. Utility plans shall be coordinated with the Precinct Commissioner well in advance of construction. The plat shall show the location of and easements associated with these services.
  - (ii) All utility lines that pass under a road shall be installed before the road base is placed. When it is necessary that utility lines pass under an existing road, they shall be placed by boring at a depth of three (3) feet to a point at least four (4) feet beyond the pavement edge.
  - (iii) Utility fixtures extending above ground (poles, pedestals, fire hydrants, transformers, etc.) shall be located no greater than two (2) feet inside the right of way line unless specifically approved by the respective Precinct Commissioner.
  - (iv) Underground utilities shall be placed a minimum of three (3) feet below surface and within four (4) feet inside the right of way line.
  - (v) Utility easements along roadway right of way shall be labeled "Utility and Drainage Temporary Work Easements" to allow back slopes of constructed ditches to be shaped for easy mowing.
- (c) Mailboxes. For purposes of public safety, the County encourages the use of clustered or community mail facilities whenever possible to reduce collision hazards. If such facilities are used, the Developer shall contact the Precinct Commissioner and the United States Postal Service to determine a suitable location. All mailboxes shall be placed in a manner that does not interfere with the line of vision of motorists.

**APPENDIX**

**EXHIBIT K:**

**PLAT CANCELLATION, REVISION, AND AMENDMENT REQUIREMENTS**

- 1. Cancellation of Subdivision (§ 232.008, Texas Local Government Code)**
  - (a) Pursuant to § 232.008 of the Texas Local Government Code, the following plat cancellation standards and procedures are adopted.
  - (b) A person owning real property in the unincorporated area of the County that has been subdivided into lots and blocks or into small subdivisions may apply to the Commissioners Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the Court by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision or the part of it that is canceled. The Court shall enter the order in its minutes. After the cancellation instrument is filed and recorded in the deed records of the County, the County Tax Assessor-Collector shall assess the property as if it had never been subdivided.
  - (c) The Commissioners Court shall publish notice of an application for cancellation. The notice must be published in a newspaper, published in the English language, in the county for at least three weeks before the date on which action is taken on the application. The Court shall take action on an application at a regular term. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.
  - (d) If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by these provisions, the owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing the tract for a preceding year, the County Tax Assessor-Collector shall back assess the tract on an acreage basis.
  - (e) On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the owners of 75 percent of the property included in the subdivision, phase, or identifiable part, the Commissioners Court by order shall authorize the cancellation in the manner and after notice and a hearing as provided by paragraphs (b) and (c). However, if the owners of at least 10 percent of the property affected by the proposed cancellation file written objections to the cancellation with the Court, the grant of an order of

cancellation is at the discretion of the Court.

- (f) To maintain an action to enjoin the cancellation or closing of a roadway or easement in a subdivision, a person must own a lot or part of the subdivision that:
  - (1) abuts directly on the part of the roadway or easement to be canceled or closed; or
  - (2) is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to: (A) the nearest remaining public highway, county road, or access road to the public highway or county road; or (B) any uncanceled common amenity of the subdivision.
- (g) A person who appears before the Commissioners Court to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision. The person must bring the action within one year after the date of the entry of the Court's order granting the cancellation.
- (h) Regardless of the date land is subdivided or a plat is filed for a subdivision, the Commissioners Court may deny a cancellation under these provisions if the Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development as defined by § 232.0085 of the Texas Local Government Code.

**2. Cancellation of Certain Subdivision Plats if Existing Plat Obsolete (§ 232.0083, Texas Local Government Code)**

- (a) Pursuant to § 232.0083 of the Texas Local Government Code, the following plat cancellation standards and procedures are adopted regarding obsolete plats, and these provisions apply only to a subdivision for which: (1) a plat has been filed for 75 years or more; (2) the most recent plat describes at least a portion of the property as acreage tracts; (3) a previous plat described at least a portion of the property as lots and blocks; and (4) the County Tax Assessor-Collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.
- (b) A person owning real property in the subdivision may apply to the Commissioners Court for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.
- (c) After notice and hearing, the Commissioners Court may order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under paragraph (b) if the court finds that:



- (1) the cancellation and reestablishment do not interfere with the established rights of: (A) any owner of a part of the subdivision; or (B) a utility company with a right to use a public easement in the subdivision; or
- (2) each owner or utility whose rights may be interfered with has agreed to the cancellation and reestablishment.
- (d) The Commissioners Court shall publish notice of an application for the cancellation and reestablishment. The notice must be published at least three weeks before the date on which action is taken on the application and must direct any person who is interested in the property and who wishes to protest the proposed cancellation and reestablishment to appear at the time specified in the notice. The notice must be published in a newspaper that has general circulation in the county.
- (e) If the Commissioners Court authorizes the cancellation and reestablishment, the Court by order shall authorize the person making the application under this section to record an instrument showing the cancellation and reestablishment. The Court shall enter the order in its minutes.

**3. Revision of Plat (§ 232.009, Texas Local Government Code)**

- (a) Pursuant to § 232.009 of the Texas Local Government Code, the following plat revision standards and procedures are adopted.
- (b) A person who owns real property in a tract that has been subdivided and that is subject to the subdivision controls of the County may apply in writing to the Commissioners Court for permission to revise the subdivision plat that applies to the property and that is filed for record with the County Clerk.
- (c) Except as provided by paragraph (c-1), after the application is filed with the Commissioners Court, the Court shall publish a notice of the application in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting. Except as provided by paragraph (f), if all or part of the subdivided tract has been sold to non-developer owners, the Court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.
- (c-1) If the Commissioners Court determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under paragraph (c) do not apply to the application and the Commissioners Court shall: (1) provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the Gillespie County Central

Appraisal District; and (2) post notice of the application continuously on the County's internet website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

- (d) During a regular term of the Commissioners Court, the Court shall adopt an order to permit the revision of the subdivision plat if it is shown to the court that: (1) the revision will not interfere with the established rights of any owner of a part of the subdivided land; or (2) each owner whose rights may be interfered with has agreed to the revision.
- (e) If the Commissioners Court permits a person to revise a subdivision plat, the person may make the revision by filing for record with the County Clerk a revised plat or part of a plat that indicates the changes made to the original plat.
- (f) The Commissioners Court is not required to give notice by mail under paragraph (c) if the plat revision only combines existing tracts.
- (g) A fee for filing an application for plat revision is required and described in the **Appendix/Exhibit D**.

**4. Amendment of Plat (§ 232.011, Texas Local Government Code)**

- (a) Pursuant to § 232.011 of the Texas Local Government Code, the following plat amendment standards and procedures are adopted. The Commissioners Court may approve and issue an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes: (1) to correct an error in a course or distance shown on the preceding plat; (2) to add a course or distance that was omitted on the preceding plat; (3) to correct an error in a real property description shown on the preceding plat; (4) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat; (5) to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or (6) to correct an error in courses and distances of lot lines between two adjacent lots if (A) both lot owners join in the application for amending the plat, (B) neither lot is abolished, (C) the amendment does not attempt to remove recorded covenants or restrictions, and (D) the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.
- (b) The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat.
- (c) Notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.

**5. Dormant Projects (§ 245.005(a)-(c), Texas Local Government Code).** Regarding a

subdivision plat approved by the County, that approval shall expire on the 5-year anniversary of the date the plat application was filed with the County for the subdivision development project, if no progress has been made towards completion of the project. Progress towards completion of the project shall be defined as described by § 245.005(c) of the Texas Local Government Code. Nothing in this provision shall be deemed to affect the timing of an order or permit issued solely under the authority of Chapter 366 of the Texas Health and Safety Code by TCEQ or its authorized agent.

6. **Dormant Plats (§ 232.002(c), Texas Local Government Code).** If no part of the land subdivided under a plat approved pursuant to these Regulations is sold or transferred before January 1 of the 51<sup>st</sup> year after the year in which the plat was approved, the approval of the plat expires, and the Developer must resubmit a plat of the subdivision for approval. A plat resubmitted for approval under this provision is subject to the requirements prescribed by these Regulations at the time the plat is resubmitted.



APPENDIX

EXHIBIT L:

Plat Review Procedure and Requirements

1. **Approval by County Required (§ 232.002, Texas Local Government Code)**
  - (a) The Commissioners Court must approve, by an order entered in the minutes of the Court, a plat required by and which complies with these Regulations. The Court may refuse to approve a plat if it does not meet the requirements prescribed by or under these Regulations or if any bond or other security required by these Regulations is not filed with the County.
  - (b) If no portion of the land subdivided under a plat approved under these Regulations is sold or transferred before January 1 of the 51st year after the year in which the plat was approved, the approval of the plat expires, and the owner must resubmit a plat of the subdivision for approval. A plat resubmitted for approval under these Regulations is subject to the requirements prescribed by law at the time the plat is resubmitted.
  
2. **Approval Procedure: Applicability (§ 232.0023, Texas Local Government Code)**

The plat application approval procedures under these Regulations apply regardless of whether the County has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under § 242.001(d) of the Texas Local Government Code.
  
3. **Approval Procedure: Timely Approval of Plats and Plans (§ 232.0025, Texas Local Government Code)**
  - (a) The Commissioners Court has issued a written list of the documentation and other information that must be submitted with a plat application, as described in the Subdivision Plat application form described in the Appendix/Exhibit A. The documentation or other information described therein relate to a requirement authorized under the aforesaid § 232.0025 or other applicable law. An application submitted to the Subdivision Administrator that contains the documents and other information on the list is considered complete.
  - (b) If a person submits a plat application to the Subdivision Coordinator that does not include all of the documentation or other information required by paragraph (a), the Subdivision Administrator shall, not later than the 10th business day after the date the application is received, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.
  - (c) An application is considered complete when all documentation or other information

required by subparagraph (a) is received. Acceptance by the Subdivision Administrator of a completed plat application with the documentation or other information required by subparagraph (a) shall not be construed as approval of the documentation or other information.

- (d) Except as provided by paragraph (f), the Commissioners Court or the Subdivision Administrator shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the Subdivision Administrator. An application is approved by the Commissioners Court or the Subdivision Administrator unless the application is disapproved within that period and in accordance with section 232.0026 of the Texas Local Government Code and these Regulations.
- (d-1) Notwithstanding paragraph (d), if a groundwater availability certification is required under section 232.0032 of the Texas Local Government Code, the 30-day period described by that paragraph begins on the date the applicant submits the groundwater availability certification to the Subdivision Administrator.
- (e) This paragraph is intentionally left blank.
- (f) The 30-day period under paragraph (d): (1) may be extended for a period not to exceed 30 days – if (A) requested and agreed to in writing by the applicant and approved by the Commissioners Court or the Subdivision Administrator, or (B) Chapter 2007 of the Texas Government Code requires the County to perform a takings impact assessment in connection with the plat application; and (2) applies only to a decision wholly within the control of the Commissioners Court or the Subdivision Administrator.
- (g) The Commissioners Court or the Subdivision Administrator shall make the determination under paragraph (f)(1) of whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the Subdivision Administrator.
- (h) The Commissioners Court or the Subdivision Administrator may not require an applicant to waive the time limits or approval procedure contained in these Regulations.
- (i) If the Commissioners Court or the Subdivision Administrator fails to approve, approve with conditions, or disapprove a plat application as required by these Regulations: (1) the Court shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid; (2) the application is granted by operation of law; and (3) the applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat application's approval.



**4. Approval Procedure: Conditional Approval or Disapproval Requirements (§ 232.0026, Texas Local Government Code)**

- (a) If the Commissioners Court or Subdivision Administrator conditionally approves or disapproves of a plat application under these Regulations, the applicant shall be provided a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.
- (b) Each condition or reason specified in the written statement: (1) must (A) be directly related to the requirements of Subchapter A, Chapter 232 of the Texas Local Government Code or other applicable law, and (B) include a citation to the law, including a statute or order, which is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary.

**5. Approval Procedure: Applicant Response to Conditional Approval or Disapproval Conditional Approval (§ 232.0027, Texas Local Government Code)**

After the conditional approval or disapproval of a plat application under § 232.0026 of the Texas Local Government Code (see paragraph 4 above), the applicant may submit to the Commissioners Court or the Subdivision Administrator that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The Commissioners Court or Subdivision Administrator may not establish a deadline for an applicant to submit the response.

**6. Approval Procedure: Approval or Disapproval of Response (§ 232.0028, Texas Local Government Code)**

- (a) If the Commissioners Court or Subdivision Administrator receives a response under § 232.0027 of the Texas Local Government Code (see paragraph 5 above), it shall be determined whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under § 232.0027 of the Texas Local Government Code (see paragraph 5 above).
- (b) If the Commissioners Court or the Subdivision Administrator conditionally approves or disapproves a plat application following the submission of a response under § 232.0027 (see paragraph 5 above), then the Court or the Subdivision Administrator: (1) must comply with Section 232.0026 (see paragraph 4 above); and (2) may disapprove the application only for a specific condition or reason provided to the applicant for the original application under § 232.0026 of the Texas Local Government Code (see paragraph 4 above).
- (c) If the Commissioners Court or Subdivision Administrator receives a response under § 232.0027 of the Texas Local Government Code (see paragraph 5 above), the previously



conditionally approved or disapproved plat application shall be approved if the applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.

- (d) A previously conditionally approved or disapproved plat application is approved if: (1) the applicant filed a response that meets the requirements of paragraph (c) above; and (2) the Commissioners Court or Subdivision Administrator that received the response does not disapprove the application on or before the date required by paragraph (a) above and in accordance with § 232.0026 of the Texas Local Government Code (see paragraph 4 above).

**7. Judicial Review of Disapproval (§ 232.0029, Texas Local Government Code)**

In a legal action challenging a disapproval of a plat application under Subchapter A of Chapter 232 of the Texas Local Government Code, the County has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of said subchapter or any applicable case law. The court may not use a deferential standard.

APPENDIXEXHIBIT M:MODEL SUBDIVISION RULES – SPECIAL DEFINITIONS

Pursuant to 31 TAC § 364.18 and notwithstanding anything to the contrary stated in these Regulations, the following special definitions shall apply regarding the **Model Subdivision Rules** described in these Regulations (unless the context clearly indicates otherwise), whether the term or phrase appears in capital letters or in bolded, italicized, or underlined print:

- (1) Commission -- the Texas Commission on Environmental Quality and any of its predecessor or successor entities.
- (2) Commissioners Court (or Court) -- the Commissioners Court of Gillespie County, Texas.
- (3) County – Gillespie County, Texas.
- (4) Drinking Water -- all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.
- (5) Engineer -- a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.
- (6) Final Plat – a map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these Regulations.
- (7) Lot -- an undivided tract or parcel of land.
- (8) Non-Public Water System -- any water system supplying water for domestic purposes which is not a public water system.
- (9) OSSF -- on-site sewage facilities as that term is defined in rules and/or regulations adopted by the Commission, including, but not limited to, 30 TAC Chapter 285.
- (10) Platted -- recorded with the County in an official plat record.
- (11) Public Water System – a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system;

and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

- (12) Purchaser -- shall include purchasers under executory contracts for conveyance of real property.
- (13) Retail Public Utility -- any entity meeting the definition of a retail public utility as defined in the Texas Water Code § 13.002.
- (14) Sewerage Facilities – the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.
- (15) Subdivider -- any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.
- (16) Subdivision -- any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land which was previously divided.
- (17) TAC -- Texas Administrative Code, as compiled by the Texas Secretary of State.
- (18) Water Facilities -- any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.



**APPENDIX**

**EXHIBIT N:**

**CERTIFICATE OF COMPLIANCE FORMS FOR APPROVED  
SUBDIVISION AND MHRC DEVELOPEMNTS**

**Certificate of Compliance Regarding Approved Subdivision Development**

To Whom It May Concern:

- (1) The following named subdivision development ("Subdivision") is located in the unincorporated area of Gillespie County, Texas: \_\_\_\_\_  
\_\_\_\_\_.
- (2) On \_\_\_\_\_, 20\_\_\_\_, the plat of the Subdivision was reviewed and approved by the Commissioners Court of Gillespie County, Texas as being in compliance with the active Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas. **[Note: A utility may not serve or connect any subdivided land with water or sewer service unless first this statement is completed for execution and this executed certificate (or a copy thereof) is presented to the utility].**
- (3) On \_\_\_\_\_, 20\_\_\_\_, the plat of the approved Subdivision was recorded in the Office of the County Clerk of Gillespie County, Texas pursuant to the following recording information: \_\_\_\_\_.
- (4) Regarding Lots Nos. \_\_\_\_\_ in the Subdivision, on this date it has been determined that (a) adequate water service or private water wells, and (b) adequate sewer service or private septic/OSSF systems, have been installed and are fully operable to service said lots or the subdivision. **[Note: A utility may not serve or connect any subdivided land with electricity or gas service unless first this statement is completed for execution and this executed certificate (or a copy thereof) is presented to the utility].**

Executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**GILLESPIE COUNTY, TEXAS**

**By:** \_\_\_\_\_  
**Printed Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Gillespie County, Texas**

**Certificate of Compliance Regarding Approved MHRC Infrastructure Development Plan and Completed MHRC Construction**

**[Note: a utility may not provide utility services (including water, sewer, gas, and electricity services) to (1) an MHRC development subject to an infrastructure development plan, or (2) a manufactured home in the MHRC development (as defined by the active Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas), unless first this certificate is completed for execution and this executed certificate (or a copy thereof) is presented to the utility].**

To Whom It May Concern:

- (1) The following named Manufactured Home Rental Community development (“MHRC”) is located in the unincorporated area of Gillespie County, Texas:  
\_\_\_\_\_.
- (2) The infrastructure development plan submitted to Gillespie County, Texas regarding the named MHRC development has been approved as being compliant with the active Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas.
- (3) On \_\_\_\_\_, 20\_\_\_\_, the approved infrastructure development plan of the named MHRC development was recorded in the Office of the County Clerk of Gillespie County pursuant to the following recording information: \_\_\_\_\_.
- (4) Construction of the named MHRC development has been completed and the development project has been reviewed by the Designee of the Commissioners Court of Gillespie County, Texas. The named MHRC development is hereby approved as having been designed and constructed in compliance with the: (a) active Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas; and (b) the aforesaid and approved infrastructure development plan regarding the named MHRC development.

Executed on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**GILLESPIE COUNTY, TEXAS**

**BY:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Gillespie County, Texas**