

# MEMORANDUM



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**TO:** Barry Black  
**CC:** Guadalupe County Commissioners Court  
**FROM:** Daniel Harrison, Project Manager  
**SUBJECT:** Summary of Proposed Regulatory Amendments Related to Development and Subdivision  
**DATE:** 2/20/2025  
**PROJECT:** GC224833 Guadalupe County Subdivision Regulations

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Barry,

Below is a summary of proposed changes and amendments to the subdivision regulations. These are considered ad hoc (or “triage”) amendments to expedite the resolution of priority issues identified by stakeholders.

The majority of document edits, which are not summarized, are those that make the document user-friendly with typographical, formatting, and referencing improvements. Following these triage amendments, the subdivision regulations will continue to be updated based on a diagnostic report and further stakeholder input.

## **Transportation Impact Analysis (TIA) Requirement | Section XVIII**

Development impacts have the potential to compromise existing County roads that are inadequate to manage increased traffic at an acceptable level of service. This change adopts the City of New Braunfels TIA requirements and provides for a tiered system of determining impacts on county facilities and the necessary improvements to mitigate those impacts during construction, such as pavement widening, turn lanes and intersection improvements.

## **Condominium Developments | Section VII**

Regulation of condominium development is preempted by the Texas Property Code. This change removes references to and regulation of condominium development other than the minimum language necessary to ensure that illegal subdivision is not wrongly considered a “condo development” in violation of the subdivision regulations.

## **On-Site Sewage Facility (OSSF) Order | Section XIX**

Regulation of OSSF is accomplished through the existing County order. This change removes specific requirements from the subdivision regulations so they do not conflict with the order.

## **Current Tax Certificate For Application Filing | Section V**

This change adds specific language to address the type of tax certificate needed and identifies September 1<sup>st</sup> as the cut off date for submitting the prior year tax certificate with an application.

### **Third-Party Application Review | Section V**

Counties are permitted under state law to assign plan and plat review to a third-party reviewer and recoup the cost of the review. This change adopts state-approved language authorizing the County to use a third-party reviewer.

### **30-Day Review “Shot Clock” | Section VIII**

This change clarifies that the statutory review period does not begin until the application is certified as complete and all required documentation is provided to the County.

### **Use and Maintenance of Checklists | Section VIII**

This change adds and adopts by reference application checklists used by the County to determine whether an application is complete per state law. These checklists exist outside of the subdivision regulations and may be amended from time to time consistent with state law and the subdivision regulations themselves.

### **Required Plat Notes | Section IX**

This change is in two parts and refers to information required to be shown on a plat:

1. Amends the standard plat notes to require notarized signatures of the property owners, along with their name(s) and address(es).
2. Requires language that states a driveway permit is required prior to use of public streets by the owner of any lot created by the plat.

### **Utilities in the Right-of-Way | Section IX**

In order to minimize use of and disturbance to public right-of-way while complying with state law, this change codifies the policy of the County that utility operators should locate facilities in an easement outside of the County right-of-way when the right-of-way is less than seventy feet (70') in width.

This change also establishes the following requirements in the subdivision ordinance:

1. That a utility operator must secure a right-of-way permit prior to disturbance;
2. Must limit excavation to 60 inches or more from the existing edge of the road unless consent from the County is provided; and
3. Must restore the right-of-way following construction.

### **Relocate Technical Information | Section X**

This change consolidates the following from unrelated sections into a set of technical standards for readability and coherence:

1. Roadway widths and construction requirements, including subgrade, surface and drainage
2. Geotechnical requirements, inspections and testing
3. Street signage requirements
4. Erosion control
5. Private drainage
6. Fire apparatus access
7. Private street standards and requirements
8. Ingress and egress from County roads

### **Private Streets | Section X**

This change was noted in the Section X summary but constitutes a major change by establishing the following:

1. All private streets must be constructed to the same standards as County streets;
2. Minimum requirements for ownership and maintenance of private streets;
3. Waives all County responsibility for maintaining and traffic enforcement on private streets; and
4. Establishes requirements for access by emergency vehicles and inspectors.

### **Stormwater Detention Requirement | Section X**

This change was noted in Section X and clarifies that any drainage study that shows that detention is needed to prevent lot-to-lot drainage constitutes a requirement for developer/owner to construct the detention pond.

### **Ingress and Egress Permits | Section X**

This change was noted in Section X and clarifies there are two types of permits for roads/streets connecting to a County Maintained Road: 1) Driveway; and 2) Excavation. Excavation permits are required for named roads/streets that tie-in to an existing County Maintained Road.

### **Geotechnical | Section X**

This section was added to clarify that a geotechnical report shall include applicable recommendations for:

1. Pavement structure
2. Utility backfill zones
3. Detention pond and minimum channel side slopes
4. Construction of high-fill areas, and
5. Maximum lift thickness and compaction specifications.