



# **GUADALUPE COUNTY SUBDIVISION REGULATIONS**

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## **SECTION I. AUTHORITY AND PURPOSE**

### **A. REGULATORY AUTHORITY**

These Regulations have been adopted by Order of the Commissioners Court acting in its capacity as the governing body of Guadalupe County, Texas pursuant to and in conjunction with appropriate statutes and regulations including, but not limited to:

1. **Texas Local Government Code**, Chapters 232: County Regulations of Subdivisions, and Chapter 242: Authority of Municipality and County to Regulate Subdivisions in and outside Municipality's Extra-Territorial Jurisdiction
2. **Texas Transportation Code**, Chapter 251: County Authority Relating to Roads and Bridges
3. **Texas Property Code**, Section 12.002: Subdivision Plat; Penalty
4. **Texas Water Code**, Section 16.315: Political Subdivisions: Compliance with Federal Requirements FEMA and Guadalupe County Flood Damage Prevention Regulations
5. Texas Commission on Environmental Quality (TCEQ) and Guadalupe County On-Site Sewage Facilities Regulations.

### **B. DENIAL OF DRIVEWAY PERMITS TO OWNERS NOT IN COMPLIANCE**

1. The County shall not issue a driveway permit for any lot or tract abutting a county road created in violation of these regulations unless the lot or tract owner has received a variance plat approval.
2. Any County employee or official questioning whether a particular tract was created in violation of these regulations may delay actions for issuing a driveway permit and refer the question to the Guadalupe County Road & Bridge Department.
3. The issuance of a driveway permit by Guadalupe County Road & Bridge Department is not an acknowledgement by Guadalupe County that a tract was created in compliance with these regulations. Guadalupe County maintains the right to contend that any tract was created in violation of these regulations, unless:
  - a. The tract is an unaltered tract created prior to the adoption of these regulations;
  - b. The tract is an unaltered tract created by a subdivision platted under these regulations; or
  - c. A variance plat approval has been obtained and approved.

### **C. RESPONSIBLE DEPARTMENTS**

The Commissioners Court designates the Guadalupe County Environmental Health Department (Department), and specifically the Director of the Department, as agent for receiving and reviewing Applications submitted under these Regulations and as custodian of records for all information received, acquired or developed during the exercise of these rules. The Department may coordinate with any other County department, agency or personnel in the performance of the duties required and allowed by these Regulations.

### **D. DELEGATION OF AUTHORITY**

The Department and Director are delegated Commissioners Court authority Commissioners to conduct County activities required under these Regulations. All Guadalupe County, Texas, officials and employees having duties under these Regulations are authorized to perform those duties as required by them under these Regulations. The Commissioners Court reserves the final authority for approval or denial of any Application submitted under these Regulations.

### **E. ENFORCEMENT IN GENERAL; PENALTY**

1. At the request of the Commissioners Court, the county attorney or other county prosecuting attorney may file an action in a court of competent jurisdiction to:

- a. enjoin the violation or threatened violation of a requirement established by, or adopted by the Commissioners Court under a preceding section of this chapter; or
  - b. recover adequate damages in an amount for the county to undertake any construction or other activity necessary to create compliance with a requirement established by or adopted by the Commissioners Court under a preceding section of this chapter.
2. A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Commissioners Court under a preceding section of this chapter. 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.
3. A requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session, 1957 (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session, 1951 (Article 2372k, Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply to a subdivision of land is enforceable under Subsection a. A knowing or intentional violation of the requirement is an offense under Subsection b.

#### **F. PURPOSE**

These Regulations have been prepared in general to aid in the orderly development of the unincorporated areas of Guadalupe County, Texas, and to provide and provide guidelines which lead to a desirable environment. Specifically, they have been prepared for the following purposes:

1. To furnish the Owner with guidance and assistance in the expedient preparation and approval of his or her plat.
2. To protect the citizens of Guadalupe County by providing subdivision and development guidelines for residential, commercial, and industrial subdivisions.
3. To provide for the welfare of the public by providing guidelines for the location, design, and construction of streets, intersections, drainage improvements and other features that provide for the safety of the public.
4. To provide for the proper arrangement and construction of roads, and to ensure the proper relationship of roads to existing or planned roads.
5. To ensure adequate access for emergency response vehicles.
6. To ensure that the Guadalupe County will not be burdened with substandard roads in the future.

#### **G. CODIFICATION & REVISION OF PRIOR RULES/ORDERS**

1. These rules constitute a re-codification and revision of existing Guadalupe County Subdivision Regulations and shall supersede and replace any prior subdivision regulation wherein there exists any conflict.
2. Any application received prior to the adoption of these subdivision rules will be governed by the rules in place at date of application.

## **SECTION II. DEFINITIONS**

### **A. TERMS DEFINED**

Certain terms used in these Subdivision Rules are defined as follows:

1. 10-year Storm Event

A flood that statistically has a 10 percent chance of occurring in any given year. More specifically, a storm event that has an Annual Exceedance Probability (AEP) of 0.10.

2. 25-year Storm Event

A flood that statistically has a 4 percent chance of occurring in any given year. More specifically, a storm event that has an Annual Exceedance Probability (AEP) of 0.04.

3. 100-year Floodplain

A flood that statistically has a 1 percent chance of occurring in any given year. More specifically, a storm event that has an Annual Exceedance Probability (AEP) of 0.01.

4. Applicant/Developer

A person seeking approval of an application submitted pursuant to these Regulations.

5. Application

A submittal that includes a completed plat with all required attachments which may be required as part of that submittal and appropriate review fee. These attachments may include, but are not limited to, drawings, drainage or geotechnical reports or electronic data files.

6. Base Flood Elevation (BFE)

The water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year.

7. Building Set-Back-Lines

The lines within a property defining the minimum horizontal distance between a building and the adjacent property line.

8. Business Days

Any recognized business day that the County offices are routinely open for business, specifically excluding weekends and holidays recognized by the County.

9. Cabin-type Rental Development

A platted lot or unplatted tract of land with two or more dwelling units under common ownership, including but not limited to duplexes, triplexes, quadplexes, or groups of detached dwelling units, offered for rent.

10. Commissioners Court

The Commissioners Court of Guadalupe County.

11. Common Area/Common Elements

Includes all the project property in a condominium declaration, except the individual condominium units.

12. Condominium –

Has the definition given in Chapter 82 of the Texas Property Code.

13. Condominium Development

A form of real property with portions of the real property designated for separate ownership or

occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. For the purposes of these Regulations a Condominium shall be developments created under Chapter 82 of the Texas Property Code aka the Uniform Condominium Act.

14. Contour Lines

Elevation lines drawn upon the plat illustrating general topography and drainage flow.

15. County

Guadalupe County, Texas.

16. Dedicate or Dedication

The express, written transfer of property from private to public ownership.

17. Development

All land modification activities, including the construction of buildings, streets, paved storage areas, parking lots, storm water management facilities and other impervious structures or surfaces.

18. Drainage Easement

All natural and manmade watercourses, conduits, and storage basins that must remain unobstructed to prevent flood damage.

19. Driveway

An access constructed within a public right-of-way, connecting a public street with adjacent property and intended to provide vehicular access into that property in a manner that will not cause the blocking of any sidewalk, border area, or streets.

20. Dwelling Unit

One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of one household. Dwelling units may include:

- a. A Single-Family Residence;
- b. An Apartment;
- c. A Tiny Home;
- d. A Cabin-type;
- e. A Recreational Vehicle; or
- f. A Manufactured Home within a Manufactured Home Rental Community.

21. Existing County Road

A road is a public road that has been accepted for maintenance by the Commissioners Court pursuant to the standards set by the Commissioners Court.

22. Extra-Territorial Jurisdiction (ETJ)

Authority granted to municipalities to exercise development regulations for a specific distance outside its boundaries in unincorporated areas.

23. FEMA

The Federal Emergency Management Agency, a federal agency of the Department of Homeland Security.

24. Floodplain



Any area in the 100-year floodplain that is susceptible to being inundated by water from any source or that is identified by FEMA under National Flood Insurance Act of 1968.

25. Licensed Professional Engineer

A Registered Professional Engineer as authorized by the State of Texas Statutes to practice the profession of engineering.

26. Lot

Any tract to be created by the division of the Original Tract pursuant to a proposed Subdivision Application or a Manufactured Home Rental unit or space including the remainder of the Original Tract, as well as existing platted and un-platted tracts, and exempt subdivision.

27. Manufactured Home Rental Community

A tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the placement of manufactured homes for use and occupancy as residences.

28. Major Thoroughfare

Major thoroughfare shall mean an arterial road defined herein, and all streets included either now or in the future in the Guadalupe County Major Thoroughfare Plan.

29. Multi-Unit Residential Development

A platted lot or unplatted tract of land with two or more dwelling units under common ownership, including but not limited to duplexes, triplexes, quadplexes, or groups of detached dwelling units, offered for rent.

30. Original Tract

The original tract of land owned by an Owner prior to the proposed Subdivision.

31. Owner(s)

The holder(s) of a legal or equitable interest in real property as shown by the deed records of the county in which the property is located, and which has been included in an Application under these Regulations.

32. Pavement width

The paved portion of a street available for vehicular traffic.

33. Plat

A subdivision plan submitted for approval to the Commissioners Court in conformity with the provisions of these rules and which, if given the approval, will be submitted to the County Clerk of Guadalupe County for recording. An Amended or Replat plat will be considered a "plat" as defined herein.

34. Public Sewage system

Any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions of a valid waste discharge permit issued by the TCEQ

35. Public Water System

A system approved by the TCEQ, for the provision to the public of water for human consumption through pipes and other constructed conveyances.

36. Public Utility Easement

Easement dedicated by the Applicant/Developer of the proposed subdivision in perpetuity for the

installation and maintenance of utilities and all the necessary appurtenances thereto installed above, on, or below the surface of the ground.

#### 37. Recreational Vehicle

A vehicle primarily designed as temporary living quarters for recreation camping or travel use. The term includes a travel trailer, park units, camping trailer, truck camper and motor home.

#### 38. Recreational Vehicle Park (RVP)

Means any lot, tracts or parcel of land upon which accommodation is provided for three or more recreational vehicles used as living or sleeping quarters by the day, week or month whether a charge is or not made for the use of the lot, tract or parcel.

#### 39. Regulated Streets

Those streets or roadways, including the associated right-of-way and features constructed in the right-of-way, located within the County but outside the incorporated limits of any municipality in the County, associated with the Application under these Regulations, including the following:

- a. Existing dedicated public streets that are improved or on which construction or tie-ins are made in association with the proposed development for which an application is submitted under these regulations;
- b. New streets dedicated to the public through any action of the County;
- c. New streets dedicated to the public to be maintained by the County including streets constructed as a part of a subdivision, Manufactured Home Rental Community or other types of Application approved under these Regulations; and
- d. Existing private streets that are not dedicated to the public and are not maintained by the County but used for emergency services access and general ingress and egress by the public or owners of property adjacent to any such private street, as a part of any Application approved under these Regulations.

#### 40. Residential Use

Shall be construed to include single-family residential uses, two-family uses, and multi-family residential (i.e. apartments).

#### 41. Right-of-Way (ROW)

That portion of a public or private subdivision dedicated to public or private use for streets and roads.

#### 42. Street

Includes but not necessarily limited to, 232.001(a)(3) -

- a. A public or private thoroughfare, which provides vehicular access to adjacent land.
- b. Arterial Streets - serve high volume through traffic from collectors and secondary streets with considerable route continuity usually at higher constant speeds.
- c. Connector Streets - intermediate streets that serve to connect secondary streets with arterial streets.
- d. Secondary Streets - serve primarily to provide access to property abutting the public right-of-way designed as to prevent through traffic.
- e. The term "road" may be used for a "street."

#### 43. Structure

Any habitable structure constructed on, or brought to, its site and occupied by members of a family, including but not limited to manufactured homes situated on leased property.

#### 44. Subdivision

a. Pursuant to Section 232.001 of the Texas Local Government Code (TLGC):

(1) The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:

(a) a subdivision of the tract, including an addition;

(b) lots; or

(c) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use.

b. A division of a tract under Subsection (a) 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 executory contract to convey, or by using any other method.

c. Residential Use units served by an on-site sewage facility shall meet the TCEQ wastewater usage rate established by the County On-Site Sewage Facilities Order.

d. Multi-Unit Residential Development units served by on-site sewage are addressed in the Guadalupe County On-Site Sewage Facilities Order.

#### 45. Surveyor

a Registered Professional Land Surveyor as authorized by the State of Texas Statutes to practice the profession of surveying.

#### 46. Time Share

interval ownership of a piece of real estate (commonly a condominium unit but may be any real estate) for a certain interval or time period (example: one week each year). Said interval ownership can be either for a term of year (such as 20 years), or fee simple (absolute ownership).

#### 47. Utility

a person, including a legal entity or political subdivision, that provides the services of:

a. An electric utility, as defined by Section 31.002 (Definition), Utility Code;

b. A gas utility, as defined by Section 101.003 (Definitions), Utility Code; and

c. A water and sewer utility, as defined by Section 13.002 (Definition), Water Code

#### 48. Variance

is a departure from the Guadalupe County Subdivision Regulations that is requested as a part of the standard platting process.

#### 49. Water Distribution Facility

a system or network of pipes and valves designated to deliver potable water to users.

## **SECTION III. EXEMPTIONS**

### **A. ENABLING LEGISLATION**

1. Pursuant to Section 232.001 of the Texas Local Government Code (TLGC):
  - a. The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:
    - (1) a subdivision of the tract, including an addition;
    - (2) lots; or
    - (3) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use.
2. A division of a tract under Subsection (a) 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 executory contract to convey, or by using any other method.

### **B. EXEMPTED SUBDIVISIONS**

The following exemptions may allow a division of property without the preparation of a subdivision plat. Under these exemptions, a property owner may not be required to prepare a subdivision plat for their division of their property, but the division of property must still meet the minimum lot size requirements set forth in the Guadalupe County On-Site Sewage Facility Order.

1. The owner does not lay out a part of the tract described by Section 232.001(a)(3) Texas Local Government Code and the land is to be used primarily for agricultural use, as defined by Section 1-d-1, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.
2. If a tract described by Section III (a) (1) above, ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.
3. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3) Texas Local Government Code to have a plat of the subdivision prepared if 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. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter apply.
4. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
  - a. all lots of the subdivision are more than 10 acres in area; and
  - b. the owner does not lay out a part of the tract described by Section 232.001(a)(3) Texas Local Government Code.
5. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3) Texas Local Government Code to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans Land Board program.
6. The provisions of this subchapter shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described by Section 232.001(a) (3) Texas Local Government Code.

7. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
  - a. The owner of the land is a political subdivision of the state;
  - b. The land is situated in a floodplain; and
  - c. the lots are sold to adjoining landowners.
8. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:
  - a. the owner does not lay out a part of the tract described by Section 232.001(a)(3) Texas Local Government Code; and
  - b. one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter.
9. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
  - a. the owner does not lay out a part of the tract described by Section 232.001(a)(3) Texas Local Government Code; and
  - b. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

#### **C. GUADALUPE COUNTY EXCEPTIONS TO PLAT REQUIREMENT**

1. Conditions Precedent for Application of Guadalupe County Exceptions to Plat Requirement:
  - a. Before any subdivision of property qualifies for an exception under this Paragraph, the property owner shall submit the proper form and sufficient evidence to the Environmental Health Department for review, clarification, and approval.
  - b. The following exceptions shall not apply unless and until the owner has received written approval from the Environmental Health Department.
2. The County shall not require the owner of a tract of land located outside the limits of a municipality to have a plat or revised plat of the subdivision prepared if:
  - a. The tract was created before, January 1, 2025, as evidenced by a document recorded with the County Clerk's Office prior to January 1, 2025, or other legal documentation that establishes the tract was created before January 1, 2025.
  - b. A division of land that occurred before January 1, 2025, may be sold in its entirety without being platted.
  - c. Any division of land occurring after January 1, 2025, shall comply with the Guadalupe County Subdivision Regulations.
  - d. Tracts divided before October 1, 1997, may apply for an On-site Sewage Facility permit and shall comply with the requirements set forth in 30 TAC Chapter 285 and the County On-Site Sewage Facility Order.
  - e. Any tract divided after October 1, 1997, shall have a minimum lot size of one (1) acre to obtain an On-site Sewage Facility permit.
3. The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
  - a. The owner does not lay out a part of the tract described by Local Government Code section 232.001 (a)(3);

- b. The subdivision results from the owner dividing and conveying the tract to an adjoining property owner who combines the conveyed tract with the adjoining tract; and
- c. The unconveyed portion of the tract is not less than one (1) acre.

The land conveyed under this Subsection to an adjoining property owner and combined with an adjoining tract shall become an integral part of the adjoining tract and shall not be conveyed separately unless the separate conveyance complies with the Guadalupe County Subdivision Regulations then in effect.

- 4. The County shall not require the owner of a tract of land located outside the limits of a municipality to have a plat or revised plat of the subdivision prepared if the division of land results from Guadalupe County or the State of Texas acquiring a public right-of-way.
- 5. The County shall not require the owner of a tract of land located outside the limits of a municipality to have a plat or revised plat of the subdivision prepared if the tract is created by the legitimate foreclosure of a valid lien against a part of the parent tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirement.
- 6. The County shall not require the owner of a tract of land located outside the limits of a municipality to have a plat or revised plat of the subdivision prepared if the tract has been divided by a final decree of a court of record with competent jurisdiction.
- 7. The County shall not require the owner of a tract of land located outside the limits of a municipality to have a plat or revised plat of the subdivision prepared if the owner of a tract of land divides the tract into two parts to establish a lien against a portion of the tract in compliance with the requirements of a financial institution to grant a loan, and
  - a. Each part is not less than one (1) acre in size;
  - b. No part is conveyed to a third party;
  - c. The owner does not lay out a part of the tract described by section 232.001 (a)(3), Texas Local Government Code; and
  - d. The survey prepared boldly notes that the boundary survey was prepared to establish a lien against a portion of the tract in compliance with a financial institution's requirements to grant a loan, and platting is required to convey the surveyed land.

## **SECTION IV. COMMUNICATION**

### **A. COMMUNICATION WITH COUNTY DEVELOPMENT CENTER**

The **initial** activity for any project to be performed in the County is achieved with the execution of a Pre-Development meeting. Prior to the submission of a final plat application, the Applicant shall schedule a Pre-Development meeting with the County. These meetings occur at the County Development Center weekly on a first come, first serve basis and can be requested online on the County website at <https://www.guadalupe.tx.gov/page/eh.subdivisions>. The purpose of this meeting is for the Applicant to provide proposed development information to the County Development Departments that include Engineering, Environmental Health, Fire Marshal, and Road and Bridge allowing the opportunity for each department to provide the Applicant with guidance, procedures, and any project constraints or concerns about the proposed project.

### **B. COMMUNICATION WITH PRECINCT COMMISSIONER(S)**

Before the submittal of a final plat application, the Applicant shall contact the Commissioner(s) in the precinct in which the proposed Subdivision exists. The purpose of this meeting is to provide proposed development information to the Commissioner(s) allowing the opportunity to provide the Applicant any project constraints or concerns.

### **C. VARIANCES**

The Commissioners Court of Guadalupe County shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the rules. The variance request must be presented to Commissioners Court and resolved prior to submission of the application

1. Any person who wishes to receive a variance shall apply to the Department.
  - a. No variance request will be granted for fees.
2. The decision on of the Commissioners Court whether to grant or deny a variance is at its complete discretion and shall be final.

### **D. LETTER OF CERTIFICATION**

A Letter of Certification (LOC) is required for plats, replats, or any other types of development where the County and/or Commissioners Court is the approving authority. A LOC is utilized as a part of the County's plat application process to verify communication with other stakeholder entities (State of Texas entities, other County departments, public utility providers, third party consultants, etc.) have been performed. Any required Letter of Certification must be received as a part of the Completeness Checklist.

### **E. COMMUNICATION WITH COUNTY FIRE MARSHAL**

1. Before submitting a final plat application, the Applicant shall contact the County Fire Marshal. The purpose of this meeting is to provide proposed development information to the Fire Marshal allowing the opportunity to provide the Applicant any project constraints or concerns. Before construction, proposed commercial or public buildings require a permit provided by the Fire Marshal.
2. Confirmation of communication with the County Fire Marshal shall be provided to the County with the Application.

### **F. COMMUNICATION WITH COUNTY GIS SPECIALIST**

Before submitting a final plat application, the Applicant shall contact the County GIS Specialist. The purpose of this meeting is to confirm the suitability of the naming and designation of proposed streets. The Applicant must submit evidence of approving by the County "911" Coordinator for the following:

- a. The County GIS Specialists hereby authorized to withhold approval of names that the specialist determines are very similar to existing names or which otherwise contribute to confusion in names in a way that may hinder emergency response.

(1) When names are allowed to change on a continuous street, street signs must be placed in a clear and unambiguous manner, so as not to hinder emergency response.

- b. If the development plan includes multiple habitable structures positioned on the same lot (e.g. a multi-unit residential housing unit, a Manufactured Home Rental Community, a multi-unit commercial development, etc.), the address shall follow the current Addressing Standards Order.. All addresses shall be approved/assigned by the County GIS Specialist.

The Applicant shall provide a Letter of Approval for proposed street names upon submittal of the Application.

## **G. POSTED NOTICE**

Before submission of a Final Plat Application, the Applicant shall notify the public with a posted notice. This notice shall be accomplished by posting signs on the Subject Property and shall remain in place a minimum of 30 days after the plat approval. The Posted Notice requires the following:

1. The posted notice shall be erected before submitting a plat Application.
2. Signs shall be placed a maximum 20 feet from the property boundary along the road access. When the plat is located on a county or private road, easement, or private lane, the sign shall be placed a maximum 20 feet from the entrance. Where the length of the boundary along the road access exceeds 1,000 feet, the signs shall be spaced a maximum of 1,000 feet apart.
3. The sign requirements are: 1) sign background shall be white; 2) the sign heading shall be black, block type, lettering with minimum height 3-inches; and 3) all other lettering shall be black, block type, with minimum height 2-inches.
4. A sign shall contain specific text as follows:
  - a. The name of the proposed Subdivision;
  - b. A diagram of the proposed Subdivision;
  - c. The Applicant point of contact name and telephone number; and
  - d. The County Development Center and telephone number.
5. Signs shall have minimum dimensions 4-feet in height by 6-feet in length with bottom of the sign located a minimum 2-feet above surface level.
6. The signs shall be constructed of materials that ensure the sign remains legible, in place, and without damage due to weather for the duration that the sign is to remain.
7. The Applicant shall submit documentation to the County that signs have been properly installed and verify routine periodic inspections to confirm that sign remains in place without damage. If signs are removed, damaged, or become illegible, the Applicant shall replace the sign within three (3) working days.

## **H. WRITTEN NOTICE**

Before submission of a Final Plat Application, the Applicant shall notify the owners of adjoining properties with written notice. The Written Notice requires the following:

1. A map accurately demonstrating the boundaries and general location of the proposed development and its proximity to major roads/streets.
2. A general description of the type of development proposed with the Applicant name and telephone number.
3. It shall be sent by both regular and certified mail via the United States Post Office with return receipt requested.
4. The Applicant shall provide copies of the returned certified mail receipts with the Final Plat



Application.

## **SECTION V. OUTSTANDING TAX LIABILITIES AND FEES**

### **A. PROPERTY REQUIREMENTS**

The tax liability for any property for which an application is submitted shall not be delinquent with the County.

1. Applications shall provide property identification numbers issued by the Guadalupe County Appraisal District or other appointed tax assessing entity for the Subject Property;
2. As per Texas Property Code Sec. 12.002, an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent or roll back ad valorem taxes are owed on the property;
3. If found delinquent, the County may suspend the Application process;
4. If the plat is filed after September 1 of a year, the plat must include a tax receipt issued by the Collector indicating current year taxes have been paid, or a statement from the Collector that the taxes for the current year have not been calculated.

Delinquent payments for penalties, interest, late fees, etc. shall be rectified to obtain plat approval.

### **B. FEES**

1. The Commissioners Court shall establish fees for Applications, permits, inspections, reviews or other actions required by these Regulations. The Commissioners Court may revise fees without amending or affecting the remainder of these Regulations. The County shall maintain and make publicly available a list of all Regulations established fees. Disputes between the Applicant and the County about the basis or amount of a fee may be appealed by either party to the Commissioners Court.
2. Fees paid to the County are non-refundable unless fees are collected for reviews and/or inspections that were not actually performed.
3. Environmental Health Fee Schedule are found on the County website at:  
<https://www.guadalupe.tx.gov/page/eh.home>
4. Road and Bridge and Other Fees Schedule are found on the County website at:  
<https://www.guadalupe.tx.gov/page/roads.home>
5. Third Party Review
  - a. Pursuant to Texas Local Government Code Section 232.901, the County shall determine the application review fee by considering the County's actual cost to, as applicable, review and process the engineering or construction plan or to inspect the public infrastructure improvement. In determining the County's actual cost for reviewing and processing an engineering or construction plan or inspecting a public infrastructure improvement, the County may consider:
    - (1) the fee that would be charged by a qualified, independent third-party entity for those services;
    - (2) the hourly rate for the estimated actual direct time of the County's employees performing those services; or
    - (3) the actual costs assessed to the county by a third-party entity that provides those services to the County.
  - b. At the County's discretion, the County may employ a third-party entity to review and process an engineering or construction plan, or to inspect the public infrastructure improvements associated with an Application.

- (1) The determination by the County to employ a third-party entity shall be provided in writing with the confirmation of the receipt of a complete or incomplete Application and fee.
  - (2) Payment of the fee is required for the County to consider an application complete.
  - (3) The fee shall be established using a contracted method between the County and third-party entity.
- c. Following the receipt of a notice of an incomplete Application in part or wholly due to a missing or incorrect third-party review fee, an applicant may appeal the determination to use a third-party entity to the Commissioners Court.
- (1) The fee amount may not be appealed or negotiated on behalf of the third-party entity.
  - (2) The appeal of the determination to use a third-party entity shall postpone the County's determination of a complete application until resolution of the appeal process.
  - (3) Appeals of the determination to use a third-party entity shall be heard by the Commissioners Court within thirty (30) days of receipt, in writing, of the applicant's request to appeal.

## **SECTION VI. PLATTING GUIDELINES**

### **A. GENERAL REQUIREMENTS**

Any person subdividing a tract of land, or creating a manufactured home rental community, or creating a condominium development shall:

1. Comply with Chapter 232 of the Texas Local Government Code;
2. Comply with these Regulations;
3. Submit to the Commissioners Court an application for approval or registration of the proposed Subdivision in accordance with these Regulations; and,

### **B. PLAT REQUIRED (TEXAS LOCAL GOVERNMENT CODE SECTION 232.001 [A] AND [A-1])**

1. The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:
  - a. a subdivision of the tract, including an addition;
  - b. lots; or
  - c. streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use.
2. A division of a tract under Subsection (a) 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 executory contract to convey, or by using any other method.

## **SECTION VII. HIGH DENSITY DEVELOPMENT**

### **A. CONDOMINIUMS**

1. Any person proposing the creation of a condominium development shall have prepared a Declaration in accordance with Chapter 82 of the Texas Property Code prior to recording a final plat or replat of a property.
2. A copy of the proposed Declaration shall be submitted to the County for review before recording a final plat or replat. Following the recording of the plat, at least one (1) executed copy of the Declaration as filed of record shall be provided to the County with the recorded plat.
3. Unless otherwise exempted by these Subdivision Regulations, streets intended for common access within the condominium development shall be constructed to the same standards as public roads at the time of development.
4. The County shall not be responsible for the maintenance of any common elements of a condominium development. Public easements shall be required that allow the County right of access for certain common elements in accordance with the requirements for private streets and storm infrastructure, as specifically required in Section X of these Subdivision Regulations and any other applicable Subdivision Regulations sections or regulations.

## **SECTION VIII. APPLICATION REVIEW AND APPROVAL PROCEDURE**

### **A. APPLICATIONS TO THE COMMISSIONERS COURT**

Applications to the Commissioners Court for platting and subdividing property are subject to the application review, approval procedures and plat requirements.

1. Before subdividing a property or submitting a plat for review, the Applicant shall schedule and execute a Pre-Development Meeting as identified in Section IV Communication.
2. After the Pre-Development Meeting, the Applicant shall submit the Final Plat Application to the County with the review fee and completeness checklist. The County will confirm receipt and provide a complete or incomplete Application status to the Applicant; a confirmation receipt is not an Application approval or does it waive the County requirement for the provision of additional Application information.
3. An Application shall expire five years after the date of the Application if the project becomes dormant, as defined by Section 245.005 of the Texas Local Government Code, as amended.
4. The Application is considered received by the County on the date the submittal status is determined complete.
5. When the Application status is determined incomplete, the County has 10 business days from the incomplete designation date to notify the Applicant of the deficiencies that render the Application incomplete.
6. In such cases where additional information is needed, the 30-day review period will begin only after receipt of a complete application.
7. A condominium development shall comply with these Regulations and a Final Plat Application shall be submitted to the County in accordance with Section VII.
8. A multi-unit residential development shall comply with these Regulations with a Final Plat Application submitted to the County.
9. A small cabin-type rental units development shall comply with these Regulations with a Final Plat Application submitted to the County.
10. When a property exists within City limits, the Applicant/Owner shall consult directly with the City regarding platting procedures and requirements.
11. When a property exists outside the City limits and the Extended Territorial Jurisdiction (ETJ), platting procedures and requirements shall be in accordance with these Regulations.
12. When a property exists fully or partially within the ETJ, platting shall be in accordance with the current applicable Interlocal Agreement (HB 1445) (ILA) between the County and City.
13. Where an ETJ interlocal agreement requires a joint review by both the City and the County, an Application shall be filed with both and the applicable County review fee will be payable. The joint review process shall be as follows:
  - a. The County will review the Application for compliance with these Regulations.
  - b. If the application is disapproved, the Department will return written comments and recommendations to the Applicant/Owner or, in the case of a joint review, to the appropriate city.
  - c. The Applicant/Owner shall address the comments and recommendations, provide documented responses to each comment, and document any changes made to the plat, and, if necessary, arrange a meeting with the Department to resolve the comments.
  - d. The Applicant/Owner shall resubmit the Application with the appropriate changes for additional review and/or recommendation for approval by the Guadalupe County Commissioners Court. An additional 15-day review period will begin upon receipt of a complete revised Application.
  - e. The review cycle (Subsections 13a through 13d) shall continue until all comments have been

addressed. No approval in any form including, but not limited to, the Judge's signature or verbal Commissioners Court action shall be given on any subdivision until the Applicant/Owner has provided all necessary recorded easements and has met every subdivision requirement or has obtained a variance.

14. Once all comments are addressed and before Departmental recommendation of plat approval to the Commissioners Court, the Applicant/Owner shall provide the County both paper and digital file copies of the plat.
15. Once paper and digital file copies are received, the plat will be placed on the next available Commissioners Court agenda recommending approval. Should the Applicant/Owner make any changes to the plat after obtaining Commissioners Court approval, but before recordation, the Applicant/Owner shall re-submit the modified plat for additional review and/or recommendation for approval by Commissioners Court.
16. Once approved by Commissioners Court, the Applicant/Owner (or authorized Agent) shall submit the plat to the County Clerk for recordation compliant with the County Clerk's office requirements.
17. The County may establish, update, and maintain application checklists to promulgate development regulations of procedural requirements for the efficiency and effectiveness of the application process. This effort may include creating the following documents, which are available on the County's website:
  - a. Pre-Development Meeting Request Form
  - b. Application for Letter of Certification
  - c. Variance Request Form
  - d. Application for Subdivision Plat Consideration
  - e. Completeness Checklist for Plat
  - f. Application for Infrastructure Development Plan (IDP) Consideration
  - g. Fee Schedule
  - h. Plat Submittal Calendar
  - i. Guadalupe County Major Thoroughfare Plan

## SECTION IX. PLAT REQUIREMENTS

### A. PLAT REQUIREMENTS

#### 1. Format

A plats shall consist of one or more 18-inches x 24-inches black and white, paper only, sheets of paper and supporting documents. In addition to the paper copy, a digital copy of the plat must be submitted to the County. The plat and supporting documents shall be developed and contain the following:

- a. The print, type, or handwriting and/or wet signatures shall be on a white background in the color black.
- b. The name of the proposed Subdivision that shall not be the same or deceptively similar to another subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision.
- c. Area map showing the general location of the Subdivision in relation to major streets, towns, and cities.
- d. Names of adjoining subdivisions or owners of property contiguous to the proposed Subdivision.
- e. A plat and legend with all acronyms, line work, and defined hatching must be legible with a minimum 8-point type size Arial font .
- f. North arrow, scale and preparation date. The scale shall not exceed 1-inch = 200-feet.
- g. A minimum of two (2) GPS coordinate corners of subdivision.
- h. Bearings and dimensions of the boundary of the Subdivision and all lots, parks, green belts, easements, or reserves. Dimensions shall be shown to the nearest 0.01-foot and bearings shall be shown to the nearest one second of angle (01-second). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.
- i. A description of monument used to mark all boundaries, lot and block corners, and all points of curvature and the tangent on street rights-of-way.
- j. Elevation contours no greater than 10 feet intervals.
- k. Indicate location of any existing structures (buildings, wells, cemeteries, etc.) in the subdivision.
- l. Block, lot number, and lot acreage calculated to the nearest 0.01 acre for each lot, and the designation of all streets, roadways, or other public areas by block and lot number. A lot label shall be provided in the following format:

BLK XX  
LOT XX  
XX.XX ACRES

- m. A statement providing a summary of the quantity of lots and acreage of the proposed subdivision.
- n. Boundary lines of the Subject Property.
- o. The dimensional information for each lot and the roads/streets.
- p. The location of all proposed utility easements and/or infrastructure, including water well and sanitary easements.
- q. The boundary lines of incorporated municipalities and the ETJ limits.
- r. Identify the school district and current county precinct in which the Subdivision exist. When a subdivision lies within multiple school districts and/or precincts, the plat shall demonstrate the lots within each district and/or precinct.



- s. The location of any proposed parks, squares, greenbelts, schools, open space or other public use facilities and acreage of streets, private or public.

## 2. Signatures

- a. The plat shall have wet signatures in BLACK ink with the printed name located immediately beneath. All corporate, legal, license, and registration seals shall be affixed and legible.
- b. The County will collect Commissioners Court members and County Staff signatures.
- c. An area dedicated for the signatures of the Commissioners Court, the County Clerk and a 4-inches x 4-inches area in the bottom right corner of the plat for recordation by the County Clerk. The signature format for Commissioner and Clerk is as follows:

STATE OF TEXAS  
COUNTY OF GUADALUPE

THIS PLAT OF (NAME OF DEVELOPMENT) HAS BEEN SUBMITTED TO AND APPROVED BY THE COMMISSIONERS COURT OF GUADALUPE COUNTY, TEXAS, WHICH COURT ACKNOWLEDGES THAT THE PLAT CONFORMS TO THE SUBDIVISION REGULATIONS OF SAID COUNTY AND DOES HEREBY APPROVE SUCH PLAT ON THIS (DAY) DAY OF (MONTH), 20XX.

<div style="border-top: 1px solid black; margin-bottom: 5px;">(NAME) _____ DATE _____</div> <div style="border-top: 1px solid black; margin-bottom: 5px;">COUNTY JUDGE</div>	<div style="border-top: 1px solid black; margin-bottom: 5px;">(NAME) _____ DATE _____</div> <div style="border-top: 1px solid black; margin-bottom: 5px;">COUNTY CLERK</div>
<div style="border-top: 1px solid black; margin-bottom: 5px;">(NAME) _____ DATE _____</div> <div style="border-top: 1px solid black; margin-bottom: 5px;">COMMISSIONER PCT 1</div>	<div style="border-top: 1px solid black; margin-bottom: 5px;">(NAME) _____ DATE _____</div> <div style="border-top: 1px solid black; margin-bottom: 5px;">COMMISSIONER PCT 2</div>
<div style="border-top: 1px solid black; margin-bottom: 5px;">(NAME) _____ DATE _____</div> <div style="border-top: 1px solid black; margin-bottom: 5px;">COMMISSIONER PCT 3</div>	<div style="border-top: 1px solid black; margin-bottom: 5px;">(NAME) _____ DATE _____</div> <div style="border-top: 1px solid black; margin-bottom: 5px;">COMMISSIONER PCT 4</div>

ATTEST

- d. The name and address of the Texas licensed land surveyor and/or engineer preparing the Application with the attestation, signed and notarized, as follows:
- e. "I do hereby certify that the information contained on this plat complies with the subdivision regulations adopted by Guadalupe County, Texas".
- f. The name and address of the Property Owner(s) and notarized signatures.

## 3. Flood Zone and Drainage

The following shall be shown on the plat.

- a. Subdivisions located in the 100-year flood zone shall demonstrate the base flood elevation and supplemented with the following note:
  - (1) "No structure or land in this plat shall hereafter be located or altered without first obtaining a Floodplain Development Permit from the Guadalupe County Floodplain Administrator".
- b. The 100-year Flood Zone area from the latest FEMA Flood Maps shall be delineated, shaded and labeled as "FEMA 100-year flood Zone " \_\_\_\_\_ " " with the following note:
  - (1) "This property does (or does not) lie within a Special Flood Hazard Area, Zone" \_\_\_\_\_, the 100-year flood zone, as defined by the Flood Insurance Rate Map for Guadalupe County, Texas on Community Panel No. " \_\_\_\_\_ ", effective date " \_\_\_\_\_ " as prepared by the Federal Emergency Management Agency".
- c. The location and size of all proposed drainage structure easements, including on-site retention or detention ponds and easements.
- d. The responsibility for maintaining drainage appurtenances or structures will not be accepted by the County except those associated with draining or protecting the road system. Provide a statement identifying the responsible entity to provide maintenance of drainage structures, ponds, appurtenances, and easements that will remain with the owner.

- e. The following statement shall appear on the plat:

"No structures, walls, or other obstruction of any kind shall be placed within the boundaries of drainage easements. No landscaping, fences, or other types of modifications which alter the cross sections of the drainage easement or decrease the hydraulic capacity of the easement shall be allowed".

- f. The following statement shall appear on plat:

"No fencing or structures that will interfere with adequate drainage flow will be allowed on or across such lines".

#### 4. Streets

- a. Identify all streets, roadways, parks or other land intended for public use, or for the use of purchasers or owners or other land intended for public use, or for the use of purchasers or owners of tracts fronting or adjacent thereto.
- b. Street names (whether public or privately owned), pavement width and right-of-way (ROW) width for all proposed streets and all existing streets abutting the plat.
- c. Provide the following statement on the plat:

"In order to promote safe use of streets and preserve the condition of public streets, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated County ROW unless a Driveway Permit has been issued by the Guadalupe County Road & Bridge Department".

The driveway shall be constructed compliant with the Guadalupe County Road & Bridge Department specifications.

- d. For roads and streets that will not be conveyed to the County for maintenance, provide the following statement:

"I (the Owner or representative), by filing this Record Document, and all future owners of this property, by purchasing such property, acknowledge and agree that Guadalupe County shall have no obligation whatsoever to repair or accept maintenance of the streets shown on this approved development plat until and unless (Owner) and/or the property occupants or tenants have improved the streets to the then current standards required by Guadalupe County and the streets have been accepted for maintenance by formal, written action of the County Commissions Court and the streets, with all required ROW and building setbacks, have been dedicated by the owners thereof, and accepted by the County, as public streets. Until such time, (Owner) and all future owners of property within the limits of the approved development plat shall look solely to the Owner, Developer or Entity created for that purpose for future maintenance and repair of the streets included in the development plat."

#### 5. Water

- a. The location of existing and proposed water pipes and/or appurtenances.
- b. If groundwater will be the source of potable water, provide a report prepared by an Engineer or Geoscientist, licensed in the State of Texas certifying that there is adequate groundwater availability to sustain the subdivision for a minimum period of 30-years.

## **B. LOT REQUIREMENTS**

1. Lots shall have a 25-foot front setback from a County ROW and a 10-foot side setback.
2. Lots shall have a minimum 200-feet of frontage on an existing county road.
3. Lots located within the Edwards Aquifer jurisdictional boundary shall comply with the TCEQ regulations for On-Site Sewage Facilities.

## **C. SEWAGE**

The County has adopted certain construction rules for private sewage facilities and these Regulations must be read in conjunction with the requirements of the Guadalupe County On-Site Sewage Facilities Order. The latest version of the OSSF can be obtained from the County offices.

1. Provide the following statement on the plat:

"No structures/homes are to be built or brought onto the lot until an on-site sewage facility permit has been issued or public sewer has been provided, and road construction is completed and approved".

2. Provide the following information on the plat: 1) a statement identifying the type(s) of on-site sewage facilities suitable for use; and 2) the site evaluation testing location(s).
3. Site evaluations shall be performed at a minimum of 10 percent of the proposed total quantity of lots in a subdivision.
4. A copy of the evaluation report shall be submitted and identify the type of on-site sewage facilities.
5. Demonstrate the location and type of existing sanitary sewer or On- Site Sewage facilities components, including, and not limited to tank and disposal field.
6. Public Sewage Facilities
  - a. When a State approved sewage disposal system exist within 300 feet of any proposed or existing (in the event of an existing system failure) subdivision property line, the Applicant shall:
    - (1) Modify the system to connect to serve the subdivision; and
    - (2) Submit a copy of the agreement between the Applicant and the Utility allowing the connection.
    - (3) If the Utility provider will not allow the connection, the Applicant shall provide written notice signifying the denial.
  - b. If the Applicant intends to install a public sewer system not Regulated by the County, Applicant must present:
    - (1) A complete system design;
    - (2) TCEQ or other State/Federal regulatory body approval of the design of the public sewer system; and
    - (3) The organization that shall own and maintain the public sewer.

## 7. Lot Size Determination

### a. Lots served with Public Water Systems:

#### Wastewater Application

Public Sewer

Septic

#### Minimum Lot Size

None

1.0 Acres

### b. Lots not served by Public Water Systems:

#### Wastewater Application

Public Sewer

Septic

#### Minimum Lot Size

None

1.0 Acres

## D. UTILITIES

1. When the width of the ROW is less than seventy feet (70'), it is the preferred policy of the County that public and franchise utilities be placed outside of the ROW in dedicated utility easements wherever possible to eliminate impacts to drainage and pavement integrity and to avoid roadway disruptions in the future. Notwithstanding any current or future franchise agreements or County policy, this section will be construed and administered in conformance with [Texas Local Government Code Chapter 552.104](#), the [Texas Utilities Code](#), and sections from [Texas Water Code](#) governing public ROW use.
2. Disturbance of the ROW for the purpose of constructing, excavating or relocating a utility shall be commenced only after an excavation or construction permit has been issued by the County and is subject to applicable standards of construction. All costs of construction shall be borne by the utility. The utility is responsible for addressing any damaged caused to a County facility or roadway during construction.
3. The utility shall, both during and after construction, restore the ROW to equal or better conditions than those existing prior to the beginning of construction. In the event the utility fails to restore the County ROW following construction, the utility shall reimburse the County for its reasonable expenses incurred from restoring the County ROW.
4. Any utility placed in the County ROW, including, but not limited to, water, sewer, telephone, gas, cable, and electric lines shall be placed outside of the paved area where practicable and shall be buried to a minimum depth of 24-inches.
5. The installation of utilities generally occurs by open cut excavation or directional bore techniques. To help protect utilities in the ROW against damage from follow-on or future ROW work, new installed utilities shall be marked as follows:
  - a. Open cut installed utilities shall be identified by a magnetic tape located 12-inches above the top of pipe or conduit and be of the color and label corresponding to the utility type installed.
  - b. Directional bore installed utilities shall be clearly identified by signage adjacent and as close to the property line as possible and be of the color and label corresponding to the utility type installed with an indication of the approximate depth of burial
6. Any utility placed in the County ROW, including, but not limited to, water, sewer, telephone, gas, cable, and electric lines shall be a maximum distance of 60-inches from the property line.
7. Subject to availability within the existing Right-of-Way, the County shall provide the Applicant with an alternate location to relocate its line. The Applicant may acquire an easement outside of the County Right-of-Way for relocation purposes. When an easement is acquired by the Applicant, it shall submit a copy of the agreement with the property owner and demonstrate it on the plat.
8. No excavation may be performed with leading edge closer than 60-inches from the existing edge of road without the written consent of the County Road and Bridge Administrator.
9. Any open cut installation of a conduit or pipe crossing a roadway shall be performed before placing

the aggregate base material on a properly backfilled trench and corresponding subgrade preparation.

10. The County shall approve any material utilized for trench backfill.

#### **E. STREET AND RIGHT-OF-WAY INFORMATION**

1. The location, length, and width of right-of-way for proposed roads/ streets shall be illustrated on the plat demonstrating how they interconnect with previously dedicated, platted, or planned streets within and adjacent the subdivision.
2. Provide the total length of proposed streets to the nearest 1-foot.
3. Provide the total square footage of all streets public or private to the nearest 1 square foot.
4. Provide the total area of all common areas to be dedicated to the public to the nearest 1 square foot.
5. Provide the location, size, and uses of all proposed access easements, or shared access driveways.
6. Major Thoroughfare Plan

##### **a. Road Classifications**

The Guadalupe County Major Thoroughfare Plan defines the roads or streets that function as major thoroughfares within Guadalupe County. In agreement with Texas Local Government Code Sections 232.003 and 232.102, these streets or roads are classified as the following - with a corresponding right-of-way requirement:

- (1) Expressway - 180 feet
- (2) Principal Arterial - 90 to 180 feet
- (3) Parkway - 90 to 220 feet
- (4) Minor Arterial - 90 to feet
- (5) Major Collector - 70 to 150 feet
- (6) Minor Collector -60 to 120 feet
- (7) Local Road - 50 to 70 feet

All streets or roads, with a ROW requirement greater than 120 feet, are consistent with most recently metropolitan transportation plan adopted Alamo Area Metropolitan Planning Organization..

##### **b. Right-of-Way Dedication**

- (1) The Owner of a proposed subdivision adjacent to a street or road identified on the Major Thoroughfare Plan shall dedicate ROW required by the Guadalupe County Major Thoroughfare Plan all ROW necessary for the use of the public.
- (2) The owner on existing streets or roads must dedicate public ROW equivalent to one-half of the ROW width (measured from the centerline of the existing street or road) required by the Guadalupe County Major Thoroughfare Plan, or
- (3) The owner must dedicate the land as required by alignment schematic or plan adopted by the Texas Department of Transportation or Guadalupe County.
- (4) Dedicated ROW being shall be identified on the plat with the appropriate acreage.

##### **c. Revision Procedure**

Any revisions to the Guadalupe County Major Thoroughfare Plan shall be made by an order adopted and entered into in the minutes of the Commissioners Court and after that notice is published in a newspaper of general circulation in the County.

##### **d. Extra Territorial Jurisdictions (ETJ)**

When a proposed subdivision is located within the ETJ of a municipality, the owner shall be required to dedicate ROW pursuant to the Guadalupe County Major Thoroughfare Plan.

e. Map

Major Thoroughfare Plan Map of Guadalupe County shows streets that have been identified as major thoroughfares and indicates the proposed ROW widths of the major thoroughfares.

A map illustrating the locations of major thoroughfares is available at the Guadalupe County Road & Bridge Department and on the Guadalupe County website (<https://www.guadalupe.tx.gov/page/roads.home>) under the Road and Bridge Department.

**F. SUPPLEMENTAL INFORMATION**

1. Minimum right-of-way (ROW) is 70' for local streets, 100' for collectors, 120' for major thoroughfares, and 150' for principal arterials unless:
  - a. ROW required is greater as indicated on a city thoroughfare plan,
  - b. Development was presented prior to August 10, 2021, in which case ROW minimum is 60' for local streets, 80' for collectors, and 120' for major thoroughfares, or
  - c. Development was provided with a Letter of Compliance from the Guadalupe County Road Administrator, in which case ROWs as presented are acceptable
2. Where adjacent to existing ROW that does not meet minimum width, dedicate half of the required contribution to the ultimate width on each side of the existing ROW under development.
3. Dedicate ultimate ROW along corridors identified in Guadalupe County Major Thoroughfare Plan and applicable City Thoroughfare Plans.
4. Provide 25'x25' corner clips (25' radii are acceptable) at all intersections, or provide sight triangles for all proposed intersections, per AASHTO, meeting 30, 35, and 45 mph minimum (or posted speed if higher) for secondary, collector, and arterial streets, respectively.
5. Engineer of record shall also indicate actual safe speed based on sight distance provided assuming complete visual obstruction placed along right of way.
6. Confirm proposed access points onto public roads meet sight distance requirements.
7. No easements may be established within ROW to be dedicated to the public.
8. Align proposed access points with existing intersections where available.
9. Homes shall not front proposed collector streets, including in a temporary configuration.
10. Proposed turn lanes warranted by development shall include additional ROW dedication wholly from the development in addition to the dedication outlined above.
11. International Fire Code requires a second point of access where an access point serves more than 30 lots. This may be an all-weather, gated access point. Where the initial access point exceeds 100 lots, an ungated local street should be provided. A divided four lane section will also meet the requirement for two points of access as it allows additional capacity and enhanced emergency access, but no lots may front this access and it may only be reduced to a two lane section when 30 or fewer lots utilize it for access. A locked emergency gate will not be considered to meet the second point of access requirement for this development.
12. Primary access must pass a 100-year storm event. Secondary access may pass a 25-year storm event consistent with Guadalupe County program for upgrading low water crossings elsewhere in the County.
13. Provide driveway culvert number and diameter on the plat where open ditch drainage is proposed.
14. For streets intended for private maintenance:
  - a. Provide a letter from the developer that expresses intent to convey streets to a MUD, PID, HOA, or

other entity for maintenance.

- b. Upon creation of the maintenance entity, provide a resolution from the entity to maintain and repair all roads within the plat.
- c. Add the following notes to the plat:

(a) MAINTENANCE NOTE:

THE MAINTENANCE OF ALL PUBLIC STREETS, OPEN SPACE, GREEN BELTS, PARKS, TREE SAVE AREAS, DRAINAGE EASEMENTS, AND EASEMENTS OF ANY OTHER NATURE WITHIN THE SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS, OR {THE PROPERTY OWNER'S ASSOCIATION OR SPECIAL DISTRICT}, OR ITS SUCCESSORS OR ASSIGNS AND NOT THE RESPONSIBILITY OF THE CITY OF {NAME} OR GUADALUPE COUNTY.

(b) EASEMENTS EXPIRING TO ROW:

EASEMENTS TO EXPIRE UPON INCORPORATION INTO PLATTED PUBLIC STREET RIGHT-OF-WAY.

15. Streets Maintained by a Homeowners or Other Private Association

- a. Reference: Transportation Code Sec. 542.007 - TRAFFIC REGULATIONS: PRIVATE SUBDIVISION IN CERTAIN COUNTIES
- a. This section applies only to a subdivision that is located in the unincorporated area of a county with a population of 500,000 or less.
- b. On petition of 25 percent of the property owners residing in a subdivision in which the roads are privately maintained or on the request of the governing body of the entity that maintains those roads, the commissioners court of the county by order may extend any traffic rules that apply to a county road to the roads of the subdivision if the commissioners court finds the order in the interest of the county generally. The petition must specify the traffic rules that are sought to be extended. The court order may extend any or all of the requested traffic rules.
- c. As a condition of extending a traffic rule under Subsection (b), the commissioners court may require that owners of the property in the subdivision pay all or part of the cost of extending and enforcing the traffic rules in the subdivision. The commissioners court shall consult with the sheriff to determine the cost of enforcing traffic rules in the subdivision.
- d. On issuance of an order under this section, the private roads in the subdivision are considered to be county roads for purposes of the application and enforcement of the specified traffic rules. The commissioners court may place official traffic control devices on property abutting the private roads if:
  - (1) those devices relate to the specified traffic rule; and
  - (2) the consent of the owner of that property is obtained.

16. Streets Maintained by a Municipal Utility District or Other Special District

- a. Transportation Code Sec. 542.0081 - TRAFFIC REGULATIONS: SPECIAL DISTRICT IN CERTAIN COUNTIES
- b. This section applies only to a road owned or maintained by a special district that is located in the unincorporated area of a county with a population of less than one million.
- c. The residents of all or any portion of a special district may file a petition with the commissioners court of the county in which the roads are located requesting that county enforcement of traffic rules on county roads be extended to the roads of the district. The petition must:
  - (1) specify the roads over which county enforcement is sought;

- (2) specify the traffic rules for which county enforcement is sought; and
  - (3) be signed by 50 percent of the property owners residing in the area that is served by the roads of the district over which county enforcement is sought.
- d. If the commissioners court finds that granting the request is in the interest of the county generally, the commissioners court shall by order extend the enforcement of traffic rules by the county to the roads of the district specified in the petition. The order may grant enforcement of some or all traffic rules requested in the petition.
  - e. As a condition of extending a traffic rule under Subsection (c), the commissioners court may require the special district to pay for all or a part of the costs of extending enforcement to the roads of the district. The commissioners court shall consult with the sheriff to determine the cost of extending enforcement.
  - f. On issuance of an order under this section, the roads specified in the order are considered to be county roads for the purposes of the application and enforcement of the specified traffic rules. The commissioners court may place official traffic control devices on the right-of-way of the roads of the district if those devices relate to the specified traffic rules.



## SECTION X. ROAD CONSTRUCTION

### A. GENERAL REQUIREMENTS

As a condition of street acceptance, minimum lot frontage must be at least 200' on existing County roads and proposed roads identified on an approved major thoroughfare plan, 80' on proposed local roads, and 50' on proposed cul-de-sacs and knuckles.

1. Proposed subdivision entrances tying into a county road shall meet the approval of the Precinct Commissioner and Commissioners Court.
2. Constructed roads shall have a minimum ROW as established in Section X(C) and public utility easements as required. Streets shall meet the Section X design criteria . Roads and streets constructed in a city's ETJ area will conform to either the city's code requirements for road/street construction or the County's requirements, whichever is most stringent.
3. The construction of a permanent dead-end street and/or road shall be provided with a turnaround (cul-de-sac) constructed as follows:
  - a. Residential subdivisions: The turnaround shall have an outside finished paved street diameter of 100 feet and situated in a 130-feet ROW
  - b. Commercial subdivisions: For Roads within a Commercial Subdivision that will ultimately be turned over to the County for maintenance, the Developer shall submit an engineered study/analysis providing the details about how the roads will be built to withstand both the type and volume of anticipated traffic. The study/analysis shall include the type of anticipated vehicular traffic and the estimated daily volume.
4. The County does not accept nor maintain streetlights and/or sidewalks.
5. All roads and streets should intersect at 90-degree angles and a 45-degree angle shall be provided at all corner lots adjacent to County maintained roads. The location of the 45-degree angle shall be determined by the County Road & Bridge Administrator.
6. Abrupt offset(s) or intersecting roads are not allowed.
7. When a road in a proposed development is the continuation of the current county maintained road, and will be the sole ingress/egress of a proposed development, and the present County ROW is less than 60-feet, then the developer shall acquire the ROW needed to establish 60-feet of ROW from the development entrance to the nearest intersection of the County ROW to another existing public road.
8. Access to all new platted subdivisions shall be from an adequate private road, County-maintained road or a state or federally maintained road.
9. No decorative squares, trees, islands, ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the ROW of a road dedicated to the public.
10. Driveways
  - a. Driveways (private or commercial) will be constructed for a property accessed from the County ROW.
  - b. A driveway permit shall be obtained from the County at the Commissioners Court established fee.
  - c. Driveway permit shall be reviewed and in accordance with design controls and criteria adopted by the American Association of State Highway and Transportation Officials (AASHTO).
  - d. When culverts are required, the pipe will be provided and installed by the Owner/Developer in strict compliance with County Road & Bridge specifications.
  - e. The minimum driveway width of a private driveway is 15-feet (the minimum commercial width is 20-feet) and driveways shall extend from the paved portion of the public road to the Owner's property.
  - f. Minimum size for driveway culvert pipe shall be 12-inches in diameter and 20-feet in length. Note: Pavement shall continue from County pavement to owner's property line.

## 11. Speed Limits for Regulated Streets

- a. When not established, development Applications submitted to the County that include a new or altered Regulated Street, shared access easement, or a shared access driveway shall establish a maximum speed limit for roads, easements or driveways.
  - (1) Maximum speed limits shall not be greater than the maximum speed limits authorized under TTC Chapter 245.352 but shall not be less than the lower maximum speed limits authorized under TTC Chapter 245.355 for the specific type road under consideration.
  - (2) Speed limits established at less than the maximum speed limits authorized under TTC Chapter 545.355, must be approved the the Commissioners Court.
  - (3) The Street Design Report shall include an explanation of the reasons for the reduced maximum speed limits.

## **B. COMPLIANCE, INSPECTIONS, AND TESTING**

1. The Developer, or a qualified agent employed by the developer, shall inspect work in progress to ensure compliance with these Regulations.
2. The Developer shall be responsible, determine and assure, that all completed work is in full compliance with all Subdivision Regulations requirements.
3. Developer's request for an inspection of any phase of work or two final inspections of the completed work shall constitute notice and certification by said Developer that he, or a qualified agent employed by the developer, has inspected and found the work compliant with all requirements of the Subdivision Regulations.
4. Failure to comply with any required testing or failure to perform tests and inspections required before proceeding with the next phase of the work shall automatically cause a determination of noncompliance with the Subdivision Rules.
5. A determination of noncompliance caused by failure to perform required tests and inspection are only corrected by:
  - a. The complete removal of the work and reconstruction in conformance with the Subdivision Regulations; or
  - b. Testing or representative samples taken by core drilling or by removal of specified sections to reach the areas to be tested; or
  - c. A written method approved by the Commissioners Court and County that substantiates compliance with the Subdivision Regulations.
6. All costs of work, repairs, or testing are solely the expense of the Developer, and all such work, repairs, or testing shall be as follows:
  - a. In accordance with the plan presented to and with written approval by the County, and
  - b. Under the direction of the County, or its designated representative, and
  - c. Performed by a qualified person or firm.
7. The County shall perform visual inspections and testing in accordance with the Subdivision Regulations to ensure compliance. However, the burden of inspection, testing and responsibility for compliance is that of the Developer.
8. The Developer shall provide the County at a minimum two (2) business day notice of any requested inspection.
9. Inspection, approval and acceptance by Commissioners Court shall not constitute a waiver of any rights, including the right to collect under any bonds/letter of credit furnished infrastructure.

## MINIMUM REQUIREMENTS

10. Arterial Streets (roads) serve high volume through traffic from Collector Streets and Secondary Streets with route continuity usually at higher constant speeds with the following criteria:
  - a. Minimum ROW 100-feet
  - b. Minimum width of base-grade crown 36-feet
  - c. Minimum section if curbed (face to face of curbs) 36-feet
  - d. Minimum compacted depth of aggregate base material 12-inches
  - e. Minimum pavement width 30-feet
  - f. Maximum allowable grade 9%
11. Collector Streets are intermediate streets that serve to connect Secondary Streets with Arterial Streets with the following criteria:
  - a. Minimum ROW 70-feet
  - b. Minimum width of base-grade crown 30-feet
  - c. Minimum section (face to face of curbs) 26-feet
  - d. Minimum compacted depth of aggregate base material 10-inches
  - e. Minimum pavement width 26-feet (per Fire Code)
  - f. Maximum allowable grade 9%
12. Secondary Streets primarily serve to provide access to residential property bordering the public ROW designed to prevent through traffic with the following criteria:
  - a. Minimum ROW 70-feet
  - b. Minimum width of base-grade crown 30-feet
  - c. Minimum section (face to face of curbs) 26-feet
  - d. Minimum compacted depth of aggregate base material 10-inches
  - e. Minimum pavement width 26-feet (per Fire Code)
  - f. Maximum allowable grade 9%
13. Where the subdivision affects a state or county road, the ROW requirement shall follow the Guadalupe County Major Thoroughfare Plan established by the Order of the Guadalupe County Commissioners Court. Any improvements proposed by the developer for existing county roads shall be approved by the Commissioners Court in writing prior to the construction of such an improvement.

## C. SUBGRADE PREPARATION

Subgrade preparation shall consist of clearing, establish rough grade, scarifying, wetting, grading, rolling, and final grading to achieve a 6-inches thick subgrade structure with uniform material, properly prepared to develop uniform density, and grade in order to accept the following base layer..On a by case basis, subgrade preparation could require the addition of additive chemicals and/or compounds to enhance the subgrade performance.

1. Clearing, grubbing, or demolition operations shall be completed for new subgrades or the subgrade exposed (on existing roadways) before beginning subgrade preparation. New subgrades shall be rough graded to +/- 0.1 tenth foot of finished subgrade elevation. New or existing subgrades shall be scarified to sufficient depth to achieve a final moisture conditioned subgrade section and then shaped to the lines and grades of the subgrade surface established by the Design Engineer. When working with an existing subgrade, the lines and grades must be determined relevant to the finish

elevation of the paved surface. All unsuitable materials shall be removed and replaced with approved fill material as needed.

2. Any foundations, walls, stumps or other objectionable materials shall be removed to a minimum depth of 18-inches beneath a structure, to the bottom of the root ball for stumps, and 12-inches beneath areas to be vegetated. All holes, ruts and depressions shall be scarified and filled with approved fill material. Subgrade finished surface shall be finished to the lines and grades established in the design typical sections. Any deviation more than 0.5-inch cross section and in a length of 10-feet measured longitudinally shall be corrected by loosening, adding or moving material, and reshaping and compacting by sprinkling and rolling. Subgrade preparation shall be performed in a manner to ensure the progression of work without causing delay.
3. All material suitable for reuse and/or fill may be utilized in the subgrade with the County Engineer's approval . Import material required to establish subgrade elevations shall be subject to County.
4. Compaction of the subgrade shall be with equipment designated for such use to minimum optimum dry density of 95 percent of the Standard Proctor as determined by TXDOT Test Method Tex-114-E. Density testing shall occur as soon as possible after completion of compacting operations. Material failing to meet specified density shall be reworked until compaction specifications are met. Immediately before placing aggregate base material, density and moisture content of the top 6-inches of compacted subgrade shall be checked and if tests show the density to be more than 2 percent below the specified minimum or the moisture content to be more than 3 percent above or below the optimum, the subgrade shall be reworked as necessary to obtain the specified compaction and moisture content.
5. When required, fill shall be placed in uniform lifts covering the entire cross section with layers that shall not exceed a depth of 6-inches. Each compacted lift shall meet the required density and moisture content before placement of subsequent and tested by certified materials testing technician.
6. Where utilities cross a road or street, they shall be properly installed prior to the constructing the prepared subgrade.
7. The subgrade shall be inspected and approved by the County, or its designated representative, prior to density tests being taken. Should the approved subgrade for any reason loses the required density or finish before it is covered with base, the Developer's Contractor shall rework the subgrade in accordance herewith and retest prior to placing base.

#### **D. AGGREGATE BASE MATERIAL**

1. All pavement sections for roads and streets, unless otherwise specified, shall be performed with aggregate base material (base) with minimum compacted thickness as prescribed in Section X (C).
2. Subgrade shall be approved by the County, or its designated representative before the placement of any base.
3. Aggregate base shall conform to the current requirements of the TXDOT Standard Specification for Construction and Maintenance of Highways; no other base is approved for use.
4. The quantity of base placed shall be determined in a manner acceptable to the County. The following methods are suggested:
  - a. Certified truck tickets
  - b. Core samples at selected intervals
  - c. Pick and shovel samples at selected locations
5. The installed base layer shall be inspected and approved, in writing by the County or its designated representative, before placement of any asphalt or concrete pavement.

## **E. CONSTRUCTION METHODS FOR BASE APPLICATION AND RIBBON CURB**

1. Base shall not be placed until the certification that the subgrade has been prepared and compacted compliant with Section X (E).
2. The Contractor shall set finished base elevations 'blue tops' at the crown or centerline at with opposing sides of pavement at intervals not exceeding 100 feet..
3. First Course- Immediately before placing the base, the subgrade grade and section shall be verified. Each base course shall not exceed 6-inches loose thickness and be placed in equal increments of the total depth.
  - a. Material placed on the subgrade shall be installed the same day unless approved by the County.. The base material shall be wetted, as needed, and shall be graded and shaped to conform with typical specified sections. All areas of segregated course or fine material shall be reworked to achieve conformance with specifications.
  - b. The installed course shall be wetted to achieve both optimum moisture content and compacted density As specified...
  - c. When installed material fails to meet moisture/density requirements, until the requirements are met. Where pavement will be placed, deviation exceeding 0.25-inch cross section in a 16 feet length measured longitudinally shall be corrected. All irregularities, depressions, or weak spots, which develop, shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping and re-compacting. Should the surface lose the required stability, density and finish before the surfacing is complete, it shall be re-compacted and refinished in accordance herewith.
4. Succeeding Courses shall be constructed repeating the first course installation process. The approved and tested final base course shall be primed within 24-hours or will be re-tested before applying the prime coat.
5. Density Each course of flexible base shall be compacted to not less than 98 percent density when tested in accordance with TXDOT Test Method Tex-113-E. Field density determination shall be made in accordance with approved methods. The completed Flexible Base will be tested by proof rolling in conformity with Item No.216 "Rolling (Proof)".
6. Completed base shall be inspected and approved, in writing, by the County or its designated representative, prior to the replacement of any pavement.
7. Ribbon curb shall be 3000# concrete, to depth achieving bottom elevation six inches below the subgrade elevation and 8-inches wide with a continuous #3 rebar.
8. The pavement surface shall terminate flush with the top of curb.

## **F. PAVEMENT**

All roads and streets shall be paved as follows:

1. Prime Coat / Tack Coat
  - a. The asphalt material for Prime Coat shall meet the requirements for Prime Coat. The prime coat shall be applied as directed by the County, with an approved sprayer, at a rate not to exceed 0.35 gallon per yard of surface.
  - b. The asphalt material for Tack Coat shall meet the requirements for Coat Item 340.6 Par. 2 THDS Dated 1995. Tack Coat shall be applied when and as directed by the County, with an approved sprayer, at a rate not to exceed 0.10 gallon per yard of surface.
2. Hot Mix Asphaltic Concrete Pavement ("HMAC")
  - a. HMAC shall not contain recycled asphalt pavement (RAP) or recycled asphalt shingles (RAS).

- b. The compacted surface course shall be applied at the minimum of 165 pounds per square yard to 1.5-inches thickness.
  - (1) For industrial roads it shall be applied at 190 pounds per square equal to 1.75-inches thickness.
  - (2) Measurement by weight shall be via truck scales approved by the County.
  - (3) Records shall be kept on the tare load, total load, and net load of the mixture for each load of same.
- c. The paving mixture and construction methods shall conform to Item 340, "Hot Mix Asphaltic Concrete, Type D" of the Standard Specifications by TXDOT, March 1, 1995.

## **G. CONSTRUCTION METHODS FOR PAVEMENT**

1. General Methods- It shall be the responsibility of the Developer's Contractor to produce, transport, place and compact the specified paving mixture in accordance with these specifications and provide a safe environment to enable inspection forces to take samples and check the plant.
  - a. Prior to placing HMAC, the base shall be proof rolled and any soft spots repaired, and the area proof rolled again.
  - b. All asphaltic mixtures shall be placed with a spreading and finishing machine. If, after being removed from the mixer and prior to placing, the temperature of the asphaltic mixture is 50° degrees or more below the temperature established, all or any part of the load may be rejected. Any material placed which is too cool to compact properly shall be removed and replaced with material that meets the specifications.
  - c. Adjacent to flush curbs, gutters, liners and structures, the asphalt surface shall be finished so that when compacted it will be slightly above the edge of the curb. The compacted thickness of the asphaltic concrete courses shall be as indicated. Where the thickness of the surface course is specified to be more than 2-inches, the work shall be accomplished in equal lifts, unless otherwise indicated. When the surface is to be in stages and traffic is permitted on the initial layer, each layer shall be not less than 1-inches.
2. Compacting- The mix shall be compressed thoroughly and uniformly compacted to the required density immediately after placing. All compaction rolling shall be complete before the material cools below 175° F. Minor polishing rolling may be undertaken on the material below the above temperature. All rollers must be in good mechanical condition. Necessary precautions shall be taken to prevent the dropping of gasoline, oil, grease, or other foreign matter on the pavement, either when the rollers are in operation or when standing.
3. Surface Tests- The surface of the pavement, after compaction, shall be smooth and true to the established line, grade and cross section, and when tested with a 10 feet straight edge placed parallel to the centerline of the street or tested by other equivalent and acceptable means, except as provided herein, the maximum deviation shall not exceed 1/16-inch in 10 feet at any point. The completed surface shall meet the approval of the Developer's Engineer for riding surface, finish and appearance.
4. Density- HMAC shall be compacted as specified in Item 340 TXDOT standard specifications 1995. Tests will be taken as directed by the County or its designated representative.

## **H. TWO COURSE SURFACE TREATMENT PAVEMENT**

1. All construction methods, materials, and workmanship shall conform to Item 316 of the TXDOT Standard Specifications for street construction dated 1995:
  - a. The first course stone shall be Grade 3, Type B or Type PB
  - b. Second course stone shall be Grade 4, Type PB
2. The minimum rate of application for the AC-5 shall be 0.25-0.35 gallon per square yard for the first course and 0.20 - 0.25 gallon per square yard for the second course. The rate of application for HFRS-2P shall be 0.35-0.40 gallon per square yard for the first course and 0.30 - 0.35 gallon per square yard for the second course.
3. Rock will be applied at the minimum rate of 1 cubic yard per 90 square yards for the first course and 1 cubic yard per 100 square yards for the second course.
4. Rolling is required to achieve a uniform embedment, and the Developers contractor shall broom off loose aggregate remaining. If bleeding occurs, the contractor shall apply sand to the finished surface for whatever period is required to absorb the excess asphalt.
5. The type and grade of all asphaltic material and aggregate shall be approved by the County prior to application. Variations in asphaltic material must receive prior approval from the County.

## **I. TRAFFIC SIGNS AND GUARD POSTS**

1. Signs and guard posts shall be installed by the Developer in accordance with the manual on Uniform Traffic Control Devices for Streets and Highways and as directed by the County.
2. The Developer shall consult with the County prior to the placement of any traffic signs or guard posts.

## **J. TRAFFIC SIGN REQUIREMENTS**

Engineer Grade Reflective Sheeting on .080 Aluminum as follows:

- |                              |                       |
|------------------------------|-----------------------|
| 1. Octagon (Stop)            | 30-inches x 30-inches |
| 2. Triangle (Yield)          | 30-inches x 30-inches |
| 3. Square (Regulatory Signs) | 24-inches x 24-inches |
| 4. Rectangle (Speed Limit)   | 24-inches x 18-inches |
| 5. Rectangle (Large Arrows)  | 48-inches x 24-inches |
| 6. Chevrons                  | 18-inches x 24-inches |

## **K. STREET NAME SIGNS**

Engineer Grade Reflective Sheeting on Flat Blade Aluminum as follows:

1. White lettering on Green Background for County Roads
2. White lettering on Red Background for Private Roads with sign topper reading "Private Street"
3. Use 4-inches Series C or B upper-case Letters on 6-inches Street Name Sign Blank (Flat Blade)
4. Use 2-inches Series C or B upper-case Letters for Street, Lane, Road, etc.

## **L. STREET SIGN REQUIREMENTS**

1. Reflecting street signs shall be installed by the Developer at all intersections and at other points where appropriate within or abutting the subdivision.
2. Street signs shall be placed in a uniform manner throughout the subdivision.
3. Signs shall be placed on approved metal posts 7 feet above the pavement in accordance with the TXDOT Standards and at the expense of the developer.

## **M. SPEED LIMIT SIGNS**

Speed limits shall be posted as needed throughout subdivision.

1. Prior to placing speed limit signs, contact the County Road & Bridge Department to ascertain proper speed. NOTE: Unless agreed to by the Guadalupe County Sheriff or other appropriate law enforcement agency, speed limits are not enforced by law enforcement on private streets.
2. Speed limit signs shall be 18-inches x 24-inches engineering grade reflective sheeting on aluminum; installed on "U" channel posts or other TXDOT approved posts.
3. All Traffic Regulatory Signs for streets to be maintained by the County must be approved by the Guadalupe County Commissioners Court in accord with the statutory requirements for notice, public hearing and action item.

## **N. "U" CHANNEL POSTS**

1. Length: 10-feet - 2 pounds per foot weight
2. Color: Green

## **O. GUARD POST REQUIREMENTS**

1. 4-inches square reflective yellow delineator on "U" channel post
2. 6-feet - 1.12 pounds per foot, galvanized

## **P. RIGHT-OF-WAY EROSION CONTROL**

This item shall consist of preparing a seed bed to the lines and grades indicated, sowing of seeds, fertilizing, mulching with straw, cellulose fiber, and other management practices in the ROW from street to property line and across such areas as are indicated or as directed by the County or its designated representative.

1. Any disturbance of vegetated surfaces shall be repaired (sowing of grass or sodded) and maintained (watered and/or repaired due to erosion occurring before growth is established) until 100% density coverage of the damage or disturbed area is accomplished. The Contractor shall obtain in writing from the County acceptance of reestablished vegetation.
2. Preparing the Seed Bed- After the designated areas have been rough graded to the lines, grades and typical sections indicated on the plans and any other soil area disturbed by the construction, a suitable seedbed shall be prepared. The seedbed shall consist of either 4-inches of approved topsoil or 4-inches of approved salvaged topsoil cultivated and rolled sufficiently to a state of good tilth, which could prevent the seed from being covered too deep for optimum germination. The optimum depth for seeding shall be 0.25-inch. Water shall be applied as required to prepare the seedbed. Seeding shall be performed in accordance with the requirements herein after described.
3. Watering- The seeded areas shall immediately be watered with a minimum of 5 gallons of water per square yard or as needed. Water shall be applied at a minimum rate of 10 gallons per square yard weekly, except when rainfall of 0.5-inch or greater occurs on the site, until the grass is uniformly 1.5-inches in height.
4. Broadcast Seeding- The seed or seed mixture in the quantity specified shall be uniformly distributed over the prepared seed bed areas indicated or where directed. If the sowing of seed is by hand, rather than by mechanical methods, the seed shall be sown in two directions at right angles to each other. If mechanical equipment is used, all varieties of seed, as well as fertilizer, may be distributed at the same time, provided that each component is uniformly applied at the specified rate. After planting, the planted area shall be rolled with a corrugated roller of the "Cultipacker" type. All rolling of the slope areas shall be on the contour.
5. Hydraulic Planting- The seedbed shall be prepared, as specified above, and hydraulic planting equipment, which can place all materials in a single operation, shall be used.



a. March 1 to September 1

Hydraulic planting mixture and minimum rate of application per 1000 square feet:

- (1) Hull Bermuda Seed (pure live seed = 0.83) - 1 pound
- (2) Water Soluble Fertilizer - 15 pounds
- (3) Cellulose Fiber Mulch - 45.9 pounds
- (4) Soil Testifier- 1.4 pounds

b. September 15 to March 1

Add 7 pounds per 1000 square feet of winter rye with a pure live seed = 0.83 to the above mixture

- (1) Alternative Seeding- Other methods or types of grass may be used with the permission of the County

**Q. FINAL INSPECTION AND ACCEPTANCE**

- 1. The Developer, upon completion of drainage, infrastructure, roads, streets, and other facilities intended for the use or benefit of the public, shall request, in writing, that the County conduct a final inspection.
- 2. The County or its designated representative will, within 15 business days, inspect the completed work for compliance.
- 3. The Developer will be notified, in writing, of any work not found in compliance with the Subdivision Rules. The County will establish a reasonable time for correction of the defective work and the Developer shall make the necessary corrections within the time set, or such corrections will be made by action taken upon the performance bond or letter of credit.
- 4. Upon a finding by the Guadalupe County Road & Bridge Administrator that the drainage infrastructures, roads, streets and any other structure/construction intended for use by the public have been completed in conformity with these subdivision regulations, and upon a tender of a 2-year Maintenance Bond to the County, the County will approve final completion of the roads and appurtenant improvements.
- 5. If the County chooses to accept them, title to all streets and roads to be maintained by the County shall be conveyed to the County by a warranty deed.

**R. STREET/ROAD REPAIR AND MAINTENANCE**

Guadalupe County shall not repair or maintain streets or roads that have not been accepted as a County Maintenance Road by the Commissioners Court.

**S. GUARANTEE AGAINST DEFECTIVE WORK**

- 1. The owner shall warrant the work for a 2-year period beginning the County approval date of the work.
- 2. Said warranty shall bind the Owner to correct any defects in:
  - a. materials;
  - b. workmanship (including backfill of utilities); or
  - c. design inadequacies discovered within the said 2-year period.
- 3. The Owner shall correct or cause his Contractor to correct at his own expense such defects within 30 days after receiving written notice of such defects from the County. Should the Owner fail or refuse to correct such defects within the said 30-day period or to provide acceptable bonds that such work will be completed within a reasonable time thereafter, the County may correct or cause to be corrected any such defects at the expense of the Owner or his bond.

## **T. FIRE APPARATUS ACCESS ROADS**

1. Fire Apparatus Access Roads shall comply with Section 503 Fire Apparatus Roads and Appendix D in the unincorporated Guadalupe County, Texas.
2. If entrances to private roads are installed with electric gates, then each gate shall be equipped with a Siren Operated Sensor (SOS) system (Section 503.6.2 IFC 2018), and a KNOX key override switch for operating the gate by first responders for emergency access.
3. Where two Fire Apparatus Access Roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
4. Fire Apparatus Access Road width with a hydrant:
  - a. The minimum road width shall be 26 feet (7925 mm); and
  - b. The County shall require all development to install hydrants.
5. Gates securing the fire apparatus access roads shall comply with all the following criteria:
  - a. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided street, the gate width shall be not less than 14 feet (4267 mm).
  - b. Gates shall be of the swinging or sliding type.
  - c. The construction of gates shall be of materials that allow manual operation by one person.
  - d. Gate components shall be always maintained in an operative condition and replaced or repaired when defective.
  - e. Electric gates shall be equipped with a Siren Operated Sensor (SOS) system (Section 503.6.2 IFC 2018) and a KNOX key override switch for operating the gate by first responders for emergency access.
  - f. Emergency opening devices shall be approved by the fire code official.
  - g. Methods of locking shall be submitted for approval by the fire code official. Manually (not electric) opened gates shall not be locked with a padlock or chain and padlock unless a KNOX key box containing the key(s) to the lock is installed at the gate location. A KNOX padlock interlocked with the owner's padlock may also be used.
  - h. Electric gate operators and Siren Operated Sensors, where provided, shall be listed in accordance with UL 325.
  - i. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.
6. One- or Two-Family Residential Developments

Developments of one- or multi dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. Exceptions:

  - a. Where there are more than 30 dwellings units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
  - b. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
  - c. The fire code official may grant exceptions to the number of dwelling units on a single fire

apparatus access road or the number of required separate and approved fire apparatus access roads when a written agreement exists between the residential developer and the Fire Marshal's Office that indicates the entire residential development will conform to the minimum standards outlines in the International Wildland-Urban Interface Code.

## **U. PRIVATE STREETS**

1. Private streets not intended for dedication to and maintenance by the County, or refused for dedication and maintenance by the County, shall follow the County Regulations, unless otherwise exempted. All private streets shall be placed within a ROW dedicated on the face of the Final Plat, and provisions for ownership and maintenance by a Homeowners' Association, Property Owners' Association, improvement district, management district or other entity named and governed by a binding legal document executed of record at the time the Final Plat is filed of record.
2. If a Homeowners' or Property Owners' Association is the entity charged with ownership and maintenance of private streets within a subdivision, documents executed for the purpose of establishing these organizations must establish a reserve fund for the maintenance of private streets and other improvements. The association documents shall be reviewed and approved by the County to ensure conformance to this requirement and other County standards. The documents shall be filed and recorded prior to the approval of the Final Plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the County. No portion of the association documents pertaining to the maintenance of the Private Streets and alleys and assessment therefore may be amended without the written consent of the County.
3. If a Final Plat contains private streets or private emergency access easements:
  - a. The following shall be included on the face of the Final Plat:
    - (1) "All private streets (drives and roads) will be signed in a manner that indicates its private status: County shall not be responsible for maintenance of Private Streets, drives, emergency access easements, recreation areas and open spaces, and the owners shall be responsible for the maintenance of private streets, drives, emergency access easements, recreation areas and open spaces and said owners agree to indemnify and save harmless Guadalupe County from all claims, damages, and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph."
4. The person, association, district, or entity that owns and maintains a private street is responsible for, and liable for, any violation of these regulations. This includes, but is not limited to, the developer, homeowners' association and its officers.
5. As easement shall be granted to the County and utility providers operating within the County providing unrestricted use of private streets for utilities and maintenance of same.
  - a. The easement shall also provide the County with the right of access for any purpose related to the exercise of a governmental service or function, including, but not limited to, fire and police protection, inspection and code enforcement. The easement shall permit the County to periodically enter upon the private street for the purposes of inspection, to require repairs necessary to ensure emergency access, and to remove any vehicle or obstacle within the private street that impairs emergency access.
6. The County shall not pay for any portion of the cost for constructing or maintaining a private street.
7. An applicant for a proposed subdivision with private streets shall submit to the County the same plans and engineering information required to construct public roads and utilities. Requirements pertaining to inspection and approval of improvements prior to Final Plat approval shall apply. Fees charged for these services shall also apply, including 3rd party fees.
8. The Final Plat, property deeds and Homeowners' or Property Owners' Association documents shall note

that certain County services may not be provided on private streets. Among the services that may not be provided are the following:

- a. Routine sheriff patrols;
- b. Enforcement of traffic and parking regulations and preparation of accident reports; or
- c. Other services as determined by the Commissioners Court or State Law based on the characteristics of the proposed development.

9. The Final Plat shall also contain the following indemnification language:

"Whereby the Homeowners' or Property Owners' Association, as owner of the private streets and appurtenances constructed to serve this subdivision, agrees to release, indemnify, defend and hold harmless Guadalupe County, any governmental entity and public utility:

- a. For damages to the private street occasioned by the reasonable use of the Private Street by the County, a governmental entity or public utility;
- b. For damages and injury (including death) arising from the condition of said Private Street;
- c. For damages and injury (including death) arising out of the use by the County, governmental entity or public utility of any restricted access gate or entrance; and
- d. For damages and injury (including death) arising out of any use of the Subdivision by the County, governmental entity or public utility. Further, such language shall provide that all lot owners shall release the County, governmental entities and public utilities for such damages and injuries.

The indemnifications contained in the above language apply regardless, whether or not, such damages and injury (including death) are caused by the negligent act or omission of the County, governmental entity or public utility, or their representative officers, employees, or agents."

10. The following statement shall appear on any final plat that establishes private streets:

(Owner), by filing this Record Document, and all future owners of this property, by purchasing such property, acknowledge and agree that Guadalupe County shall have no obligation whatsoever to repair or accept maintenance of the streets shown on this approved development plat until and unless (Owner) and/or the property occupants or tenants have improved the streets to the then current standards required by Guadalupe County and the streets have been accepted for maintenance by formal, written action of the County Commissions Court and the streets, with all required ROW and building setbacks, have been dedicated by the owners thereof, and accepted by the County, as public streets. Until such time, {Owner} and all future owners of property within the limits of the approved development plat shall be responsible for the future maintenance and repair of the streets included in the subdivision.

## **V. DRAINAGE**

1. Culverts, ditches, swales, appurtenances

- a. Drains, drainage structures, and appurtenances shall be designed by a State of Texas Registered Professional Engineer and shall be reviewed and accepted by the County.
- b. Drainage calculations shall be performed with the "Rational Method" or other generally accepted engineering standards. Drainage for streets and roads shall be designed to withstand a 25-year storm event frequency and approved by the County.
- c. The minimum allowable pipe diameter passing beneath streets is 24-inches and shall be backfilled in accordance with Item 400.5 of the TXDOT Standard Specifications.
  - (1) Concrete slabs may be required as directed by the County.
  - (2) Pipe ends will be protected by safety end treatments.
  - (3) Rip Rap or other concrete structures shall be approved by the County.

- d. All drainage easements shall be depicted, to scale, on the plat.
- e. All drainage data and calculations shall be provided to the County when requested.
- f. The County acceptance for street and drainage work, constructed and in place, shall not occur without an affidavit from the Design Engineer stating that he has inspected such improvements, finds no deficiencies, and recommends County acceptance.. The affidavit shall be accompanied by reference and attachment one set of "as built" drawings no less than thirty (30) days after the completion of work.

## 2. Drainage and Storm Water Management

Drainage and Storm water management shall be designed, constructed, and maintained to restrict the proposed drainage rate from the platted area to that equal to the drainage rate of the land in its existing condition. The Storm Water Management Plan (Plan) in the platted area must provide drainage does not allow concentrated storm drainage water from each lot onto adjacent lots, provide positive drainage away from all structures, and coordinate individual lot drainage with the general storm drainage pattern for the area. The Plan shall be prepared, sealed, and signed by a Professional Engineer, currently registered in the State of Texas, and shall be reviewed by the County. The Plan shall also illustrate the following:

- a. Calculated time of concentration values such that proposed time of concentrations shall remain the same or faster than the existing condition times of concentration. Land cover roughness n-values, used to calculate time of concentration, should be consistent from existing to proposed conditions where applicable.
- b. When calculating peak flows, the runoff curve number shall remain the same for both existing and proposed conditions, using the assumption of raw (undeveloped) land with no impervious cover. The existing and proposed percentage of impervious cover shall be input individually for each condition. For the proposed conditions, the maximum potential percentage of impervious cover shall be used.
- c. Detention volumes shall be sized by comparing the existing and proposed peak runoffs produced by the site, for the 2, 10, 25 and 100-year frequency rainfall events. Methods used to analyze the pre and post development conditions shall consider the proposed changes in impervious cover and times of concentration resulting from the development of the site. The points of analysis shall be the same for both existing and proposed scenarios for a direct and accurate impact assessment. The timing of hydrographs shall not be used to demonstrate a decrease of proposed peak flows from the developed site.
- d. For detention design, NOAA Atlas 14 precipitation values shall be taken from the Guadalupe County rainfall zones for a 24-hour duration storm.
- e. For detention design, major channel design and analysis, determination of peak flow rates for floodplain modeling, and hydrologic channel routing, the U.S. Army Corps of Engineers HEC-HMS software, utilizing NOAA Atlas 14 rainfall, a 24-hour storm duration storm, and the Frequency Storm distribution.
- f. Impervious cover assumptions must be clearly stated within the drainage report and used for the above Item 2 calculations.
- g. Floodplain studies, major channel design and analysis, and determination of finished floor elevations shall be determined with the U.S. Army Corps of Engineers HEC-RAS software (most recent version).
- h. The anticipated flow of all drainage onto and from the subdivision and illustrating all water courses and major topographic features on or adjacent to the property, 100-year flood zone boundaries, ravines, bridges and culverts shall be shown on the plat. The Plan design shall negate any impact on adjacent properties greater than those existing under pre-development conditions.
- i. Stormwater Detention Required

A drainage study shall be prepared for all subdivisions of any size within or outside of the Special Flood Hazard Area (SFHA).

- (1) Flood/storm waters affecting the proposed subdivision or adjacent areas shall not be allowed to drain from or pond within an area described in higher quantities or flow rates than existed in pre-development conditions.
  - (2) If the drainage study determines that detention is required per this section, the applicant/owner shall be responsible for constructing a detention pond.
  - (3) This shall be accomplished by the proper design and construction of detention/retention ponds, and/or drainage systems. The location of any historically known ponding of flood/storm waters within the proposed subdivision is to be delineated in the drainage study.
- j. Depiction of all streams, rivers, ponds, lakes, other surface water features or any sensitive features (as defined by the TCEQ in 30 Texas Administrative Code 213.3) and a statement certified by the engineer under the professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all such features in accordance with the terms of these Regulations.
- k. All drainage improvements including ditches, drainage pipes, street curbs, gutter inlets, driveways, road culverts, detention basins, and storm sewers shall be designed to intercept and transport 25-year storm event runoff.
- l. All drainage structures and appurtenances shall be designed by a Registered Professional Engineer. A profile shall be shown in the construction plans for all drainage structures. Each profile shall show the design flow, velocity, invert elevations, and the hydraulic grade line.
- m. The use of thermoplastic pipes (including but not limited to Polyvinyl Chloride (PVC) Pipe, High Density Polyethylene Pipe (HDPE), Polypropylene Pipe (PP), etc.) are prohibited from use for cross drainage, parallel drainage, storm drains and all other storm water conveyance within the ROW and/or easements in connection with draining or protecting the road system.
- n. All pipe used for cross drainage, parallel drainage, storm drains, driveway culverts and all other storm water conveyances within the ROW and/or easements in connection with draining or protecting the road system shall be designed and constructed with reinforced concrete pipe (RCP), reinforced concrete box (RCB), corrugated metal pipe (CMP), or corrugated metal pipe arch (CMPA), and have a minimum interior diameter of 24-inches or equivalent. Junction boxes and manholes shall be designed and constructed with reinforced concrete. All other fittings and wyes shall be precast concrete and not cast-in-place, without prior approval from the County.
- o. A drainage analysis (with design calculations) for all proposed subdivision drainage improvements, including drainage culvert locations and sizing, and the analysis of both the upstream and downstream impact on adjacent property demonstrating that the development has no impact on the discharge of water from the property, based on the 100-year storm event, shall include, but not limited to:
- (1) 100-year Storm Event Indication Analysis
    - (a) Provide an engineering analysis demonstrating the platted area subject to storm water inundation during the 100-year storm event. This analysis should be in the form of engineering calculations and an overall plan evaluation of the subdivision illustrating (shaded or crosshatched) the areas of 100-year inundation. The analysis shall be based on the fully developed conditions of the platted area, including any proposed buildings, pavements, clearing, drainage, roadways, excavation, fill or other significant environment modifications affecting peak flow rates of storm water runoff. The analysis shall only consider watersheds greater than 10 acres.
    - (b) The analysis shall consider all contributing watersheds that affect or cause inundated areas

within the platted area. A contributing watershed is a drainage area that drains storm water runoff to the platted area. Existing unplatted areas within contributing watersheds shall be analyzed considering their existing state of development. Existing platted areas within contributing watersheds shall be analyzed considering their fully built intended use and accounting of the effects of any existing drainage improvements.

- (c) If the 100-year storm event inundation analysis results with the inundation of any areas other than those reflected in the most current Flood Insurance Rate Maps published by FEMA for Guadalupe County, it is the responsibility of the developer to submit the results of the 100-year storm event inundated analysis to FEMA for approval.
- (d) The 100-year storm event inundation analysis shall be prepared, sealed, and signed by a Professional Engineer, currently registered in the State of Texas, and shall be reviewed for compliance with these rules by the Department.

## (2) Downstream Impact Analysis

- (a) Provide engineering analysis stating that the effect of modifying the platted area to the anticipated fully developed condition, including any proposed building, paving, clearing, drainage, roadway, excavation, fill or other significant environmental modifications, will not increase the peak 100-year storm water discharge rate from the platted area to any contiguous property.
- (b) Analysis shall consider all contributing watersheds outside of the platted area that affect the impact analysis. A contributing watershed is a drainage area that drains storm water runoff into the platted area. Existing unplatted areas within contributing watersheds shall be analyzed considering their existing state of development. Existing platted areas within contributing watersheds shall be analyzed considering their fully built intended use and accounting for the effects of any existing drainage improvements.
- (c) The Downstream Impact Analysis shall be prepared, sealed, and signed by a Professional Engineer, currently registered in the State of Texas, and shall be reviewed by the Department.

## (3) Plans and Specifications for Storm Water Drainage Improvements

- (a) Provide plans and specifications for all proposed storm water drainage improvements within the platted area. Storm Water Drainage Improvements are manmade facilities such as detention ponds, channels, storm sewer piping systems, culverts, catch basins, inlets, roadways, ditches, or other related facilities, that are constructed to control or modify natural storm water drainage.
- (b) Plans and specifications for Storm Water Drainage Improvements shall be prepared, sealed, and signed by a Professional Engineer; currently registered in the State of Texas, and shall be reviewed for compliance with these rules by the Department.

## (4) Drainage Easements and Right-of-Ways

- (a) Storm Water Drainage Improvements shall be placed within private drainage easements or public rights-of-way configured to properly accommodate facility operation, maintenance, and access.
- (b) Storm Water Drainage Improvements, other than ditches in the County ROW, will not be maintained by the County and must be contained within private drainage easements.
- (c) All required drainage easements shall be presented to the correct scale on the plat.
- (d) The person or entity responsible for maintenance of drainage improvements within the private drainage easements shall be identified on the plat.

## p. Storm Water Drainage Improvements within the Road Right-of-Way

- (1) Provide engineering analysis determining the 25-year storm event flow rate at all locations (except as noted below in paragraph b) where storm water drainage is planned to cross a proposed roadway. Prepare plans and specifications for proposed drainage improvements showing that the proposed improvements will pass the 25-year storm flow rate through the drainage improvements without over-topping the roadway surface. The engineering analysis, design, plans, and specifications shall be prepared, sealed, and signed by a Licensed Professional Engineer, currently registered in the State of Texas, and shall be reviewed for compliance with these rules by the Department.
  - (2) Provide an engineering analysis determining the 25-year storm event flow rate at all locations where storm water drainage is within a FEMA SFHA or in an area determined to be inundated in the 100-year storm event inundation analysis and is planned to cross a proposed roadway. Prepare plans and specifications for proposed drainage improvements showing that the proposed improvements will pass the 25-year storm flow rate through drainage improvements without over-topping the roadway surface. In addition, provide an engineering analysis determining the 100-year storm event flow rate and show that the effect of the proposed drainage and roadway improvements will not inundate areas outside the FEMA SFHA, or any other area determined as being inundated in a 100-year storm event inundation analysis.
  - (3) The engineering analysis, design, plans, and specifications shall be prepared, sealed, and signed by a Licensed Professional Engineer, currently registered in the State of Texas, and shall be reviewed for compliance with these rules by the Department.
- q. Where required, easements shall be provided for all drainage courses and identified floodplains in and across to be platted property. The location and width shall be shown on the plat and marked "Drainage Easement". A "Drainage Easement" shall be a minimum of 20-feet in width.
- r. Where drainage easements are centered along, or cross lot and/or property lines, a statement shall be added to the plat that no fencing or structures that will interfere with adequate drainage flow will be allowed on or across such lines. Fencing may be allowed across drainage easements only in accordance with the following restrictions:
- (1) Bottom of fence shall be a minimum of the flow depth, plus freeboard above design flow line of channel or drain as shown in the table below.

#### **Fencing located Drainage Easements**

<b>Design Depth of Flow</b>	<b>Required Freeboard</b>
0- to 5-feet	0.5 foot
5- to 10- feet	1.0 foot
Greater than 10-feet	10% of design depth

- (2) A hinged gate, sufficient to pass flood/storm water debris, shall be placed across the entire width (where drainage easement crosses property lines) or length (where drainage easement is centered along property lines) of the drainage easement.
  - (3) Fence posts located within the easement must be structurally designed to resist damage from the flood water flow and debris impact.
  - (4) A floodplain development permit will be required to construct a fence within an easement within the 100-year flood zone.
- s. Maintenance responsibility for drainage is with the Owner and will not to be accepted by the County except for that accepted in connection with draining or protecting the road system.
- t. All roadside ditches shall have a minimum depth (measured from the edge of the street pavement) equal to the diameter of the driveway culvert pipe(s) plus 9-inches, have a bottom width equal to the driveway culvert pipe(s) diameter, and have side slopes 3:1 or flatter.



- u. Storm water management, including but not limited to detention or water quality ponds, shall not be designed or constructed against a street or roadway whereas the street or roadway embankment would serve the dual purpose of temporary or permanently impounding water for storm water management use. Storm water management infrastructure must be physically separate and distinct from roadway facilities, including culvert and inlet/outlet components.

### 3. Supplemental Information

- a. SWMP shall include the entire known limits of the development (not just one plat area ).
- b. Curb and gutter streets shall not be utilized as primary drainage pathways. Analysis shall demonstrate that drainage on curb and gutter streets shall not exceed 6-inches in depth at the gutter line in the 100-year storm event. Provide roadside or underground storm sewer drainage if needed to meet this requirement.
- c. The Engineer of Record should use the best and current available rainfall intensity information for analysis and is generally Atlas 14 ([https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=tx](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tx)).

Note: The City of Cibolo Stormwater Design Guidelines Table C-1 is based on merging of TP-40 and Hydro 35 models; Atlas 14 appears to be more conservative in the 25-year and above frequencies.

- d. Provide adequate clear zone protection for drainage structures from headwalls and drop-offs, particularly in curves.

Note: Metal beam guard fence is highly undesirable.

- e. Show limits of property ownership on HEC-RAS cross section map.
- f. HEC-RAS data sheets **shall** show three separate tables for existing, proposed, and ultimate for 100-year frequency only, and **shall** include water surface elevation, velocity, and hydraulic radius.
- g. Provide driveway culvert number and diameter on the plat where open ditch drainage is proposed.
- h. Minimum time of concentration **shall** be 10 minutes.
- i. Do not divert water between watersheds and provide detention for each impacted watershed.
- j. Increased offsite flow onto County right of way (ROW) is not permitted without the approval of Guadalupe County.
- k. For all proposed road crossings of drainage pathways, demonstrate that the crossing passes, at least, the 25-year storm without inundation.
- l. Identify 100-year inundation boundaries (i.e. new floodplain) and demonstrate mitigation if the proposed development encroaches the boundary.
- m. Demonstrate equal or reduction in flow rate at offsite outfall points.
- n. Address low water crossings on the existing perimeter and approach roads and evaluate the opportunity for upgrade(s).
- o. If development of any subset of the subject area is not anticipated at the time of platting, add the following notes to the plat:
  - (1) No further improvements are proposed or will be contemplated without additional approval by the Guadalupe County Engineer.
  - (2) Future improvements will be considered cumulatively with prior and existing structures on site for the purposes of drainage impact.
  - (3) Subsequent subdivision of the property into smaller tracts will nullify this approval and requires the submittal of a new or revised drainage study for review in addition to applicable platting

requirements. Detention or other mitigation may be required per proposed tract and account for existing improvements.

(4) Change in use of the improvements requires approval by Guadalupe County and detention or other drainage mitigation may be required at that time.

(5) Transfer of property ownership does not release subsequent owner(s) from the obligations imposed herein.

#### **W. INGRESS AND EGRESS PERMITS**

1. For any proposed subdivision connecting, fronting, or adjacent a State Highway, the Applicant shall comply with Texas Department of Transportation (TxDOT) requirements for driveways, ROW, traffic impact analysis, utilities, drainage and any other impacts associated with the proposed development.
2. Owner/Developer shall submit TxDOT permits for the proposed subdivision with the Final Plat Application.
3. For any proposed subdivision connecting, fronting, or adjacent a County Maintained Road, the Applicant shall comply with the County Subdivision Regulations requirements for driveways, ROW, traffic impact analysis, utilities, drainage and any other impacts associated with the proposed development.
  - a. There are two types of permits for roads/streets connecting to a County Maintained Road: 1) Driveway; and 2) Excavation. Excavation permits are required for named roads/streets that tie-in to an existing County Maintained Road.
  - b. Owner/Developer shall submit Road and Bridge permits for the proposed subdivision with the Final Plat Application.
  - c. No driveway or excavation permit shall be issued for any lot or tract created in violation with these Regulations. The County issuance of a driveway or excavation permit does not signify that a tract was created in compliance with these Regulations.

#### **X. GEOTECHNICAL REPORT**

The geotechnical report shall include applicable recommendations for:

1. pavement structure
2. utility backfill zones
3. detention pond and minimum channel side slopes
4. construction of high fill areas, and
5. maximum lift thickness and compaction specifications.

## **SECTION XI. UTILITY AND FIRE SUPPRESSION**

No lot in a subdivision may be sold, offered for sale or otherwise conveyed unless either public utility or private utility are available. Such utilities comply with State and County requirements. If this condition does not exist, the approval of a plat will not be provided.

### **A. WATER**

1. If a developer contracts with a public water provider to provide water, the subdivision water distribution system shall be engineered to meet the requirements of Title 30, Chapter 290 of the Texas Administrative Code, and shall submit the engineered plans of the water distribution systems of the proposed subdivision.
2. If a developer contracts with a public water provider to provide water, the developer shall furnish an executed contract, agreement, or certified letter from the public water provider stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards and shall be available to the point of delivery to all lots in the subdivision.
3. If the proposed subdivision is to be served by a water well or a water well on each lot in the subdivision, a developer shall cause a test well(s) to be drilled in accordance with TCEQ regulations to show evidence potable water is available in quality and quantity for the proposed development. The location of each water well or well must be noted on the plat.

### **B. SEPTIC**

1. If a developer constructs a wastewater treatment facility, it must meet state standards to fulfill the wastewater requirements of the subdivision. The developer shall submit the permit issued from TCEQ and shall submit the engineered plans of the wastewater treatment facility of the proposed subdivision.
2. If a developer proposes individual on-site sewage facilities, a registered site evaluator or sanitarian shall submit a certified suitability letter identifying the design and type of on-site sewage facilities and locations of the site evaluations on the plat.

### **C. ELECTRIC SERVICE / GAS SERVICE**

The developer shall submit certified letters from electric and gas providers stating that electricity and gas are available to the subdivision sufficient in quality and quantity to meet minimum state standards and shall be available to the point of delivery to all lots in the subdivision.

### **D. FIRE SUPPRESSION**

Fire suppression shall be supplied in accordance with Section 507 of The Adopted Fire Code of Unincorporated Guadalupe County, Texas.

## **SECTION XII. BONDS**

### **A. PERFORMANCE BONDS/LETTER OF CREDIT**

Performance bonds/letter of credit shall be submitted as a prerequisite for plat approval and the full amount of the bond/letter of credit shall remain in force until the required construction is completed and approved by the Commissioners Court.

### **B. PERFORMANCE BOND**

Commissioners Court requires that the owner of the tract to be subdivided execute a good and sufficient bond (Texas Local Government Code Section 232.004). Example of approved terminology can be obtained from the County Road & Bridge Administrator. All developers, prior to the acceptance of any plans, must file a Performance Bond, Letter of Credit, or an Escrow Account with the County Judge in the following form and amount:

1. Bond or alternative financial guarantee must be payable to the county judge of the county in which the subdivision will be located or to the judge's successors in the office. The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads and streets in and drainage requirements for the subdivision, but not to exceed the estimated cost of construction of the roads, streets, and drainage requirements.
2. The bond or alternative financial guarantee must be executed with sureties as may be approved by the Court; or be executed by a company authorized to do business as a surety in this state if the Court requires a surety bond executed by a corporate surety and be conditioned that the roads, streets, easements and drainage structures for the subdivision will be constructed:
  - a. in accordance with the specifications adopted by the Court; and
  - b. within a reasonable time set by Court; and
  - c. shall be a guarantee of latent defects in the roads, streets, easements and drainage structures.
3. Surety Bond issued by a licensed Surety Company in the State of Texas, to the County Judge or his successor for the purpose of providing bond for the construction of the roads and drainage system in said subdivision. Said Bond to run for a period of 2 years from the approval of the subdivision plat by the Court and said bond to be in a form acceptable to Commissioners Court.
4. The developer shall provide an estimate for the construction of roads, streets, easements and drainage structures. The estimate is to include material and labor and is subject to approval by the County Road & Bridge Administrator and County Commissioners.
5. The condition of said Performance bond shall be that the owner of said approval and accepted subdivision shall begin construction of such roads and drainage system as are shown on the subdivision plat within 90 days from the date of approval of the plat by Commissioners Court. Construction of said roads and drainage system shall be complete and said roads and drainage system shall be accepted by Commissioners Court not more than one year from the date of the approval of the plat.
6. The Performance Bond shall remain in full force and effect until it expires or until the said roads and drainage systems have been accepted by Guadalupe County, to insure the County against defects in design, materials and construction, in the roads.
7. The Developer and County may, upon written request by the Developer, extend these deadlines, but any such extension must include an extension of the performance bond, or other financial guarantee.
8. The County may waive the Performance Bond requirement if the interlocal agreement (HB 1445) between the County and that city states a Performance Bond is not required.

### **C. MAINTENANCE BOND**

1. The owner shall execute or require his Contractor to execute a maintenance bond in the total sum of \$5.00 per square yard of pavement, guaranteeing the work and the warranties. The County will not approve the roads until such bonds are furnished and approved by the Commissioners Court.
2. The Surety Company underwriting the bonds shall be acceptable if on the latest list of companies holding certification of authority from the Secretary of the Treasury of the United States and shall be licensed to write such bonds in the State of Texas.

### **D. TWO YEAR MAINTENANCE BOND RELEASE**

1. After the final Acceptance Letter is issued, the County will monitor the construction for needed construction failures and if repairs are required the owner will be notified of the required repairs.
2. On the completion of the 2-year warranty with no outstanding warranty claims, the Owner and his Bond Company will be given a letter of bond release.

### **SECTION XIII. RECORD PLAT**

Once the plat has been approved by the Commissioners Court it shall be submitted to the County Clerk for recording.

#### **A. RECORDING**

1. One original, paper only, 18-inchesx 24-inches plat that must have black print, type, or handwriting on a white background, commonly known as a positive print with original signatures; and
2. Per Texas Property Code Section 12.002, provide an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent or roll back ad valorem taxes are owed on the property. Any plat filed after 1 September of the year shall include a tax receipt issued by the Collector indicating that the current year taxes have been paid, or a statement from the Collector indicating that the taxes for the current year have not been calculated.

#### **B. FEES**

1. The County Clerk shall establish fees for recordation of plats and may be amended from time to time by the Commissioners Court without amending or affecting the remainder of these Regulations.

## **SECTION XIV. REPLAT, AMENDMENT, AND CANCELLATION ALL OR PART OF A RECORDED SUBDIVISION**

### **A. REPLAT PROCESS**

The following procedure will need to be complied with in the event a replat is required.

1. Meet all requirements of County Subdivision Regulations regarding Plat requirements.
2. An application fee in the amount specified within the fee schedule of the County, as amended.
3. Ensure that a representative is present in Commissioners Court on the designated Court date.
4. The replat will not interfere with the established rights of any owner of a part of the subdivided land, covenants or restrictions.

### **B. AMENDMENT PROCESS**

1. Any person who owns property in a platted subdivision that is subject to the subdivision controls of the county may file an amended plat, for one or more of the following purposes:
  - a. to correct an error in a course or distance shown on the preceding plat;
  - b. to add a course or distance that was omitted on the preceding plat;
  - c. to correct an error in a real property description shown in the one preceding plat;
  - d. 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;
  - e. 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
  - f. To correct an error in courses and distances of lot lines between two adjacent lots if:
    - (1) both lot owners join in the application for amending the plat;
    - (2) neither lot is abolished
    - (3) the amendment does not attempt to remove recorded covenants or restrictions; and
    - (4) the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.
2. The amendment plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat.
3. Notice, a hearing, and the approval of other lot owners are not required for filing, recording, or approving of an amending plat.

### **C. CANCELLATION PROCESS FOR SUBDIVISION**

This section applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42.

1. A person owning real property in this state that has been subdivided into lots and blocks or into small subdivisions may apply to the Commissioners Court of the county in which the property is located for permission to cancel all or part of the subdivision, including a dedicated easement or street, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the Commissioners Court by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision

or the part that is canceled. The Court shall enter the order in its minutes. After the cancellation instrument is filed and recorded in the deed records of the county, the county tax assessor-collector shall assess the property as if it had never been subdivided.

2. 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 act on an application at a regular time. 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.
3. If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by this section, the owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. To assess the tract for a preceding year, the county tax assessor-collector shall back assess the tract on an acreage basis.
4. On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or street, 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 (1) and (2). 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.
5. To maintain an action to order the cancellation or closing of a street or easement in a subdivision, a person must own a lot or part of the subdivision that:
  - a. abuts directly on the part of the street or easement to be canceled or closed; or
  - b. is connected by the part of the street or easement to be canceled or closed, by the most direct feasible route, to:
    - (1) the nearest remaining public highway, county road, or access road to the public highway or county road; or
    - (2) any uncanceled common amenities of the subdivision.
6. 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.
7. Regardless of the date land is subdivided or a plat is filed for a subdivision, 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 as defined by Section 232.0085.

#### **D. CANCELLATION PROCESS FOR OBSOLETE SUBDIVISION**

1. This section applies only to a subdivision for which:
  - a. a plat has been filed for 75 years or more;
  - b. the most recent plat describes at least a portion of the property as acreage tracts;
  - c. a previous plat described at least a portion of the property as lots and blocks; and
  - d. the county tax assessor-collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes based on that description.
2. A person owning real property in the subdivision may apply to the Commissioners Court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to



reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

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

## **SECTION XV. MISCELLANEOUS**

### **A. OSSF AND FLOODPLAIN PERMITS**

The County will not issue On-Site Sewage Facility (OSSF) and/or Floodplain Development Permits on any parcel of land unless the OSSF planning material and/or floodplain development plan comply with the requirements of these Regulations, Guadalupe County On-Site Sewage Facilities Order and TCEQ Regulations, and Guadalupe County Flood Damage Prevention Order and FEMA Regulations.

### **B. ENFORCEMENT OF DEED RESTRICTIONS**

No authority for the enforcement of subdivision deed restrictions shall lie with Guadalupe County. Such enforcement, if any, shall rest solely with the property owner, purchaser, homeowners association, or property owners association.

### **C. RESPONSIBILITY FOR ALL COSTS**

The responsibility for all costs of improvements as required by these Regulations shall be borne by the Applicant/Developer.

### **D. ADHERENCE TO REGULATIONS**

All roads constructed in subdivisions located in Guadalupe County shall adhere to the regulations and standards as approved by the Commissioners Court whether public or private.

## **SECTION XVI. SEPARABILITY OF PROVISIONS**

It is hereby declared to be the intension of the Guadalupe County Commissioners Court that the several provisions of these Regulations are separate, in accordance with the following:

If any sentence, phase, paragraph, Section or any part of these rules, regulations and requirements is declared invalid, unenforceable or unconstitutional for any clause or reason, such invalidity, unenforceable or unconstitutionality shall not be held to affect, invalidate or impair the validity, force or effect of any sentence, phase, paragraph, Section or any other part of these rules, regulations and requirements.

## **SECTION XVII. MANUFACTURED HOME RENTAL COMMUNITIES**

### **A. SECTION I - INFRASTRUCTURE DEVELOPMENT PLAN**

1. An Infrastructure Development Plan (IDP) is required for all rental communities in accordance with the Texas Local Government Code §232.007.
  - a. The development shall have a minimum of 200 feet fronting a street or street that has been previously dedicated to the public for the public's use and benefit as a street or roadway. Access roads to the individual rental spaces must be constructed according to the standards defined in Section X of the Guadalupe County Subdivision Regulations.
  - b. No space may contain more than one single-family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
  - c. A survey of the property shall be submitted to the Department prior to the request by the owner or occupier of the lot for any permit and/or utility services.
  - d. The owner shall submit a letter of transmittal, signed by the owner that stipulates the intention of the owner; name, address, phone number of the owner; name, address, phone number of the engineer/surveyor; names of water and electricity providers; and name of wastewater provider or type and usage of on-site sewage facilities.
  - e. The IDP shall be approved by the Guadalupe County Commissioners Court and filed in the minutes of the Commissioners Court of Guadalupe County, Texas.
  - f. IDP shall consist of one or more 18-inches x 24-inches black and white paper copy.
  - g. Approvals of the IDP by other regulatory and governing bodies are required.
2. The Rental Community Infrastructure Development Plan (IDP) shall show, at a minimum, the following:
  - a. Name of the proposed rental community, which shall not be the same or deceptively similar to any other rental community or subdivision within the County unless the rental community is an extension of a pre-existing, contiguous rental community.
  - b. A legend with all acronyms, line work, and hatching defined and the plan must be legible with a minimum font size of 8-point type. Adequate space must be provided for time, date and instrument entries within signature blocks.
  - c. Boundary lines and total acreage of the Original Tract, the Subject Property and the proposed rental community.
  - d. Lot and block numbers for each lot, inclusive of designating all streets, roadways, or other public areas by lot and block number.
  - e. Location of any proposed parks, squares, greenbelts, schools, open space or other public use facilities and acreage of streets, private or public.
  - f. Area map showing the general location of the rental community in relation to major streets, towns, and cities.
  - g. Bearings and dimensions of the boundary of the rental community and all lots, parks, green belts, easements, or reserves. Dimensions shall be shown to the nearest 0.01 foot and bearings shall be shown to the nearest one second of angle (01 -inch). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.
  - h. A description of monument used to mark all boundaries, lot and block corners, and all points of curvature and the tangent on street rights-of-way.
  - i. Elevation contours of no greater than 10 feet intervals.

- j. North arrow, scale and preparation date. The scale shall not exceed 1" = 200-feet.
- k. Provide a minimum of two (2) GPS corner coordinates of the rental community.
- l. Areas of the 100-year Flood Zone taken from the latest FEMA Flood Maps are to be delineated and shaded on the plan and labeled as "FEMA 100-year flood Zone \_\_\_\_". The following note shall appear on the plan:  

"This property does (or does not) lie within a Special Flood Hazard Area, Zone"\_\_\_\_", the 100-year flood zone, as defined by the Flood Insurance Rate Map for Guadalupe County, Texas on Community Panel No.\_\_\_\_, effective date\_\_\_\_, as prepared by the Federal Emergency Management Agency."
- m. For rental communities within the 100-year flood zone, the base flood elevation shall be shown.
- n. For rental communities within the 100-year flood zone, the following statement shall appear on the plan "No structure or land in this plat shall hereafter be located or altered without first obtaining a Floodplain Development Permit from the Guadalupe County Floodplain Administrator.
- o. Boundary lines of any incorporated municipality and the limit of the extraterritorial jurisdiction of any municipality.
- p. Indicate location of any existing structures (buildings, wells, cemeteries, etc.).
- q. Indicate the school district and current county precinct in which the rental community is located. In the event any lot lies within more than one school district or precinct then the plan shall clearly state the number of acres within the lot that lies within each school district or precinct.
- r. Street names (whether the street will be public or privately owned), pavement width and ROW width for all proposed streets within and all existing streets abutting the rental community.
- s. Certificate of dedication of all streets, roadways, parks or other land intended for public use, or for the use of purchasers or owners or other land intended for public use, or for the use of purchasers or owners of tracts fronting or adjacent thereto.
- t. Location and size of all proposed drainage structures, including on-site retention or detention ponds and easements and the impact of lot and street layouts on drainage.
- u. Location of existing and proposed water and sanitary sewer utilities.
- v. If the source of water intended to supply the rental community is groundwater, then a report must be prepared by an Engineer or Geoscientist, licensed in the State of Texas that certifies that there is adequate groundwater available for the subdivision.
- w. A statement indicating who shall be responsible for the maintenance of drainage structures, ponds, and easements designated within the Subject Property. Maintenance responsibility for drainage will not be accepted by the County other than that accepted in connection with draining or protecting the road system. Maintenance responsibility for storm water management controls will remain with the owner.
- x. The following statement shall appear on the plat if roads and streets within the proposed subdivision are not to be conveyed to the County for maintenance:
- y. "(Owner), by filing this Record Document, and all future owners of this property, by purchasing such property, acknowledge and agree that Guadalupe County shall have no obligation whatsoever to repair or accept maintenance of the streets shown on this approved development plan until and unless (Owner) and/or the property occupants or tenants have improved the streets to the then current standards required by Guadalupe County and the streets have been

accepted for maintenance by formal, written action of the County Commissions Court and the streets, with all required ROW and building setbacks, have been dedicated by the owners thereof, and accepted by the County, as public streets. Until such time, (Owner) and all future owners of property within the limits of the approved development plan shall look solely to the Owner, Developer or Entity created for that purpose for future maintenance and repair of the streets included in the development plan."

- z. If a state approved disposal sewage system is not provided, the Applicant shall make site evaluations (location of site evaluations shall be shown on the plan) in accordance with the Guadalupe County On-Site Sewage Facilities Order and TCEQ regulations in effect for installation of on-site sewage facility.
  - aa. An appropriate statement shall be shown in the plan indicating the types of on-site sewage facilities are required for the subdivision.
  - bb. The following statement shall appear on the plan: "No structures, walls, or other obstruction of any kind shall be placed within the boundaries of drainage easements. No landscaping, fences, or other types of modifications which alter the cross sections of the drainage easement or decrease the hydraulic capacity of the easement shall be allowed".
  - cc. The following statement shall appear in the plan: "In order to promote safe use of streets and preserve the condition of public streets, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated County ROW unless a Driveway Permit has been issued by the Guadalupe County Road & Bridge Department". The driveway shall be constructed to meet the Guadalupe County Road & Bridge Department specifications which shall be stated on the permit.
  - dd. The following statement shall appear in the plan: "No structures/homes are to be built or brought onto the lot until an on-site sewage facility permit has been issued or public sewer has been provided, and road construction is completed and approved".
  - ee. The following statement shall appear on plan: "No fencing or structures that will interfere with adequate drainage flow will be allowed on or across such lines".
  - ff. Names of adjoining subdivisions or owners of property contiguous to the proposed rental community.
  - gg. Name and address of the Texas licensed professional land surveyor and/or Texas licensed professional engineer preparing the Application materials. The following shall be signed by the Texas licensed professional land surveyor and/or Texas licensed professional engineer and notarized by a Notary Public, "I — — — do hereby certify that the information contained on this plat complies with the regulations adopted by Guadalupe County, Texas".
  - hh. Name and address of the Owner(s) of Subject Property, and area for signatures to be notarized by a Notary Public.
  - ii. A statement of each entity supplying utilities shall be displayed on the plan and area for signature. Plans must have the approval of utility providers as to proper location of public easements and those utilities intend to serve the subdivision.
  - jj. Location of all proposed utility easements and/or infrastructure, including water well sanitary easements.
3. The IDP submittal shall also include the following documents:
- a. Digital copy of the IDP sent to the Department.
  - b. Provide applicable property identification numbers from the Guadalupe Appraisal District or other appointed tax assessing entity for the Subject Property. Subject Properties for which an applicant is submitted under these Regulations shall not be delinquent on tax liabilities with the County.

- c. Provide all tax certificates for the Subject Property.
- d. Current original Guadalupe County property tax certificates showing a zero-balance due for all property included in the plat.
- e. A copy of the deed or deeds documenting current ownership of Subject Property.
- f. On-site Septic Facility Soil Analysis.
- g. Engineering Road Construction Plans for street access to each rental space for fire and emergency vehicles.
- h. Any associated bonds or letters of credit.
- i. Letters signed and dated from the water, wastewater, and electric utilities of service commitment and availability to the point of delivery to all rental spaces and statement of approval of existing and proposed utility easements, or letter of certification as required.
- j. A letter or other written documentation from the Texas Department of Transportation showing the Developer's compliance with Section IV(E)(I).
- k. An application fee.
- l. All other documents or reports required pursuant to these Regulations.

#### 4. Inspection of Improvements

Construction of a proposed Manufactured Home Rental Community may not begin before the date the County approves the IDP. Periodic inspection of improvements may be required, as directed by the Department. If the Department requires a final inspection, it must be completed not later than the second business day after the date the Department received a written confirmation from the owner that construction of the infrastructure is complete. If the inspector determines that the infrastructure improvements comply with the IDP, then the Department shall issue a Certificate of Compliance not later than the fifth business day after the date the Department receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

#### 5. Utilities

- a. All underground water, telephone, gas, cable, and electric lines shall be buried to a minimum depth of 24-inches.
- b. All sewer lines shall be buried to a minimum depth of 24-inches. Sewer lines may be buried deeper than 24-inches if necessary to provide for adequate variations in elevations to be functional.
- c. Any utility provider main water distribution lines shall be located within 5 feet of a property line when placed in the County ROW.
  - (1) All utility provider water line valves shall be conspicuously marked;
  - (2) Any conduits will be installed prior to applying aggregate base material and in a sufficient number and size to accommodate utilities needs for all anticipated development; and
  - (3) All backfill shall be select fill, approved by the County.
- d. If the width of the County ROW is insufficient to allow for the 5 feet requirement, then easements across private property must be obtained.
- e. The Applicant/Developer shall submit a copy of an agreement between the Applicant/Developer and the property owner(s) allowing easements across private property upon submittal of the Application.

## **B. SECTION II - ENGINEERING REPORT FOR RENTAL COMMUNITIES**

This report, which shall be signed, dated and sealed by a Licensed Professional Engineer, currently registered in the State of Texas, shall contain detailed and definitive information on the following:

### **1. Drainage and Storm Water Plans**

Drainage and Storm Water Plans Study shall be prepared according to the standards defined in Section X of the Guadalupe County Subdivision Regulations.

### **2. Water**

- a. If a developer contracts with a public water provider to provide water, the rental community water distribution system shall be engineered to meet the requirements of Title 30, Chapter 290 of the Texas Administrative Code, and shall submit the engineered plans of the water distribution systems of the rental community.
- b. If a developer contracts with a public water provider to provide water, the rental community shall furnish an executed contract, agreement, or certified letter from the public water provider stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards and shall be available to the point of delivery to all lots in the rental community.
- c. If the rental community is to be served by a water well or a water well on each lot in the rental community, a developer shall cause a test well(s) to be drilled in accordance with TCEQ regulations to show evidence potable water is available in quality and quantity for the proposed development.
- d. The location of each water well or well must be noted on the plan.

### **3. Electric / Gas**

The developer shall submit certified letters from electric and gas providers stating that electricity and gas are available to the rental community sufficient in quality and quantity to meet minimum state standards and shall be available to the point of delivery to all lots in the rental community.

### **4. Fire Suppression**

Fire suppression shall be supplied in accordance with Section 507 of The Adopted Fire Code of Unincorporated Guadalupe County, Texas.

### **5. Sewage**

#### **a. On-Site Sewage Facilities**

- (1) The owner of the rental community shall make site evaluations (location of the site evaluations shall be shown on the plan) in accordance with the Guadalupe County and TCEQ regulations in effect for installation of on-site sewage facilities.
- (2) Representative soil sample of a minimum of 10 percent of the proposed rental spaces will be tested and results approved by the Department. The Applicant/Developer shall submit a written site evaluation identifying the design and type of on-site sewage facilities required for the proposed rental community. If the tests are not acceptable, corrective measures, as specified by the Department shall be required.

#### **b. Public Sewage Facilities**

- (1) If a State approved sewage disposal system is available within 300 feet of any exterior boundary line of the proposed rental community, the Developer of the proposed rental community shall:
  - (a) Cause the system to be extended to serve the rental community; and
  - (b) Submit a copy of an agreement between the Applicant/Developer and the Public Sewage



Facility allowing the extension to the proposed rental community.

(2) Developers who plan to install a public sewer system that falls outside of the authority of the Guadalupe County Environmental Health Department must present proof of:

(a) Design;

(b) Approval of that design by TCEQ or other State body charged with regulating public sewer systems; and

(c) The existence of a financially secure organization to own and maintain the public sewer.

c. Lot Size Determination

(1) Lots served with Public Water Systems:

Wastewater Application

Public Sewer

Septic

Minimum Lot Size

None

1.0 Acres

(2) Lots not served by Public Water Systems:

Wastewater Application

Public Sewer

Septic

Minimum Lot Size

None

1.0 Acres

6. Road Construction

Roads to be constructed shall be prepared according to the standards defined in Section X of the Guadalupe County Subdivision Regulations.

7. Signs and Posts

Signs and post requirements shall be prepared according to the standards defined in Section X of the Guadalupe County Subdivision Regulation

## **SECTION XVIII. TRAFFIC IMPACT ANALYSIS REQUIREMENTS**

### **A. REGULATIONS ADOPTED BY REFERENCE**

1. Pursuant to Section 232.003 of the Texas Local Government Code (TLGC), the County hereby adopts the Traffic Impact Analysis requirements established within Chapter 118, Article IV, Section 118-46(y) of the Code of Ordinances of the City of New Braunfels, Texas, as amended.
2. All associated worksheets, reports, and materials referenced therein shall be made available by the County as published and amended by the City of New Braunfels, Texas.
3. For reference, to download all associated worksheets, reports, and materials, the following link is active as of January 31, 2025:

<https://newbraunfels.gov/3465/Traffic-Impact-Analysis>

### **B. SUPPLEMENTAL REQUIREMENTS**

1. Confirm background growth rate is at least 2-3% minimum and incorporate other known proposed development patterns in the study.
2. Traffic splits should be realistic.
3. Include impact to nearest nodes identified on the Guadalupe County Major Thoroughfare Plan regardless of distance.
4. Where traffic impact lowers the level of service of an intersection below B, mitigation measures are required.
5. At any intersection where signalization is warranted but future analysis is recommended, accommodations shall be in place for funding for required improvements.
6. Align proposed access points with existing intersections where available.
7. Identify existing low water crossings and determine if adequate alternative routes are provided or improvements are needed.

## **SECTION XIX. ON-SITE SEWAGE FACILITIES**

The latest version of the on-site sewage facilities (OSSF) court order is hereby adopted by reference as it currently exists and may be amended by the Commissioners Court in the future. Copies of the latest on-site sewage facilities court order can be obtained from the Development Coordinator.