

**SUBDIVISION REGULATIONS**

for

**GILLESPIE COUNTY, TEXAS**

August 25, 2003

County of Gillespie  
Subdivision Regulations  
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## **SECTION A: PURPOSE**

The purpose of these Regulations is to provide a system for the orderly, safe and healthy development of the unincorporated areas within Gillespie County, Texas. This regulation is specifically intended to protect citizens of the County by insuring that developments in the County meet standards which preclude future unnecessary burdens for its citizens. This document also furnishes the owner with guidance and assistance in the expedient subdivision or development of land.

Included in this document are:

A section that describes the authority under which these Regulations are adopted.

A section that outlines the enforcement authority available to the County.

A section that defines the uncommon words and terms used in these Regulations.

A section that explains the criteria used to determine when the subdivision of land requires the approval of the Commissioners Court.

A section that explains the requirements and procedures for platting subdivided land.

A section that provides specifications for the construction of streets and roads.

A section that explains water availability requirements when subdividing land.

A section that establishes certain security requirements to be borne by the owner/developer during the subdivision process.

These Regulations are in no way intended to restrict development in the County. Rather, it is intended that through public and private cooperation the County can achieve and maintain a quality and standard of life which reflects the highest traditions and standards of its citizens.

## **SECTION B: AUTHORITY**

1. The Commissioners Court of Gillespie County has the authority and obligation to protect the public health, safety and welfare of the citizens of Gillespie County. These Regulations are based on the following findings:
  - a. The Commissioners Court of Gillespie County has the authority to regulate the subdivision process pursuant to Texas Local Government Code, Chapter 232.
  - b. The Commissioners Court of Gillespie County has been designated by the Texas Commission On Environmental Quality as the authorized agent for the licensing and regulation of on-site sewage facilities within Gillespie County and these Regulations are a necessary component of such regulation.
  - c. The Commissioners Court of Gillespie County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Gillespie County.
  - d. The Commissioners Court of Gillespie County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations within Gillespie County and to regulate associated development.
  - e. Gillespie County has been designated by the Texas Water Development Board as a county within a Priority Groundwater Management Area. The Commissioners Court of Gillespie County has been granted the authority pursuant to Chapter 35, Section 35.019, Texas Water Code to require any person seeking subdivision plat approval to show:
    - (1) Compliance with Water Availability Requirements adopted by the Commissioners Court; and
    - (2) That an adequate supply of water of sufficient quantity and quality is available to supply the number of lots proposed for a platted area.
2. If any questions arise as to the interpretation of the language in any Sections of these Regulations, the Gillespie County Commissioners Court will provide clarification and final determination of intent.
3. The Commissioners Court may authorize a variance from these Regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commissioners Court shall prescribe only conditions that it deems necessary to, or desirable in, the public interest. A request for a variance shall be submitted in writing and must cite the specific detail of the requested variance, the justification for the request and must be accompanied by any supporting documentation.

In making the findings here-in-below required, the Court shall take into account the nature of the proposed use of the land involved, existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Court finds:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of his land; and
  - b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  - c. That the granting of a variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - d. That the granting of a variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these Regulations.
4. The Commissioners Court may, in its sole discretion, require developers to provide satisfactory evidence to the Court that the developer has given notice to adjacent land owners of intent to seek a variance and the specific nature of the variance request prior to considering approval of such variance request.
5. Such findings of the Commissioners Court together with the specific facts upon which such findings are found shall be incorporated into the official minutes of the Court meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these Regulations. Monetary hardship to the owner/developer, standing alone, shall not be deemed to constitute undue hardship. The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and will be final.

## **SECTION C: ENFORCEMENT**

The Commissioners Court of Gillespie County shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the full requirements as set forth in these Subdivision Regulations; and there is submitted at the time of approval of such map or plat financial security as may be required by these Regulations. No lot in any subdivision shall be sold or transferred until the final plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

At the request of the Commissioners Court of Gillespie County, the County Attorney or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:

A. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under Chapter 232, Local Government Code; or

B. Recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by the Commissioners Court under Chapter 232, Local Government Code.

A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Commissioners Court under Chapter 232, Local Government Code. Such an offense is a Class B Misdemeanor, which has a maximum punishment of a fine of up to \$2,000, and/or confinement in the Gillespie County Jail for not more than 180 days.

## SECTION D: DEFINITIONS

**Base Floodplain** – that area subject to inundation by flood, having a one percent probability of occurrence in any given year (100-year flood), based on existing conditions of development within the watershed area, as determined by the Flood Insurance Study for Gillespie County provided by the Federal Emergency Management Agency.

**Building Line or Setback Line** – the line within a property defining the minimum horizontal distance between a building and adjacent street, line or boundary. Such setbacks can be front, side, or rear.

**Commissioners Court** – the Gillespie County Commissioners Court (also referred to herein as “the Court”).

**County** – Gillespie County, Texas

**County Engineer** – the County Engineer of Gillespie County or another person designated as an agent of the County to act as an engineer for the purposes of these Regulations.

**County Road** – a roadway under the control and maintenance of the County.

**Cul-de-sac** – a short public road having only one opening or access to another public road and which is terminated by a permanent vehicular turnaround.

**Developer** – persons, corporations, organizations, government or governmental subdivisions or agencies, estates, trusts, partnerships, associations, or other entities, which undertake the activities covered by these Regulations.

**Driveway** – an area surfaced with asphalt, gravel, concrete or similar surface providing vehicular access between a public or private road and private property.

**Easement** – a right given by the owner of a parcel of land to another person, public agency, private corporation or other entity for specific and limited use of that parcel.

**Engineer** – any person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

**Extraterritorial Jurisdiction (ETJ)** – the unincorporated territory extending beyond the city limits of a city as set forth by Chapter 42.021, Local Government Code.

**Filing Fee** – a charge for filing documents with the County Clerk.

**Final Plat** – a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County Records and prepared in accordance with these Regulations.

**Floodway** – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Grade** – the horizontal elevation of a finished surface of the ground or paving at a point where height is to be measured; or the degree of inclination of a surface; or the vertical location of the ground surface.

**Groundwater** – subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated either year round or on a seasonal or intermittent basis.

**HCUWCD** – Hill Country Underground Water Conservation District.

**Lot** – an undivided tract or parcel of land contained within a block or designated on a subdivision plat by number.

**May** – permissive.

**On-site sewage disposal system** – one or more systems of treatment devices and disposal facilities that produce no more than 5,000 gallons of waste each day and are used only for disposal of sewage produced on a site on which the system is located.

**On-site sewage facility (OSSF)** – an on-site sewage disposal system.

**Owner** – the owner of real property subject to a proposed or existing subdivision. Also; subdivider, applicant, developer.

**Plat** – a drawing depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions. A re-plat or re-subdivision will be considered a plat.

**Precinct Commissioner** – The duly elected or appointed County Commissioner in whose precinct the subdivision is located. If the subdivision is located in more than one precinct, approvals affecting the subdivision as a whole shall be obtained from all the affected commissioners.

**Preliminary Plat** – one or more drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This plat shall show the developer's intended development scheme in order to show compliance with all regulations.

**Primary road** – a road providing for travel between a secondary road and the arterial road network. Also, a collector road.

**Priority Groundwater Management Area (PGMA)** – an area designated and delineated by TCEQ as an area that is experiencing or is expected to experience critical groundwater problems.

**Private road** – any road that is not dedicated or maintained as a public road; a vehicular access way under private ownership and maintenance.

**Reserve Strip** – a narrow parcel of land lying between a property boundary and a dedicated public easement, right-of-way, or roadway that serves the purpose of restricting access to the public easement, right-of-way, or roadway.

**Secondary road** – a road providing for travel between residential areas and a primary road. Also, a neighborhood road.

**Shall** – mandatory, not discretionary.

**Subdivision** – any tract of land divided into two or more contiguous lots (as described in Section E of these Regulations). See Sections 232.001 and 232.015, Local Government Code.

**Surveyor** – any person licensed to practice surveying by the Texas Board of Professional Land Surveying.

**TCEQ** – Texas Commission On Environmental Quality. (Formerly TNRCC – Texas Natural Resources Conservation Commission)

**TxDOT** – Texas Department of Transportation.

## **SECTION E: SUBDIVISION REQUIREMENTS AND STANDARDS**

### **1. Requirements.**

- a. A division of a tract of land includes any division regardless of whether it is made using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- b. In accordance with Texas Local Government Code, these Regulations require that the owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared, approved and duly recorded 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.

The approved plat is a source of validated public information available for governmental or private use. The process of plat approval, described in this Section, is a vehicle for subdivision regulation, since regulatory requirements ordered by the County shall be reflected in the approved plat.

- c. A subdivision plat is not required to be filed if the owner of a tract of land divides the tract into two or more parts and does not 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, and:
  - (1) the land is to be used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution; provided, however, if a tract described by this paragraph ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these Regulations apply; or
  - (2) the tract is divided into four or fewer parts and the parts are sold, given or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity; or

(3) all the lots of the subdivision are more than ten (10) acres in area, noting, however, that a development with lots greater than ten acres that dedicates lands to uses described above at the outset of this Section is nevertheless subject to platting requirements; or

(4) all of the lots are sold to veterans through the Veterans' Land Board program; or

(5) the tract is owned by the state or other state agency, board, commission or owned by the permanent school fund or any other dedicated funds of the state; or

(6) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these Regulations; or

(7) all parts of the tract are transferred to persons who owned an undivided interest in the original tract, and a plat is filed before any further development of any part of the tract.

d. Additionally, a subdivision plat is not required to be filed if:

(1) the owner of the land is a political subdivision of the state, the land is situated in a floodplain, and the lots are sold to adjacent landowners; or,

(2) the division of land is by final order of a court of competent jurisdiction; or,

(3) the tract is devised or given by a testator or donor to an individual who is related to the testator or donor within the third degree of consanguinity or affinity, and each of the resulting tracts meets the lot size and frontage requirements of these Regulations; provided, however, this exception does not apply if the division will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision; or,

(4) the land being divided is inherited property between heirs or is land being divided between donees who have acquired title by gift deed, the property is being divided by agreement or by action in probate, each of the resulting tracts meets the lot size and frontage requirements of these Regulations, and the heirs or donees are related to the testator or donor within the third degree of consanguinity or affinity; provided however, this exception does not apply if the division will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision; or,

(5) the division of land is by sale to or exchange with an adjoining owner and the smaller of the resulting tracts is at least three acres and the average size of the resulting tracts is at least four acres; provided however, this exception does not apply if the adjustment will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision; or

(6) a smaller tract is surveyed out of the parent tract solely for the purpose of obtaining financing of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified; or,

(7) the parent tract is divided into no more than five (5) smaller tracts each of which smaller tracts exceeds twenty (20) acres; provided, however, that each of the tracts shall meet the minimum frontage requirements set out in these Regulations, and that any easement, road or street that provides primary access to each of the tracts shall meet the right of way width requirements of these Regulations; provided, also, that this exception does not apply if the division will change the boundary between two legally platted tracts, or subtract land from a legally platted subdivision.

e. A person owning real property in this County that has been subdivided 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 the applicant is able to show with certainty that 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 Commissioners Court may authorize the owner of the subdivision to file an instrument cancelling the subdivision in whole or in part.

f. The developer shall be responsible for all costs of the improvements required by these Subdivision Regulations, and all other costs related thereto, including costs related to inspection of construction within the subdivision as set forth herein.

## **2. Standards.**

a. General: Lot sizes for subdivisions are set forth below. The primary considerations for establishment of these minimums are guidance contained in the Texas Commission on Environmental Quality Rules and Regulations, the Rules and Regulations of the Hill Country Underground Water Conservation District, the current Gillespie County On-Site Sewage Facility Ordinance, the fact that groundwater is the primary source of water in Gillespie County, and that Gillespie County is in a Priority Groundwater Management Area.

(1) 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 four (4) acres.

(2) Minimum lot sizes are established as follows:

(a) Three (3) acres for lots where individual water wells are planned to be the primary source of potable water.

(b) 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 On-Site Sewage Facility Ordinance.

(c) One (1) acre for lots served by a community or public water system and a community or public sewage collection system.

(3) Reserve Strips Prohibited: There shall be no reserve strips controlling the only access to land dedicated or intended to be dedicated for public use.

(4) Right of Way: Right of way limits shall be contiguous with lot boundaries. All public right of ways shall be cleared of all impediments including boulders, trees, tree stumps and debris. Selective clearing may be approved by the respective Precinct Commissioner.

b. Roads.

(1) 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.

(2) 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.

- (3) Road Intersections: Road intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.
- (4) Curves: Curves in 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.
- (5) Lot and Block Numbers: Each plat shall show lot and block (if applicable) numbers arranged in systematic order.
- (6) Road Construction shall meet requirements of Section G herein.
- (7) 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.
- (8) 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.

c. Waste Disposal Systems:

- (1) Each lot in a subdivision must have a predetermined legal means of sewage waste treatment and disposal. It is the policy of the Gillespie County Commissioners Court to encourage subdivision developers to provide community sewage collection and treatment facilities wherever possible and practicable to serve the needs of the subdivision. Such action by a developer will serve to eliminate the need for individual property owners to install On Site Sewage Facilities (OSSF) on individual lots.
- (2) Lots served by OSSF: All lots to be served by OSSF shall have such OSSF installed in compliance with the Gillespie County OSSF Rules and Regulations.
- (3) Lots served by Community Sewage Collection and Treatment Facilities:

All lots to be served by community sewage collection and treatment facilities shall have such system and facility plan approved by the TCEQ and the developer shall provide a letter from TCEQ approving such system and facility plan prior to final plat approval. If wastewater collection and treatment services are to be provided by a utility service provider other than a community collection system, that entity shall review the system and facility plan and the developer shall provide a letter from such entity approving such system and facility plan prior to final plat approval.

d. Utility Lines: All utility services, to include 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 final plat shall show the location of and easements associated with these services.

(1) All utility lines that pass under a road shall be installed before the road is paved. 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.

(2) 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.

(3) Underground utilities shall be placed a minimum of three (3) feet below surface and within four (4) feet inside the right of way line.

e. Concrete Monuments:

A minimum of one concrete monument containing benchmark elevations established by a registered professional surveyor or registered professional engineer shall be required when a detailed floodplain study has been required as a part of the platting process. The monument shall be of concrete construction at least four (4) inches in diameter and two (2) feet deep with a steel or iron pin imbedded in the center of the surface to a depth of at least twelve (12) inches, with no more than one quarter (1/4) inch exposed above the surface. The monument location shall be prominently identified on the plat and its physical location shall permit reasonable access from all lots in the subdivision. The benchmark elevation shall be based on the 1929 National Geodetic Vertical Datum.

f. Drainage:

(1) The developer of all subdivisions where the average lot size is less than 10 acres shall prepare a storm drainage plan. Three 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.

(2) 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.

(3) 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 two (2), ten (10) or one-hundred (100) year storms. Provisions must be made to assure that no adverse impact is made to existing drainage systems within public right of way.

(4) When a drainage channel or overflow section is to be constructed, three (3) 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.

g. Fire Safety:

(1) All subdivisions that have community or public water systems and storage tank facilities within the boundaries of the subdivision will install a 2 ½ “ NST pipe connection at the storage tank for fire fighting equipment to withdraw water from the storage tank in times of emergency. Provisions must be made for access to the facility by firefighting apparatus.

(2) Subdivisions that contain natural or manmade facilities for the surface storage of water for agricultural or recreational purposes shall have such facilities evaluated for the purposes of installation of a dry hydrant for fire protection purposes. The developer shall contact the Gillespie County office of the U. S. Natural Resource Conservation Service for consultation about the design and installation of the dry hydrant. Road access for emergency vehicles shall be provided to the dry hydrant.

## SECTION F: PLAT PROCEDURES

1. The process of submission, review and approval of subdivision plats is necessary to assure that the provisions of these Regulations are complied with, to include adequate sizing of lots and streets; to assure that the provisions of the Floodplain Regulations are complied with; to assure that the provisions of the Waste Water Regulations are complied with; to assure the proper alignment of streets and roads and the provision of adequate drainage structures; and to eliminate the duplication of subdivision names and street or road names.
2. Prior to the official presentation of a preliminary plat, the owner/developer should consult with the appropriate Precinct Commissioner concerning conceptual plans for the subdivision to insure that there is a common understanding of the procedures, specifications and standards required by Gillespie County for the subdivision of land.
3. Plats for subdivisions that lie completely or partly within the extraterritorial jurisdiction of the City of Fredericksburg shall be approved in accordance with the agreement between the City of Fredericksburg and the County of Gillespie for approval of such plats.
4. Plats shall be drawn on 24" x 36" sheets at an appropriate scale (1" = 200' preferred). Preliminary plats may be submitted on a paper medium. Final plats shall be submitted on reproducible mylar and digitally on a diskette in .DWG format or in such other format as Gillespie County may require.
5. The preliminary plat shall show, or be accompanied by the following information:
  - a. the name, address and telephone number of the developer, the surveyor and the engineer.
  - b. the proposed name of the subdivision, and the names, locations and dimensions of all proposed lots (including acreage), streets or roads, alleys, parks, or other public areas within the property.
  - c. the location of existing boundary lines in sufficient detail to accurately locate the property.
  - d. the type, location, width and dimensions of proposed and existing visible and apparent utility and pipeline locations, and visible and apparent easements within and adjacent to the property.
  - e. the name, location and dimensions of all adjacent platted subdivisions and streets and roads. Where there are no adjacent platted subdivisions, the preliminary plat shall show the name of all adjacent property owners with the volume and page of recordation.

- f. topographical information that includes contour lines sufficient to define the drainage to the satisfaction of the Commissioners Court that extends one hundred feet into the area adjacent to the subdivision. This topographical information shall not be displayed on the final plat.
  - g. the exact location, dimensions, description and flow-line of all existing and proposed drainage structures.
  - h. the location of the concrete monument specified in Section E, Paragraph 2e, if required, and the location of the 100-year floodplain and all lots, or any part of a lot that lies within the 100-year floodplain. If a detailed floodplain study is not required, the location of the floodplain may be scaled from the applicable Flood Insurance Rate maps produced by the Federal Emergency Management Agency.
  - i. if any road is to be constructed within the 100 year floodplain area, a contour map must be provided that shows the existing drainage areas upstream of the proposed subdivision, along with the drainage calculations of the amount of water coming into, across, and leaving the subdivision in sufficient detail to show any changes in the 100-year flood elevation across the proposed subdivision, and on the property both upstream and downstream from the proposed subdivision.
  - j. the date the plat was prepared.
  - k. a north arrow and the scale of the plat.
  - l. a location or vicinity map showing the location of the proposed subdivision within the county with a north arrow and scale of the vicinity map.
  - m. preliminary water and sewer plans if applicable.
  - n. the proposed location of any dry hydrant(s) and access easements.
6. If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided.
7. The preliminary plat and accompanying documentation shall be provided to the appropriate Precinct Commissioner who will review the plat for compliance with these Regulations and will make recommendations to the Commissioners Court concerning the conditions for approval of the plat. Any person who submits a plat application that does not include all of the documentation or other information required by these Regulations shall be notified by the Commissioners Court not later than the 10<sup>th</sup> business day after the date the Commissioners Court receives the application of the missing documents or other information.

8. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is authorization to proceed with the preparation of the final plat for record. Approval of a preliminary plat will be valid for six (6) months.

9. The submission of a final plat is necessary to assure proper identification and location of all streets, lots and easements; to assure that streets and roads will be properly constructed and maintained; to assure that proper dedications have been made for streets, roads, easements and public spaces; and to assure that water availability and waste water disposal have been appropriately considered. The Commissioners Court shall take final action on a plat application not later than the 60<sup>th</sup> day after the date a completed plat application is received by the Commissioners Court.

10. The following statement shall be noted on the face of the final plat:

“Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited. The existing creeks or drainage channels traversing along or across the property will remain as 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.”

11. In addition to the requirements for preliminary plats, the final plat shall show or be accompanied by the following information:

- a. sufficient data to reproduce on the ground the bearing and length of all streets, roads, blocks, lots and dedicated easements. Curves on all streets, roads and dedicated easements shall include the radius, length and central angle of the curve. Curves on lots shall show the radius and length of the curve.
- b. the number of all lots and blocks arranged in a systematic order, and clearly shown on the plat in distinct and legible figures.
- c. a legal description of the property with reference to the parent tract or tracts out of which the proposed development is coming, with data sufficient to locate the same with respect to an original corner of the parent tract of which it is a part, and the number of acres being subdivided.
- d. a dedication by the developer of all streets, roadways, alleys, utility easements, parks, conservation easements and other land intended for public use, and the developer’s certification that all parties with any interest in the title to the subject

property have joined in such dedication, duly executed, acknowledged and sworn to by said developer in front of a Notary Public.

e. the following statement shall appear conspicuously on all final plats:

“GILLESPIE COUNTY AND THE HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT MAKE NO REPRESENTATION OR GUARANTEE AS TO WATER QUALITY OR THAT A PRESENT OR FUTURE ADEQUATE WATER SUPPLY EXISTS.”

f. the following statement shall appear conspicuously on any plat containing private streets, roads, drives, emergency access easements, recreation areas and open spaces:

“Gillespie County shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas and open spaces; the property owners in this subdivision shall be responsible for the maintenance of private streets, roads, drives, emergency easements, recreation areas and open spaces, and said owners agree to indemnify and save harmless Gillespie County, from all claims, damages and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph.”

g. the seal and signature of the surveyor responsible for surveying the subdivision and/or the preparation of the plat.

h. a space for the approval of the City of Fredericksburg when exercising its extraterritorial authority.

i. a space for the approval of the Commissioners Court of Gillespie County, Texas.

12. In order to be eligible for approval by the Commissioners Court, both the preliminary and the final plat shall be accompanied by a certification by the Gillespie County Tax Assessor-Collector that all tax obligations concerning the land have been satisfied. If the land being developed is receiving special valuation based on its use, Rollback Taxes may become due if use of the land is changed by subdivision.

## SECTION G: ROAD DESIGN AND CONSTRUCTION SPECIFICATIONS

**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/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 with construction in accordance with Section G, Paragraph 5.
- b. Private, paved and to be maintained by 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 by the Commissioners Court) and constructed pursuant to Section G, Paragraph 6.
- c. Private, unpaved and to be maintained by 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 by the Commissioners Court) and constructed pursuant to Section G, 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 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.

**3. Design of Public Improvements.** All improvements shall be designed by a 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 a professional engineer shall be provided to the appropriate Precinct Commissioner prior to the beginning of construction. At the completion of construction one 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>
Primary Road	200 feet
Secondary Road	200 feet
Cul de sac (Turning Circle)	100 feet

**5. Public Roads to be Maintained by Gillespie 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 subgrade 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 (subgrade ditches and slopes) shall be constructed substantially in accordance with the following requirements:

(1) 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.

(2) 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 subgrade and replaced with satisfactory material. Material so removed shall be properly disposed of or removed from the right of way.

(3) Prior to final finishing, subgrade 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.

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 five (5) year frequency, may be either 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 "H-15-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. Side Road or 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 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.

f. Bridges: All bridges shall be designed by a Registered Professional Engineer for ten (10) 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 "H-15". Bridges shall be founded and protected by riprap to withstand floods of twenty-five (25) year frequency.

g. Overflow Section Requirements: In general, the Commissioners Court will, on individual economic consideration, approve the installation of overflow sections. Such consideration will adjudge the probable frequency and depth of overflow, the traffic potential and the nature of the tributary area. The following conditions are considered suitable for the installation of overflow sections:

(1) Drainage courses having no defined channel where channel construction would possibly develop liability for diversion or concentration of runoff.

(2) Streams having a defined channel for normal flow and usual runoff with a wide floodplain covered by infrequent storms.

(3) Stream crossings where traffic potential does not economically warrant bridge construction.

h. Overflow Section Specifications: Under conditions g(1) 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(2) and g(3) above, the overflow structure shall be designed by a Registered Professional Engineer within the following limitations:

(1) The section shall be of reinforced concrete not less than five (5) 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 five (5) year frequency; and 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.

(2) Drainage waterways adequate for storms of five (5) 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.

(3) 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.

(4) The crown width of overflow sections shall be not less than three (3) feet wider than the approach pavement or surface.

i. Base and Base Courses:

(1) Material: Material for base courses shall be in accordance with Texas Department of Transportation (TxDOT) Standard Specification as shown for each type of roadway.

(a) Primary Road – Type A, Grade 2

(b) 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 six (6) inches of base material allowed.

(2) 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.

(3) Testing Material. Prior to delivery of base material to the road, the results of physical tests of the material proposed for use shall be submitted to the Precinct Commissioner for approval. These test results shall be certified as conforming to the requirements by an approved commercial laboratory. The certification shall define the area and column represented by the tabulated results.

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, 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.

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:

(1) A two-course asphalt surface treatment composed of asphalt and aggregates of the grades and rates of distribution shown below. Asphalt shall be Grade AC-5 (preferable), or other equivalent asphalt product, except that Grade AC-10 may be placed on roads having sharp curves and steep grades. Aggregates may be crushed limestone, crushed gravel, gravel or limestone rock asphalt, grading as established by the Texas Department of Transportation Standard Specifications.

GRADING AND RATES OF DISTRIBUTION

First Course:

Asphalt	Grade AC-5 (or AC-10)	0.3 to 0.35 gallons per Sq Yd
Aggregate	Not finer than Grade 4	One Cu Yd per 85 to 95 Sq Yd

Second Course:

Asphalt	Grade AC-5 (or AC-10)	0.25 to 0.35 gallons per Sq Yd
Aggregate	Not finer than Grade 5	One Cu Yd per 110 to 125 Sq Yd

Total Asphalt for both courses shall be not less than 0.6 gallons per Square Yard.

(2) 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.

(3) 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 ½ ) inch.

(4) 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.

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.

<u>INCREMENT</u>	<u>PRIMARY ROAD</u>	<u>SECONDARY ROAD</u>
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 Crown Width	30 ft	26 ft

Base Course Thickness	8 in	6 in
Prime Coat Width	25 ft	21 ft
Wear Surface Width	24 ft	20 ft
Shoulder Width	3 ft	3 ft
Culvert Length (Square Crossing)	40 ft	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.

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 H-15 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 Section G, Paragraph 5, above. Private roads shall be permitted only within subdivisions satisfying each of the following criteria:

a. The following note shall be conspicuously displayed on the plat:

\_\_\_\_\_ (Owner), by filing this Plat of Record, and all future owners of property within this Subdivision by purchasing such property, acknowledge and

agree that Gillespie County shall have no obligation whatsoever to repair or accept maintenance of the roads in this Subdivision until and unless \_\_\_\_\_ (Owner) and/or the property owners in the Subdivision have improved the roadways to the then current standards required by Gillespie County and the roads have been accepted for maintenance by formal, written action of the Gillespie County Commissioners Court and the roadway has been dedicated by the owners thereof, and accepted by the County as a public road.  
\_\_\_\_\_ (Owner) and all future owners of property within this Subdivision shall look solely to the Owner, the property owners in the Subdivision, and/or the Homeowners Association for future maintenance and repair of the roads shown on this Subdivision Plat.

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 Section G, Paragraph 5, above, except for the specifications pertaining to Surface Treatment. 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. The following note shall be conspicuously displayed on the Plat:

\_\_\_\_\_ (Owner), by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Gillespie County shall have no obligation whatsoever to repair or accept maintenance of the roads in this Subdivision until and unless \_\_\_\_\_ (Owner) and/or the property owners in the Subdivision have improved the roadways to the then current standards required by Gillespie County and the roads have been accepted for maintenance by formal, written action of the Gillespie County Commissioners Court and the roadway has been dedicated by the owners thereof, and accepted by the County as a public road.  
\_\_\_\_\_ (Owner) and all future owners of property within this Subdivision shall look solely to the Owner, the property owners in the Subdivision, and/or the Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision Plat.

d. 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 unless the road is first constructed to the County's standards then in effect for paved roads and accepted for maintenance by the County.

e. All private roads shall be signed in accordance with these Regulations.

**8. Inspections.** Proposed roads and drainage will be inspected by an authorized representative of the Commissioners Court at the following stages of development:

- 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 to permanently prevent erosion.

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.**

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.

(1) Material proposed for use as base material shall be tested for determination of the following physical constants:

Liquid Limit

Plasticity Index

Linear Shrinkage

Screen Analysis

(2) Aggregates for Surface Treatment shall be tested for:

Screen Analysis

Percent of Wear (Tex 410-A)

(3) 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.

(1) Compaction of subgrade shall be verified by proof rolling the entire area with approved compaction equipment. If subgrade compaction is questionable, the owner shall obtain the services of an approved 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.

(2) The owner/developer shall retain the services of an approved engineering testing laboratory for the purpose of quality control during base construction. In place density tests shall be performed for each 500 square yards of surface area of the compacted base material. The

owner/developer shall furnish the County with copies of the test reports of density testing.

**10. Acceptance of Roads for County Maintenance.** The developer, property owners in the subdivision, or homeowners association shall remain responsible for all maintenance and repair of roads and improvements within a subdivision until the Commissioners Court accepts the obligation to maintain and repair such roads. Improvements, as specified here, shall include but are not limited to drainage systems, structures and ditches. The Commissioners Court's decision to approve a Final Plat or dedication of the right of way for a road shall not be deemed to constitute acceptance of the 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.

b. Final Acceptance. At least one (1) year following tentative acceptance, upon request of the developer, property owners or homeowners association, the Precinct Commissioner will inspect all roads and improvements within the Subdivision, and if all are found to be in compliance with these Regulations, the Commissioners Court 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 Professional Registered 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.

## **SECTION H. WATER AVAILABILITY REQUIREMENTS**

**1. General:** Gillespie County has been designated by the State of Texas as a County within a Priority Groundwater Management Area. Therefore, pursuant to Chapter 35, Section 35.019, Texas Water Code, the Gillespie County Commissioners Court has the authority to require any person seeking subdivision plat approval to show:

- a. Compliance with Water Availability Requirements adopted by the Commissioners Court.
- b. That an adequate supply of water of sufficient quantity and quality is available to supply the number of lots proposed for the platted area.

**2. Water Availability Requirements:** Before any subdivision plat is approved, the developer must establish to the reasonable satisfaction of the Commissioners Court that an adequate quantity and quality of groundwater, or water from surface water sources which meet the standards established by the TCEQ, exists to support the development and occupation of the subdivision. The Hill Country Underground Water Conservation District (HCUWCD) shall oversee the implementation of this Section, and may, if sufficient data is readily available, make recommendations to the Commissioners Court to waive any of the requirements in this Section H. Any person fulfilling the requirement set forth below shall be deemed to have satisfied these Water Availability Requirements. Failure to satisfy these requirements shall result in the rejection of a subdivision plat.

### **3. Public or Community Water Systems:**

- a. **New Public or Community Water System:** If the person requesting plat approval proposes to utilize a new public or community water system, such system shall be developed in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code and as defined by current rules and regulation of the TCEQ 30 TAC Chapter 290. If the public or community water system will have more than fifteen (15) connections, the developer shall present documentation to the Commissioners Court showing that the requirements as specified in Section 4 of these Water Availability Requirements have been met and approved by the HCUWCD. In addition a letter or other document from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division, shall be supplied approving the business plan and the plans and specifications of the proposed water system. If the proposed water system will have fewer than fifteen (15) connections, the developer shall present a letter from the HCUWCD stating that the HCUWCD has reviewed the plans and specifications for the proposed system, along with any technical data required in subsection 4 of these Water Availability Requirements and finds the proposed system adequate for its intended use.
- b. **Expansion of an Existing Public or Community Water System:** If the developer proposes to utilize an existing public or community water system, the

developer shall present to the Commissioners Court in satisfaction of these requirements a copy of the executed agreement between the developer and the owner of such existing system for such water. If the total number of connections served by the community water system as defined above is more than fifteen (15), including the additional lots, the developer shall present a letter from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division, stating that the existing water system has sufficient capacity to service the additional connections. In addition the developer shall present to the Commissioners Court documentation that has been approved by the HCUWCD which shows that subsection 4 of these Water Availability Requirements have been met. If the proposed water system will have fewer than fifteen (15) connections, the developer shall present a letter from the HCUWCD stating that the HCUWCD has reviewed the plans and specifications for the proposed system, along with any technical data required in subsection 4 of these Water Availability Requirements and finds the proposed system adequate for its intended use.

c. **Individual Wells Prohibited:** All subdivision plats which satisfy the Water Availability Requirements by utilizing a new or existing public or community water system shall, by deed restriction or other legal means, prohibit the drilling or use of individual wells within such subdivision. Such prohibition shall be prominently noted on the recorded plat. Any existing wells not owned and utilized by the public or community water system shall be plugged in accordance with the applicable rules and regulations of the Water Well Drillers Board and the HCUWCD.

**4. Water Availability Certification:** If the developer proposes groundwater as the primary source of water for the tracts in a subdivision, whether by individual private or community wells, the following requirements shall be met:

- a. Projected Water Demand Estimate as specified in TCEQ Groundwater Availability Certification of Platting Ch. 230.6.
- b. General Groundwater Resource Information as specified in TCEQ Ch. 230.7.
- c. Aquifer Testing as specified in TCEQ Ch. 230.2(2): Aquifer testing is a test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. Bail and slug tests are not considered to be aquifer tests. The required aquifer testing parameters shall be as specified in TCEQ Ch. 230.8 Obtaining Site-Specific Groundwater Data.
- d. Determination of Groundwater Quality as specified in TCEQ Ch. 230.9.
- e. Determination of Groundwater Availability as specified in TCEQ Ch. 230.10.

f. Sufficiency of Water and Certification. In addition to the test results required above, submit to the Commissioners Court a certificate from a registered professional engineer licensed by the State of Texas or a licensed professional geoscientist. Said certificate shall be based on the pump test results and any other information available, which information shall be detailed, and shall state the opinion of the certifier that sufficient groundwater exists beneath such subdivision of a quantity and quality adequate for the use of the persons purchasing tracts in such subdivision. In addition, a letter is required from the HCUWCD that based on the pump tests results and other information available to the HCUWCD the development after full build-out will not cause an aquifer mining condition to exist. Specifically, sufficient quantity of groundwater is defined as meeting or exceeding a sustainable well production capacity of ten (10) gallons per minute per lot after full build-out. In areas where ten (10) gallons per minute per lot is marginal, additional aquifer test may be required. For those areas where well production capacity is less than ten (10) gallons per minute, lot sizes shall be adjusted accordingly. The developer shall provide to each purchaser or potential purchaser of a tract located in such subdivision a summary of the water quality and quantity test results prior to concluding the sale of any tract. If the developer is unable to obtain the certificate that water of sufficient quantity and quality exists or the Commissioners Court receives a letter from the HCUWCD reporting that sufficient water is not available, the Commissioners Court shall deny that specific plat request.

g. Groundwater Availability Determination Conditions as specified in TCEQ Ch. 230.11 (b). The assumptions and uncertainties that are inherent in the determination of groundwater availability should be clearly identified. These conditions must be identified to adequately define the bases for the availability and usability statements. These bases may include, but are not limited to uncontrollable and unknown factors such as:

- (1) Future pumpage from the aquifer or from interconnected aquifers from area wells outside of the subdivision or any other factor that cannot be predicted that would affect the storage of water in the aquifer.
- (2) Long-term impacts to the aquifer based on climatic variations.
- (3) Future impacts to usable groundwater due to unforeseen or unpredictable contamination.

## SECTION I: BOND REQUIREMENTS

**1. Security Bond:** The plat shall not be approved or recorded unless the developer has filed with the Commissioners Court a bond or other surety 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 the cost of the roads and drainage improvements required by these Regulations as estimated by the design Engineer and approved by the County, conditioned that the developer will complete such improvements within one year after approval of such plat, such bond to be approved by the County Commissioners Court. Should there be any deficiency or variance from the requirements herein or should the work not be completed within the stated time, the County will notify the developer of such departure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the County may declare the surety forfeited and order construction operations suspended. The County reserves the right to complete the work by means most advantageous to its organization and citizens, utilizing such portion of the surety as may be necessary to accomplish such completion. In the event progress and final inspections indicate no departure from the requirements herein, the designated representative of the County will certify completion in accordance with the requirements of the Commissioners Court and the Court will consider release of the surety. The surety bond shall remain in effect until all roads and drainage improvements have been approved by the Commissioners Court and the bond has been released by order of the Commissioners Court.

**2. Maintenance Bond:** Before release of the security bond, and to insure the roads and drainage improvements 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 and drainage improvements required to be constructed in said subdivision, as estimated by the design Engineer and approved by the County, conditioned that upon completion thereof, and upon approval of same by the Commissioners Court, the developer will maintain the streets, drainage improvements, etc., in good condition at his expense for a period of at least one year after date of approval of the completed construction by the Commissioners Court and until final acceptance thereof by the Commissioners Court. The Commissioners Court shall not accept such roads and improvements on behalf of the County for a period of at least one year after such proper completion, and not then unless and until the Precinct Commissioner 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 and drainage improvements 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 of such improvements until legally accepted by the County. Maintenance of roads shall include such items as drainage by others, spilled concrete, mud and debris on roads, damage from unknown

springs, pumping, unraveling, etc. Maintenance of the drainage improvements shall include removing debris, re-sodding eroded areas and the installation of additional concrete riprap where designated by the County to permanently prevent erosion.

**3. Security Bond Extension:** Where good cause exists, the County may extend the period of time for completion under Section I, Paragraph 1 of these Regulations for an additional period of time not to exceed six (6) months if the developer has not completed the required improvements or completed such improvements in compliance with these Regulations. No such extension shall be granted unless the developer provides additional security to cover the extended period of time.

**4. Irrevocable Letter of Credit (in lieu of Bond):** An Irrevocable Letter of Credit may be submitted in lieu of bonds for the purpose of insuring a developer's obligation to construct and maintain the roads and drainage improvements in a subdivision. Irrevocable Letters of Credit in lieu of Bonds are required under the same conditions as Security and Maintenance Bonds.

**5. Other Security:** Any type of security for construction and maintenance other than Bonds and Irrevocable Letters of Credit shall be by written request to Gillespie County, and must first be approved by Commissioners Court.

## SECTION J: MISCELLANEOUS

### 1. 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 U. S. 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.

### 2. Severability

If any one or more of the provisions in these Regulations shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and these Regulations shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

### 3. "Grandfather" Provision

These Subdivision Regulations shall apply to any subdivision for which Preliminary Plat approval is granted by the Commissioners Court after the effective date of these Regulations. The sale of any legally platted lot in any approved and recorded subdivision in existence prior to such effective date shall not be subject to these Regulations. Provided, however, that after such effective date, any division of a lot in an existing subdivision shall comply with these Regulations.

### 4. Effective Date

These Subdivision Regulations shall become effective for all purposes on the 1st day of October, 2003.

**PASSED AND APPROVED BY THE COMMISSIONERS COURT OF  
GILLESPIE COUNTY, TEXAS this 25<sup>th</sup> day of August, 2003.**

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**Mark Stroher, County Judge**

**ATTEST:**

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**Mary Lynn Rusche, County Clerk**



Amount Paid \$ \_\_\_\_\_ Signature: \_\_\_\_\_  
(Director/Administrator) (Date)

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4. Submit one (1) copy of Preliminary Plat to Hill Country Underground Water Conservation District.

Amount Paid \$ \_\_\_\_\_ Signature: \_\_\_\_\_  
(Director) (Date)

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5. 911 Rural Addressing Coordinator: Select road names.

Signature: \_\_\_\_\_  
(Coordinator) (Date)

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6. If plat includes any utility easements or changes to an existing easement, notification of the utilities involved is required for Preliminary Plat review. Utility shall give surveyor/engineer easement notes required.

Electric Utility: \_\_\_\_\_ Gas Utility: \_\_\_\_\_

Phone Company: \_\_\_\_\_ TV Cable: \_\_\_\_\_

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7. If the subdivision has access to a Texas Department of Transportation roadway, a copy of the preliminary plat must be reviewed by the supervisor of TxDOT activities for Gillespie County. Signature on this form indicates receipt and review of preliminary plat.

Signature: \_\_\_\_\_  
(TxDOT Supervisor) (Date)

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8. Certification by the Tax Assessor-Collector that all tax obligations concerning the land have been satisfied.

Signature: \_\_\_\_\_  
(Tax Assessor-Collector) (Date)

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\* You must COMPLETE this form and return it to the County Commissioners' office fifteen (15) days before the desired Commissioners Court Agenda Date.