



Guadalupe County, Texas

Subdivision Regulations Diagnostic Report

DRAFT: July 17, 2025

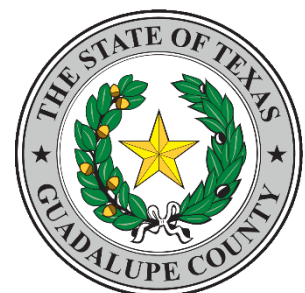


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Section 1) Project Introduction

1.01) Project Overview

Guadalupe County, Texas, has undergone a comprehensive process to review, revise, and modernize its Subdivision Regulations. This diagnostic report establishes a guiding framework for developing the revised regulations based on analysis of the county's existing Subdivision Regulations, engineering standards, court orders, and interlocal agreements (ILA). A comprehensive list of documents reviewed includes:

- Guadalupe County On-Site Sewage Facilities (OSSF) Order (updated July 20, 2009)
- Guadalupe County Flood Damage Prevention Order (updated March 26, 2024)
- Guadalupe County Subdivision Regulations (updated February 25, 2025)
- Guadalupe County Street Naming and Addressing Standards Order (updated March 11, 2025)
- Twelve ILAs between Guadalupe County and the municipalities with extraterritorial jurisdiction (ETJ) located therein

Information in this report is also derived from input from county staff, the commissioners court, members of the development community, and the consultant team (Freese and Nichols, Inc.). Input was collected from January 2025 to March 2025, including a day-long series of interviews with relevant parties on January 14, 2025. This report describes the rewriting process and defines issues arising from current county practices amidst evolving state law and market conditions. Thorough documentation of identified problems, proposed recommendations, and relevant enabling legislation is outlined to improve the county's regulatory effectiveness and user experience. Beyond substantive changes, the overall Development Regulations update will also address common issues such as correcting typos, resolving conflicts, refreshing graphics, and updating legislative references and allowances

1.02) Overall Rewrite Process

The comprehensive process to rewrite the Subdivision Regulations will occur in three phases: an initial round of triage amendments to the existing regulations, a diagnostic report and associated second round of triage amendments and, finally, the comprehensive rewrite. Details and milestones of each phase are outlined below:

○ Phase #1: Initial Triage Amendments

Before initiating the rewrite process, Guadalupe County staff and elected officials compiled a list of revisions to the Subdivision Regulation identified through daily use and administration of the regulations. These revisions created recurring subdivision and design issues for the county, development community, and the public. The county adopted an initial round of triage – or “ad hoc” – amendments to the Subdivision Regulations on February 25, 2025, to rectify the identified revisions. Additionally, the amendments addressed issues identified during interviews, including organization, day-to-day impediments to administration due to insufficient guidance, obscure terms and phrasing, and incongruity with the various processes outlined by the Texas Local Government Code (TLGC) and other enabling legislation. This report's analysis and recommendations were derived following the adoption of the initial triage amendments, but, where appropriate, may borrow from insights that informed those amendments.

The initial triage amendments are documented in full within Section 5) Triage Amendments. Generally, topics addressed in the initial round of triage included:

- Transportation impact analysis (TIA) requirements
- Condominium developments
- On-site sewage facility order references
- Current tax certificate requirements for application filing
- Third-party application reviews

- 30-day review “shot clock” requirements
 - The use and maintenance of application checklists
 - Required plat notes
 - Utilities located in the right-of-way (ROW)
 - Location of technical information within the regulations
 - Private street standards and criteria
 - Stormwater detention requirements
 - Ingress and egress permits
 - Geotechnical report requirements
- **Phase #2: Diagnostic Report and Additional Triage Amendments**
The second phase of the rewrite process consists of diagnostic report, including the analyses and suggested edits documented herein. The findings and recommendations outlined in this report include suggested edits for the county’s immediate consideration. These edits are considered an additional second round of triage amendments and are consolidated within Section 5) Triage Amendments for ease of adoption.
 - **Phase #3: Comprehensive Rewrite**
The final phase of the process will result in the comprehensive rewrite and adoption of the Subdivision Regulations and supporting documents. The rewrite will integrate this report’s recommendations and proposed edits resulting in a new Guadalupe County Subdivision and Development Regulations document. It’s anticipated that the comprehensive rewrite process will immediately follow the adoption of this report either in a single phase or in multiple phases based on the deployment of county resources. Public involvement will include the online publication of draft documents and public commissioners court workshops.

1.03) Diagnostic Report Structure

This report’s findings and recommendations are found in five sections:

- **Priority Findings and Recommendations (Section 2)**
These findings are identified as the county’s top priorities following the initial triage amendments adopted on February 25, 2025, and the input received to date. Items range from sweeping issues that affect multiple sections of the Subdivision Regulations to isolated specific topics or sections.
- **Individual Section Findings and Recommendations (Section 3)**
This section includes specific findings and recommendations for the Subdivision Regulation’s 19 existing sections. Findings are illustrated in a tabular format.
- **Supporting Documentation Findings and Recommendations (Section 4)**
This section includes specific findings and recommendations related to existing court orders, ILAs, and development application documents used by applicants and county staff. Findings are illustrated in a tabular format.
- **Triage Amendments (Section 5)**
This section consolidates the initial triage amendments and proposed edits within this report for ease of recordation and transparency. Information includes:
 - Subsection 5.01 – The initial triage amendments adopted on February 25, 2025
 - Subsection 5.02 – The consolidation of this report’s proposed edits in actionable formatting

Section 2) Priority Findings and Recommendations

Each finding is documented with the following information:

- A brief overview of the issue identified and recommended resolution, with applicable legislation
- The applicable section(s) of the existing Subdivision Regulations
- Suggested edits to the Subdivision Regulations to resolve the issue, if applicable. The suggested edits are designed to provide sufficient language to address the immediate issue identified; however, the comprehensive rewrite may further clarify the edits, if needed, and more fully integrate them with the entire document.

2.01) Overall Structure, Hierarchy, and Usability

○ Issue(s) Identified and Recommended Solution(s)

The county's Subdivision Regulations are not organized intuitively and would benefit from a comprehensive restructuring. The following structure results in a more user-friendly document by improving navigation and flow for users of the regulations, including the development community, county residents, staff, and elected officials:

- Section 1: General Provisions
- Section 2: Administration and Review Procedures
- Section 3: Addressing
- Section 4: Platting
- Section 5: Drainage
- Section 6: Traffic Impact Analysis
- Section 7: On-Site Sewer Facilities (OSSF)
- Section 8: Fire Code
- Section 9: Road Standards and Construction
- Section 8: Definitions

The above-proposed structure is only a guide and adjustments may be necessary as the comprehensive rewrite is developed. This restructuring should also include an extensive review of language choice for clarity and brevity, the consolidation of similar or repetitive sections, and the establishment of an intuitive and consistent subsection hierarchy.

○ Applicable Subdivision Regulation Section(s)

This issue impacts all sections of the county's Subdivision Regulations.

○ Immediate Action Recommended

This item should be addressed at the time of comprehensive rewrite.

2.02) Alignment and Utilization of Enabling Legislation

○ Issue(s) Identified and Recommended Solution(s)

Throughout the Subdivision Regulations, links and references to appropriate enabling legislation are incomplete, outdated, or missing. The following revisions will place the county in a more defensible position when exercising the fullest extent of its authority granted by the state:

- Implement the use-specific standards and restrictions authorized in *TLGC Chapters 233 (County Regulation of Housing and Other Structures)*, *Chapter 234 (County Regulation of Businesses and Occupations)*, and *Chapter 243 (Municipal and County Authority to Regulate Sexually Oriented Business)*.
- Consider implementing *TLGC Section 232.110 Apportionment of County Infrastructure Costs* as it relates to developers bearing a “roughly proportionate” dedication, fee, or construction of county infrastructure or cost associated with new development, especially pertaining to the construction or expansion of roadway facilities necessary to serve new development.
- If possible, reference the TLGC verbatim to prevent contradictory definitions, requirements, and conflicts. This is particularly relevant to the platting exemptions identified in *TLGC Section 232.0015 (Exceptions to Plat Requirement)*.
- Include hyperlinks within the text of the rewritten Subdivision Regulations to the online URL hosting the relevant enabling legislation.
- Incorporate necessary changes based on legislation passed into law by the 89th Texas Legislature. Continue monitoring for any subsequent special sessions and legislation considered that may impact the subdivision regulations.

○ Applicable Subdivision Regulation Section(s)

This issue impacts all sections of the county's Subdivision Regulations.

○ Immediate Action Recommended

This item should be addressed at the time of comprehensive rewrite.

2.03) Transportation Impact Analysis (TIA) Requirement

○ Issue(s) Identified and Recommended Solution(s)

Development impacts can potentially compromise existing county roads that are inadequate to manage increased traffic at an acceptable level of service. As part of the initial triage amendments of the Subdivision Regulations adopted on February 25, 2025, the county adopted the City of New Braunfels' TIA requirements by reference within Section XVIII (Traffic Impact Analysis Requirements). These amendments were intended to serve as an interim condition pending the comprehensive rewrite of the Subdivision Regulations.

It is recommended that the adopted TIA requirements be further reviewed to align with the county's goals and means of practical enforcement. Consideration should be given to the following:

- Specify the timing of the TIA as it relates to the development process (e.g., construction plan review or platting phase). Include objective triggers that, once found applicable, require a TIA, such as a minimum dwelling unit or trip generation threshold as identified by the latest iteration of the Institute of Transportation Engineers (ITE) Trip Generation Manual, as amended.
- Coordinate required improvements and applicable TIA requirements for subdivisions along Texas Department of Transportation (TxDOT) on-system roadways. Integrate TxDOT expectations regarding standards and funding contributions within the review process (assuming the conventional 80/20 cost-sharing agreement between the county and TxDOT).
- Utilize TIA recommendations to inform the applicant of any required proportionate improvements related to *TLGC Section 232.110 (Apportionment of County Infrastructure Costs)*, which states that "if... a county requires... that the developer bear a portion of the costs of county infrastructure improvements... the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development...".

○ Applicable Subdivision Regulation Section(s)

This issue impacts Section XVIII. Traffic Impact Analysis Requirements.

○ Immediate Action Recommended

This item should be addressed at the time of comprehensive rewrite.

2.04) Condominium and Multifamily Developments

○ Issue(s) Identified and Recommended Solution(s)

The county frequently reviews single-lot subdivisions for attached and, particularly, detached units that are later subdivided into formal or informal condominium units that create small lots or units across common property. These subdivisions do not go through the platting process, and there is no verification or documentation regarding their compliance with *Chapter 82 of the Texas Property Code*, which governs the establishment of condominiums. The primary impact on the county is the uncertainty of common area ownership and maintenance, including roads serving the individual lots or condominium units and stormwater facilities that manage runoff from these developments, which are significantly denser than the typical rural developments anticipated in the Subdivision Regulations.

As part of the initial triage amendments of the Subdivision Regulations adopted on February 25, 2025, the county revised the Subdivision Regulations to include the definitions and declaration requirements outlined in *Property Code Section 82.051 (Creation of Condominium)*; however, concerns still revolve around the retrofitting of subdivided lots for condominium use. Property Code Section 82.051 states that “a county clerk shall, without prior approval from any other authority, record declarations and amendments to declarations in the real property records and record condominium plats or plans.” However, this section goes on to state that “this chapter does not affect or diminish the rights of municipalities and counties to approve plats of subdivisions and enforce building codes as may be authorized or required by law.”

The county is authorized to enforce a fire code per *TLGC Section 232.061 (Authority to Adopt and Enforce Fire Code)*, which can apply to “multifamily residential dwelling[s] consisting of four or more units” per *TLGC Section 233.062 (Application and Content of Fire Code)*. According to *Section 503 (Fire Apparatus Access Roads)* of the Adopted Fire Code of Unincorporated Guadalupe County, Texas, “approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within unincorporated Guadalupe County.” The county is further authorized to require a building permit for “multifamily residential dwelling[s] consisting of four or more units” per *TLGC Section 233.063 (Building Permit; Application)*.

As mandated by *TLGC Section 232.001 (Plat Required)*, “the owner of a tract of land... must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out... streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use.” The “fire apparatus access road” required by *Section 503 (Fire Apparatus Access Roads)* of the county’s Adopted Fire Code may be considered a “part of the tract intended... to be dedicated to public use;” consequently, the county may be able to require a subdivision application for all condominium developments. It is recommended that an exception process and a list of exception thresholds be established, including but not limited to the number of dwellings established and minimum traffic counts.

Recommendations to address these concerns include the following:

- Revise the county’s application requirements for construction plans and plats to include creation of the condominium declaration governing the division and maintenance of private and common property.
- Leverage the county’s control of OSSF permitting as a means to require evidence of the condominium declaration.
- Leverage the county’s re-addressing processes as a means to require evidence of the condominium declaration, specifically when addressing “private lanes” as identified in the county’s Street Naming and Addressing Standards Order.

- Establish a platting process for condominium developments to confirm compliance with the county's required "fire apparatus access road" requirements and *TLGC Section 232.001 (Plat Required)*.
 - Clearly define "part" and "public use" related to land subdivision to bolster the county's subdivision requirements in accordance with *TLGC Section 232.001 (Plat Required)*.
- **Applicable Subdivision Regulation Section(s)**
This issue impacts Section VII. High Density Development.
 - **Immediate Action Recommended**
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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 and a corresponding condominium plat prior to developing recording a final plat or replat of a property for condominium use.
2. A copy of the proposed Declaration shall be submitted to the County for review before recording a condominium plat final plat or replat with the County Clerk. If the installation of a fire apparatus road is required per Section 503 of the county's Adopted Fire Code, as amended, a subdivision plat shall be required prior to developing a property per TLGC Section 232.001 and Property Code Section 82.051(e). Following the recording of the condominium plat, at least one (1) executed copy of the Declaration as filed of record shall be provided to the County with the recorded plat.

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B. DEVELOPMENT OF MULTIFAMILY RESIDENTIAL DWELLINGS

1. "Multifamily Residential Dwelling" shall be defined as the Development of four (4) or more Dwelling Units on a single Lot, tract, or parcel, regardless of if the Development is in conjunction with a Subdivision established pursuant to these regulations.
2. Per TLGC Section 233.063, the Development of a Multifamily Residential Dwelling shall require a building permit issued by the County to confirm compliance with the following requirements:
 - a. The Adopted Fire Code of Unincorporated Guadalupe County, Texas;
 - b. The Condominium declaration requirements of Property Code Section 82.051;
 - c. The Guadalupe County On-Site Sewage Facilities Order, particularly related to Multi-Unit Residential Development; and
 - d. The Guadalupe County Street Naming and Addressing Standards Order, particularly related to the unit addressing and private lane naming standards.

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2.05) Application Completeness and Required Documentation

- **Issue(s) Identified and Recommended Solution(s)**

During interviews with county staff and development community members, it was expressed that the current regulations do not always provide the clarity needed to coordinate the submittal of required application documents. Under state law, an application is not considered “complete” and, therefore, not subject to the mandatory 30-day review period until the application contains all documents and other information on the written list published by the county per *TLGC Section 232.0025 (Approval Procedure: Timely Approval of Plats)*.

TLGC Section 232.001 (Plat Required) states that the county “may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly required by state law.” *TLGC Section 232.0025 (Approval Procedure: Timely Approval of Plats)* also states that the “commissioners court shall issue a written list of all documentation and other information that must be submitted with a plat application,” and that “the documentation or other information must relate to a requirement authorized under this section or other applicable law.”

TLGC Section 232.003 (Subdivision Requirements) states that the county may adopt “reasonable specifications relating to the construction of each street or road,” “to provide adequate drainage for each street or road,” and “that provide for drainage in [a] subdivision to efficiently manage the flow of stormwater runoff in the subdivision, and coordinate subdivision drainage with the general storm drainage pattern for the area” per. Therefore, it is reasonable to require documentation related to roadway design, traffic management, regional stormwater management, addressing, street naming, and associated calculations for authorized permit types (e.g., OSSF, floodplain development, building permits, groundwater certifications) and plats dedicating a “lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use” per *TLGC Section 232.001(a)*.

It is recommended that the county requires any necessary documentation related to relevant infrastructure improvement during the construction plan set or platting review.

- **Applicable Subdivision Regulation Section(s)**

This issue impacts Section VIII. Application Review and Approval Procedure.

- **Immediate Action Recommended**

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Section VIII. APPLICATION REVIEW AND APPROVAL PROCEDURE

A. APPLICATIONS TO THE COMMISSIONERS COURT

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2. After the Pre-Development Meeting, the Applicant shall submit the Final Plat Application to the County with the review fee and completeness checklist. It shall be the responsibility of the Applicant to provide an accurate and complete application that sufficiently accounts for the requirements listed in all required application forms and materials established by these regulations. Inaccuracies found in application documents constitute an incomplete application. The County will confirm receipt and provide a complete or incomplete Application status to the Applicant; a confirmation receipt is not an Application approval nor does it waive the County requirement for the provision of additional Application information.

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2.06) Application Review and Action Timelines

○ Issue(s) Identified and Recommended Solution(s)

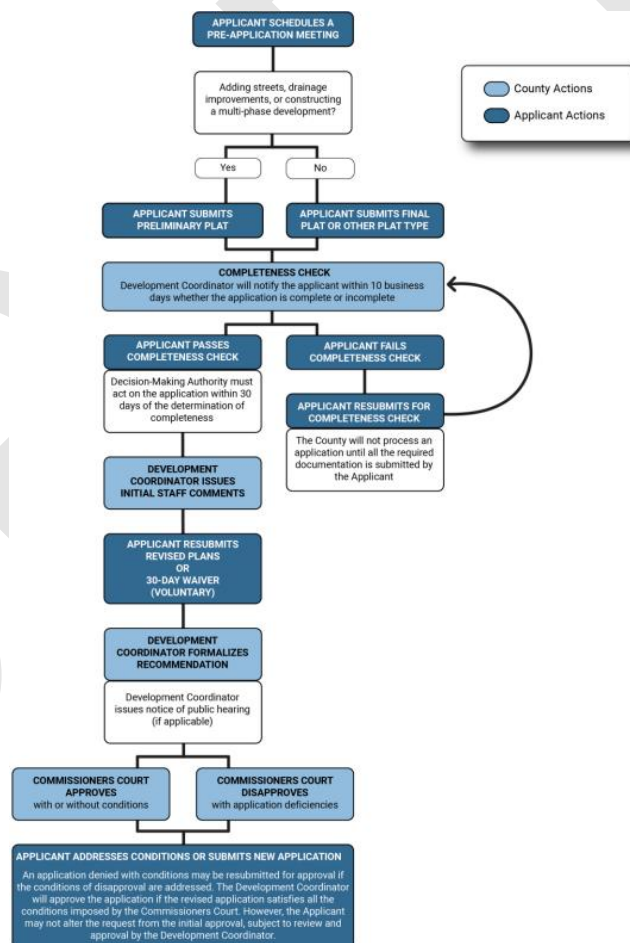
Stakeholders identified issues structuring the application review and approval process to meet *TLGC Section 232.0025 (Approval Procedure: Timely Approval of Plats)*, which states that the “county authority responsible for approving plats shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the commissioners court or the county authority.” This 30-day “shot-clock” requirement, instituted in 2019 by the 86th legislature, places stress on the county regarding receiving proper application materials, reviewing and coordinating technical deficiencies with the applicant, and presenting the application to the court for approval within the mandated timeframe. This process is further complicated by the court’s agenda publication timeline, which impacts the 30 days by requiring applications to be published in the court’s docket 72 hours in advance. This has the effect of lessening the amount of time for coordinating and determining plat compliance with the current Subdivision Regulations by at least three days.

While the 30-day “shot-clock” requirement strains the county’s resources and ability to coordinate with the development community, recent changes in the state legislature reestablish components of county control over the development process. In 2023, the 88th legislature amended *TLGC Section 232.0012 (Construction of Subchapter)*, allowing the county to establish “a submittal calendar to be used by an applicant to facilitate compliance with the [application] approval process...”.

It is recommended that the county consider the following improvements to the application review and action process to conform with *TLGC Section 232.0025*:

- Consider implementing the county’s electronic documentation software as the centralized application submittal point to prevent missed submittals and correspondence.
- Consider revising the overall submittal and action procedures for plats and construction plan documents to one or more of the following options:
 - Option #1: Strict Interpretation of State Law
Under this option, the 30-day review period would begin following confirmation of a complete application packet per *TLGC Section 232.0025*. The court “shall approve, approve with conditions, or disapprove a plat application” within the mandated timeframe, leaving little time for staff to review and publish any technical deficiencies for the court’s consideration. This option results in less coordination with the applicant regarding any technical deficiencies identified; however, it is the strictest interpretation of *TLGC Section 232.0025*.
 - Option #2: Implementing 30-day Review Waivers
Per *TLGC Section 232.0025(f)*, the 30-day review period “may be extended for a period not to exceed 30 days if requested and agreed to in writing by the applicant and approved by the commissioners court or the county authority responsible for approving plats.” Under this option, the county may offer an alternative, more collaborative application review process should an applicant formally request a 30-day extension. The county should provide a formal request form for the 30-day extension in the associated application documentation and consider offering additional opportunities for comment resolution to the applicant as a benefit to requesting the extension. It is important to note that the county “may not require an applicant to waive the time limits or approval procedure” per *TLGC Section 232.0025(h)*; the applicant must make the extension request voluntarily.

- Option #3: Linking Application Completeness on Technical Compliance
The county may interpret *TLGC Section 232.0025* to mean that an application is not deemed “complete” and, therefore, not subject to the 30-day action period until staff finds no remaining technical deficiencies with the application. Under this option, staff would review the application for compliance with the county’s Subdivision Regulations and supporting documentation and engage with the applicant during the 10-day completeness determination process outlined in *TLGC Section 232.0025 (Approval Procedure: Timely Approval of Plats)*. Once it is found to be technically compliant, staff would determine that the application is “complete” and present the item for commissioners court consideration within the 30-day approval period. This alternative approach supports ongoing collaboration between the court, staff, and the applicant.
- Depending on the approach selected above, consider establishing an application review calendar that maximizes review time based on commissioners court meetings per *TLGC Section 232.0012 (Construction of Subchapter)*.
- Codify graphic representations of the review process for ease of interpretation and usability, as seen below from the Rockwall County Subdivision and Land Development Regulations:



- Applicable Subdivision Regulation Section(s)
This issue impacts Section VIII. Application Review and Approval Procedure.
- Immediate Action Recommended
This item should be addressed at the time of comprehensive rewrite.

2.07) Application Fee Benchmarking

○ Issue(s) Identified and Recommended Solution(s)

The comprehensive rewrite process will include a holistic assessment of the county's current review fees for plat and other application reviews. For reference, the county's current subdivision fee schedule assesses the following:

- Plat or Application with New Streets \$3,000.00, plus \$150.00 per lot
- Plat or Application without New Streets \$1,000.00, plus \$150.00 per lot
- Revised or Amended Plat Application \$500.00, plus \$150.00 per lot

For reference, surrounding counties assess the following for subdivision-related applications:

- Hays County, Texas
 - Subdivision Plat, more than two lots \$500.00, plus \$450.00 per lot
 - Subdivision Plat, two lots or less \$500.00, plus \$150.00 per lot
 - Revised or Cancelled Plat \$200.00, plus \$100.00 per lot/unit
- Caldwell County, Texas
 - Recording Fees for Plats \$70.00, plus \$50.00 for each additional page
 - Recording Fees for Replats \$70.00
- Gonzales County, Texas
 - Maps/Plats Recording Fee \$50.00, plus \$30.00 for each additional page
- Wilson County, Texas
 - Plat with Roads \$3,000.00, plus \$100.00 per lot
 - Plat without Roads \$500.00, plus \$100.00 per lot
 - Variance/Non-Standard Plat \$100.00
 - Amending Plat \$200.00
 - Revised Plat (Replat) \$100.00 per lot created, plus publication costs
 - Plats Requiring Drainage Review Additional \$500.00
- Bexar County, Texas (within unincorporated areas)
 - Major Plats \$837.50, plus \$85.00 per single family lot
 - Minor Plats (0 – 3 acres) \$595.00, plus \$78.00 per lot
 - Minor Plats (3.01 – 10 acres) \$1,075.00, plus \$78.00 per lot
 - Minor Plats (10.01 – 20 acres) \$1,440.00, plus \$78.00 per lot
 - Minor Plats (Greater than 20 acres) \$2,150.00, plus \$78.00 per lot
 - Amending Plat \$700.00
- Comal County, Texas
 - Recording Fees for Plats \$120.00, plus \$100.00 for each additional page
 - Amendments to Plats \$121.00

Per *TLGC Section 232.0021 (Plat Application Fee)*, the county “may impose an application fee to cover the cost of the county's review of a subdivision plat and inspection of street, road, and drainage improvements described by the plat. The fee may vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of proposed street and drainage improvements, or any other reasonable criteria as determined by the commissioners court.”

○ Applicable Subdivision Regulation Section(s)

This issue impacts Section V. Outstanding Tax Liabilities and Fees and the county's application checklists.

○ Immediate Action Recommended

This item should be addressed at the time of comprehensive rewrite.

2.08) Minor Plat Type

○ Issue(s) Identified and Recommended Solution(s)

The platting process holds local and small-scale property subdividers to the same application standards as large-scale, more elaborate subdivision projects that generally require public improvements. As drafted, the Subdivision Regulations do not differentiate between plats based on subdivision scale, level of application detail, or number of lots. This is particularly burdensome for owners of small subdivisions because it requires detailed—and sometimes costly—supporting engineering documents like drainage analyses and TIAs. Stakeholders identified the lack of differentiation between a “major” and “minor” subdivision plat as an area of deficiency when processing plats for simple land subdivisions that do not require extensive engineering review or infrastructure dedication. Solutions to this issue include the following:

- Establish a minor platting process for unexempt land subdivisions identified in *TLGC Section 232.0015 (Exceptions to Plat Requirement)* that allows for the administrative waiver of submittal requirements related to drainage and transportation design.
- Consider establishing maximum thresholds for qualification of a subdivision as “minor,” including a maximum lot count of four (4) or less and no new dedication of public infrastructure such as a roadway expansion or extension or regional drainage improvement.
- Consider granting county staff the approval authority for minor plats as permitted by *TLGC Section 232.022 (Delegation of Approval Responsibility)*. Administrative authority generally expedites the review process and allows for optimization of the mandated 30-day review process. Additionally, in this scenario, the commissioners court would retain approval authority of “major” plat types that involve public improvements and potential dedications.

○ Applicable Subdivision Regulation Section(s)

This issue impacts Section VI. Platting Guidelines.

○ Immediate Action Recommended

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Section VI. PLATTING GUIDELINES

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C. MINOR PLATTING PROCEDURES

1. General Requirements

The Minor Plat procedure may be followed when a subdivision consists of four lots or less and the proposed land to be subdivided meets the following conditions and requirements:

- a. Such tract of land abuts an existing street for the minimum width required per these Subdivision Regulations, and is situated so that no additional streets, alleys, easements or other public property or improvements are required to be dedicated, constructed, or otherwise established to meet the requirements of these Subdivision Regulations.
- b. Although not a part of the Minor Plat, the Minor Plat shall depict the parent tract.
- c. Lots shall conform to the 9-1-1 addressing requirements, driveway requirements, and on-site sewage facilities regulations, floodplain development regulations, fire code regulations and any other local, state or federal regulations applicable.
- d. Subdivisions for single family residences with minimum lot size of one (1) acre do not require a stormwater management plan or detention facilities.

- e. Subdivisions originally platted for single family residences that are changed to commercial use shall require a stormwater management plan and subsequent detention at the time of development permitting.
- d. Subdivisions for commercial lots do not require a stormwater management plan at the time the Minor Plat application is processed. However, a note shall be placed on the plat dictating that prior to clearing or development of the lot, a stormwater management plan and subsequent detention shall be provided if found warranted.
- e. In the ETJ of a municipality, the Minor Plat shall follow the provisions of the latest interlocal agreement.
- f. When the Minor Plat application is in an existing recorded subdivision, see Section XIV.A and XIV.B of these regulations for the replat and amendment process.
- 2. Plat Requirements
 - Minor Plats shall follow the requirements in:
 - a. Section IV. COMMUNICATION
 - (1) Subsection A. COMMUNICATION WITH COUNTY DEVELOPMENT CENTER
 - (2) Subsection B. COMMUNICATION WITH PRECINCT COMMISSIONER
 - (3) Subsection D. LETTER OF CERTIFICATION
 - (4) Subsection E. COMMUNICATION WITH COUNTY FIRE MARSHAL
 - (5) Subsection F. COMMUNICATION WITH GIS SPECIALIST
 - (6) Subsection H. WRITTEN NOTICE
 - b. Section V. OUTSTANDING TAX LIABILITIES AND FEES
 - (1) Subsection A. PROPERTY REQUIREMENTS, Subsections 2 and 4.
 - c. Section IX. PLAT REQUIREMENTS
 - (1) Subsection A. PLAT REQUIREMENTS, Subsections 1, 2 and 5.
 - (2) Subsection B. LOT REQUIREMENTS, Subsection B.1 and 3.
- 3. Sewage
 - a. On-Site Sewage Facilities
 - (1) If an onsite sewage facility (OSSF) does not exist on one or more of the proposed lot(s), then a soil evaluation shall be performed on a minimum of one lot and a plat note shall be required identifying the OSSF type suitable for use.
 - (2) If an OSSF exists on one or more existing lot(s), then a system evaluation accompanied by a statement from a Professional Engineer or Registered Sanitarian for the existing system must accompany the plat submittal. The statement must address the following:
 - (a) The specifications, size, and location of all OSSF components.
 - (b) If the OSSF is functioning and operational with no signs of failure.
 - b. Public Sewage Facilities
 - (1) When a State approved sewage disposal system exists within 300 feet of any proposed or existing (in the event of an existing system failure) subdivision property line, the Applicant shall:
 - (a) Modify the system to connect to serve the subdivision; and
 - (b) Submit a copy of the agreement between the Applicant and the Utility allowing the connection.
 - (2) If the Utility provider will not allow the connection, the Applicant shall provide written notice signifying the denial.
 - (3) If the Applicant intends to install a public sewer system not Regulated by the County, the Applicant must present:
 - (a) A complete system design;

(b) TCEQ or other State/Federal regulatory body approval of the design of the public sewer system; and

(c) The organization that shall own and maintain the public sewer.

4. Utilities

A statement from each entity supplying utilities shall be displayed on the plan and area for signature. Plans must have the approval of utility providers to ensure the proper location of public easements and the utilities intend to serve the subdivision.

5. Floodplain and Drainage

The following shall be shown on the plat.

a. Subdivisions located in the 100-year floodplain shall demonstrate the base flood elevation and supplemented with the following note:

"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 floodplain as designated on the latest FEMA Flood Maps shall be delineated, shaded, and labeled as "FEMA 100-year flood Zone " " " with the following note:

"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."

6. Supplemental Information

a. The Applicant shall provide a draft of any proposed legal restrictions or covenants to be imposed on the subdivision.

b. If there are no existing covenants, conditions, or restrictions on the tract, a signed and dated statement from the Applicant shall be provided with the plat submittal a statement that no existing covenants, conditions, or restrictions exist.

c. If the tract exists within a Homeowners Association (HOA) or Property Owners Association (POA), a signed and dated statement from the Association shall be provided with the plat submittal. The statement shall state that the tract division is not in violation of the HOA or POA covenants or restrictions.

2.09) Manufactured Home Rental Communities

○ Issue(s) Identified and Recommended Solution(s)

Stakeholders expressed concern about the current provisions in Section XVII. Manufactured Home Rental Communities of the Subdivision Regulations, particularly regarding alignment with *TLGC Section 232.007 (Manufactured Home Rental Communities)*. TLGC Section 232.007 states that the county “may establish minimum infrastructure standards” related to these communities, including reasonable specification regarding “adequate drainage in accordance with standard engineering practices,” “adequate public or community water supply,” “providing access to sanitary sewer lines,” “preparation of a survey identifying the proposed manufactured home rental community boundaries,” and “streets or roads in the manufactured rental home community to provide ingress and egress access for fire and emergency vehicles.”

As mandated by *TLGC Section 232.001 (Plat Required)*, “the owner of a tract of land... must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out... streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use.” The required “fire apparatus access road” required by *Section 503 (Fire Apparatus Access Roads)* of the county’s Adopted Fire Code may be considered a “part of the tract intended... to be dedicated to public use;” consequently, the county may be able to require a subdivision application for all manufactured home rental community developments.

It is recommended that the county consider the following to strengthen Manufactured Home Rental Community standards:

- Establish minimum fire and emergency vehicle access by referencing the *Adopted Fire Code of Unincorporated Guadalupe County, Texas*.
- Establish minimum service levels and design for water utilities per *Health and Safety Code Chapter 341 (Minimum Standards of Sanitation and Health Protection Measures)*.
- Clearly define “part” and “public use” related to land subdivision to bolster the county’s subdivision requirements in accordance with *TLGC Section 232.001 (Plat Required)*.

○ Applicable Subdivision Regulation Section(s)

This issue impacts Section XVII. Manufactured Home Rental Communities.

○ Immediate Action Recommended

This item should be addressed at the time of comprehensive rewrite.

2.10) Interlocal Agreements (ILAs) for Subdivision Regulations

○ Issue(s) Identified and Recommended Solution(s)

The county has 12 ILAs with municipalities to regulate the ETJ areas. These ILAs vary from city to city but do have many common elements. For example, the ILAs specify whether the city or the county is the approval authority in the ETJ and what regulations will apply. It can be cumbersome and inefficient for the county to treat all the cities uniquely. It is recommended that a general template be developed and that the ILAs be rewritten to comply with the template approach. The following revisions should be made to all ILAs:

- Create a Standardized ILA

The county's development processes within each ETJ should be standardized to ensure the county staff can respond promptly and consistently. A standard template would allow the county to identify the processes that work for county staff and the development community. The ILAs are currently written to favor the desires of the cities. Changes in Texas annexation law have reshaped the strategic priorities of many cities in the ETJ, placing more of the burden on counties today and in the future to maintain built infrastructure in areas where cities are not likely to annex and assume maintenance.

- ETJ Maps Provided Annually by the Cities

Each ILA should have a city limit and ETJ map included so the county knows the correct boundaries of the cities. Currently, no map exhibits exist in any of the ILAs. Additionally, the ILAs should be written to require the cities to provide updated city limit and ETJ maps annually by a given date, such as September 1.

- Infrastructure Maintenance and Responsibility

The ILAs commonly state the county should be responsible for infrastructure in the ETJ. Where cities are not immediately assuming responsibility for maintaining infrastructure, the county should consider updating these sections to require infrastructure to be dedicated to a non-county entity, such as a municipal utility district (MUD) or homeowners association (HOA).

○ Applicable Subdivision Regulation Section(s)

The ILAs will not directly impact the County Subdivision Regulations document. However, updates to the ILAs should reflect the County's ongoing efforts to update its development regulations and processes.

○ Immediate Action Recommended

This item should be addressed at the time of comprehensive rewrite.

Section 3) Individual Section Findings and Recommendations

Findings are organized by the existing sections of the Subdivision Regulations and include the following information:

- The applicable section and subsection(s) of the existing Subdivision Regulations
- An overview of the issue identified and a brief recommendation, including an assigned issue category (e.g., organization, processes, regulatory alignment, best practice)
- Applicable legislation from the state or other entity specified in the assessment, if applicable

3.01) Section I. Authority and Purpose

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.B.	Relocate Section I.B to a specific right-of-way management section.	Organization	Various sections of the Utilities Code, Transportation Code, and TLGC
Section I.B.3.	The county may want to consider a process where a tract must be found in compliance (meaning it must be platted, or a variance must be issued/received) prior to issuing a permit (e.g., OSSF, Building, or other authorized permit).	Processes	Various sections of the TLGC and Texas Administrative Code (TAC) Title 30, Pt. 1, Chapter 285, Subchapter B
Section I.D.	Relocate Section I.D to an overall approval or decision-making authority section.	Organization	TLGC Section 232.002
Section I.D.	Consider establishing administrative authority for new Minor Plats and other subdivision approvals for ease of application processing and user-friendliness.	Processes, Reg. Alignment	TLGC Section 232.0022
Section I.F.	Add the “health, safety, morals...” language to the Subdivision Regulations “purpose” statement as mentioned in the TLGC.	Reg. Alignment	TLGC Section 232.101
Section I.G.	Add the effective date of adoption to Section I.G.	Best Practice	N/A

3.02) Section II. Definitions

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.5.	Revise the “application” definition to apply to construction plan and other authorized permit types. As currently written, the definition is exclusive to platting actions.	Best Practice	TLGC Section 232.001
Section A.9.	Remove all references to property ownership structure (i.e., “rented” versus “owned”) as it has no bearing on the subdivision regulations applicability.	Best Practices	N/A
Section A.17.	Clarify the difference and applicability of the term “development” versus “subdivision.” These terms are defined separately but are used interchangeably in some instances.	Best Practices	N/A
Section A.24.	Consider adding “... Insurance Act of 1968, and associated regulations found in Title 44 of the Code of Federal Regulations (CFR), Parts 59 through 80.”	Reg. Alignment	Title 44, CFR, Parts 59-80
Section A.30.	Add a definition of OSSF: <u>“On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.”</u>	Organization	TAC Title 30, Pt. 1, Chapter 285
Section A.44.	Relocate the TLGC reference for subdivision criteria to the subdivision procedures section.	Organization	TLGC Section 232.001

3.03) Section III. Exemptions

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section B.	Establish an affidavit process to legally establish and enable the county to track a claimed exemption (like familial transfers).	Best Practice, Processes	N/A
Section B.	Consider adopting the platting exemptions from TLGC Section 232.0015.	Reg. Alignment	TLGC Section 232.0015

3.04) Section IV. Communication

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.	Consider requiring or recommending a pre-application meeting with all application types, not just final plat applications.	Processes	N/A
Sections B, E, and F.	County staff should serve as the communication point of contact if communication between applicant and county is required (e.g., “the Applicant shall contact the Commissioner”). Proper tracking and consideration may be difficult from commissioner to commissioner. Additionally, relevant county staff members (e.g., Fire Marshall, Floodplain Administrator) should be integrated into the review process and, therefore, prior communication may be irrelevant.	Best Practice, Processes	N/A
Section C.	Require that variance requests be submitted in conjunction with applications, as issue resolution may occur during the review process; consider variance requests as qualifying waiver to the 30-day review period.	Best Practice, Processes	N/A
Section C.	Establish approval criteria to guide the court on variance decisions.	Best Practice	N/A
Section G.	On-site posting is not required for plat approval by the TLGC; remove the on-site postings requirement. Noticing requirements for replats shall be applied in accordance with TLGC Section 232.009.	Processes, Reg. Alignment	TLGC Section 232.009
Section H.	Consider only sending written notice by certified mail, rather than “by both regular and certified mail...”.	Processes	N/A

3.05) Section V. Outstanding Tax Liabilities and Fees

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.1.	Relocate application criteria (LOC, tax certificates, etc.) to a general application processing section, and relocate to a checklist referenced by these regulations per TLGC Section 232.0025(a).	Organization	TLGC Section 232.0025
Section A.1.	Revise to read "...Appraisal District or other appointed tax assessing entity for the Subject Property;".	Best Practice	N/A
Section B.5.	Expand this section to cover all provisions outlined in TLGC Section 232.901.	Reg. Alignment	TLGC Section 232.901
Section B.5.	Establish specific review criteria to determine the need for third-party review (drainage analysis or modeling, significant infrastructure improvements as determined by the newly adopted TIA requirements, etc.).	Best Practice	N/A

3.06) Section VI. Platting Guidelines

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section VI.	List the platting exemptions of TLGC Section 232.0015 in this section.	Reg. Alignment	TLGC Section 232.0015
Section A.	Remove use qualifiers (manufactured home, condominium development) from the platting guidelines, as plat documentation should be uniform regardless of intended use. Require the applicant to disclose the intended use of land within a subdivision to identify additional development requirements outlined in this report.	Best Practice	N/A

3.07) Section VII. High-Density Development

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section VII.	Require filed condominium declaration with a subdivision request to file and include reference to Texas Property Code, Chapter 82.	Best Practice	Property Code Chapter 82

3.08) Section VIII. Application Review and Approval Procedure

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A. and Section A.5.	Utilize the timely approval of plats language within TLGC Section 232.0025 for timeframes related to application completeness determinations, actions by the court, and applicant response to conditional approval or disapprovals	Reg. Alignment	TLGC Section 232.0025
Section A.7.	Remove use qualifiers (condominium development, multi-use residential development, small cabin-type development) from the platting guidelines. Require the applicant to disclose the intended use of land within a subdivision to identify additional development requirements outlined in this report	Best Practice	N/A
Section A.8.	Remove this section A.8, as it is land-use based.	Reg. Alignment	Section 232.101(b)
Section A.13.a.	Address the details of Section VIII.13 within the relevant ILA	Best Practice	N/A
Section A.17.e.	Relocate application criteria to a general application processing section, and relocate to a checklist referenced by these regulations per TLGC Section 232.0025(a).	Organization, Reg. Alignment	TLGC Section 232.0025

3.09) Section IX. Plat Requirements

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.	Relocate plat criteria to a checklist referenced by these regulations per TLGC Section 232.0025(a). Consider establishing a standardized plat layout drawing format for ease of plat generation and review.	Organization	TLGC Section 232.0025
Section A.3.	Revise the "100-year flood zone" terminology to either read "100-year floodplain" and "area of base flood", or "FEMA regulatory special flood hazard area" with a citation of the zone classification and panel effective date of the 100-year floodplain as identified on the most current Guadalupe County Flood Insurance Rate Map.	Reg. Alignment	N/A
Section A.3.	Consider adding "... obtaining a Floodplain Development Permit <u>or a Certificate of Compliance that is valid until such time as FEMA or the County adopts pending new regulatory effective FEMA flood Insurance Study data from the...</u> ".	Best Practice	N/A
Section A.4.	Specify the county's criteria and processes for accepting roadway maintenance in the subdivision procedures section.	Processes	N/A
Section B.	Consider establishing a 50-foot setback for properties along major highways per TLGC Section 232.104 and 233.032.	Reg. Alignment	TLGC Section 232.104 and 233.032
Section C.	Revise to read "...adopted certain <u>construction rules for private sewage the management of non-public sewage disposal facilities...</u> ".	Reg. Alignment	N/A
Section C.	Revise to read "...must be read <u>implemented</u> in conjunction...".	Organization	N/A
Section C.	Revise to read "...latest version of the <u>OSSF this Order</u> can be...".	Organization	N/A
Section C.6.	Ensure documentation identifying the responsible organization to own and operate a public sewer system not regulated by the county is provided with	Reg. Alignment	TLGC Section 232.106 and 232.029

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
	the application for a subdivision or other authorized permit.		
Section E.6.	Ensure the roadway classifications match those illustrated on the county's Major Thoroughfare Plan.	Best Practice	TLGC Section 232.102
Section E.6.	Ensure that when using the term "collector" in the Subdivision Regulations, specification is made to either "minor" or "major" as established in this section.	Best Practice	TLGC Section 232.102
Section F.	Relocate this supplemental information Section IX.F to a right-of-way standards section.	Organization	N/A

3.10) Section X. Road Construction

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.	Consider requiring all new cul-de-sacs and dead-end roads to be classified as private streets.	Best Practice	N/A
Section A.	Consider moving the engineering criteria for road design and construction standards to an appendix or separate manual for ease of revision.	Best Practice	N/A
Section A.	Clarify that private roads must be built to the county's public road standards.	Best Practice	N/A
Section A.1.	Clarify that subdivision entrances "shall" tie into existing, publicly maintained county roads. Strengthen language as needed to prevent the exclusive chaining of private street networks between developments, as seen in recent condominium subdivisions with private street stub-outs to subsequent private street networks.	Best Practice	N/A
Section A.1.	Revise to read "...shall meet the <u>construction and culvert requirements of these regulations</u> approval of the Precinct Commissioner and Commissioners Court" or similar. As	Best Practice	N/A

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
	currently stated, the approval criteria are vague and subjective.		
Section A.1.	This section does not have a nexus to rough proportionality or allowed exaction, provide definable metrics for level of service, or provide for a reasonable standard of care.	Processes, Reg. Alignment	N/A
Section A.2.	Reference the county's ILA, as amended.	Reg. Alignment	TLGC Section 242.001
Section A.3.	Consider the allowance of other vehicular turnaround mechanisms (e.g., hammerhead, "Y" turns) for temporary dead-end streets/roads.	Best Practice	N/A
Section A.3.	Consider establishing a turnaround requirement for temporary dead-end streets/roads, such as a circular mutual access easement, when a future expansion is planned or phased as part of a development.	Best Practice	N/A
Section A.3.	Consider establishing a maximum dead-end length (600 feet, for alignment with the county's Street Naming and Addressing Standards Order) for permanent and temporary dead-end streets/roads.	Best Practice	N/A
Section A.5.	It is recommended that new streets/roads intersect at, or <u>"as close as possible to,"</u> 90-degree angles. Strict compliance with this provision may prove challenging due to existing topographic or property orientation challenges. Alternatively, a minimum deflection angle could be specified (e.g., 75 degrees).	Best Practice	N/A
Section A.6.	Define "abrupt offset(s)" regarding intersecting roads. It is recommended that offset street/road returns be no closer than 150 feet.	Best Practice	N/A
Section A.11.a.	Consider removing speed limit requirements from private drives.	Reg. Alignment	TCC Section 545.352 and 545.355
Section A.11.a(1)	Update/correct references to the Texas Transportation Code (TTC) (e.g., Chapter 545, not 245).	Reg. Alignment	TCC Section 545.352 and 545.355

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section B.1.	Revise to read "...compliance with these Regulations <u>and any approved subdivision construction plans and specifications.</u> "	Best Practice	N/A
Section B.3.	Consider expanding the third-party inspection process as follows: 1) The applicant receives approval of the construction plan set from the county, 2) the applicant contracts with a third-party inspector/firm to conduct the inspections during construction, 3) the applicant/inspector provides a form and information to the county illustrating that the firm is licensed in the State of Texas, and that the inspections were conducted on-site, and 4) the inspector files a sealed certification following the project completion attesting that the inspections happened in accordance with the approved plan set.	Best Practice	N/A
Section B.3.	Require third-party inspectors to provide an engineer-sealed certification letter. List the required contents of the construction conformance submittals that must be attached to the certification letter.	Best Practice	N/A
Section B.3.	If the county contracts a third party for inspection purposes, consider passing the fee on to the applicant/developer. The fee must be based on the actual cost assessed to the county for the third-party entity to conduct the inspection work.	Processes	TLGC Section 232.901
Section B.10-12.	Include all applicable types and accurate typology for all street types that could be dedicated for county maintenance.	Organization	N/A
Sections C-P.	Update and relocate the construction standard specifications and details from these sections to an appendix or separate handbook for ease of reference and revision.	Best Practice	N/A

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section L.	Include a reference to the county's Street Naming and Addressing Standards Order.	Best Practice	N/A
Section Q.3.	Specify a maximum number of days following the date of the county's final inspection that a written report of inspection findings must be transmitted to the developer by the county; ensure that the written report is submitted prior to the initiation of the maintenance period.	Processes	N/A
Section Q.4.	Define required contents and acceptable forms of maintenance surety.	Best Practice	N/A
Section S.	Merge this section with Section Q for clarity.	Organization	N/A
Section U.8.	Consider establishing a debris removal procedure for privately maintained streets to ensure that travel lanes and emergency access are maintained for residents and the public.	Best Practices	N/A
Section V.2.b.	Relocate the selection and determination of runoff coefficients to the Engineering Standards Manual, once drafted.	Best Practices	N/A
Section V.2.e.	Per the definition, the major channel design study requirement only includes activities that have a nexus to a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). Consider broadening the applicability of this study requirement for development that may impact the floodplain beyond the limitations of the site boundary.	Organization	N/A
Section V.2.i.	The depiction of "environmentally" sensitive features should not be limited to regulating activities having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams. Consider including the depiction of features that provide "natural" water quality and quantity control (e.g., riparian features) regardless of location within the county.	Best Practice	TLGC Section 232.003

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
	Required documentation related to Waters of the United States (WOTUS) and other sensitive drainage features should be required as part of the platting and development process. Benefits include reducing infrastructure costs, serving as a wildlife refuge, and preserving environmentally important areas that are threatened to diminish due to development pressures.		
Section V.3.I.	Revise to read “100-year <u>event flood</u> inundation boundaries (i.e. new floodplain) and demonstrate...”	Organization	N/A
Section W.	Consider establishing a threshold of 30 to 50 lots, at which point a secondary ingress and egress would be required.	Best Practice	N/A
Section W.	Establish a process for review and approval of right-of-way permit applications. Ensure application details and requirements are documented in a separate checklist or handbook.	Best Practice	N/A
Section X.	Ensure approval of the site-specific geotechnical report is identified in the plat application content requirements and state it must be provided to obtain construction plan approval.	Best Practice	TLGC Section 232.003

3.11) Section XI. Utility and Fire Suppression

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section B.	Include a reference to the county's On-Site Sewage Facilities (OSSF) Order.	Best Practice	N/A
Section D.	Include the fire suppression requirements outlined in TLGC Section 232.109.	Reg. Alignment	TLGC Section 232.109

3.12) Section XII. Bonds

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.	Establish an alternative process where improvements are either: 1) bonded prior to plat approval (as written), or 2) constructed and inspected prior to plat approval (in which case a construction bond is not necessary).	Best Practice	TLGC Section 232.004 and 232.0045
Section C.	Consider adjusting the maintenance bond amount (currently \$5.00 per square yard of pavement) to align with changing costs of materials and work. Index this section to a price established in the fee schedule based on an annual assessment of materials and costs. Expand the maintenance bond applicability to other forms of infrastructure, not just pavement. Additionally, consider a tiered structure where the bonded amount corresponds to the anticipated stress on infrastructure (e.g., projects with one central road are bonded at 100%, where projects with multiple alternative routes are bonded at a tiered rate).	Best Practice	TLGC Section 232.004 and 232.0045
Section D.	Consider extending the maintenance period based on county examples and experience.	Best Practice	N/A

3.13) Section XIII. Recorded Plat

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.	Relocate plat recording requirements to a checklist referenced by these regulations per TLGC Section 232.0025(a).	Best Practice	TLGC Section 232.0025

3.14) Section XIV. Replat, Amendment, and Cancellation All or Part of a Recorded Subdivision

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.	Identify the required platting processes for replatting a subdivision without vacating the previous plat in accordance with TLGC Section 232.095 and, as referenced therein, TLGC Section 212.013, TLGC Section 212.014, and TLGC Section 212.015.	Reg. Alignment	TLGC Section 232.095

3.15) Section XV. Miscellaneous

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section A.	Revise the section title to read "OSSF and Floodplain <u>Development</u> Permits" to align with the section content.	Organization	N/A
Section A.	Consider establishing a "site development permit" or similar application for commercial projects that do not require platting; consider requiring proof of compliance with drainage and other applicable standards (e.g., Stormwater Management Plan (SWMP)) as part of this application process.	Best Practice	N/A

3.16) Section XVI. Separability of Provisions

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section XVI.	Relocate this section to an overall authority and purpose section.	Organization	N/A

3.17) Section XVII. Manufactured Home Rental Communities

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section B.	Establish minimum fire and emergency vehicle access by referencing the Adopted Fire Code of Unincorporated Guadalupe County, Texas.	Reg. Alignment	TLGC Section 232.007

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section B.	Establish minimum service levels and design for water utilities per Health and Safety Code Chapter 341 (Minimum Standards of Sanitation and Health Protection Measures).	Reg. Alignment	TLGC Section 232.007

3.18) Section XVIII. Traffic Impact Analysis Requirements

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section B.2.	Establish minimum thresholds that would require a TIA as part of the platting process; consider a threshold of 20 lots.	Best Practice	N/A
Section B.2.	Further quantify and integrate the supplemental requirements listed in Subdivision Regulations (e.g., "Traffic splits should be realistic."). If no quantifiable metric is possible, consider removing the requirement altogether.	Best Practice	N/A

3.19) Section XIX. On-Site Sewage Facilities

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
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See commentary provided for the On-Site Sewage Facilities (OSSF) Order.

Section 4) Supporting Documentation Findings and Recommendations

Findings are organized by the applicable supporting document and include the following information:

- The applicable section of the supporting documentation
- An overview of the issue identified and a brief recommendation, including an assigned issue category (e.g., organization, processes, regulatory alignment, best practice)
- Applicable legislation from the state or other entity specified in the assessment, if applicable

4.01) On-Site Sewage Facilities (OSSF) Order (dated July 20, 2009)

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
General	Amend the Order to ensure consistency with current regulatory requirements, including evaluating the TCEQ's Proposed Rule Changes for OSSF.	Reg. Alignment	TAC Title 30, Chapter 285
Section 5.	Revise the section title to read " <u>On-Site Sewage Facility Regulations and Enforcement Chapter 366</u> " for clarity.	Organization	N/A
Section 5.	Specify that the listed regulations are " <u>hereby</u> referenced as 'The Rules'" for clarity due to ongoing references.	Organization	N/A
Section 9.	Consider adding the following additional Sections: - DEFINITIONS: Here, cover terms that are specific or unique to this Order - REQUIREMENTS FOR NEWLY PLATTED OR UNPLATTED LOTS UTILIZING AN OSSF: Here, include expanded planning requirements, stipulating minimum potable water supply requirements, ensuring permitting aligns with the subdivision regulations. - SPECIAL CONDITIONS: Here, specify requirements for system-specific monitoring, maintenance, testing, and reporting, pump backup power supply, secondary treatment, where applicable, environmental siting prohibitions related to SFHA, etc.	Best Practice	N/A
Section 10(B)	Assess capacity requirements for anaerobic, aerobic, and alternative facilities to determine most conservative sizing in all design conditions.	Best Practice	N/A

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section 10(B)	Add provisions for OSSF in RV Parks and Manufactured Home Rental Communities.	Organization	TLGC Section 232.007
Section 10(C)(1)	The TCEQ Executive Director has delegated OSSF regulatory authority to the county; this language (“...submitted to the Director...”) should be clarified to refer to the county’s Environmental Health Director or applicable position.	Organization	N/A
Section 11.	Revise the language to read “The OSSF Designated Representative on-site sewage facilities inspector” to better align with regulatory provision TAC Title 30, Chapter 285 (On-Site Sewage Facilities).	Reg. Alignment	TAC Title 30, Chapter 285

4.02) Flood Damage Prevention Order (dated March 26, 2024)

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
General	Include consistent and clear references at the beginning of each Article to provide the reader and staff with clear expectations and applicability.	Best Practice, Organization	N/A
General	Ensure definitions align with FEMA National Flood Insurance Program (NFIP) terminology and interpretations (e.g., “100-year floodplain” vs. “base flood” level).	Reg. Alignment	Title 44, CFR
General	Ensure that all references to external regulations are accompanied by “as amended” and “unless otherwise stated” to keep references evergreen as regulations are adapted over time.	Best Practice	N/A
General	Consider higher floodplain development standards (e.g., increased free board, full no adverse impact compliance, watershed-wide stormwater management plans).	Best Practice	TLGC Section 232.003
Table of Contents	Reorganize/realign with the Texas Water Development Board Model Flood Damage Prevention Ordinance.	Best Practice	N/A

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Table of Contents	Assess potential impact of the federal executive order dated February 19, 2025, titled “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ De-regulatory Initiative”.	Reg. Alignment	N/A
Article I.B.3.	Add after I.B.3: “ <u>The Guadalupe County Commissioners Court adopted the Flood Insurance Rate Map on _____ by Court Order No. _____ and the Flood Insurance Study on _____ by Court Order No. _____.</u> ”	Organization	N/A
Article I.C.7.	Add after Article I.C.7: “ <u>Ensure that potential buyers are notified that real property is in a flood hazard area.</u> ”	Organization	N/A
Article III.B.	Guadalupe County is a member of the NFIP, which provides residents of participating communities the ability to purchase flood insurance for structures, provided the community enforces FEMA regulations. These regulations pertain to construction areas within designated zones and are enforced according to Title 44 of the CFR, Parts 59-78, which are hereby adopted by reference and declared to be a part of this Order.	Reg. Alignment	Title 44, CFR, Parts 59-78
Article IV.B.	Revise to read “ <u>The Commissioners Court designated representative Chief Executive Officer of Guadalupe County or his designated agent . . .</u> ” to modernize this reference.	Best Practice	N/A
Article IV.C.1.	Review for consistency with FEMA and Texas Water Development Board (TWDB) model Floodplain Development Permit application content requirements.	Best Practice	N/A
Article IV.C.2.	“Certification requirements” are not typically included in a Flood Damage Prevention Order; consider removing.	Best Practice, Organization	N/A
Article IV.F.2.	Replace Article IV.F.2 to state: “ <u>The Appeal Board will render judgment on an appeal only when an applicant alleges in writing addressed to and received by the Appeal Board within thirty (30) days</u> ”	Best Practice	N/A

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
	<u>of the denial of a Floodplain Development Permit.”</u>		
Article V.	Review Article V for consistency with Title 44, Part 60 of the CFR content requirements.	Reg. Alignment	Title 44, CFR, Part 60

4.03) Street Naming and Addressing Standards Order (dated March 11, 2025)

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section 2.	Define terms consistently across the court order and Subdivision Regulations (e.g., “corner lot,” “private lane”).	Best Practice	N/A
Section 2.	Define “multifamily” as a type of development that would require specific addressing provisions, similar to “Duplex/Triplex/Quadplex.”	Best Practice	N/A
Section 4.	Specify the stage in the development process (e.g., construction plan, platting).	Processes	N/A

4.04) Interlocal Agreement: City of Cibolo

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.B.	This section addresses terminating the ILA. The last sentence refers to services “not yet paid.” It is recommended to delete this text because it is unclear what services require payment.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.A.	Specific dates are given to court orders. This may cause confusion when new orders are created and it is recommended the dates be deleted.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.A.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.B.	It is odd for the city to be enforcing the county OSSF order. It may lead to differences in enforcement.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.C.	This section is complicated and is prone to difficulty in interpretation. It should be removed from the agreement and be incorporated into the city's standards.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.D.	This is a complicated method to divide the enforcement provision between the city and county. The section should be simplified in the ILA.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.E.	It is unusual to divide the plat approval authority by lot size, and this section can make enforcement difficult.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.F.	This section identifies the “County Environmental Health Director” as the designated representative. The county should consider updating the term to the “Commissioners Court designated representative.”	Best Practice	TLGC Section 242 and TGC Section 791
Section III.H.	This section is confusing and difficult to interpret whether the county and city standards apply. This section should be rewritten and simplified.	Best Practice	TLGC Section 242 and TGC Section 791

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section III.J.	Clarify acceptance only happens with court order or maintenance.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.A.	The county should consider updating to clarify that this is the “Commissioners Court designated representative.”	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.E.	This section should reference TGC 791.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.J.	The ILA was executed on May 28, 2019. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.05) Interlocal Agreement: City of Kingsbury

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.B.	This section addresses terminating the ILA. The last sentence refers to services “not yet paid.” It is recommended to delete this text because it is unclear what services require payment.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.B.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.D.	In this ILA the county is the sole approval authority in the ETJ. This section states how the city is notified of platting. This process should match other ILAs for consistency.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.D.(3)	This section details the use of a surety bond and letter of credit. This section should just reference the county’s subdivision regulations to avoid potential conflicts with current practices.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.E.	This section addresses the city notifying the county of the ETJ adjustment. This section should be updated to require a digital map product.	Best Practice	TLGC Section 242 and TGC Section 791

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section II.F.	Should the county be responsible for deciding an ETJ dispute between two cities? The county should consider deleting this section.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.3.	This delivery section conflicts with Section I.B, which allows hand delivery.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.J.	The ILA was executed on April 4, 2017. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.06) Interlocal Agreement: City of Luling

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.B.	This section addresses terminating the ILA. The last sentence refers to services “not yet paid.” It is recommended to delete this text because it is unclear what services require payment.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.J.	The section should be expanded to clarify that the city inspectors are inspecting construction.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.1.	The county should consider updating to clarify that this is the “Commissioners Court designated representative.”	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.9.	The ILA was executed on August 10, 2004. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.07) Interlocal Agreement: City of Marion

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.	This ILA is valid for three-year intervals. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text	Best Practice	TLGC Section 242 and TGC Section 791

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
	should be deleted or amended to state that maintenance should only occur with a court order.		
Section II.	This section states the city will require a “watershed study” that is not less stringent than the county’s drainage study requirement. Why is this text needed if the county is enforcing the floodplain regulations? Consider establishing a process where the county is the review authority for platting, including drainage-related issues and TIAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.	The city has most platting authority in the ETJ.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.C.	Review this section to ensure the minimum one acre per lot is allowed per TAC Chapter 285.4, which is generally understood as 0.5 acres. The county should consider deleting this section in favor of enforcing the current OSSF regulations.	Best Practice	TLGC Section 242, TGC Section 791, and TAC Chapter 285.4
Section III.E.	This section states the city is responsible for plats with lots 3.0 acres or less in the ETJ, and the county is responsible for anything larger. This is different than the other ILAs that use 5.0 acres.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.J.	Why is the city approving the bond amount for the county? This practice should be reviewed and updated. Also, should these subdivision roads be required to be non-county maintained?	Best Practice	TLGC Section 242 and TGC Section 791
Section III.K.	This section should be updated to not require the county to accept roads in this manner. County acceptance should be by court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.L.	The county and city should develop a process to ensure how subdivision roads will be designed, constructed, and inspected. This text states the city has the right to inspect.	Best Practice	TLGC Section 242 and TGC Section 791

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section IV.K.	The ILA was executed on January 1, 2019. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.08) Interlocal Agreement: City of Martindale

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.A.	This ILA is valid for three-year intervals. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.A.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.A.	The city has most platting authority in the ETJ.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.E.	The city approves plats for subdivisions into lots 5.0 acres or less, and the county approves all other plats in the ETJ. Consider establishing a process where the county is the review authority for platting, including drainage-related issues and TIAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.G.	This is a well-written bond section and can be used as a template if the county desires.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.G.	This is a well-written bond section for determining inspections.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.9.	The ILA was executed on August 19, 2014. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.09) Interlocal Agreement: City of New Berlin

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section 1.1.	This ILA is valid for three-year intervals. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section 2.2.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section 2.2.3.	It is unclear when the county would get the bond.	Best Practice	TLGC Section 242 and TGC Section 791
Section 2.3.	The city approves plats for subdivisions into lots 5.0 acres or less, and the county approves all other plats in the ETJ. Consider establishing a process where the county is the review authority for platting, including drainage-related issues and TIAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section 3.1.	The city has most platting authority in the ETJ.	Best Practice	TLGC Section 242 and TGC Section 791
Section 3.4.	The city appears to be enforcing OSSF regulations, which is confusing because that is the county's responsibility.	Best Practice	TLGC Section 242 and TGC Section 791
Section 3.7.	The city appears to be using drainage regulations, which is confusing because that is the county's responsibility.	Best Practice	TLGC Section 242 and TGC Section 791
Section 3.9.	The county should always be included if infrastructure is proposed. Also, Section 3.9.2 should be revised because the county will not have a set date for infrastructure acceptance.	Best Practice	TLGC Section 242 and TGC Section 791
Section 4.11.	The ILA was executed on June 25, 2019. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.10) Interlocal Agreement: City of New Braunfels

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.	This ILA is valid for three-year intervals. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section I.C.	The requirement for “water, wastewater, drainage, electric, and road facilities” may not be enforceable, with the exception of drainage and road infrastructure.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.A.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.	If the county is not enforcing its subdivision regulations in II.A and then the city is not enforcing its subdivision regulations per III.A, what organization is responsible for plat approval? This topic should be clarified. Clarity could be improved by stating in II.A or earlier in the ILA that “the County will enforce its subdivision regulations in the ETJ except where the City is given explicit authority in this ILA or by state law.”	Best Practice	TLGC Section 242 and TGC Section 791
Section K.	The ILA was executed on September 9, 2019. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.11) Interlocal Agreement: City of San Antonio

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section 1.02.	There is no map exhibit in the ILA, and this section only references that the city will notify the county in 10 days if the ETJ boundaries change. Since 2005, has the city provided any notifications or maps? How can the county enforce if no map exists? It is recommended that the city provides a map to be incorporated into the ILA and shall provide an updated map every year on a given date, such as September 1.	Best Practice	TLGC Section 242 and TGC Section 791
Section 3.02.	The city approves plats for subdivisions containing residential tracts less than 0.4 acres, and the county approves all other plats in the ETJ. Consider establishing a process where the county is the review authority for platting, including drainage-related issues and TIAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section 3.05.	This section states that the City Floodplain Administrator oversees floodplain development. It is not clear if this applies only to plats the city approves (per Section 3.02) or any plats in the ETJ. It is recommended to clarify applicability and confirm if the results match the county's desired outcome.	Best Practice	TLGC Section 242 and TGC Section 791
Section 3.06.	This section states that the county provide the city a summary record of all plats approved in the ETJ. However, there are no reciprocal standards for the city to provide the county ILA contact person (i.e., the Road and Bridge Administrator) with a list of city-approved plats.	Best Practice	TLGC Section 242 and TGC Section 791
Section 11.1.	This section identifies the "County Road and Bridge Administrator" as the designated representative. The county should consider updating the term to the "Commissioners Court designated representative."	Best Practice	TLGC Section 242 and TGC Section 791
Section 11.4.	The ILA was executed on December 13, 2005. The ILA should be reviewed and	Best Practice	TLGC Section 242 and TGC Section 791

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
	updated to reflect county interests, as proposed in a standardized ILA.		

4.12) Interlocal Agreement: City of San Marcos

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.	This ILA is valid for three-year intervals. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.A.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.A.	The city has most platting authority in the ETJ.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.C.	Review this section to ensure the minimum one acre per lot is allowed per TAC Chapter 285.4, which is generally understood as 0.5 acres.	Best Practice	TLGC Section 242, TGC Section 791, and TAC Chapter 285.4
Section III.E.	The city approves plats for subdivisions into lots 5.0 acres or less, and the county approves all other plats in the ETJ. Consider establishing a process where the county is the review authority for platting, including drainage-related issues and TIAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.H.	Why is the city approving the bond amount for the county? This practice should be reviewed and updated.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.H.	The city is reviewing and inspecting based on county standards. This practice should be reviewed and updated.	Best Practice	TLGC Section 242 and TGC Section 791
Section 11.4.	The ILA was executed on March 3, 2013. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.13) Interlocal Agreement: City of Santa Clara

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.	This ILA is valid for three-year intervals. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.A.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.A.	The city has most platting authority in the ETJ.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.C.	Review this section to ensure the minimum one acre per lot is allowed per TAC Chapter 285.4, which is generally understood as 0.5 acres.	Best Practice	TLGC Section 242, TGC Section 791, and TAC Chapter 285.4
Section III.E.	The city approves plats for subdivisions into lots 5.0 acres or less, and the county approves all other plats in the ETJ. Consider establishing a process where the county is the review authority for platting, including drainage-related issues and TIAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.J.	Why is the city approving the bond amount for the county? This practice should be reviewed and updated.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.K.	The city is reviewing and inspecting based on county standards. This practice should be reviewed and updated to align with county processes.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.K.	This section should be updated to clarify the city has a right or a duty to inspect.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.K.	The ILA was executed on January 30, 2018. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.14) Interlocal Agreement: City of Schertz

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.	This ILA is valid in perpetuity until it is terminated. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.1.	The city has platting authority in the ETJ. Consider establishing a process where the county is the review authority for platting, including drainage-related issues and TIAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.1.	The city is required to notify the county of any expansion or reduction of the ETJ. It would be preferred to state that a map exhibit should be submitted, with digital files for the county records.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.	The ILA was executed on May 28, 2002. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

4.15) Interlocal Agreement: City of Seguin

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
Section I.	This ILA is valid for three-year intervals. The county may prefer to update to one-year intervals to match the other ILAs.	Best Practice	TLGC Section 242 and TGC Section 791
Section II.A.	This section states the county shall assume maintenance responsibility for all public streets, roads, etc. This text should be deleted or amended to state that maintenance should only occur with a court order.	Best Practice	TLGC Section 242 and TGC Section 791
Section III.A.	This section states the following: "The City shall only enforce its subdivision regulations in the ETJ of the City when the property is subject to a development agreement executed by the City of Seguin or when the property or any part of that property is to be served by the City of Seguin public water or sewer system. The City of Seguin requires that	Best Practice	TLGC Section 242 and TGC Section 791

Ref.	Assessment	Issue Type	Applicable Enabling Ref.
	<p>a request for connection or extension of the City water or wastewater system to property located within the Seguin ETJ must be accompanied by a written request for annexation into the Seguin city limits."</p> <p>In all other instances, the county subdivision regulations apply in the ETJ.</p> <p>It is recommended this section be rewritten to remove III.A. As a matter of practice, annexation should occur first, and then the city can apply its subdivision regulations. It is questionable whether the ILA should mention that annexation is required for development already served by the city's water or sewer system.</p>		
Section III.C.	This section identifies the "County Environmental Health Director" as the designated representative. The county should consider updating the term to the "Commissioners Court designated representative."	Best Practice	TLGC Section 242 and TGC Section 791
Section III.C.	The section addresses public infrastructure that would be the county's responsibility. The county should consider updating this section to require infrastructure to be dedicated to a non-county entity, such as an MUD and HOA.	Best Practice	TLGC Section 242 and TGC Section 791
Section IV.	The ILA was executed on January 11, 2022. The ILA should be reviewed and updated to reflect county interests, as proposed in a standardized ILA.	Best Practice	TLGC Section 242 and TGC Section 791

Section 5) Triage Amendments

5.01) Triage Amendments Round #1

5.02) Triage Amendments Round #2

Note to Reviewer:

For document usability, length, and consistency, Sections 5.01 and 5.02 will be completed following Diagnostic Report review and consensus.

