

Kerr County

Subdivision Rules & Regulations

Approved November 26, 2007

Commissioners Court Order # 30630

CONTENTS

		<i>Page</i>
Section I	GENERAL PROVISIONS & PURPOSES	5 -
Section II	DEFINITIONS	8 -
Section III	APPLICABILITY & ENFORCEMENT	12 -
Section IV	VARIANCES	14 -
Section V	SUBDIVISION STANDARDS	
5.01 -	General	15 -
5.02 -	Roads	19 -
	5.03 -	
	Water Disposal System	20 -
	5.04	
	Utility Lines	21 -
	5.05	
	Concrete Monuments	22 -
	5.06	
	Drainage	22 -
5.07 -	Fire Safety and Suppression	25 -
5.08 -	Other Regulations	25 -
5.09 -	Additional rules for residential subdivisions which create - two or more lots of five acres or less.....	25 -
Section VI	PLATTING PROCEDURE	
	6.00 -	
	Sale of Lots.....	36 -
6.01 -	Concept Plan	36 -
	6.02 -	
	Preliminary Plat and Data	36 -
6.03 -	Final Plat Approval	39 -
6.035 -	Alternate Plat Approval Process for Subdivisions with less - than Five (5) Lots.....	44 -
	6.04 -	
	Revision of Plat of Existing Recorded Subdivision	44 -
	6.05 -	
	Cancellation of Subdivision	45 -
6.06 -	Cancellation of Subdivisions if Land Remains Undeveloped	46 -
6.07 -	Amending Plat.....	47 -
Section VII	ROAD DESIGN AND CONSTRUCTION	
	7.01	

Roads		48 -
7.02	Dedication to Public	48 -
7.03	Design of Public Improvements	48 -
	7.04 -	
Access to Roads		48 -
	7.05 -	
Commercial Driveways		49 -
	7.06 -	
Road Construction Design, Construction Specifications and -		
	Testing	49
7.07	Privately Maintained Paved Roads	57 -
	7.08 -	
Privately Maintained Unpaved Roads		57 -
	7.09 -	
Encroachments into Public Right of Way		58 -
7.10	Acceptance of Road for County Maintenance	58 -
	7.11 -	
Conditions of Acceptance		58 -
7.12	Filing of Record Plat	59 -
Section VIII	INSPECTIONS	
8.01	Inspections	61 -
Section IX	GUARANTEE OF PERFORMANCE	
9.01	Financial Guarantee	62 -
9.02	Maintenance Financial Guarantee	62 -
9.03	Financial Guarantee Extension	62 -
Section X	MISCELLANEOUS PROVISIONS	
	10.01 -	
Waiver of City Jurisdiction		63 -
10.02	Severability	63 -
10.03	Subdivisions Located within the ETJ of a Municipality	63 -

APPENDIX

APPENDIX A	Owners Acknowledgment	2 -
APPENDIX B	CERTIFICATIONS -	
	1) Certifications by Registered Professional Land Surveyor	3 -
	2) Certifications by Administrator of On-Site Sewage Facilities	3 -
	3) Certification by Administrator of Flood plain	4 -
	4) Certification by County Subdivision Administrator	4 -
	5) Commissioners Court Approval	4 -

	6) County Clerks Recording Acknowledgment	5 -
	7) Certification by Director of Kerr 911 Emergency	5 -
	8) Privately Maintained Paved Roads	5 -
	9) Private Maintained Unpaved Roads	5 -
	10) Number of Lot Note	6 -
	11) Well Statement	6 -
	12) Drainage Easement	6 -
APPENDIX C	Guarantee of Performance	7 -
APPENDIX D	Letter of Credit	8 -
APPENDIX E	Maintenance Financial Guarantee	10 -
APPENDIX F	Fee Schedule	11 -
APPENDIX G	Utility Cut of Across County Road	12 -
APPENDIX H	Routing Slips for Platting Subdivisions	13 -
APPENDIX I	TxDOT Standard Specifications Flexible Base	18
APPENDIX J	Drawing of Typical Road	21 -
APPENDIX K	Drawing of Typical Curbed Road	23 -
APPENDIX L	Concept Checklist	25 -

EXHIBITS

Exhibit "A"	Kerr County Water Availability Requirements
Exhibit "B"	Manufactured Home Rental Communities

Section I

GENERAL PROVISIONS & PURPOSES

1.01 Regulating the filing for record of subdivision plat and other requirements pertinent thereto for all subdivisions situated outside an incorporated town or city that has adopted Subdivision Rules and Regulations in Kerr County, Texas, and subject to the jurisdiction of the Commissioners Court of Kerr County, Texas. If any incorporated town or city should waive, by variance or other means, its jurisdiction over any subdivision or part of a subdivision which is located within its Extra Territorial Jurisdiction these regulations shall be applicable.

1.02 Subdivision Plat as defined by Section 232.001 of the Local Government Code shall be required to be prepared by the owner if a tract of land is subject to the jurisdiction of the Commissioners Court set forth above and is divided into two or more parts to lay out:

- A. -A subdivision of the tract, including an addition;
- B. -Lots; or
- C. Streets, including right-of-ways or easement; 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.

A division of a tract includes a division regardless of whether it is made 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 contract to convey, or by using any other method.

1.03. A subdivision shall not be subject the platting requirement of these rules and regulations if:

- A. -The owner does not lay out a part of the tract described in Section 1.02.C. and 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 as defined in Section 1-d-1, Article VIII. Texas Constitution. If the land ceases to be used for agricultural use or for farm, ranch, wildlife management, or timber production use the platting requirement shall apply.
- B. -The tract is divided into four or fewer parts and each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code; and the owner does not lay out a part of the tract as described in Section 1.02.C.
- C. - All of the lots of the subdivision are more than ten acres; and the owner does not lay out a part of the tract as described in Section 1.02.C.
- D. -All of the lots are sold to veterans through the Veteran's Land Board program; and the owner does not lay out a part of the tract as described in Section 1.02.C.
- E. -All of the tract of land to be divided belongs to the state or any state agency, board, commission or owned by the permanent school fund or any other dedicated funds of

the state; and the owner does not lay out a part of the tract as described in Section 1.02.C.

- F. -All of the tract of land to be divided is owned by a political subdivision of the state; the land is situated in a floodplain; and the lots are sold to adjoining landowners.
- G. -A tract is divided into two parts and one new part is retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to plat approval requirements contained herein; and the owner does not lay out a part of the tract as described in Section 1.02.C.
- H. -A tract is divided and all of the parts are transferred to persons who owned undivided interest in the original tract and a plat is filed before any further development of any part of the tract; and the owner does not lay out a part of the tract as described in Section 1.02.C.

1.04. A revision of a plat previously approved shall be subject to the same rules and regulations contained herein except as specifically modified for the revision of a plat (see Section 6.04.C.).

1.05. Manufactured Rental Home Communities shall be subject to the provisions set forth in the Kerr County Manufactured Rental Home Communities Commissioners Court Order No. 26749, dated November 30, 2000.

1.06. These Subdivision Regulations have been adopted based on the following findings:

(a) The Commissioners Court of Kerr County has the authority to regulate the subdivision platting process pursuant to *Texas Local Government Code*, Chapter 232.

(b) The Commissioners Court of Kerr County has been designated by the Texas Commission for Environmental Quality as the authorized agent for the licensing and regulation of on-site sewage facilities within Kerr County and these Regulations are a necessary component of such regulation;

(c) The Commissioners Court of Kerr County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Kerr County;

(d) The Commissioners Court of Kerr County has been granted the authority and responsibility under the Federal Emergency Management Act to administer flood plain development regulations within the County and to regulate associated development;

(e) Kerr County has been designated by the Texas Water Development Board to be a county within a Priority Groundwater Management Area. The Commissioners Court of Kerr County has been granted the authority pursuant to Chapter 35, Section 35.019, Texas Water Code to require any person seeking 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 the platted area.

- (f) The Commissioners Court of Kerr County has the authority and obligation to protect the public health, safety and welfare of the citizens of Kerr County.
- (g) The Commissioners -Court of Kerr County has the authority to regulate subdivisions, water facilities and wastewater facilities under TAC, Title 31, Part 10, Chapter 364 Subchapters A and B.

Section II

DEFINITIONS

For the purposes of Kerr County Subdivision Rules & Regulations, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section:

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in governmental planning and engineering practices.

Alley: A minor public right-of-way not intended to provide the primary means of the access to abutting lots, which is used for vehicular service access to the rear or sides of properties otherwise abutting on a road.

AASHTO: American Association of State Highway and Transportation Officials.

ASTM: American Society for Testing of Materials. -

Community Sewage Collection System: A sewage collection, treatment and disposal system designed to serve two or more sewage generating units on separate lots in a subdivision or a system that is connected to another system for the collection, treatment and disposal of sewage.

Concrete Monument: Permanent concrete survey marker.

County: Kerr County, Texas

County Clerk: Kerr County Clerk

Court: Kerr County Commissioners Court

Cul-de-sac: A road having only one entrance and termination at the opposite end by a vehicular turnaround.

Dead-end-Street: A road with only one entrance from another public road.

Developer: Any person, owner, corporation, other entity or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. Sometimes referred to herein as owner.

DWG: Suffix indication an AutoCAD ® document (used by most computers aided drafting software).**Easement:** A limited use of another's real property.

ETJ: Extra Territorial Jurisdiction:

Local Government Code § 42.021. Extent of Extraterritorial Jurisdiction

The extraterritorial jurisdiction of a municipality: the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

- (1) within one-half mile of those boundaries in the case of a municipality with fewer than 5,000 inhabitants;
- (2) within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;
- (3) within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;
- (4) within 3½ miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or
- (5) within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants;

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

Fee Schedule: Applicable fees from Kerr County for the regulation of subdivisions and subdivision plats. (See Appendix F)

FEMA: Federal Emergency Management Agency

HGCD: Headwaters Groundwater Conservation District

Lot: An undivided tract or parcel of land having frontage on a public or private road which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract in a subdivision plat which has been properly filed and recorded.

Kerr 911: The Board of Managers, authorized employees, agents and representatives of the Kerr Emergency 9-1-1 Network, the Emergency Communications District serving Kerr County.

Kerr County Flood Damage Prevention Order: An order adopted by the Kerr County Commissioners' Court based on the Flood Insurance Study for Kerr County, Texas dated January 1979 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto. This order is the basis for establishing areas of special flood hazard in Kerr County and aids in the administration of the National Flood Insurance developed flood risk data for various areas of the community that will be used to establish 1968 Act of and the Flood Disaster Protection Act of 1973 as amended. This study has

actuarial flood insurance rates and assist the community in their efforts to promote sound flood plain management. Minimum flood plain management requirements for participation in the National Flood Insurance Program are set forth in the Code of Federal Regulations at 44 CFR, 60.3. and Section 16.316 of the State of Texas, Texas Water Code.

MUTCD: *Texas Manual on Uniform Traffic Control Devices*

NGVD: National Geodetic Vertical Datum

OSSF: On-Site Sewage Facility

Owner: As used herein is the same as developer.

Pavement Width: The portion of a street or road available for vehicular traffic that is between the backs of curbs; otherwise it is the portion between the opposite edges of the pavement.

Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

Plat: A complete and exact plan for the subdivision of a tract of land into lots for building or other purposes, which, if approved, may be submitted to the County Clerk for recording.

Private Road: A privately owned way or place used for vehicular travel, and used by the owner and persons who have the owner's express or implied permission. A private road shall not be maintained by Kerr County.

Public Road: A way or place used for vehicular travel that is open to the public and Kerr County has not accepted by grant, formal dedication, implied dedication, condemnation or prescription, and may not be maintained by Kerr County.

Public County Road: A road open to the public that is under the control of Kerr County by grant, formal dedication, implied dedication, condemnation or prescription, and is maintained by Kerr County.

Registered Professional Engineer: An engineer licensed by the State of Texas.

Re-plat: See Revision of Plat

Revision of Plat: Any change to an approved plat in the lay out of a subdivision including, but not limited to lot size, lot lay out, names, streets, alleys, squares, parks, or other parts.

Road: A way or place used for vehicular travel which may be deeded to convey fee simple title or a right-of-way or easement, however designated, which provides vehicular access to adjacent land. See Section 7.06.15 (b) for specific road classifications.

Regulations: Kerr County Subdivision Rules & Regulations

Right-of-Way (ROW): The area within the outermost boundaries of a street or road including the area for a constructed watercourse or drainage ditch.

Routing Slip: Checklist obtained from County Subdivision Administrator's Office showing all applicable persons have received plat for review and appropriate fees are paid.

Sale: The actual closing where the title to the property is transferred or a contract for deed fully executed.

Shall, May: The word "shall" is always mandatory. The word "may" is merely directory.

Street: See road.

Subdivision: A division of a tract of land into two or more parts.

Surveyor: A Registered Professional Land Surveyor, as authorized by the State statutes to practice the profession of land surveying.

Total Acreage: The total acreage in a subdivision is the gross total acres within the subdivision boundary and includes all lots, roads, drainage structures, parks, utility and other easements, and all other acreage in the subdivision.

TCEQ: Texas Commission for Environmental Quality

UGRA: Upper Guadalupe River Authority

USGS: United States Geographical Survey

Utility Easement: An interest in land granted to the Public generally and / or to a private or public utility corporation, for installing, operating, and maintaining utilities across over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Utility Lines: An apparatus used to convey a utility to the consumer (ie. telephone or electric lines or buried cable, water lines, gas lines, sewer, etc.)

Section III

APPLICABILITY AND ENFORCEMENT

3.01 No plat shall be filed for record in Kerr County unless the standards contained or referred to herein have been complied with in full. No lot in any Subdivision shall be sold 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. No construction shall start on a subdivision infrastructure until after the date of Preliminary Plat approval. Any required drainage plan and roadway plan and profile shall have been approved prior to the start of any construction concerning same. Clearing, grubbing and minor grading will be allowed prior to Preliminary Plat approval, drainage plan approval and roadway plan and profiles.

3.02 The County Subdivision Administrator is hereby authorized and directed to enforce rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of all components of a subdivision including but not limited to roads, easements, sidewalks, monuments, utilities, criteria for drainage easements requirements, drainage facilities, and crosswalks. The designee shall recommend to the Court any changes to be made. All such improvements shall be constructed, installed, designed, located, and arranged by the owner or developer in accordance with such rules, regulations, standards, and specifications.

3.03 Enforcement in General; Penalty

3.03.A At the request of the Commissioners Court, the County Attorney or other prosecuting attorney for the county shall file an action in a court of competent jurisdiction to:

1. Enjoin the violation or threatened violation of a requirement established by, or adopted by the Commissioners Court under the Kerr County Subdivision Rules and Regulations; or

2. Recover damages in the amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by, or adopted by the Commissioners Court under the Kerr County Subdivision Rules and Regulations.

3.03.B A person commits an offence if the person knowingly or intentionally violates a requirement established, or adopted by the Commissioners Court under the Kerr County Subdivision Rules and Regulations. An offense under this subsection is a Class B misdemeanor. This subsection does not apply to a violation for which a criminal penalty is prescribed by section 232.0048 "Conflict of Interest; Penalty".

3.03.C At the request of the Commissioners Court, the County Attorney or other prosecuting attorney for the county may file an action in a court of competent jurisdiction to enforce any other enforcement permitted under State or Federal Law.

3.04 If a subdivision exists for which a Final Plat has not been approved and recorded or in which the standards contained or referred to herein have not been complied with in full, the Court may pass a resolution reciting the fact of such noncompliance or failure to secure Final Plat approval. The County Clerk shall cause a certified copy of such resolution under the corporate seal of the County to be filed in the Deed Records of Kerr County. If full compliance and Final Plat approval are secured after the filing of such resolution, the County Clerk shall forthwith file an instrument in the Deed Records of Kerr County stating that the resolution of non-compliance no longer applies.

3.05 Provided, however, that the provisions contained herein shall not apply to any recorded subdivision, or lot therein, which was approved and recorded or had Preliminary Plat approval prior to the acceptance of these regulations. All subdivisions approved prior to acceptance date hereof shall be subject to rules and regulations effective at the time of Preliminary Plat approval.

3.06 The developer shall be responsible for all costs of the improvements required by these Subdivision Rules and Regulations, and all other costs related thereto, including costs incurred by the county related to engineering review and inspection of construction within the subdivision as set forth herein. The developer shall pay the actual engineering review fees and inspection fees incurred by county. General subdivision review shall be included in the general subdivision fees paid to county.

3.07 Any subdivision or lot therein that is not recorded shall be subject to these Subdivision Rules and Regulation and shall be required to bring each subdivision or lot therein into compliance with the current Kerr County Subdivision Rules and Regulations.

3.08 Penalties or enforcement for non-compliance are set forth in Section 232 of the *Local Government Code*.

Section IV

VARIANCES

The Court may authorize a variance from these regulations when, in the opinion of the Commissioners Court, undue hardship will result from requiring strict compliance. In granting a variance, the Court shall prescribe only conditions that it deems necessary to, or desirable in, the public interest. In making the findings 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:

4.01 That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these Rules & Regulations would deprive the applicant of the reasonable use of his land; and

4.02 That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

4.03 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

4.04 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 the Kerr County Subdivision Rules & Regulations.

4.5 No variance shall be permitted with regard to the provision of water or wastewater services to residential development with two or more lots of five acres or less.

Such findings of the 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 such variance is consistent with the general purpose and intent of these Kerr County Subdivision Rules & Regulations. Monetary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

Section V

SUBDIVISION STANDARDS

No preliminary or Final Plat shall be approved by the Commissioners Court and no completed improvements shall be accepted by the Court unless they conform to the following standards and specifications:

5.01 General:

5.01.A Provision for future subdivisions: Lots and roads shall be located in a manner to facilitate the connection to possible future roads outside the subject subdivision.

5.01.B Reserve strips prohibited: There shall be no reserve strips controlling the access to land dedicated or intended to be dedicated for public use or controlling access to any portion of the subdivision.

5.01.C Right of Way: All public right of ways shall be cleared of all impediments including boulders, stumps, trees, or any other debris. Selective clearing may be approved by Kerr County. Right of way limits shall be contiguous with lot lines.

5.01.D. Lot size and acreage requirements: Subdivisions in Kerr County shall meet minimum lot size requirements and total number of lots permitted based on total subdivision acreage requirements.

1. These requirements based on the following:

a. Water Availability Requirements as defined under Chapter 35, Section 35.019, Texas Water Code. Kerr County has been designated by the Texas Water Development Board to be a county within a Priority Groundwater Management Area. The Commissioners Court of Kerr County has been granted the authority pursuant to Chapter 35, Section 35.019, Texas Water Code to require any person seeking 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 the platted area.

2. Based on the data and information contained in the following:

Texas Water Development Board State (TWDB), State Water Plan of Texas;

The Plateau Water Planning Group – Region J,

approved and proposed Regional Water

Plan;

TWDB Groundwater Availability Model for the Trinity Aquifer

TWDB Groundwater Availability Model for the Edwards - Trinity Aquifer;

Headwaters Groundwater Conservation District, Rules and Regulations;

Kerr County Commissioners Court deems that Water Availability Requirements shall be complied with by meeting the lot size and acreage requirements set forth herein. Kerr County Water Availability Requirements are based on county and regional data that is currently available. Complying with these requirements does not insure the developer or prospective lot owner that adequate groundwater is available under any subdivision or lot. Kerr County Water Availability Requirements do not reflect other requirements that may be placed on water usage by other entities.

3. The current order for rules of Kerr County, Texas for on-site sewage facilities including compliance with Texas Administrative Code, Title 30 Chapter 285.

4. TCEQ Rules and Regulations, if applicable;

5. Total Number of Lots Permitted in a Subdivision:

a. The total number of lots permitted in any subdivision that uses individual water wells as the source of potable drinking water shall not exceed the total acreage in the subdivision divided by five (5) acres.

b. The total number of lots permitted in any subdivision that uses a community or public water system licensed by TCEQ as the source of potable drinking water shall not exceed the total acreage in the subdivision divided by three (3) acres unless the subdivision is located within a designated High Density Development Area by the Commissioners Court, see paragraph 5.01. E. No individual water wells shall be permitted on any lot or any other location in any subdivision developed under this paragraph.

c. The total number of lots permitted in any subdivision that uses a community or public water system licensed by TCEQ as the source of potable drinking water and the majority of the acreage in the subdivision is located within an area designated as a High Density Development Area, see paragraph 5.01.E., shall not exceed the total acreage in the subdivision divided by two (2). No individual water wells shall be permitted on any lot or on any other location in any subdivision developed under this paragraph.

d. Subdivisions that utilize surface water as the sole source of potable water for all lots are not subject to Section 5.01.5.

6. The Minimum Lot Size Requirements.

a. Greater than Five (5) acres for lots where an individual water well is planned to be the source of potable water and an on-site sewage facility is located.

b. One (1) acre for lots served by community or public water systems licensed by TCEQ as the source of potable drinking water and served by OSSF if such OSSF can be installed in compliance with the current Order for Rules of Kerr County, Texas for On-site Sewage Facilities; or served by a community sewage collection system. Lesser acreage requirements may be approved by the Commissioners Court on a case-by-case basis

based on the development plan. No individual water wells shall be permitted on any lot or any other location in the subdivision developed under this paragraph. Note the balance of the acreage in the subdivision not used for lots may be used for roads, drainage structures, parks, or any other use other than lots.

c. One-quarter (1/4) acre for lots to be served by a community or public water system licensed by TCEQ as a source of potable drinking water and a community sewage collection system; and the subdivision is located in a designated High Density Development Area. Lesser acreage requirements may be approved by the Commissioners Court on a case-by-case basis based on the development plan. No individual water wells shall be permitted on any lot or any other location in the subdivision developed under this paragraph. Note the balance of the acreage in the subdivision not used for lots may be used for roads, drainage structures, parks, or any other use other than lots.

5.01. E. High Density Development Areas: To be classified as a High Density Development Area the subdivision shall have a community or public water system licensed by TCEQ as a source of potable drinking water. Kerr County has designated areas of Kerr County as set forth below as High Density Development Areas.

1. Center Point Area – defined as an area within Kerr County a one and one-half (1 1/2) mile radius of the intersection of FM 480 and FM 1350 (China Street).

2. Comfort Area – defined as an area within Kerr County a one (1) mile radius of the intersection of State Highway 27 and Hermann Sons Road.

3. The ETJ of the City of Kerrville, and the ETJ of the City of Ingram.

A water utility and a wastewater disposal plan must be submitted and approved and sealed by a licensed engineer. Such plan shall meet all TCEQ Rules and Regulations, if applicable; and Rules and Regulations of HGCD, if applicable.

Table 5.00**Summary of Subdivision Lot Size and Maximum Number of Lots Allowed in a Subdivision Based on Water Availability and Sewage Disposal System**

Subdivision Type: Water Source Sewage Disposal System Area of County	Minimum Lot Size	Maximum Number of Lots in Subdivision
Individual Water Wells OSSF County Wide	Greater than 5 acres	Total acreage in subdivision divided by 5
Individual Water Wells Community Sewage System County Wide	Greater Than 5 acres	Total acreage in subdivision divided by 5
Community Water System OSSF Outside High Density Development Areas	1 acre	Total acreage in subdivision divided by 3
Community Water System OSSF Within High Density Development Areas	1 acre	Total acreage in subdivision divided by 2
Community Water System Community Sewage System Outside High Density Development Areas	1 acre	Total acreage in subdivision divided by 3
Community Water System Community Sewage System Within High Density Development Areas	¼ acre	Total acreage in subdivision divided by 2

This Table summarizes minimum lot size requirements and maximum number of lots allowed in a subdivision, see Section 5.01.D and Section 5.01.E. for specific requirements.

The definition of “Total Acreage in a Subdivision” is the gross total acres within the subdivision boundary and includes all lots, roads, drainage structures, parks, utility and other easements, and all other acreage in the subdivision.

To be considered a community water system, such community or public water system shall be licensed by TCEQ and such system shall be the source of potable drinking water for all lots in the subdivision.

5.01.F. Building Setbacks: The minimum allowed building setback from road right of way is fifty (50) feet.

5.01.G. Other developments: Developments such as Planned Unit Developments (PUD), Cluster Developments, and Condominiums are subject to these regulations. Certain provisions contained herein may not be applicable and will be reviewed on an individual or case-by-case basis by Kerr County Commissioners Court. It is noted that

Condominiums shall be subject to the Kerr County Subdivision Rules and Regulations and the provisions set forth in the Uniform Condominium Act.

Kerr County Commissioners Court shall take into consideration water availability, public welfare, public safety, environmental health and all other authority to regulate subdivisions when reviewing and approving other developments.

5.01.H. Commercial Development Subdivision: Commercial development subdivisions shall be subject to the Kerr County Subdivision Rules and Regulations. Certain provisions contained herein may not be applicable and will be reviewed on an individual or case-by-case basis by Kerr County Commissioners Court. Section 5.01.D. and Section 5.01.E may not be applicable for commercial development subdivisions. A water utility and a waste water disposal plan must be submitted and approved and sealed by a engineer licensed in the State of Texas knowledgeable in water utility and waste water utility design.

Kerr County Commissioners Court shall take into consideration water availability, public welfare, public safety, environmental health and all other authority to regulate subdivisions when reviewing and approving commercial developments.

5.02 Roads:

5.02.A Road Layout: Adequate roads shall be provided by the developer, and the arrangement, character, extent, width, grade and location of each shall be considered in their relation to existing and planned roads, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed use of land to be served by such roads. The road layout shall be devised for the most advantageous development of the entire surrounding area.

5.02.B 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.

5.02.C Projection of roads: Where adjoining areas are not subdivided or subdivided the arrangement of roads that are to be maintained by Kerr County in the subdivision shall make provision for the proper projection of roads into such not subdivided or subdivided areas.

5.02.D Road intersections: Road intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

5.02.E Cul-de-sacs: Cul-de-sacs right of way shall have a radius of not less than fifty (50) feet with a surface of forty (40) feet radius.

5.02.F Lot and block numbers are to be arranged in systematic order and shown on the plat. Each block will be numbered sequentially beginning with the number one (1), and each subdivision unit will have a separate lot and block designation.

5.02.G Road construction and design shall meet requirements herein. Roadway Plan and Profile Drawings shall be required for all Local Roads, Collector Roads and Arterial Roads. See Section VII. for minimum design requirements.

5.02.H 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 of Kerr 911 and approved by Commissioners Court. Road names must be certified by Kerr 911 before Final Plat approval. The Court shall have final determination of road names.

5.02.I Traffic Signs: The developer shall present a traffic sign placement plan and have it approved by the County prior to Final Plat approval.

5.02.I.1 Reflective road name signs shall be furnished and installed by the developer at all intersections within or abutting the subdivision. Road name signs shall be placed in a uniform manner throughout the subdivision. Road name signs shall be seven feet (7') above the pavement to the bottom of the sign on an approved metal post.

(a) Private road name signs shall be green with a 1" red tape across the top of the sign with 6" white reflective letters.

(b) County maintained road name signs shall be green with 6" white reflective letters. -

5.02.I.2 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* (MUTCD) issued by the Texas Department of Transportation.

5.02.I.3 All privately maintained roads shall be signed to inform the public of their status. The sign shall read "Privately Maintained Road," and signs must be placed at each entrance to the subdivision. The sign must be a rectangular shaped, minimum size of 24" wide, white backing with black letters and installed in accordance with the MUTCD.

5.03 Waste Disposal System:

Each lot in subdivision must have some legal means of sewage waste treatment and disposal. It is the policy of Kerr County Commissioners Court to encourage subdivision developers to provide community sewage collection and treatment facilities wherever possible and practical to serve the needs of the subdivision. Such action by a developer will serve to eliminate the need for individual property owners to install OSSF on their individual lot(s).

5.03.A. Lots Served By OSSF: All lots to be served by OSSF shall have such OSSF installed in compliance with the Kerr County OSSF Rules and Regulations.

Owners or developers proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar uses and using OSSF for sewage disposal shall submit planning materials for these developments to the Kerr County Environmental Health Department. The planning materials shall be prepared, signed and sealed by a professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells, locations of easements as identified in Section 285.91(10) (relating to tables), Texas Administrative Code, Title 30, and a complete report detailing the types of OSSF to be considered and their compatibility with area wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials. The Kerr County Environmental Health Department will either approve or deny the planning materials, in writing, within 30 days of receipt.

5.03.B. 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 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 entity 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.

5.04 Utility Lines:

5.04.A All utility lines that pass under a road or alley shall be installed before the road or alley is paved. When it is necessary that utility lines pass under an existing road or alley pavement, they shall be bored to a point at least four (4) feet beyond the edge of the pavement, see Appendix G, or a road cut may be used. If a road cut is used such road cut shall be installed in accordance with the design set forth in Appendix H.

5.04.B Utility fixtures extending above ground (poles, fire hydrants, etc.) will be within four (4) feet of the outside edge of the right of way line unless approved by the county.

5.04.C Underground utility lines are to be placed a *minimum* of thirty (30) inches below surface (and meet all safety codes) within a range of 0 to 4 feet of the outside of the right of way line. (See Appendix G)

5.05 Concrete Monuments: A minimum of one concrete monument containing certified benchmark elevations shall be required when any part of the subdivision is located within a Special Flood Hazard Area (studied), as represented by the applicable Flood Insurance Rate maps produced by Federal Emergency Management Agency (FEMA). The monument location shall permit reasonable access from all lots.

5.06 Drainage:

5.06.A All drainage plans, drainage calculations, drainage structures designs, drainage facilities designs and all other requirements of this section shall be prepared by a registered professional engineer experienced in hydrology analysis; shall be signed and sealed by the registered professional engineer licensed in the State of Texas; and should be prepared using professional standards of practices of the engineering industry.

A registered professional engineer or the developer shall certify on the Final Plat that all drainage requirements specified by the registered professional engineer were constructed substantially in accordance with all design criteria submitted and are in compliance with Kerr County Subdivision Rules and Regulations. (See Appendix A)

Subdivisions with a minimum lot size of twenty (20) acres or a total number of lots of less than five (5) shall be exempt from this sections 5.06 C. and 5.06.D.

5.06.B Subdivision design, layout and construction shall be done to minimize any adverse impact to private property, public property, all easements, and all public or private right-of-way either within or outside the proposed subdivision. Provisions must be made to assure that no adverse impact is made to existing drainage systems within public right of ways.

All drainage design, layout and construction shall comply with all applicable laws of the State of Texas and the United States of America.

5.06.C. The criteria set forth under this section are intended to provide guidelines for drainage calculations. The registered professional engineer that signs and seals the drainage plans, drainage calculations, drainage structures designs, drainage facilities designs, and all other drainage requirements is responsible for all drainage calculations.

(1) Subdivision drainage calculations for subdivisions with minimum lot size of five (5) acres or greater.

The calculated post-construction runoff flow rates at the point of flows leaving the subdivision for each drainage basin should be calculated based on the area of the pre-development drainage basin plus any added or subtracted area due to subdivision construction or layout. All runoff flow rate flow calculations shall be done in cubic feet per second (cfs). The runoff flow rate shall be calculated for the five (5), ten (10) and one hundred (100) year storm frequency, respectively.

Exit velocity runoff flow rates should not be greater than eight (8) fps from any storm detention structure.

(a) If the post-development drainage basin area is five (5) acres or less, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a twenty percent (20%) increase in the maximum flow for the drainage basin for each calculated storm frequency.

(b) If the post-development drainage basin area is greater than five (5) acres and less than twenty-five (25) acres, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a ten percent (10%) increase in the maximum flow for the drainage basin for each calculated storm frequency.

(c) If the post-development drainage basin area is twenty-five (25) acres or greater, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed the pre-construction runoff rate for the post-construction drainage basin for each calculated storm frequency.

(d) Drainage channels, storm sewers, detention structures or other devices shall be constructed to maintain the flow rates set forth in 5.06.C.(1).(a), (b) or (c) above. Vegetative improvements may be considered in calculating the runoff rates within a drainage basin

(2) Subdivision drainage calculations for subdivisions with minimum lot size of less than five (5) acres.

The calculated post-construction runoff flow rates at the point of flows leaving the subdivision for each drainage basin should be calculated based on the area of the pre-development drainage basin plus any added or subtracted area due to subdivision construction or layout. All runoff flow rate flow calculations shall be done in cubic feet per second (cfs). The runoff flow rate shall be calculated for the five (5), ten (10) and one hundred (100) year storm frequency, respectively. Exit velocity runoff flow rates should not be greater than eight (8) fps from any storm detention structure.

(a) If the post-development drainage basin area is five (5) acres or less, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a ten percent (10%) increase in the maximum flow for the drainage basin for each calculated storm frequency.

(b) If the post-development drainage basin area is greater than five (5) acres and less than twenty-five (25) acres, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a five percent (5%) increase in the maximum flow for the drainage basin for each calculated storm frequency.

(c) If the post-development drainage basin area is twenty-five (25) acres or greater, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed the pre-construction runoff rate for the post-construction drainage basin for each calculated storm frequency.

(d) Drainage channels, storm sewers, detention structures or other devices shall be constructed to maintain the flow rates set forth in 5.06.C.(2).(a), (b) or (c) above. Vegetative improvements may be considered in calculating the runoff rates within a drainage basin

5.06.D The storm drainage plan shall include a prepared plat to a scale of two hundred feet to one inch (200:1) and with the same contours and scaled lot sizes as shown on the plat. The plan shall indicate both the pre development and post development acreage areas and run off rates for the required frequencies for each drainage basin in the subdivision. The storm drainage plan shall include all lots, roads and easements.

All road widths and grades shall be indicated. Runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers; at all points where the road changes grade of more than three (3) percent; at all points where the road changes direction of less than 120 degrees and where the water enters another road or storm sewer or drainage ditch.

Three (3) copies of the plat, the plan and all backup material and calculations shall be submitted to the county.

5.06.E When a drainage channel, storm sewers, detention structure or other device 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.

5.06.F No pipe less than 18 inches in diameter or comparable flow area shall be used, including driveway crossings.

5.06.G Drainage easements shall be provided as necessary and shall be maintained by the property owner unless specifically noted on the Final Plat.

5.06.H All drainage structures crossing roads within a subdivision shall be sized based on calculated storm frequency as established by standard engineering practices as follows:

1. Ten (10) year for equalizer and minor drainage channel culverts that drain an area from one (10) to one-hundred (100) acres.
2. Twenty-five (25) year for medium drainage channel culverts that drain an area from one-hundred one (101) acres to five hundred (500) acres or unnamed stream tributary culverts.

3. Fifty (50) year for major channel that drain an area over 500 acres and named stream culverts.

4. One hundred (100) year for river crossing culverts or bridges.

5.06.I. All drainage structure installation and construction shall be inspected and tested during construction to insure installation and construction is in accordance with the approved plans and design. Inspections and testing should be performed by or under the direction of the design engineer at the sole cost and expense of the developer. Inspections and testing shall include verification of materials used, compaction tests, grade calculations and other testing requirements as may be required to verify construction. A copy of all testing shall be provided to the county within 15 days of completion of testing. All test results must be submitted to the county at least 15 days prior to the request for Final Plat approval. The County Subdivision Administrator shall be notified in writing 48 hours prior to any inspections and testing.

5.06.J. All drainage structures shall be covered by letter of credit or performance bond for the same term of roads.

5.06.K. Driveway crossings shall be sized by the engineer who prepared the drainage plans and shall be based on calculated five (5) year storm frequency as established by standard engineering practices.

5.07 Fire Safety and Suppression. All subdivisions that have community, public water or centralized water systems shall install a 2 1/2" NST pipe connection at the storage tank for fire fighting equipment to withdraw water from the storage tank in times of emergency. The minimum storage tank size shall be 2,500 gallons for subdivisions with fewer than 50 lots and 5,000 gallons for subdivisions with more than 50 lots.

5.08 Other Regulations. In addition to these rules and regulations all subdivisions are subject to the rules and regulations of the Kerr County OSSF program, Headwaters Groundwater Conservation District (HGCD) program, and all other applicable County, State and Federal regulations.

5.09 Additional rules and standards for subdivisions which create two or more lots of five acres or less intended for residential purposes.

These rules of this section supersede any conflicting regulations of the county or Kerr County Subdivision Rules and Regulations.

It is the intent of this section to adopt the applicable provisions of Texas Administrative Code, Title 31 Natural Resources and Conservation, Part 10 Texas Water Development Board, Chapter 364 Model Subdivision Rules.

Subchapter A – General Provisions

(Sub. A. Sec. 364.1) Scope of Chapter

Not Applicable

(Sub. A. Sec. 364.2) Purpose

The model rules provide the criteria for assuring that an adequate supply of safe drinking water and adequate safe sewer facilities are available to residential areas in accordance with state standards established by the Texas Department of Health and the Texas Commission on Environmental Quality. The model rules prohibit the establishment of residential developments with lots of five acres or less without adequate water supply and sewer services, prohibit more than one single-family, detached dwelling to be located on each subdivision lot, and establish minimum setbacks to ensure proper operation of water supply and sewer services and to reduce the risk of fire hazards.

Subchapter B, Division 1 – General and Administrative Provisions

(Sub B., Div. 1, Sec. 364.11) Authority and Scope of Rules

These rules are adopted by Kerr County, Texas, under the authority of the Local Government Code, Chapter 232 and Water Code, §16.350. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. 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.

(Sub. B., Div. 1, Sec. 364.12) Purpose

It is the purpose of these rules to promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this county, and to apply the minimum state standards for water and wastewater facilities to these subdivisions.

(Sub. B., Div. 1, Sec. 364.13) Effective Date

Not Applicable

(Sub. B., Div. 1, Sec. 364.14) Repealer

Not Applicable

(Sub. B., Div. 1, Sec. 364.15) Plat Required

(a) The owner of a tract of land located outside the corporate limits of a municipality that 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 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

(Sub. B., Div. 1, Sec 364.16) Supersession

Not Applicable

(Sub. B., Div. 1, Sec. 364.17) Severability

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.

(Sub. B., Div. 1, Sec. 364.18) Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (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 Kerr County, Texas.
- (3) County-- Kerr 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 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.

Subchapter B, Division 2 – Minimum Standards

(Sub. B., Div. 2, Sec. 364.31) Scope of Standards.

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 this division is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

(Sub. B. Div. 2, Sec. 364.32) Water Facilities Development

(a) Public water systems.

(1) 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. 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.

Attached Graphic

(2) 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. 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 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.

(b) 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:

- (1) without any treatment to the water; or
- (2) with treatment by an identified and commercially available water treatment system.

(c) 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.

(Sub. B., Div. 2, Sec. 364.33) Wastewater Disposal

(a) Organized sewerage facilities.

(1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.

(2) 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 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 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.

Attached Graphic

(b) On-site sewerage facilities.

(1) 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.

(2) 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.

(3) 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 is in compliance 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. 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.

(Sub. B., Div. 2, Sec. 364.34) Greywater Systems for Reuse of Treated Water

(a) Organized or municipal 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.

(b) 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.

(Sub. B., Div. 2, Sec. 364.35) Sludge Disposal

The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

(Sub. B., Div. 2, Sec. 364.36) Setbacks

In areas that lack a nationally recognized fire code as listed in Local Government Code, §233.062(c) and lack water lines sized for fire protection, setbacks from roads and right-of-ways

shall be a minimum of 10 feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

(Sub. B., Div. 2, Sec. 364.37) 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 final 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.

Subchapter B, Division 3 - Plat Approval

(Sub. B., Div. 3, Sec. 364.51) Applications for Plat Approval

- (a) Owner representation. An application for approval of a plat shall be filed with the county by the record owner of the property to be subdivided or the duly authorized agent of the record owner.
- (b) Standards. Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of Division 2 and the requirements of Division 3 of this subchapter.

(Sub. B., Div. 3, Sec. 364.52) Final Engineering Report

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 §364.54 of this title, the schedule shall include the start dates and completion dates.

(1) Public water systems.

(A) 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 §364.32(a)(1) of this title. 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 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) 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 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.

(2) 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 §364.32 of this title. 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 §364.32(b) of this title 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.

(3) Organized sewerage facilities.

(A) 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 §364.33(a)(2) of this title. 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) 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. 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 and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(4) On-site sewerage facilities. 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.

(Sub. B., Div. 3, Sec. 364.53) Additional Information

Not Applicable

(Sub. B., Div. 3, Sec. 364.54) Financial Guarantees for Improvements

a) 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 of five acres or less at the time final plat approval is sought, then the commissioners court shall require the owner of the subdivided tract to execute an agreement with the county in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below.

Attached Graphic

(b) Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) The bond or financial guarantee shall be payable to the county judge of the county, in his official capacity, or the judge's successor in office.

(2) The bond or financial guarantee shall be in an amount determined by the commissioners court to be 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.

(3) The bond shall be executed with sureties as may be approved by the commissioners court. The county shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

- (A) registration with the Secretary of State and be authorized to do business in Texas;
- (B) authorization to issue bonds in the amount required by the commissioners court; and
- (C) 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 company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration 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.

(4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Division 2 of this subchapter 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.

(c) Letter of credit. A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) Any letter of credit 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) Bank qualifications:
 - (i) must be federally insured;
 - (ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and
 - (iii) total assets must be at least \$25 million.
- (B) Savings and loan association qualifications:
 - (i) must be federally insured;
 - (ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and
 - (iii) Sheshunoff rating must be 30 or better.
- (C) Other financial institutions qualifications:
 - (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
 - (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(2) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications.

- (A) Bank qualifications:
 - (i) must be federally insured;
 - (ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and
 - (iii) total assets must be at least \$75 million.
- (B) Savings and loan association qualifications:
 - (i) must be federally insured;
 - (ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and
 - (iii) Sheshunoff rating must be 30 or better.
- (C) Other financial institutions qualifications:
 - (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
 - (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(3) The letter of credit shall list as sole beneficiary the county judge of the county, in his official capacity, or the judge's successor in office, and must be approved by the county judge of the county. The form of the letter of credit shall be modeled after the form attached in Appendix 2B.

Attached Graphic

(4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Division 2 of this subchapter 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.

(d) 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.

(e) Alternative to county accepting a financial guarantee. The county may approve a final plat under this section without receiving a financial guarantee in the name of the county if:

- (1) the property being subdivided lies wholly within the jurisdiction of the county;
- (2) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and
- (3) the municipality has executed an interlocal agreement with the county that imposes the obligation on the municipality to:

- (A) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;
- (B) execute the construction agreement with the subdivider; and

(C) 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.

(Sub. B. Div. 3, Sec. 364.55) 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 this subchapter.

(b) Disapproval authority. The commissioners court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.

(c) Prerequisites to approval. Final plat approval shall not be granted unless the subdivider has accomplished the following:

(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

(2) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from the commission of the plans and specifications for such construction, including any change orders filed with these agencies; or

(3) 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 established in Division 3 of this subchapter.

(Sub. B., Div. 3, Sec. 364.56) Time Extensions for Providing Facilities

(a) Reasonableness. 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:

(1) 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 §364.54 are submitted which will be effective for the period of the extension; and

(2) the court finds the extension is reasonable and not contrary to the public interest.

(b) Timeliness. 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) Unreasonableness. 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 this subchapter.

(Sub. B., Div. 3, Sec. 364.57) Criteria for Subdivisions that Occurred Prior to 9/1/89

(a) Authority and scope. This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section 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) Purpose. It is the purpose of this section 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) Required plat. 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 section in lieu of the filing of a plat of the subdivision.

(d) Special criteria. The commissioners court may approve the plat of a residential lot which does not comply with the provisions of §§364.15(b) of this title (sale restrictions), 364.36 of this title (Setbacks), 364.37 of this title (Number of Dwellings per Lot), 364.52 of this title (Final Engineering Report), and 364.54 of this title (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 rules so that the public health, safety, and welfare may be secured and substantial justice done.

(1) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.

(2) 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:

(A) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;

(B) the name and address of the original subdivider or the subdivider's authorized agent, if known;

(C) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and

(D) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.

(3) 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:

(A) 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;

(B) a plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;

(C) an existing, currently occupied residential dwelling is located on the lot;

(D) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and

(E) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.

(e) Final determination. The commissioners court shall make the final decision on an application for a waiver, following review and recommendation by the county planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

Subchapter B, Division 4 - Enforcement

(Sub. B., Div. 4, Sec. 364.71) Oversight

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 rules.

(Sub. B., Div. 4, Sec. 364.72) General Enforcement Authority of County

The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including Water Code, Chapter 7 and §§16.352, 16.353, 16.3535, 16.354, and 16.3545, and Local Government Code, §232.037 and §232.080.

Section VI

PLATTING PROCEDURE

6.00 Sale of Lots: No sale of lots in any subdivision shall begin until the Court has approved the Final Plat and subdivision plat has been filed with the County Clerk, Kerr County, Texas. (See definition of “Sale”)

6.01 Concept Plan: Prior to submission of a Preliminary Plat, the developer shall consult with the County Subdivision Administrator and present two (2) copies of the concept plan in sketch form. The County Subdivision Administrator will forward one (1) copy of the Concept Plan along with a completed checklist to the Commissioner of the precinct in which the proposed subdivision is located. The County Subdivision Administrator or the Commissioner of the precinct in which the proposed subdivision is located may place the concept plan on the Commissioners Court agenda to receive additional input from the Commissioners Court. No Preliminary Plat shall be submitted until the Concept Plan has been approved by the County Subdivision Administrator or the Commissioners Court as applicable.

Concept Plans shall not be required for Subdivisions with five or less lots or for Revision of Plats that affect four or less lots after the Revision of Plat.

6.02 Preliminary Plat and Data:

6.02.A Plat Application Fees: Any Preliminary Plat shall be accompanied by a filing fee as listed in Fee Schedule. The Court shall take no action until the filing fees have been paid. This fee is not refundable should the developer fail to make formal application for plat approval or should the plat be disapproved. This fee is intended to cover all cost of the county’s review of the subdivision plat and inspection of roadway and drainage improvements. This fee does not cover engineer review fees of the subdivision, roadway plan and profiles and drainage plans. The fee is paid to the Kerr County Clerk, and a signed checklist shall be returned to the County Subdivision Administrator, as outlined herein. (See Fee Schedule in Appendix F, Kerr County Permitting and Regulatory Fees.)

Engineering review: All subdivisions that require drainage plans and / or roadway plan and profile drawings shall be charged an engineer review fee to pay the actual cost to Kerr County for such engineer review and any inspections required to monitor the construction of any drainage structures and / or roads. This engineer review fee is applicable during both the Preliminary Plat and Final Plat phase of subdivision review. This fee shall be paid prior to Final Plat approval.

6.02.B Copies required: The developer shall submit eleven (11) prints of the plat to the County Subdivision Administrator, and one (1) to every agency who signs the plat, twenty-eight (28) days prior to the Commissioners Court agenda date requested. A completed routing slip (Appendix I.) and all required documentation and approvals must be submitted to the

County Subdivision Administrator a minimum of fifteen (15) days prior to the Commissioners Court date requested.

6.02.C Form and Content of Preliminary Plat:

6.02.C.1. The plat shall be drawn on sheets of appropriate size and scale necessary to accommodate the entire subdivision. Minimum size shall be twenty-four inches (24") vertical and thirty-six inches (36") horizontal. Maximum size shall not exceed thirty-six inches (36") vertical and forty-eight inches (48") horizontal.

6.02.C.2. Names and addresses of the developer record owner, lien holders and engineer and/or surveyor.

6.02.C.3. Proposed name of the subdivision shall not have the same spelling as, or be pronounced similar to the name of any other subdivision located wholly or partially in the County. Subdivision names must be checked for duplication by the County Clerk.

6.02.C.4. Street names and road names shall be approved by Kerr 911 according to Kerr County guidelines and the inter-local agreement Kerr County has with Kerr 911 regarding same.

6.02.C.5. Names of contiguous subdivisions and / or indication of whether or not contiguous properties are platted. School District lines are to be indicated, or the district within which the subdivision is situated will be stated.

6.02.C.6. An accurate plat of the property, with reference to a patent survey lines and adjoining established subdivisions. Subdivision boundary lines shall be indicated by heavy lines. The approximate acreage of the subdivision shall be shown.

6.02.C.7. The location, dimensions, names and description of all existing or recorded:

(a) Roads, streets, alleys, reservations, easements or other rights-of-way within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.

(b) Structures, wells (water, oil or monitor), and septic systems.

6.02.C.8. The location, dimensions description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other right-of-way, blocks, and lots within the subdivision.

6.02.C.9. Date of preparation, scale of plat and approximate true north arrow.

6.02.C.10. Topographical information shall include:

(a) Contour lines at twenty-(20) foot for all lots, based on NGVD 1929 datum. The County Subdivision Administrator may require contour lines of five foot intervals based upon the drainage study and proposed residential density.

(b) Delineation of all Special Flood Hazard areas as identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

6.02.C.11. The plat will show the location of all utilities lines and utility easements set forth herein.

6.02.C.12. The plat must show all road right-of-ways separate from individual lots, and whether or not such roads are dedicated to the public, or if they are to remain private.

6.02.C.13. For subdivisions that lie within, all or part, of the one hundred (100) year flood plain, the plat must show the minimum finished floor elevations of each lot in accordance with the Kerr County Flood Damage Prevention Order.

6.02.C.14. A number to identify each lot or site and each block. Lot lines should be contiguous with right-of-way lines for all roads and streets, where applicable.

6.02.D Accompanying data to be submitted with Preliminary Plat:

6.02.D.1 Location map at a scale of not more than 4000 feet to an inch which shall show the proposed subdivision, existing adjacent subdivisions, adjoining State and County road and School District lines.

6.02.D.2 A general location map of the subdivision showing the entire watershed (U.S.G.S. Quadrangle is satisfactory).

6.02.D.3 Proposed master plan of all the developer's property when the subdivision is a part of a larger tract in accordance with these Rules & Regulations, using scale of not more than 400 feet to an inch.

6.02.D.4. Drainage Plan(s) if required by Section 5.06., shall be submitted in duplicate with the other required accompanying data to be submitted with the Preliminary Plat.

6.02.D.5 Roadway Plan and Profile drawings if required, shall be submitted in duplicate with the other required accompanying data to be submitted with the Preliminary Plat.

6.02.E Processing of Preliminary Plat:

6.02.E.1 Submit Preliminary Plat and other required data as required by these Rule and Regulations at which time a Routing Slip shall be started by the developer. County Subdivision Administrator shall check the Preliminary Plat as to its conformity to these standards and specifications set forth or referred to herein and shall deliver the Preliminary Plat and data to the Court, with suggestions as to modifications or alterations of such plat and data, if applicable.

6.02.E.2 The Court shall approve or disapprove the Preliminary Plat or approve the plat with conditions. Conditional approval shall be granted by the Court in writing. A marked up copy of the Plat shall be returned to the developer. A Preliminary Plat, which has been reviewed by the Court and altered at their direction, will not be considered conditionally approved until the applicant has agreed such changes to, in writing, and such changes made on the plat.

6.02.E.3 Preliminary Plat or conditional approval of a Preliminary Plat shall be effective for one (1) year from the date of approval or conditional approval by the Commissioners Court. The County Subdivision Administrator may in the light of new or other significant information require a revision of the Preliminary Plat. If the County Subdivision Administrator should deem changes in a Preliminary Plat as necessary, he shall so inform the developer in writing. A revised or modified Preliminary Plat shall be effective for one (1) year from the date of approval by the Commissioners Court. The Commissioners Court may permit one extension if the request for extension is received before the expiration date of one (1) year.

6.02.E.4 Preliminary Plat or conditional approval of the Preliminary Plat by the Court will not constitute Final Plat approval. Approved Preliminary Plats shall be filed at the office of the County Subdivision Administrator.

6.03 Final Plat Approval: Submit Final Plats to the County Subdivision Administrator twenty-one (21) calendar days prior to next Commissioners Court meeting, and Routing Slip shall be started by the developer, to be returned to County Subdivision Administrator fifteen (15) calendar days before Commissioners Court meeting requested. Developer shall submit one (1) reproducible mylar. Plats shall be in correct order to be recorded with all required signatures except for the County Subdivision Administrator, County Judge and County Clerk. Final Plats shall not be removed from the County Clerk's possession prior to filing. The mylar copy shall be filed on record with the County Clerk.

6.03.A General: The developer shall have a Final Plat prepared, along with the accompanying site improvement data and detailed cost estimates to determine value of bond or letter of credit.

6.03.B Fees to County Clerk: The Final Plat shall be accompanied by a filing fee as per Fee Schedule.(See Appendix F) No action shall be taken by the Court until the

filing fees have been paid. This fee is not refundable should the developer fail to make formal application for plat approval or should the plat be disapproved. All fees shall be paid by developer.

Engineering review: All subdivisions that require drainage plans and / or roadway plan and profile drawings shall be charged an engineer review fee to pay the actual cost to Kerr County for such engineer review and any inspections required to monitor the construction of any drainage structures and / or roads. This engineer review fee is applicable during both the Preliminary Plat and Final Plat phase of subdivision review. This fee shall be paid prior to Final Plat approval.

6.03.C Form and Content of Final Plat:

6.03.C.1 The Final Plat shall substantially conform to the Preliminary Plat as approved or conditionally approved by the Court, incorporating any and all changes, modifications, alterations, corrections and conditions required by the Court.

6.03.C.2 The Final Plat shall be on permanent white paper that is no wider than 36 inches (36") with margins of not less than 1/2 inch. The plat shall be drawn at a scale of not more than 200 feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire subdivision, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

6.03.C.3 Eleven (11) copies of the Final Plat shall be submitted, together with one (1) reproducible original, a digital copy in .DWG computer format (labeled with subdivision name); and shall contain all of the features required for Preliminary Plats as set forth herein and shall also include the following:

6.03.C.4. Required Certifications: See Appendix B for proper wording and specific requirements:

6.03.C.4.a. Developer's or Owner's Certificate of Ownership, and written consent of all lien holders.

6.03.C.4.b. Certification by Registered Professional Land Surveyor, registered in the State of Texas that such plat represents a true and accurate survey.

6.03.C.4.c. Certification by the County Subdivision Administrator.

6.03.C.4.d. Certification by the Administrator of On-Site Sewage Facilities.

6.03.C.4.e. Certification by the Administrator of Flood Plain.

6.03.C.4.f. Certification by Kerr 911.

6.03.C.4.g. Certification of dedication of all roads and easements, and other land intended for public use, signed by the owner or owners of the property.

6.03.C.5. Required Statements and Notes on Final Plat: See Appendix B for proper wording and specific requirements:

6.03.C.5.a. Statement as to the total number of lots permitted in subdivision required on all Final Plats.

6.03.C.5.b. Statement on Status of Drainage Easements when applicable:

6.03.C.5.c. Statement on OSSF required on all Final Plats

6.03.C.5.d. Statement concerning Individual Wells when applicable

6.03.C.6. Names and addresses of the developer record owner, lien holders and engineer and/or surveyor.

6.03.C.7. Name of the subdivision shall not have the same spelling as, or be pronounced similar to the name of any other subdivision located wholly or partially in the County. Subdivision names must be approved by the County Clerk.

6.03.C.8. Street names and road names approved by Kerr 911 according to Kerr County guidelines and the inter-local agreement Kerr County has with Kerr 911 regarding same.

6.03.C.9. Names of contiguous subdivisions and / or indication of whether or not contiguous properties are platted. School District lines are to be indicated, or the district within which the subdivision is situated will be stated.

6.03.C.10. An accurate plat of the property, with reference to a patent survey lines and adjoining established subdivisions. Subdivision boundary lines shall be indicated by heavy lines. The approximate acreage of the subdivision shall be shown.

6.03.C.11. The location, dimensions, names and description of all existing or recorded:

(a) Roads, streets, alleys, reservations, easements or other rights-of-way within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.

6.03.C.12. The location, dimensions description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other right-of-way, blocks, and lots within the subdivision.

6.03.C.13. Date of preparation, scale of plat and approximate true north arrow.

6.03.C.14. Delineation of all Special Flood Hazard areas as identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

6.03.C.15. The plat will show the location of all utilities lines and utility easements set forth herein.

6.03.C.16. The plat must show all road right-of-ways separate from individual lots, and whether or not such roads are dedicated to the public, or if they are to remain private.

6.03.C.17. For subdivisions that lie within, all or part, of the one hundred (100) year flood plain, the plat must show the minimum finished floor elevations of each lot in accordance with the Kerr County Flood Damage Prevention Order.

6.03.C.18. A number to identify each lot or site and each block. Lot lines should be contiguous with right-of-way lines for all roads and streets, where applicable.

6.03.C.19. Location and description of monuments in the subdivision when required by Section 5.05 herein.

6.03.C.20. The minimum surveying requirements shall conform to the accuracy standards set by the *“Texas Board of Land Surveying 1992 Act”* except that in no case shall the requirements be less than the following:

a) The raw unadjusted angular error in the field survey shall not exceed fifteen seconds when multiplied by the square root of the number of angles in the traverse.

b) The boundary shall be adjusted, and the bearings shall be shown to the nearest 10 seconds and the lengths to the nearest .01 of a foot.

6.03.D. Processing Final Plat:

6.03.D.1 No Final Plat will be considered unless a Preliminary Plat has been approved.

6.03.D.2 A Final Plat of an approved Preliminary Plat or a portion thereof shall be submitted to the Court within twelve (12) months after the date of approval of

Preliminary Plat; otherwise, the approval of the Preliminary Plat shall become null and void, unless an extension of time is applied for and granted by the Court (see Section 6.02.E.3.).

6.03.D.3 If the Final Plat is not approved, the Court or its designee shall inform the developer in writing of the reasons at the time such action is taken.

6.03.D.4 After the Final Plat has been approved and the developer has filed the security and maintenance bond hereinafter provided and paid all general subdivision fees, engineer review fees and inspection fees , the Court shall cause the Final Plat to be recorded in the Office of the County Clerk.

6.03.D.5 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every road, boundary line, and the building setback line, whether curved or straight. This shall include accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.

6.03.E Accompanying data to be submitted with the Final Plat:

6.03.E.1 When submitted, the Final Plat shall be accompanied by the following site improvement data, prepared by a Registered Professional Engineer.

6.03.E.1.a Roads: Three copies of, as-built drawings, construction details, and test reports on all materials used and verification of installed materials, on all roads.

6.03.E.1.b A general location map of the subdivision showing the entire watershed (U.S.G.S. Quadrangle is satisfactory).

6.03.E.1.c Final As-Built Drainage Plan shall be submitted if required by Section 5.06 of these regulations.

6.03.E.2.c A check, payable to the County Clerk of Kerr County in the amount required to pay all fees and for recording the Final Plat in the office of the County Clerk (see Appendix F).

6.03.F When filed, the Final Plat shall also be accompanied by:

6.03.F.1 Tax Certifications from the school district, County and other Tax Districts, which indicate that all ad valorem taxes have been paid on all land, included within the subdivision as shown on the Final Plat.

6.03.F.2 A check, payable to the County Clerk of Kerr County in the amount required to pay all fees and for recording the Final Plat in the office of the County Clerk (see Appendix F).

6.035 Alternate Plat Approval Process for Subdivisions with Less Than Five (5) Lots.

6.035.A. The Commissioner of the precinct in which the proposed subdivision is located may approve an alternate process for plat approval for any subdivision with less than five (5) lots as set forth in this section. If the commissioner does not approve the alternate plat process, the plat process for the subdivision shall be as set forth in Sections 6.01, 6.02, 6.03, and other applicable provisions of these regulations.

6.035.B Alternate Plat Approval Process

6.035.B.1 Sections 6.01, "Concept Plans" shall not be applicable in the Alternate Plat Approval Process. Section 6.02., "Preliminary Plat" shall not be applicable in the Alternate Plat Approval Process; however, a plat containing the data required in Section 6.02.C. 7.(b) shall be required or the following statement shall be added to the Appendix B. 1) "Certification by Registered Professional Land Surveyor" "No structures, wells (water, oil or monitor, or OSSF system(s) are located on any lot subject to this final plat as of this date _____."

6.035.B.2 Section 6.03, "Final Plat Approval", shall be required in the Alternate Plat Approval Process with the exception that Section 6.03.D.1 and 6.03.D.2. shall not apply.

6.04 Revision of Plat of Existing Recorded Subdivision: A person who has subdivided land that is subject to the Subdivision Rules and Regulations of Kerr County may apply in writing to the Commissioners Court for permission to revise the subdivision plat filed for record with the county clerk.

6.04. A. A revised plat must be prepared by a Registered Professional Land Surveyor registered in Texas. A written application, see Appendix I, be submitted to the County Subdivision Administrator twenty-eight (28) days prior to the requested Court Date along with all of the names and addresses of the property owners in the subdivision.

6.04.B. After the application is filed with the Commissioners Court, the court shall publish a notice, in English, 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 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. 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.

6.04.C . 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.

6.04.D. If the Commissioners Court permits a person to revise a subdivision plat, the person shall make the revision by filing for record with the County Clerk a revised plat or part of plat that indicates the changes made to the original plat.

6.04.E. The Commissioners Court is not required to give notice by mail if the plat revision only combines existing tracts.

6.04.F. The revised plat shall be subject to all of the provisions of Kerr County Subdivision Rules and Regulations. If the revision to the plat revises less than five tracts the alternate platting process set forth in Section 6.035. "Alternate Plat Approval Process for Subdivisions with Less Than Five (5) Lots," may apply. However, the Alternate Plat Approval Process does not change the notice requirements set forth in Section 6.04.

6.04.G. The person requesting the "Revision of Plat" must submit with the request for "Revision of Plat" the names and addresses of all owners of tracts in the subdivision.

6.05 Cancellation of Subdivision: A person owning real property in 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 who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the Commissioners Court by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part. 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.

6.05.A 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. The cost of such notice shall be paid for by developer and shall be included in the subdivision permitting fee, see Appendix F.

6.05.B If delinquent taxes are owned on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by this section, 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.

6.05.C 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 Subsections, (A) and (B). 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.

6.05.D To maintain an action to enjoin the cancellation or closing of a roadway or easement in subdivision, a person must own a lot or part of the subdivision that: abuts directly on the part of the roadway, or easement to be canceled or closed; or 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 not canceled common amenity of the subdivision.

6.05.E 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 Commissioners Court's order granting the cancellation

6.05.F The Commissioners Court may deny a cancellation under this section if the Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

6.06 Cancellation of Subdivisions if Land Remains Undeveloped: The Commissioners Court may cancel, after notice and a hearing a subdivision for which the plat was filed and approved before September 1, 1989.

6.06.A The Commissioners Court must publish notice of a proposal to cancel a subdivision under this section and the time and place of the required hearing in a newspaper of general circulation in the county for at least 21 days immediately before the date of cancellation order is adopted. The Kerr County Tax Assessor-Collector shall, not later than the 14th day before the date of the hearing, deposit with the United States Postal Service a similar notice addressed to each owner of land in the subdivision, as determined by the most recent county tax roll. The cost of such notice shall be paid for by developer and shall be included in the subdivision permitting fee, see Appendix F.

6.06.B At the hearing, the Commissioners Court shall permit any interested person to be heard. At the conclusion of the hearing, the court shall adopt an order on whether to cancel the subdivision. The Commissioners Court may adopt an order canceling subdivision if the court determines the cancellation is the best interest of the public. The court may not adopt an order canceling a subdivision if: 1) the cancellation interferes with the established rights of a person who is a non-developer owner and owns any part of the subdivision, unless the person agrees to the cancellation; or 2) the owner of the entire subdivision is able to show that: a) the owner of the subdivision is able to comply with the minimum state standards and model political subdivision rules developed under Section 16.343, Water Code, including any bounding requirements; or b) the land developed or improved before September 1, 1989.

6.06.C The Commissioners Court shall file the cancellation order for recording in the deed records. After the cancellation order is filed and recorded, the property shall be treated as if it had never been subdivided, and the county chief appraiser shall assess the property accordingly. Any liens against the property shall remain against the property as it was previously subdivided.

6.07 Amending Plat

6.07.A. 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 the 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 subject to the plat.

6.07.B The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat.

6.07.C. Notice, a hearing and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.

Section VII

ROAD DESIGN AND CONSTRUCTION

7.01. Roads. All roads, whether maintained by the County, property owner, group of property owners or by a homeowners association, shall be constructed in accordance with these Regulations and shall be classified as one of the three following types of roads (referred to collectively as "Roads"):

(a) Publicly dedicated, paved and to be maintained by Kerr County and construction pursuant to Section 7.06;

(b) Private, paved and to be maintained by Homeowners Association or property owners in perpetuity (or until constructed to then-applicable County standards for acceptance of maintenance, and accepted for maintenance by resolution of the Commissioners Court) and constructed pursuant to Section 7.07; or

(c) Private, not paved and to be maintained by a Homeowners Association or property owners in perpetuity (or until construction to then-applicable County standards for acceptance of maintenance, and accepted for maintenance by resolution of Commissioners Court) and constructed pursuant to Section 7.08.

7.02 Dedication to Public. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest, a dedication conveying a perpetual right-of-way easement in the property to the County for public use, or by right-of-way easement. A statement of such dedication shall be noted on the Final Plat, No dedication shall be effective until the Final Plat is recorded. In no event shall any private lot extend into a dedicated roadway. No road shall be accepted for County maintenance unless such acceptance is specifically accepted by separate court order.

7.03 Design of Public Improvements. All improvements shall be designed 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.

7.4 Access to Roads. Tracts shall have the minimum direct frontage onto a road set forth below, depending on the classification of road onto which the resulting tract has frontage.

<u>Road Classification</u>	<u>Minimum Lot Frontage</u>
Country Lane	150'
Local Road	150'
Collector Road	200'
Cul-de-sac	60'
Arterial Road	200'

Minimum lot frontage distances may be reviewed by the Commissioners Court and lesser distances may be approved based on lot density, topography and other mitigating factors recommended by the County Subdivision Administrator. Subdivisions within a high density development area and where the above minimum lot frontage distances are not practical will be considered on a case by case basis.

7.05 Commercial Driveways. Driveways serving commercial development shall be determined on case-by-case basis. See Section 5.01.G.

7.06 Road Construction Design, Construction Specifications and Testing. Paved Roads dedicated to the public shall be required in all Subdivisions except those satisfying the criteria for unpaved roads or private roads, as set forth below. All roads shall be designed and constructed in accordance with the specifications set forth herein. The boundary lines of all tracts or lots fronting onto a dedicated road or dedicated right-of-way shall be contiguous with the boundary of the road or right-of-way.

Plan and profile drawings shall be required for arterial, collector and local roads and such drawings shall be signed and sealed by a licensed professional engineer, including the date signed.

All sub-grade and road construction shall be inspected and tested during construction to insure installation and construction is in accordance with the approved plans and design. Inspections and testing shall be performed by or under the direction of the design engineer at the sole cost and expense of the developer. Inspections and testing shall include verification of materials used, compaction tests, grade calculations and other testing requirements as may be required to verify construction. A copy of all testing shall be provided to the county within 15 days of completion of testing. All test results must be submitted to the county at least 15 days prior to the request for Final Plat approval. The County Subdivision Administrator shall be notified in writing 48 hours prior to any construction, inspections or testing.

The sub-grade shall be inspected and approved, in writing, by the County Subdivision Administrator, or his designated representative, prior to the placement of any base on sub-grade.

Road construction testing shall be one test for each 0.1 mile using and alternate lane pattern with a minimum of two tests per road. Tests shall be from a certified testing laboratory.

Additional testing may be required at the discretion of the County Subdivision Administrator with concurrence of a licensed Engineer hired by Kerr County. If necessary additional testing will be made at the request of the County Subdivision Administrator and cost thereof paid by the County if the test passes and paid for by the developer if the test fails.

No construction shall start on a subdivision infrastructure until after the date of Preliminary Plat approval. Any required drainage plan and roadway plan and profile shall have been approved prior to the start of any construction concerning same. Clearing, grubbing and minor grading will

be allowed prior to Preliminary Plat approval, drainage plan approval and roadway plan and profiles.

7.06.1 Sub-grade Preparation

(a) Clearing and Grubbing: The entire area of the sub-grade shall be cleared and grubbed to a depth of not less than 6" below natural ground in fill areas and one foot below sub-grade elevation in excavated areas. Brush and other debris shall be removed from the ROW and disposed of as elected by the developer.

(b) Density: Sub-grades shall be constructed and finished with a minimum density of 95% of standard proctor for in place materials or as specified in the pavement report prepared by a soils lab or proof rolled by equipment as approved by the County Subdivision Administrator.

(c) High Plasticity Soils: -High plasticity index soils shall be stabilized with lime or cement by direction of the County Subdivision Administrator.

7.06.2. Grading: The roadway area, (sub-grade, ditches and slopes), shall be constructed in accordance with the typical sections shown in Appendix G and made part hereof and with the following requirements.

(a) Embankments: 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 succeeding lifts. Rock embankments shall conform to *Texas Department of Transportation (TxDOT) Standard Specification* (1993), Item 132.

(b) Unstable Material: Unstable material encountered in either excavated section or beneath embankments shall be removed to a depth of not less than one foot below natural ground or finished sub-grade and replaced by satisfactory material. Material so removed shall be removed from the ROW.

(c) Erosion Control: For projects involving construction and excavation exceeding 1 acre is subject to permitting by EPA's National Pollution Discharge Elimination System Storm Water Multi-Sector General Permit for Industrial Activities.

7.06.3 Roadway Ditches: Ditches intended for parallel drainage shall be designed to accommodate runoff to be expected at a Five (5) year frequency. On grades of more than three (3%) percent, in friable soils, erosion control by installation of sod and/or seeding or by properly designed checks of concrete, stone or sod blocks shall be included.

7.6.4 - Cross Drainage Culverts: Cross drainage culverts shall be designed for the following storm frequency criteria:

(a) Ten (10) year for equalizer and minor drainage channel culverts that drain an area from one (10) to one-hundred (100) acres.

(b) Twenty-five (25) year for medium drainage channel culverts that drain an area from one-hundred one (101) acres to five hundred (500) acres or unnamed stream tributary culverts.

(c) Fifty (50) year for major channel that drain an area over 500 acres and named stream culverts.

(d) - One hundred (100) year for river crossing culverts or bridges.

Culverts may be constructed with standard reinforced concrete pipe, corrugated galvanized metal pipes or reinforced concrete boxes; and shall be capable of sustaining "H-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 1.76 square feet (18 inch diameter) or equivalent.

7.06.5 Side Road or Entrance Culverts: No entrance culvert shall be less than twenty-four (24') feet in length with ditch design and shall be designed for runoff of five (5) year frequency. Headwalls, if placed, shall be of reinforced concrete or course laid masonry, and shall be no higher than six (6) inches above the base crown elevation.

7.06.6 Bridges: All bridges shall be designed by a Registered Professional Engineer with at least five years experience in bridge design. The load capacity shall be not less than "H-20" as defined. Bridges shall be designed and constructed to a hydraulic design criteria to withstand floods of a (25) year storm frequency and structural design criteria to withstand a one-hundred (100) year storm frequency.

7.06.7 Low Water Crossing Sections: The Commissioners Court will consider allowing the installation of low water crossings. Such consideration will consider the probable frequency and depth of overflow, the traffic potential and the nature of the tributary area. Low water crossing structures shall be designed based on drainage data prepared by a engineer licensed in the State of Texas and constructed in accordance with such plans. Plans must be approved by the County Subdivision Administrator.

7.06.8 Base or Base Courses:

(a) Material: Material for base courses shall be in accordance with Texas *Department of Transportation (TxDOT) Standard Specification* as specified for each of the following type of roadways. (See Appendix I)

- (1) Arterial Road: Type A, Grade 2
- (2) Collector Road: Type A, Grade 2
- (3) Local Road: Type A, Grade 2
- (4) Country Lane: Type C, Grade 2

Equivalent base material may be approved by the County Subdivision Administrator if such material meets equivalent testing criteria performed by a licensed testing laboratory.

(b) Construction Methods: Base on all streets and roads shall have a compacted base depth of not less than six (6") or eight (8") inches as applicable and shall be constructed in two approximately equal courses. The material shall be dumped, spread, mixed, wind rowed, watered and other operations 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 the compaction. Compaction of each course of material shall be accomplished by suitable equipment to obtain a minimum density of 95% of AASHTO T180-61 (Standard Proctor). Moisture content shall be maintained near optimum 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.

(c) Testing Material: Prior to delivery of base material to the road or street, the results of physical tests of the material proposed for use shall be submitted to the County Subdivision Administrator 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.

7.06.9 Prime Coat: After final finishing, curing and correction of any irregularities developed during the curing period have been corrected, the area of the base which is to receive surfacing may be primed with an application of approximately two-tenths (0.2) gallons of AEP asphalt, or equivalent, 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. Prime coat shall be permitted to cure following application and before application of surface courses of pavement.

7.06.10 Surface Treatment: All streets and roads in subdivisions, and providing access thereto, which are provided with a wearing surface shall meet the following standards:

- (a) Asphalt Surface:

(1) Asphalt: A two course asphalt surface treatment composed of asphalt and aggregates of the grades and rates of distribution shown below: asphalt shall be CRS-2 emulsion. Total asphalt, both courses, not less than 0.6 to 0.7 gallon per square yard.

(2) Aggregates: Aggregates shall be from grading as established by the Texas Department of Transportation Standard Specifications.

(3) Grading Rates of Distribution

First Course: -

Asphalt CRS-2 at 0.35 gallon per sq. yd. -

Aggregate Not finer than Grade 3 trap rock or crushed rock; 1 Cu. Yd. per 90 sq. yds.

Second Course: -

Asphalt CRS-2 at 0.38 gallon per sq. yd. -

Aggregate Not finer than Grade 5 trap rock or crushed rock; 1 Cu. Yd. per 100 sq. yards.

(b) Hot Mix Asphalt Concrete (HMAC): Should the developer elect, a HMAC pavement may be placed in lieu of the minimum surface treatment described above and provide a seal coat of grade 4 rock and oil is applied first. Such pavement may be either HMAC or Limestone Rock Asphalt Pavement, either proportioned, mixed and laid as required by the pertinent specifications of the Texas Department of Transportation, and providing that any: "Limestone Rock Asphalt Pavement must be placed with an approved spreading and finishing machine and rolling must be delayed for a period sufficient for evaporation of moisture and volatiles."

(c) Quality and Spread Rate: HMAC 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 (1½) inches. The minimum compacted depth of mat on roadway gradients greater than 6% percent shall be two (2) inches.

(d) Surface Treatment: Surface treatment and/or bituminous concrete pavement shall be blanket rolled at least once each day during three days following placement.

(e) Neither Surface Treatment nor Asphaltic Concrete shall be placed at any time when:

1. The air temperature is below 60 F and falling;
2. The air temperature is below 50 F, and
3. The roadway surface temperature is below 60 F.

7.06.11 Curbed Streets: Where streets or roads are proposed to be provided with curbs or curbs and gutters, design and construction details shall be in conformity with the specifications in 7.06.14. (See Appendix K)

7.06.12 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 (½) inch at any point tested.

7.06.13 Cattle Guards: The Commissioners Court may authorize the installation of cattle guards when considered appropriate for public safety. When permitted, a cattle guard shall be not less than six (6) feet in width, measured along the center of the road and of a length not less than one (1) foot greater than the width of the pavement or twenty (20) feet, whichever is greater.

(a) Deck Members: Deck members shall be either capable of being welded upset carbon steel tubing two and three eighths (2-3/8) inches outside diameter or relayed rails weighing not less than seventy (70) pounds per yard.

(b) Support Members: 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 masonry foundation are arranged for ready removal for clean out. Supporting masonry shall extend to firm foundation or shall be designed as an open flume with ends closed except where structure serves as a drainage structure. Pit drainage shall be provided for closed end structures.

7.06.14 Cul-de-sacs: Cul-de-sacs right of way shall have a radius of not less than fifty (50) feet with a surface of forty (40) feet radius.

7.06.15 Typical Road Sections: The design parameters for the classifications of the roads herein as well as the ultimate design, pursuant to the road definitions contained herein, will be determined by the County Subdivision Administrator and approved by the Commissioners Court.

(a) Roads in Subdivisions or roads taken into County maintenance program shall be designed in accordance with these regulations.

(b) Minimum Requirements: See Table 7.00 below. In determining number of lots served and average daily traffic counts The Kerr County Subdivision Administrator shall consider future development within the subdivision and potential development outside the subdivision.

(1) Arterial Road: An “arterial road” serves a large area. It is a heavily traveled route connecting urban areas, and major traffic generators. Any road that serves 120 lots or more **or** serves 1,500 vehicles per day or more expected average daily traffic count shall be deemed to be an “arterial road.”

(2) Collector Road: A “collector road” is a principal thoroughfare within a subdivision. It collects traffic from local roads and channels the traffic into the arterial system. Any road that serves more than 60 lots and less than 120 lots **or** has a traffic count of greater than 400 and less than 1,500 vehicles per day expected average daily traffic count shall be deemed a “collector road.”

(3) Local Road: A “local road” is a low volume road that serves traffic-generating points or terminal points. It provides direct access to the lots or residence and has relatively light traffic volumes. Roads that serve more than eight (8) lots and 60 lots or less; **or** serves 400 or less and more than 60 vehicles per day expected average daily traffic count shall be deemed a “local road.”

(4) Country Lane: A "country lane" is one used primarily for access to abutting residential property with a small number of lots and minimal traffic volume. A country lane may serve eight (8) lots or less **or** serves an expected average daily traffic count of 60 vehicles per day or less. All lots must be a minimum of ten (10) acres.

(bb) Unpaved Country Lane: An "unpaved country lane" is one used primarily for access to abutting residential property with a small number of lots and minimal traffic volume. A country lane may serve eight (8) lots or less **or** serves an expected average daily traffic count of 60 vehicles per day or less. All lots must be a minimum of ten (10) acres. This road shall be a privately maintained road and shall be signed, “Privately Maintained Road.” (See Section 5.02.I.3)

	Unpaved Country Lane	Paved Country LANe	Local Road	Collector Road	Arterial Road
Number of Lots Served	≤ 8	≤ 8	9-60	61-120	120 ≥
Minimum ROW	60'	60'	60'	80'	90
Minimum Crown of Roadway	4"	4"	4"	4"	4"
Minimum Compacted Depth of Base	6"	6"	8"	10"	10"
Minimum Base Width	22'	22'	24'	28'	28'
Minimum Base Material	Type C, Grade 2	Type C Grade 2	Type A Grade 2	Type A Grade 2	Type A Grade 2
Minimum Gradient	.30%	.30%	.30%	.30%	.30%
Maximum Gradient	12%	12%	12%	10%	10%
Minimum Pavement Width	N/A	18'	20'	24'	24'
Minimum Ditch Depth	12"	12"	12"	12"	12"
Traffic Volume ADT	≤ 60	≤ 60	61 – 800	801 – 1,500	≥ 1500
Design Speed Limit	35 MPH	35 MPH	35 MPH	45 MPH	50 MPH
Vertical Curve "K" Value – crest	N/A	N/A	19	61	84
Vertical Curve "K" Value – sag	N/A	N/A	37	79	96
Stopping Sight Distance	N/A	N/A	200'	360'	425'
Minimum Horizontal Curve Radius	382'	382'	382'	573'	955'

Table 7.00 Road Construction Minimum Design Requirements

≤ less than or equal to - ≥ greater than or equal to - < less than - > greater than

Design Speed and alignment of vertical and horizontal components (design speed, vertical curve "K" value – crest, vertical curve "K" value – sag, stopping sight distance, and minimum horizontal curve radius) may be coordinated to provide lesser figures. For example a collector or arterial road may have lowered speed limits, which must be properly signed, to adapt to existing

topography that dictates design constraints. Kerr County shall make the final determination concerning such design modifications.

The Kerr County Subdivision Administrator may approve equivalent depth requirements and base materials to meet the requirement for “Minimum Compacted Depth of Base” and “Minimum Base Material, see Section 7.06.8 and Appendix I.

7.07 Privately Maintained Paved Roads (Collector, Local, or Country Lane). All private roads shall be designed and constructed in accordance with the standards specified in the Kerr County Road Design and Construction Specifications for paved (7.06), publicly dedicated roads. Private roads shall be permitted only within Subdivision 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 Kerr County shall have no obligations whatsoever to repair or accept maintenance of the roads shown in this subdivision until and unless _____ [Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Kerr County and the roads have been accepted for maintenance by formal, written action of the Kerr 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 _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision; **and**

(b) All private roads shall be signed in accordance with these regulations. (See Section 5.02.I.3)

7.08 Privately Maintained Unpaved Roads (Country Lane only). Unpaved roads shall be designed and constructed in accordance with Kerr County Road Design and Construction Specifications except for those pertaining to Surface Treatment (7.06.9 -7.06.12) Unpaved roads shall be permitted within a Subdivision only if each of the following criteria are satisfied:

(a) All Resulting Tracts with frontage or access onto the road shall be 10 acres or larger.

(b) Maximum number of eight (8) lots designed for single family residents may have access utilizing a 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 Kerr County shall have no obligation what so ever to repair or accept maintenance of the roads shown on this subdivision until and unless _____ [Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Kerr County and the roads have been accepted for maintenance by formal written action of the Kerr 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 _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision.

(d) Restrictive covenants shall be imposed on all of the Resulting Tracts with frontage or access onto the unpaved road prohibiting 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. (See Section 5.02.I.3)

7.09 Encroachments into Public Right of Way. No driveway or utility construction or any other encroachment into public right of way or easements shall be allowed without first obtaining approval from the Kerr County Subdivision Administrator's office.

7.10 Acceptance of Road for County Maintenance. The developer or homeowners association shall remain responsible for all maintenance and repair of roads within subdivision until the Commissioners Court, by formal action, accepts the obligation to maintain and repair such roads. 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 maintenance.

7.11 The County shall accept a road for maintenance when all of the following conditions have been satisfied. This criteria shall apply to all roads accepted by the county for county maintenance whether or not such road is in a new subdivision, currently platted subdivision or not in a platted subdivision.

(a) The road has been constructed as a Public Road in accordance with these regulations as amended from time to time and the associated right-of-way has been dedicated to the public pursuant to these Regulations;

(b) The developer, homeowners association or individual (s) has submitted a written request to the Kerr County Subdivision Administrator. If the Owner is no longer available, i.e. has ceased to transact any business or, in the case of an individual, has died, any person owning property with frontage or access onto the road may submit the written request;

(c) The Kerr County Subdivision Administrator has approved all required inspections and tests at the completion of each phase of construction of the road, including plasticity index, sub-grade and base, tests for compacted density, depth of base and distribution of asphalt. It is the responsibility of the developer to coordinate all inspections and laboratory tests with the Kerr County Subdivision Administrator and not to proceed with construction until proper inspections and tests have been obtained, as required by the Kerr County Subdivision Administrator. Any laboratory tests and test borings shall be at the expense of the developer. In no event will any base be placed on the road until the Kerr County Subdivision Administrator has approved the sub-grade in writing.

(d) The Kerr County Subdivision Administrator has inspected the road no earlier than 30 days prior to the Commissioners Court's acceptance of maintenance obligation and has submitted to the Commissioners Court a written inspection report stating that:

(1) The road, in its current condition and with no repairs needed, upgrades or improvements, is in compliance with the current regulations at Preliminary Plat approval.; and

(2) The Kerr County Subdivision Administrator recommends acceptance of the road by the Commissioners Court;

(e) If subject road has been previously constructed, any required laboratory tests and test borings requested by the Kerr County Subdivision Administrator shall be at the sole expense of the developer, homeowner association or requesting individual (s). Any previously constructed road shall comply with all construction standards set forth herein.

(f) The developer, homeowner association or individual (s) has posted with the Kerr County a financial guarantee in a form approved by Kerr County to secure the proper construction and maintenance of the roads and drainage structures prior to County acceptance thereof in an amount equal to 30% of the construction costs of the roads and drainage structures for a term of two (2) year following acceptance by the County. The financial guarantee shall conform to the standards set forth in Section 232.004 and Section 232.0045, Local Government Code.

7.12 Filing of Record Plat. This section applies if the Owner desires to file a Record Plat prior to completion of construction of all Permitted Roads and inspection by the Kerr County Subdivision Administrator. The Owner shall continue to be responsible for all other requirements set forth in Section 7.11.

(a) With the permission of the Commissioners Court, the Owner shall provide a financial guarantee in an amount equal to 100% of the estimated construction cost of the roads. The County Subdivision Administrator must approve each application to post such a performance bond and the financial guarantee shall remain in effect until all roads and all associated drainage improvements, have been inspected and approved by the Kerr County

Subdivision Administrator, which inspection may occur prior to the inspection called for under (See Section IX)

- (b) Before -release of the financial guarantee, the Kerr County Subdivision Administrator shall inspect the roads and the Owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs. The financial guarantee shall provide that the County may draw upon the financial guarantee for sufficient funds to establish a maintenance financial guarantee, if the Owner fails to do so.
- (c) Before release of the financial guarantee, the Owner shall post a maintenance financial guarantee meeting the requirements of Section 9.02 to secure any maintenance or repairs required, prior to acceptance of the roads for maintenance by the County.

Section VIII

INSPECTIONS

8.01 Inspections: The County Subdivision Administrator, as authorized by the Commissioners' Court, or his designated agent, may inspect all property site work at any reasonable time and any stage. Developer will provide a written construction schedule for drainage, utility and road construction. Developer will provide written amended schedules if the actual construction varies more than three (3) days from the date set forth in the original construction schedule. Should the developer fail to comply with this provision or begin any drainage, utilities or road construction prior to providing such schedule the developer may be required to perform any testing deemed necessary by the County Subdivision Administrator at the sole cost and expense of the developer. This additional testing may be in addition to any inspections and testing required under these rules and regulations.

Section IX

GUARANTEE OF PERFORMANCE

9.01 Financial Guarantee: The developer will file an agreement to provide a financial guarantee prior to Final Plat approval. The plat shall not be recorded unless the developer has filed with the Commissioners Court a financial guarantee executed by a surety company holding a license to do business in the State of Texas, and acceptable to the County, in an amount equal to the cost of the road, utility 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 three years after approval of such plat, such financial guarantee to be approved as to form and legality by the County Attorney. Developer shall remain obligated on said financial guarantee until the County Subdivision Administrator has certified in writing compliance with these provisions to the County.

9.02 Maintenance Financial Guarantee: The developer shall also file agreement in writing to provide a maintenance financial guarantee for one (1) year prior to final subdivision plat. Subdivider shall furnish the County a financial guarantee, executed by a surety company holding a license to do business in the State of Texas, and acceptable to the County, in an amount equal to thirty percent (30%) of the total cost of the streets, curbs, sidewalks, 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 County Subdivision Administrator, the developer will maintain such streets, drainage improvements, etc., in good condition at his expense for a period of at least one year after date of final approval of the completed construction by the County Subdivision Administrator and until acceptance thereof by the County. The Commissioners Court shall not accept such streets and sewers in behalf of the County for a period of at least one year after such proper completion, as certified by the County Subdivision Administrator, and not then unless and until the County Subdivision Administrator again certified 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 streets and drainage improvements only by written resolution duly passed at a meeting of the Commissioners Court, and the developer shall remain responsible for the maintenance of such improvements until this is legally accepted by the County. Maintenance of the road is to include such items as drainage by others, spilled concrete on the streets, mud and debris in the streets, unknown springs, etc. Maintenance of the drainage improvements includes removing debris, resodding eroded areas and the installation of additional concrete riprap where designated by the County to permanently prevent erosion. A maintenance financial guarantee is only required for roads accepted by Kerr County for maintenance.

9.03 Financial Guarantee Extension: Where good cause exist, the County may extend the period of the time for completion under Paragraph 9.01 for an additional period of time not to exceed six (6) months if the developer has not completed the required site improvements or completed such improvements in compliance with these Regulations.

Section X

MISCELLANEOUS PROVISIONS

10.01 If any incorporated town or city should waive, by variance or whatever, its jurisdiction over any subdivision or part of subdivision which is located within its Extra Territorial Jurisdiction these regulations shall be applicable.

10.02 Severability: In case any one or more of the provisions contained 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 unenforceable provisions had never been contained herein.

10.3 Special Provision for Subdivisions located within ETJ: Kerr County and the City of Kerrville and have entered into an agreement provided for under Section 232.0013 Section 242.001 or Section 242.002 Local Government Code for the regulation of subdivisions and platting requirements in the ETJ of the City of Kerrville. Under this agreement the City of Kerrville is responsible for all subdivision regulations and subdivision plats within the ETJ of the City of Kerrville.

Kerr County and the City of Ingram are in the process of entering an agreement provided for under Section 232.0013 Section 242.001 or Section 242.002 Local Government Code for the regulation of subdivisions and subdivision plats in the ETJ of the City of Ingram.

APPENDIX -

*Final revised Appendix pending information from TWDB -