

GONZALES COUNTY, TEXAS

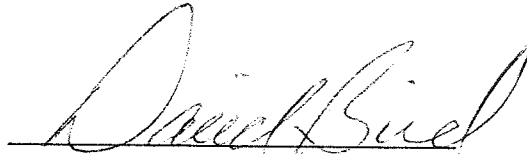
SUBDIVISION RULES

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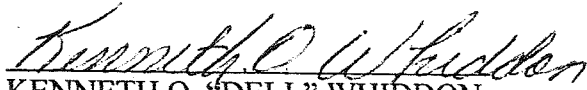
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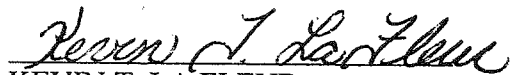
APPROVED AND ADOPTED THIS 23rd DAY OF July, 2007,
BY THE COMMISSIONERS COURT OF GONZALES COUNTY, TEXAS.



DAVID BIRD
GONZALES COUNTY JUDGE



KENNETH O. "DELL" WHIDDON
COMMISSIONER PRECINCT #1



KEVIN T. LA FLEUR
COMMISSIONER PRECINCT #3



DONNIE R. BRZOZOWSKI
COMMISSIONER PRECINCT #2



OTIS S. "BUD" WUEST
COMMISSIONER PRECINCT #4

ATTEST:



LEE RIEDEL
COUNTY CLERK

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ARTICLE I

1. PREAMBLE AND PURPOSE.

- 1.1 These Subdivision and Development Regulations have been adopted by an Order of the Commissioners Court of Gonzales County, Texas, and are intended to promote the public safety and the general welfare of the County, and to provide a framework for the orderly, safe, efficient, and healthful development of the unincorporated parts of Gonzales County.
- 1.2 These Regulations apply to all unincorporated areas of Gonzales County, except for those areas within the Extra Territorial Jurisdiction of a city with which the County has a specific, written policy delegating its responsibility for subdivision oversight to that city or to a joint city-County review.
- 1.3 These Regulations are intended to provide property owners a set of rules and procedures that allow for the reasonable and rightful use of their land while also providing protections for the community and for neighboring landowners, as well as for orderly and safe subdivision development throughout Gonzales County.
- 1.4 These Subdivision Regulations have been adopted based on the following findings:
 - 1.4.1 Gonzales County's location along Interstate 10 and within a triangle of the major, high-growth urban areas of San Antonio, Houston, and Austin, means the County is likely to see substantial subdivision development and population growth in the coming years; and,
 - 1.4.2 Substantial population growth and unchecked land development, without proper regulation and management, have caused road safety, economic, health and environmental problems in other communities, and – left unmanaged – would be likely to cause similar problems in Gonzales County; and,
 - 1.4.3 These problems mentioned in 1.4.2 and 1.4.3 (above) would be likely to further strain County infrastructure, devalue existing property, impose an unwarranted tax burden on the citizens of the County, threaten the natural resources, natural beauty and historic character of the County, undermine efficient traffic management, and impede road maintenance, 9-1-1 addressing, emergency response, adequate water and utility availability, the healthful disposal of waste water, the control of disease, floodplain management, and generally to have an adverse affect on the public health, safety, and general welfare in Gonzales County; and
 - 1.4.4 The State of Texas has authorized the Commissioners Courts of Texas Counties, including Gonzales County, to regulate the subdivision of land pursuant to Local Government code, §232.001 et. Seq.; and
 - 1.4.5 The Commissioners Court of Gonzales County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Gonzales

- County and these Regulations are a necessary component of such regulation; and
- 1.4.6 The Commissioners Court of Gonzales County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Gonzales County, and
 - 1.4.7 The Commissioners Court of Gonzales County has been granted the authority and responsibility under the Federal Emergency Management Act to administer flood plain development regulations within the County and to regulate associated development; and
 - 1.4.8 The Commissioners Court of Gonzales County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these regulations to abate or prevent the potential pollution, nuisances or injury to public health; and
 - 1.4.9 These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to the Texas Local Government Code, Texas Rev. Stat. Ann. Art. 2352 (general control over all roads, highways and bridges), Texas Rev. Stat. Ann. Art. 6702-1 (authority to adopt and implement a system for the laying out, opening, altering and discontinuing of roads), Texas Rev. State. Ann. Art. 6625A (regulations of roads and streets and other facilities to control drainage and storm water runoff within real estate subdivision developments), Texas Rev. Stat. Ann. Art. 4477-8 (county solid waste disposal systems), Texas Rev. Stat. Ann. Art. 1443, 1443a and 1436b (regulation of oil and gas utility lines within county right-of-way), Texas Rev. Stat. Ann. Art. 4477-7e (authority to adopt standards for on-site sewerage facilities), Texas Rev. Stat. Ann. Art. 4477-9a (regulation of public highways for litter control), Texas Local Government Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extra-territorial jurisdiction of municipalities), Texas Health and Safety Code Ann. Section 366.032 and 368.011 (authority to adopt rules relating to on-site sewerage facilities), Texas Health and Safety Code Section 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Texas Water Code Ann. Section 16.311, et. seq. (authority to set standards for construction within flood plain and to guide development of future development to minimize damage caused by floods), Texas Water Code Ann. Section 54.2271 (regulation of municipal utility districts), Texas Water Code 26.032 (authority to adopt rules to prevent pollution or injury to public health arising from use of on-site sewerage facilities), and Texas Water Code Section 26.171 and 26.174 (regulation of water quality by counties), and Texas Water Code Section 35.019 (certification of water availability); and

- 1.4.10 The Commissioners Court of Gonzales County has considered the potential burden on present and future landowners and taxpayers of substandard development or poor quality road construction; and
 - 1.4.11 The Commissioners Court of Gonzales County recognizes the importance of an interconnected road system throughout Gonzales County to provide efficient access by emergency vehicles and school transportation vehicles, and the responsible role of the Commissioners Court to ensure an appropriate level of road connectivity through the subdivision process; and
 - 1.4.12 The Commissioners Court has considered the potential burden to private property rights, to property owners, and to taxpayers, of these Rules and Regulations, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads and infrastructure planning, especially in areas of poor soil condition, of flooding and unsafe development that might reasonably be expected to occur in the absence of these Regulations; and, finally
 - 1.4.13 The Commissioners Court has determined that these Regulations should apply broadly but the Court, in Article IV of these Regulations, has provided for exceptions consistent with state law.
- 1.5 The Commissioners Court of Gonzales County, having consulted with professionals in the field of engineering and land planning, and following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to protect the public health and welfare of Gonzales County, and to safeguard the private property rights of citizens.

ARTICLE II

2. DEFINITIONS.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this chapter is not contained in this section, it shall have the same definition and meaning as used in the practices applicable to hydrology and aquifer testing.

- 2.1 Acre. A unit of area equal to 43,560 square feet. When calculating the acreage of any Lot the gross square footage within the Lot shall be used.
- 2.2 Applicant. An Owner or its authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.
- 2.3 Application. A county-provided form completed by an applicant and accompanied by multiple prints of plans or plats and by support documents as required by these regulations.
- 2.4 Aquifer. A geologic formation, group of formations, or part of a formation that contains water in its voids or pores and may be used as a source of water supply.
- 2.5 Aquifer Test. A test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. For the purposes of this chapter, bail and slug tests are not considered to be aquifer tests.
- 2.6 Performance Guarantee. A guarantee of performance including but not limited to cash deposit, surety bond or letter of credit, in an amount and form acceptable to the County.
- 2.7 Commissioners Court. The Commissioners Court of Gonzales County.
- 2.8 County. The county government of Gonzales County, Texas.
- 2.9 County Clerk. The County Clerk of Gonzales County.
- 2.10 County Commissioner. Anyone of present Commissioners of Gonzales County wherever this term is used wherein, it may include his or her designated representative.
- 2.11 Development. All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces, and golf courses and other recreational facilities.

- 2.12 Designated Agent. A person designated by the Gonzales County Commissioner's Court to implement, or review compliance, with certain parts of these Rules.
- 2.13 Determination or Letter of Determination. The finding that an action meets or does not meet the definition of Subdivision, or the documentation of that finding.
- 2.14 Drinking Water Standards. See Requirements Applicable to Public Water Systems.
- 2.15 ETJ. The extraterritorial jurisdiction of a municipality as determined in accordance with Chapter 42 of the Local Government Code.
- 2.16 Final Plat. A scaled drawing of a proposed Subdivision of land with survey data, notes, dedications, certifications and acceptances as required by these Regulations, prepared to be placed on record in the official records of Gonzales County.
- 2.17 Flag Lot. A lot having the minimum required frontage on a public right of way with the largest portion of the lot area connected to the public right of way by a narrow strip of land, or "flag pole," which is included in the lot.
- 2.18 Full Build-out. The final expected number of residences, businesses, or other dwellings in the proposed subdivision.
- 2.19 Groundwater. As defined by regulations of the TCEQ at Title 30, Texas Administrative Code.
- 2.20 Health Inspector. See Inspector.
- 2.21 Letter of Determination. See Determination.
- 2.22 Inspector. The Gonzales County floodplain administrator and on-site sewage facility inspector, or his/her designated agent or successor. Also known as the Gonzales County Health Inspector. This office may be designated to a County Constable or other official. Inquire with the County Judge's office.
- 2.23 Interlocal Agreement. An Agreement between two or more Governmental Entities.
- 2.24 Licensed Professional Engineer. An Engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.
- 2.25 Lot. Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract and excluding proposed public right of way.

- 2.26 Order. The order of the Commissioners Court authorizing and implementing these Rules.
- 2.27 Original Tract. The original tract of land owned by an Owner prior to the proposed subdivision.
- 2.28 Owner. The Owner of land being subdivided.
- 2.29 Permitted Street. As defined in Section 8.1.
- 2.30 Preliminary Plan. A scaled drawing of a proposed Subdivision of Land showing the general dimensions and boundaries of each Lot, the layout of the proposed streets, drainage improvements, utility infrastructure, if any, easements, and other information required by these regulations, whose purpose is to demonstrate that the proposed subdivision is feasible and can comply with the objectives and requirements of this Order.
- 2.31 Precinct Commissioner. The member of the Commissioners Court who is elected or appointed to represent the Gonzales County precinct in which the land proposed for development and subject to this Order is located.
- 2.32 Public Water System. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which, includes all uses described under the State's definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. [30 TAC 290.38(47)]
- 2.33 Qualified Expert. A hydrologist or registered professional engineer.
- 2.34 Regulations. When capitalized, the Gonzales County Subdivision and Development Regulations and the related Orders.

- 2.35 Requirements Applicable to Public Water Systems. The requirements in TCEQ rules covering public water systems in Title 30, Texas Administrative Code, Chapter 290, (relating to Rules and Regulations for Public Water Systems).
- 2.36 Rules. When capitalized, the Gonzales County Subdivision and Development Regulations and the related Orders.
- 2.37 Sketch Plan. A map showing a potential subdivision of land not required to be drawn with precision, to serve as the basis for comments by the County to a landowner or potential applicant regarding general compliance with these regulations.
- 2.38 Subdivision. The division of a tract of land situated wholly or partly within Gonzales County and outside the corporate limits of any municipality into two (2) or more parts, and calling for or related to the laying out of any of the following: (i) roads or streets, (ii) alleys, (iii) squares, (iv) parks, (v) public utility easements, (vi) public rights of way, (vii) drainage improvements, or (viii) other parts of the tract intended to be dedicated to public use, or accepted for maintenance by the County.
- 2.38.1 A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed or sale, or in other contract to convey land, or in a lease (other than agricultural, hunting, oil and gas leases), or by using any other method of a conveyance.
- 2.38.2 To determine whether a division of land relates to the laying out of streets, it is the County's intent to adopt a fair and practical approach that will protect public safety and infrastructure. Thus, a Lot or tract that is dependent for its access upon the dedication or construction of a street (whether public street or private) relates to that street. The County shall not accept contrivances contrary to common sense, or to good management of its road and drainage system, that appear designed to circumvent the need to file a subdivision plat. A division of land, or proposed division of land, shall be considered as relating to the laying out of streets, whether public or private, if:
- A) The division would create one or more Lots without practical, physical vehicular access onto a permitted street.
 - B) The division would create Lots with less than fifty (50) feet of direct frontage onto a permitted street, or would provide for driveways onto permitted streets that are spaced fewer than fifty (50) feet apart.
 - C) The division would occur less than two years from the date of completion of construction of any street onto which the Lot has frontage, or, in the case of a public street, less than two years from the date of expiration of the performance or maintenance bond for that street.

D) The division would affect drainage on, in or adjacent to a public street or any county drainage ditch, culvert or other drainage facility.

E) Other circumstances exist which, in the determination of Commissioners Court, cause such division of land to be related to the laying out of streets or related to drainage for any street or road to which any lot has access.

2.38.3 It is the intent of the Commissioners Court of Gonzales County that the term "subdivision" be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

2.39 Surface Water. As defined by the TCEQ at Title 30, Texas Administrative Code.

2.40 Surveyor. A Registered Professional Land Surveyor certified by the Texas Board of Professional Land Surveying.

2.41 TAC. Texas Administrative Code.

2.42 TCEQ. Texas Commission on Environmental Quality, (formerly Texas Natural Resource Conservation Commission - TNRCC).

2.43 Technical Review Committee. A committee delegated by the Commissioners Court to assist in the review of subdivision applications. The committee may consist of elected or appointed officials, staff or advisors. Typically, the committee may include the Precinct Commissioner, the Inspector, 9-1-1 addressing, and other members as may seem prudent, provided that no quorum of the Commissioners Court is involved. Membership in the committee may change from time to time at the discretion of the Court. The committee meetings are part of internal staff review and are not public meetings. No set number of members is required to achieve a quorum of the committee.

ARTICLE III

3. GENERAL SUBDIVISION REQUIREMENTS.

- 3.1 General Requirements. Any Owner of land in Gonzales County, who wishes to divide that land into two or more parts, shall:
 - 3.1.1 Comply in all respects with these regulations; and,
 - 3.1.2 Prepare and submit to the Commissioners Court an Application for development and plat approval, or a letter asking for an official determination from the County as to whether the proposed division is exempt from plat regulations;
 - 3.1.3 Some subdivision actions are excepted from platting by these Regulations. See Article IV.

- 3.2 Subdivision Approval Process. No subdivision shall be permitted until the Owner has satisfied each of the following steps in the order indicated:
 - 3.2.1 Approval of Preliminary Plan by the Commissioners Court; and
 - 3.2.2 Approval of Final Plat by the Commissioners Court; and
 - 3.2.3 Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.

- 3.3 Communication with Precinct Commissioner. A potential Applicant is encouraged to meet with the Precinct Commissioner to discuss development ideas, understand County road plans in the area, and discuss County rules and submittal procedures with the Commissioner before the Applicant goes to the time and expense of more detailed engineering design and submittal preparation. Only a Designated Agent of the Commissioners Court may approve inspections or submittals under these Regulations. See Article V, Sketch Plan.

- 3.4 Application Materials. Each application for Preliminary Plan or Final Plat shall include the following:
 - 3.4.1 Eight (8) 18"x 24" copies of the Preliminary Plan or eight (8) 18"x 24" copies of the Final Plat provided that the County may require up to four (4) additional copies of the Preliminary Plan or Final Plat (these will be used to allow public safety officials and County staff an opportunity to review the plat); and
 - 3.4.2 An original receipt for the applicable application fee; and
 - 3.4.3 A tax certificate showing that all taxes currently due with respect to the original tract have been paid; and
 - 3.4.4 A completed application form in the current form promulgated by the County; and
 - 3.4.5 All other documents or reports required pursuant to these regulations and any associated bonds or letters of credit.

- 3.5 Record Plat. Two (2) duplicate original prints on 18" x 24" 4-mil mylar shall be presented to the county clerk for recording as the Record Plat. All writing and drawings of the Record Plat must be large enough to be easily legible following recording.
- 3.6 Point of Submittal. The Applicant shall submit the subdivision application and related materials to the office of the Gonzales County Judge. The submittal shall include an original fee receipt showing that the application fees have been paid to the office of the Gonzales County Clerk. In the event that the office of the County Judge is not available during normal business hours, the Applicant may deliver the submittal to the office of the County Clerk to be date stamped and forwarded internally to the office of the County Judge, but it is incumbent on the Applicant to follow up to ensure that the submittal is received by the office of the County Judge.
- 3.7 Application Review Periods.
- 3.7.1 Preliminary Plan. The County shall provide written comments to the person who submitted the application within ten (10) business days of the submittal of a Preliminary Plan to the office of the County Judge. See Article V.
- 3.7.2 Completeness Check. Within ten (10) business days of its receipt of an application for subdivision approval, the County shall determine whether the application is complete in accordance with Section 3.4. If an Application is determined to be incomplete, the County will give written notice of that determination to the potential Applicant, and the notice shall state the deficiencies in the submittal. If an Application is deemed complete, it will be forwarded to the Technical Review Committee.
- 3.7.3 Acceptance by the County of a completed plat application shall not be construed as approval of the Application or related documents.
- 3.7.4 Except as provided by Section Sec. 3.7.6 the Commissioners Court shall take final action on a plat Application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the County.
- 3.7.5 If the Commissioners Court disapprove a plat application, the Applicant shall be given a complete list of the reasons for the disapproval.
- 3.7.6 The 60-day period under Section 3.7.4: (1) may be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Commissioners Court; (2) applies only to a decision wholly within the control of the Commissioners Court.
- 3.7.7 The Commissioners Court shall make the determination under Section 3.7.6 of whether the 60-day period will be extended not later than the 30th day after the date, a completed plat application is received by the County.

- 3.8 Technical Review Procedure. Upon receipt of a completed application, the Technical Review Committee shall conduct a technical review of the application, and make a recommendation to Commissioners Court as to whether the application is in compliance with these Regulations.
- 3.9 Application Fees. The Applicant shall pay a nonrefundable fee in the amount set forth in Appendix D of these Regulations together with each Application for a Preliminary Plan and Final Plat approval. Commissioners Court may amend Schedule 1 from time to time without amending or affecting the remainder of these Regulations.
- 3.10 Subdivisions within ETJ of a Municipality. Whenever an Original Tract lies within the extraterritorial jurisdiction (ETJ) of a municipality and is subject to the subdivision regulations of such municipality, the subdivision shall comply with the standards and approval procedures established by the interlocal agreement between Gonzales County and the City regarding subdivisions in the ETJ. As required by the Texas Property Code, the County Clerk will not accept a record Plat for recordation unless it has been approved in accordance with such interlocal agreement.
- 3.11 Wastewater and Development Permits. The Department shall issue no On-Site Sewage Facility Permit or development permit on any parcel of land unless that property is in compliance with all the requirements of these Regulations and the Gonzales County Rules for On-Site Sewerage, except that:
- 3.11.1 A division of land occurring before June 1, 1984 shall be considered grandfathered; and
- 3.11.2 A complete application for subdivision approval received by the Department prior to the effective date of these Regulations shall be considered solely on the basis of the Regulations in effect at the time the Department receives the complete application.
- 3.12 Standard for Approval. The intent of these rules is to lay out a clear set of procedures to govern review and approval of divisions of land and related public improvements. These are intended to provide citizens a sense of stability and surety about the process. Applicants who meet the requirements set forth in these Rules shall be approved by the Commissioners Court, unless, in exceptional circumstances, the Court makes a formal finding of fact that approval would be contrary to the public welfare and to the safe and orderly development of Gonzales County

ARTICLE IV

4. EXCEPTIONS.

4.1 Excepted Subdivisions. While these rules are intended to apply to most divisions of land in Gonzales County, some exceptions are appropriate and/or stipulated by state law. Below are several exceptions. In any of these exceptional circumstances, land owners may subdivide their land without regard to the County's normal plat approval process, provided that the Owner simply registers the subdivision as prescribed in 4.2 and 4.3 below. Note: these exceptions only apply if no public improvements are being laid out, or dedicated, as part of the subdivision. Whenever a project includes the layout, construction, or dedication of streets, alleys, squares, parks, or other areas intended to be dedicated to public use, or to use by multiple lot owners, then the standard subdivision Application and approval process shall be followed. The exceptions are:

- 4.1.1 All of the lots in the proposed division are larger than 10 acres in area (again, as with all these exceptions, no public improvements may be included in the subdivision for it to be considered an exception to the regular platting process);
- 4.1.2 The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as so defined, the platting requirements of this Order shall apply;
- 4.1.3 The land is divided into four or fewer parts and each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, provided that the division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this Order apply.
- 4.1.4 All the lots are sold to veterans through the Veterans' Land Board program;
- 4.1.5 The land belongs to the state or any state agency, board, or commission or the permanent school fund or any other dedicated funds of the state
- 4.1.6 The land belongs to a political subdivision of the state; and
 - 4.1.6.1 The land is situated in a floodplain; and
 - 4.1.6.2 The lots are sold to adjoining landowners;
- 4.1.7 One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter;

- 4.1.8 All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.
 - 4.1.9 In addition to the statutory exceptions in subparts 4.1.1 through 4.1.8, an Owner may convey one parcel out of the Owner's original tract. Unless the Commissioners Court finds that the parcel to be conveyed cannot feasibly be resubdivided in compliance with these Regulations, that parcel shall have frontage on a public street. When frontage on a public street is not required, an access easement benefiting the new parcel shall be recorded simultaneously with the deed that conveys the parcel.
- 4.2 Registration. An Owner whose division of land is excepted from the platting requirements of these regulations shall register the division with the County Clerk and submit the following to the County Clerk:
- 4.2.1 A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto; and
 - 4.2.2 A survey or sketch (which may be on tax parcel maps or other form approved by Commissioners Court) showing the boundaries of the Lots, adjacent roads and adjacent property owners; and
 - 4.2.3 An executed registration form in the form promulgated by the Department which shall require the Owner to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the county.
- 4.3 Certificate of Exception. On request of the Owner, the Commissioners Court shall issue a certificate for presentation to the County Clerk certifying that the division of land is excepted from any platting requirements.

ARTICLE V

5. INFORMAL MEETING/SKETCH PLAN

- 5.1. Voluntary Sketch Plan. Persons interested in subdividing land in Gonzales County may wish to first meet with their Precinct Commissioner before filing a formal Application. The Precinct Commissioner can assist in determining if the project is an exception, or should be filed as a standard subdivision Application. The Precinct Commissioner, or other County staff, may also be able to help with interpretations of the rules, with insight about County road plans for the area, floodplain, or other issues. There is no charge and no application necessary for a Sketch Plan meeting. Such meetings are at the option of the Applicant. This is an opportunity to discuss potential issues with the County before an Applicant has spent significant dollars on engineering and survey. The Applicant is encouraged to discuss the classification of roads, the nature of water and wastewater service, approximate location of known floodplain areas, and the range of lot sizes intended. A Sketch Plan meeting is advisory in nature, and carries with it no approval, or guarantee of future approval. It is not a step in the permit process. While the Applicant is encouraged to consult the Precinct Commissioner at the Sketch Plan phase, or during the development of a Sketch Plan, it is important to note that an individual Precinct Commissioner can only give his or her interpretation of County policy, and an opinion on likely action by the Commissioners Court. Precinct Commissioners, as individuals, do not have the authority to approve or disapprove an application, in whole or in part; only the Commissioners Court, meeting as a body, may grant approvals under these Regulations, or grant variances or amendments to these Regulations.
- 5.2. Sketch Plan May Be Skipped. Applicants who wish to may go straight to the Preliminary Plan stage. Applicants should be aware that County rules and regulations might be subject to change between the time they submit a Sketch Plan and they submit a formal Application for Preliminary Plan approval.

ARTICLE VI

6. PRELIMINARY PLAN

6.1 Purpose. The purpose of the Preliminary Plan is to demonstrate that the proposed subdivision is technically feasible and can comply with the objectives and requirements of this Order.

6.2 Required Content. A proposed Preliminary Plan shall include the following:

6.2.1 General Information.

6.2.1.1 Name of the proposed Subdivision, which shall not be the same or deceptively similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision, and

6.2.1.2 The boundary lines and total acreage of the original tract and the Subdivision; and

6.2.1.3 A note or table stating the total number of Lots within the proposed Subdivision, the size of the smallest proposed Lot within the Subdivision, and the average size of Lots.

6.2.1.4 Approximate acreage and dimensions of each Lot; and

6.2.1.5 The location of any schools, proposed schools, parks, squares, common areas, greenbelts, preserves, landscape easements, conservation areas or conservation easements, or other public use facilities, with identification of the entity proposed to own and maintain each; and

6.2.1.6 Names of adjoining subdivisions and Owners of tracts contiguous to the proposed subdivision; and

6.2.1.7 Name and address of the Surveyor and Engineer; and

6.2.1.8 Name and address of the Owner, and Developer or Applicant if not the Owner; and

6.2.1.9 Area Map showing general location of Subdivision in relation to major roads, towns, cities, rivers or topographic features; and

6.2.1.10 North arrow, scale and date. The scale shall not exceed 200' per inch (1" = 200'); and

6.2.1.11 Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction of any city; and

6.2.1.12 The location of school district boundaries and a statement clearly indicating in which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district then the plat shall clearly state the number of acres within the Lot that lies within each school district.

- 6.2.2 Flood Plain and Drainage Information.
 - 6.2.2.1 Elevation contours at not greater than ten foot (10') intervals, based on NAVD 88' datum and the source of the contour data; and
 - 6.2.2.2 All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency; and
 - 6.2.2.3 For each lot containing 100-year flood plain, sufficient additional contours to identify and delineate the 100-year flood plain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a method satisfactory to the Floodplain Administrator; and
 - 6.2.2.4 For each subdivision containing 100-year flood plain, at least one benchmark showing NAVD 88' elevation, as well as latitude and longitude; and
 - 6.2.2.5 A drainage plan depicting the anticipated flow of all drainage onto and from the subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year flood plain boundaries, ravines, bridges and culverts; and
 - 6.2.2.6 The location and size of all proposed drainage structures, including on-site retention or detention ponds and easements and the impact of lot and street layouts on drainage; and
 - 6.2.2.7 Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission on Environmental Quality in 30 Texas Administrative Code §213.3) and a statement certified by the Surveyor or Engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all sensitive features in accordance with the terms of these regulations.
- 6.2.3 Street and Right-of-Way Information.
 - 6.2.3.1 Location, length and right-of-way widths of all proposed streets, allocated by construction phases, if applicable, and a depiction of how all proposed streets shall connect with previously dedicated streets or platted or planned streets within the vicinity of the Subdivision in accordance with Section 8.3.2 of these Rules regarding street connectivity; and
 - 6.2.3.2 Location, size and proposed use of all proposed access easements; and

- 6.2.3.3 A statement indicating whether the Applicant shall seek County maintenance of the roads or approval of a homeowner's association for road maintenance or designation of roads as private roads; and
 - 6.2.3.4 The number of feet of frontage of each Lot onto a Permitted Street, which shall generally be not less than 50 feet. An Applicant proposing Lot frontages of less than 50 feet must demonstrate that maintenance of the road and drainage ditches shall not be adversely affected by increased numbers of driveway cuts, culverts, mailboxes or other obstructions so that maintenance equipment has adequate room to maneuver, and must also generally demonstrate how the more narrow frontage is in the public interest. The final determination shall be the County's.
 - 6.2.3.5 Proposed location of all depth gauges, as required under Article 12, at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface, and any proposed gates or warning devices. Note: Commissioners Court may require gates or warning devices at such locations.
- 6.2.4 Water, Wastewater and Utilities Information.
- 6.2.4.1 Designation of the entities supplying electric, phone and gas utilities to Lots; and
 - 6.2.4.2 In schematic presentation, the location of all proposed public water lines, public sewer lines; utilities easements including water well sanitary easements, if applicable; water storage reservoirs; water or sewage treatment facilities, holding tanks, and pumping facilities; fire protection facilities; and any other infrastructure proposed to serve multiple lots; and
 - 6.2.4.3 Designation of the water and sewer utility providers for the Subdivision, if any, and the source of the water intended to serve each Lot within the subdivided area (i.e. surface water from a specified stream or river, ground water from a specified aquifer, etc.); and
 - 6.2.4.4 The author, date and title of the Water Availability Report submitted in support of the Application.
 - 6.2.4.5 Certification that all Lots have been designed in compliance with the Rules of Gonzales County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Gonzales County On-Site Sewage Rules and

any request for a variance under the Rules of Gonzales County for On-Site Sewage Facilities.

6.2.5 Phasing.

6.2.5.1 For a subdivision which the Applicant proposes to construct in phases:

6.2.5.1.1 The boundaries of the respective phase areas;

6.2.5.1.2 The projected date of completion of construction of each phase.

6.3 Street Design. A proposed Preliminary Plan shall satisfy the requirements of Article VIII relating to design of streets and shall contain a written certification from a Registered Professional Engineer that the location and dimensions of streets as set forth and laid out on the Preliminary Plan are in accordance with these Regulations.

6.4 Drainage. A proposed Preliminary Plan shall satisfy the requirements of Article XII relating to Drainage and shall contain a written certification from a Registered Professional Engineer stating that the location and approximate sizes of the drainage structure set forth in the Preliminary Plan are in accordance with the Department's Drainage Design Criteria.

6.5 On-Site Sewage, Facilities (OSSF). A proposed Preliminary Plan shall satisfy the requirements of the rules of Gonzales County for OSSF.

6.6 Approval of Preliminary Plan. Commissioners Court shall approve a Preliminary Plan if it satisfies each of the requirements set forth in this article and in all other provisions of these regulations.

6.7 Construction Activities. Approval of a Preliminary Plan does not authorize any construction or Development activities, except as permitted or for common infrastructure facilities, but merely authorizes the Applicant to proceed with the preparation of a Final Plat.

6.8 "NO CONVEYANCE OF LOTS". Conveyance of lots depicted on a Preliminary Plan shall not be permitted until the final plat has been approved by the Gonzales County Commissioners Court, and the record plat filed with the County Clerk.

6.9 Expiration of Approval. Approval of a Preliminary Plan shall expire and be of no further force and effect in the event a complete application for Final Plat of the Subdivision is not filed within twelve (12) months following the date of Commissioners Court approval of the Preliminary Plan. For Preliminary Plans on projects that are phased, or that will be developed sequentially, the approval of a Final Plat for a phase of the project shall extend the expiration date for the remaining portion of the original Preliminary Plan for a period of 12 months after

the date of approval of the Final Plat. Approval of each subsequent Final Plat within 12 months of the date of approval of the preceding Final Plat shall extend the expiration date for the portion of the original Preliminary Plan for which no Final Plats have been approved for an additional 12 months from the date of approval of such Final Plat.

6.9.1 Each 12-month extension period for the expiration of the original Preliminary Plan runs from the date of the latest Final Plat approval.

6.9.2 Extension periods are not cumulative.

6.9.3 If a Final Plat is not filed and approved during the 12-month extension period, the original Preliminary Plan and any unapproved Final Plat applications or expired Final Plats lapse.

6.10 Extension of Approval. Upon written request and justification, the Commissioners Court may by order grant a six-month extension of approval of a preliminary plan at the sole discretion of the Court, provided that such request and justification are submitted prior to the expiration of the initial approval of the preliminary plan. No more than two such extensions may be granted. If initial approval or extension expires prior to the applicant's submittal of a complete application for final plat approval, the applicant shall be required to submit a new application for preliminary plan approval with full payment of fees.

ARTICLE VII

7. FINAL PLAT.

- 7.1. Purpose. The purpose of the Final Plat is to create a plat document, with related construction plans (if necessary) and technical support suitable for final review and approval by the County, and for filing in the permanent records of Gonzales County. After approval of the Final Plat by Commissioners Court, the payment of all relevant fees, and the filing of the Final Plat with the County Clerk, the Applicant has a legally entitled subdivision in Gonzales County. Development on these Lots is of course still subject to any relevant state and federal regulations, and contingent upon obtaining the appropriate County permits and/or approvals, such as for on-site sewage facilities.
- 7.2. Time Limit. Prior to the expiration of approval of the Preliminary Plan, the Applicant shall present a Final Plat meeting the requirements of these Regulations to Commissioner's Court for final approval, or the application shall be deemed to have expired.
- 7.3. Requirements. A proposed Final Plat shall comply with the conditions of approval of the Preliminary Plan, shall generally conform to the Preliminary Plan and shall contain, or be submitted with, the following:
- 7.3.1. All revisions necessary to comply with any conditions of approval of the Preliminary Plan stipulated by Commissioner's Court; and
- 7.3.2. Any construction plans, tests, or sureties required by Article VIII (Street Design and Construction), or by any section of the Appendix to these Rules, including but not limited to Design and Construction Specifications of Gonzales County.
- 7.3.3. All items required in Sections 3.4, 3.6 and 3.9 above, including filing fees.
- 7.3.4. General Information.
- 7.3.4.1. Bearings and dimensions of the boundary of the Subdivision and all lots, parks, greenbelts, easements, and conservation areas. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated; and
- 7.3.4.2. Description of monuments used to mark all boundary, lot and block corners, and all points of curvature and tangency on street right-of-way; and
- 7.3.4.3. Location of original survey line. The subdivision shall be located with respect to an original survey of which it is part; and
- 7.3.4.4. Lot and block numbers of each lot; and
- 7.3.4.5. Acreage of all lots, calculated to the nearest one-hundredth of an acre.
- 7.3.4.6. Each Subdivision, or unit thereof, shall have two (2) corners on the perimeter identified by coordinates that relate to the State Plane

Coordinates shall be reported as NAD 1929 or NAD 1983, shall be South Central Zone, and shall be accurate to two (2) decimal places. Similarly, latitude and longitude shall be reported in degrees, minutes, and seconds, with seconds having an accuracy to two (2) decimal places.

7.3.4 Flood Plain and Drainage Information.

7.3.4.1 For subdivisions containing 100-year flood plain, benchmarks and finished floor elevations of each lot in accordance with Federal Emergency Management Agency; and

7.3.4.2 For each subdivision or unit thereof, at least one monument containing latitude and longitude and 1988 NGVD datum coordinates shall be established and identified.

7.3.4.3 Any information required by Article XII (Drainage Design and Improvements).

7.3.5 Street and Right-of-Way Information.

7.3.5.1 Total length of all streets, to the nearest one-tenth mile, and a declaration as to whether the streets are to be private streets maintained by an approved property owners association, or public streets, to be maintained by the County; and

7.3.5.2 Total area of all rights of way to be dedicated to the public; and

7.3.5.3 Construction Plans for all street and drainage improvements within the subdivision and signage plans for all streets; and

7.3.5.4 A certification under the seal of a Professional Engineer that the construction plans and pavement designs are in compliance with these Regulations; and

7.3.5.5 The total estimated construction cost of all of the streets and drainage improvements proposed to be constructed within the subdivision.

7.3.5.6 Any other items required under Article X (Acceptance of Road Maintenance and Development Permits), and the items required in the Appendix (including but not limited to the section on Design and Construction Specifications of Gonzales County) regarding either County Maintained Streets and Property Association Maintained Streets, as applicable; and

7.3.5.7 The following statement shall appear prominently on the plat: "In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless a Driveway Permit has been issued by the Precinct Commissioner of Gonzales County or his or her designated representative, or Texas Department of Transportation for

driveways entering onto state roads, and the driveway shall be designed and constructed in accordance with the Gonzales County Road Standards or TxDOT standards, as applicable; and

7.3.5.8 If roads are to be private, then the following statement shall appear prominently on the plat, "Owners of property within this Subdivision shall look solely to the Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision Plat. The developer of this Subdivision has chosen to dedicate the roads in this Subdivision as private streets. Gonzales County is in no way responsible for the repair or maintenance of these streets. These private streets shall not become part of the County maintenance system unless the Property Owners Association petitions the Gonzales County Commissioners Court to accept the roads for public maintenance. Such a petition must demonstrate that the streets have been maintained to, or improved to, whatever is the Gonzales County standard for public streets, right-of-way, and drainage, at the time of the petition. The decision whether the streets are adequate and whether to accept the petition for public maintenance shall be at the sole discretion of the Gonzales County Commissioners Court."; and

7.3.5.9 The minimum driveway culvert size for each Lot, which shall be not less than 18".

7.3.6 Water, Wastewater and Utilities Information.

7.3.6.1 For each Lot not served by a Public Sewer System, the location of a viable percolation area or surface irrigation area for on-site sewage facilities; and

7.3.6.2 For each lot not served by a Public Water System, proposed well site(s), if any, and required sanitary easements for well head protection; and

7.3.6.3 The items required by Section XI (Water and Wastewater Systems); and

7.3.6.4 The following statement shall appear prominently on the Preliminary and Final Plat: "No structure in this subdivision shall be occupied until connected to a public water system or an individual water system. Prospective property owners are cautioned by Gonzales County to question the seller concerning ground water availability."

7.3.6.5 The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Gonzales County Inspector."

7.3.7 Other Plat Notes and Certifications.

7.3.7.1 The following statement shall appear prominently on the plat: "No structure or development within the subdivision may begin until Final approval of the plat by Gonzales County Commissioners Court and recording of the approved plat by the County Clerk."

7.4 Agreement to Comply. By submitting a Final Plat, the Owner acknowledges that he or she is aware of and will comply with all Orders of Gonzales County regarding construction and development in effect at the time the Subdivision application was deemed complete, including, but not limited to the following:

7.4.1 Order regulating the access of private construction vehicles from construction sites onto publicly maintained roadways, requiring the Owner to take certain steps to limit damages to public roadways and drainage facilities and to clean all mud or other debris carried onto the public roadways by such construction vehicles, and imposing fines for non-compliance; and

7.4.2 Order requiring all construction within County right-of-way including driveways, drainage improvements, and the cutting of any existing roads for installation of utilities to be inspected prior to completion, prohibiting cutting of certain roadways within **two years** of construction thereof, and imposing fines for non-compliance; and

7.4.3 9-1-1 Addressing: No permanent utility services shall be connected to any habitable structure on a Lot until a 9-1-1 address is assigned for the Lot. If the Applicant is unable to obtain addresses for each Lot in the subdivision at the time of platting, due to Lot sizing or other reasons, it is then the responsibility of the Lot owner to obtain an address prior to the start of construction. 9-1-1 addresses should be visible from the street.

ARTICLE VIII

8. STREET DESIGN AND CONSTRUCTION.

- 8.1 Permitted Streets. All streets, whether maintained by the County or a property owners association shall be constructed in accordance with these Regulations (including the Appendix attached hereto) and shall be classified as one of the following types of streets (referred to collectively as “Permitted Streets”):
- 8.1.1 Publicly dedicated street, paved and to be maintained by the County.
 - 8.1.2 Privately maintained paved street.
 - 8.1.3 Privately maintained unpaved street.
 - 8.1.4 Unpaved public streets are not permitted.
- 8.2 Dedication to Public. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right-of-way easement in the property to the county for public use. No dedication shall be effective until the Final Plat is recorded. However, County acceptance for maintenance of street and drainage improvements within dedicated right-of-way requires separate action, evidenced by written acceptance signed by a Designated Agent of the Commissioners Court.
- 8.3 County Acceptance. Where Applicants meet all the requirements established by these Rules for the dedication of a street, or streets, to the County, the County shall accept said streets as part of its road system for future maintenance. Nothing in these rules shall be construed to require the County to accept streets for maintenance when those streets do not meet the requirements laid out in these rules. The County may impose a maintenance bond and waiting period before accepting roads for maintenance.
- 8.4 Design of Public Improvements. All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets, and to permit continuity of improvements to adjacent properties.
- 8.5 Minimum Right-of-Way. Streets shall include a minimum, dedicated right-of-way of not less than 60 feet. Gonzales County, at its discretion, may require more right-of-way for streets that will serve as collectors or arterials within subdivisions with numerous Lots.
- 8.6 Minimum Street Width. Streets shall have a minimum of two 10-foot travel lanes, with three-foot shoulders on each side, for a total carriage-way of 26 feet. Gonzales County, at its discretion, may require a greater lane width, or more lanes, for streets that will serve as collectors or arterials within subdivisions with numerous Lots.

- 8.7 Connectivity. To provide an interconnected network of streets throughout the County, subdivision planning and design shall provide for reasonable connection of streets to adjoining subdivisions or undeveloped tracts.
- 8.7.1 If Gonzales County has adopted a road or transportation plan for the County, then any street within a tract proposed for subdivision shall be aligned in general conformance with the plan, and shall have design specifications, right of way, and pavement width consistent with the plan.
- 8.7.2 Required connection to existing streets.
- 8.7.2.1 For purposes of this article, a street stub is an improved street extended to a dead-end at the boundary of an adjoining unplatted tract or undeveloped tract. If the length of a street stub is no greater than the depth of the two adjoining Lots and those Lots have access to an intersecting street, a street stub is not required to include a cul-de-sac or other provision for vehicle turnaround. A street stub that is part of a Subdivision with public streets shall be clearly marked with a "No Outlet" sign placed by the developer in accordance with the County's Specifications.
- 8.7.2.2 Where existing street stubs adjoin the boundary of a proposed Subdivision, any public streets in that proposed Subdivision streets shall connect to the existing street stubs.
- 8.7.2.3 Block lengths and intervals between streets shall be based on good engineering and planning design principles, appropriate to topography, Lot size and spacing, and the number of Lots on the street and in the subdivision.
- 8.8 Street Boundaries. The front boundary lines of all Lots shall be contiguous with the boundary of the adjoining public street right-of-way.
- 8.9 Privately Maintained Streets. Under certain conditions, Gonzales County allows Subdivision streets to be constructed as private streets, at the discretion of the Applicant. However, to protect the public health and welfare, and to ensure emergency access, all private streets shall be designed and constructed in accordance with the standards specified for public streets in the Gonzales County Road Design and Construction Specifications, included in the Appendix to these Rules, except that certain private streets, as discussed below, are not required to have a paved surface. Private streets shall be permitted when the Applicant meets the following conditions:
- 8.9.1 The following note shall be conspicuously displayed on the Plat (per 7.3.5.8):
- "Owners of property within this Subdivision shall look solely to the Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision Plat. The developer of this Subdivision has chosen to dedicate the roads in this Subdivision as private streets. Gonzales County is in no way responsible for the repair or maintenance of these streets. These private streets shall not become part of the County maintenance system unless the Property Owners Association at

a future date petitions the Gonzales County Commissioners Court to accept these roads for public maintenance. Such a petition must demonstrate that the streets have been maintained to, or improved to, whatever is the Gonzales County standard for public streets, right-of-way, and drainage, at the time of the petition. The decision whether the streets are adequate and whether to accept them for public maintenance shall be at the sole discretion of the Gonzales County Commissioners Court.”

8.9.2 Restrictive covenants establishing a Property Owners Association, with the power to lien against real property for the payment of dues and/or road maintenance fees, shall be placed on record concurrently with the recording of the Final Plat.

8.9.3 Privately Maintained Unpaved Streets Allowed For Large Lots. As an incentive to preserve the historic rural character of portions of Gonzales County, a Subdivision in which the minimum Lot size is five acres or larger, and the Average Lot size is 10 acres or larger, may construct privately maintained unpaved streets. Unpaved private streets shall be designed and constructed in accordance with the Gonzales County Road Design and Construction Specifications included in the Appendix to these Rules, except for paving and related specifications. Unpaved streets shall be permitted within a subdivision only if each of the following criteria are satisfied:

8.9.3.1 The plat note for privately maintained streets is displayed on the Plat, as described in 8.9.1 above.

8.9.3.2 Restrictive covenants shall be imposed on all Lots with frontage or access onto the unpaved street. This covenant shall prohibit any future resubdivision of any tract into Lots smaller than five acres unless the street is first improved to the County’s standards then in effect for paved streets. In addition, either the existing property owners association or Gonzales County must commit to accept the paved street for future maintenance.

8.10 Permit Required for Construction in Right-of-Way. No driveway or utility construction, or any other encroachment into public right-of-way or easements shall be allowed without first obtaining a permit from the Precinct Commissioner or his or her designee.

8.11 Cul-de-sacs. Cul-de-sacs shall provide a paved turnaround having a slope not greater than six percent (6%) and a minimum radius of 40’ in residential areas.

8.12 Fiscal Surety. The Final Plat shall be accompanied by the following:

8.12.1 In the event that a Subdivider desires to file a Final Plat prior to the completion of the construction of all streets within the subdivision, the Subdivider shall provide Gonzales County with an appropriate construction bond or financial security to assure the county that all roads

and streets within the subdivision shall be constructed in accordance with these regulations.

8.12.2 Financial security must be arranged in one of the following ways:

- A Construction Bond filed by the Subdivider payable to Gonzales County in the amount of 100% of the cost of construction. The bond must be a surety bond provided by a surety company licensed to conduct business within the State of Texas; or
- The Subdivider may escrow funds to include certificates of deposit or other financial instruments as may be deemed satisfactory by the Commissioners Court and in the amount of the total cost of construction.

8.13 Design Criteria and Construction Standards for Streets. Streets and associated drainage shall conform to the Design And Construction Specifications of Gonzales County, which shall be updated from time to time at the discretion of the Commissioners Court. These specifications are included in Appendix A of this document.

ARTICLE IX

9. LOT AND BLOCK STANDARDS.

- 9.1 Blocks. Reserved. (However, see Section 8.7, Street Continuity, as it can affect street and block layout.)
- 9.2 OSSF and Floodplain Rules. The area of each Lot must be sufficient to comply with the Gonzales County Rules for On Site Sewage Facilities as applicable, and also with the Gonzales County Floodplain Rules.
- 9.3 Minimum Lot Sizes in General. To protect the public health and to comply with the responsibilities delegated to the County by the state for the regulation of on-site wastewater facilities, the County requires a minimum Lot size for Lots that rely on wells or on-site sewage facilities (commonly referred to as septic tanks). Provided there is adequate buildable area on the Lot, and the topography and soils are typical of Gonzales County, and the Lot otherwise complies with 9.2 above, minimum Lot sizes are:
- 9.3.1 With well and on-site sewage facility – two acres;
- 9.3.2 With state-permitted public water supply and on-site sewage facility – 1.5 acres;
- 9.3.3 With state-permitted public water supply and a state-permitted public sewer system, no minimum other than compliance with the other requirements specified in these Rules, including 50-foot Lot fronts required for Lots on County streets and compliance with 9.2 above.
- 9.3.4 If a Plat note is included requiring that each on-site sewage system in the Subdivision be designed by a licensed professional engineer, or a registered sanitarian, then Lot sizes for 9.3.1 and 9.3.2 may be halved.
- 9.4 Flag Lots. Flag lots shall generally not be permitted, except if approved by Commissioner's Court as consistent with the intent and spirit of these regulations. The Commissioner shall advise Commissioners Court if a proposed Lot constitutes a "Flag Lot", and Commissioner's Court shall, in reviewing all the circumstances, make the final determination. In no event shall any private Lot extend into a dedicated public roadway
- 9.5 Slope. Each residential Lot should include a practical buildable area having at least 3,000 square feet, exclusive of the area required for on-site sewage facilities, and a slope of less than 15%.

ARTICLE X

10. ACCEPTANCE OF ROAD MAINTENANCE AND DEVELOPMENT PERMITS.

- 10.1 Owner's Maintenance Responsibility. The Owner shall remain responsible for all maintenance and repair of streets within a subdivision until Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. Commissioners Court decision to approve a Final Plat or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.
- 10.2 County Acceptance of Maintenance. The county shall accept a road or street for maintenance when the following conditions have been satisfied:
- 10.2.1 The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Final Plat for the Road or street has been recorded and the associated right-of-way has been dedicated to the public pursuant to these Regulations; and
- 10.2.2 The Owner has submitted a written request to Commissioners Court. If the Owner is no longer available, i.e. has ceased to transact any business, or in the case of an individual, has died, any person owning property with frontage or access onto the street may submit the written request; and
- 10.2.3 The County Commissioner has performed and approved all required inspections at the completion of each phase of construction of the street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the County Commissioner and not to proceed with construction until proper inspections and tests have been obtained, as required by the County Commissioner.) Any laboratory tests and test holes shall be at the expense of the developer. In no event will any base be placed on the street until the subgrade has been approved in writing by the County Commissioner; and
- 10.2.4 The County Commissioner has inspected the street no earlier than thirty (30) days prior to Commissioners Court acceptance of the maintenance obligation and has submitted to Commissioners Court an Inspection Report stating that:
- 10.2.4.1 The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of the inspection; and

- 10.2.4.2 The requirements of Section 10.4 below, regarding construction of drainage structures and driveway drain pipes, have been satisfied; and
- 10.2.4.3 The County Commissioner recommends acceptance of the street by Commissioners Court.
- 10.2.5 One of the following has occurred:
 - 10.2.5.1 The Owner has posted with the Department cash, bond or a letter of credit in a form approved by Commissioners Court (a "Maintenance Bond") to secure the proper construction and maintenance of the Roads prior to County acceptance thereof in an amount equal to 20% of the construction costs of the streets for a term of two (2) years following acceptance by the county. Before release of the Maintenance Bond or Letter of Credit, the County commissioner shall again inspect the roads or streets, and the Owner shall remedy all deficiencies prior to release of the Maintenance Bond or Letter of Credit. If the deficiencies are not promptly remedied, the county shall make the repairs and draw on the Maintenance Bond or Letter of Credit for payment. Note: A Maintenance Bond must be posted regardless of the date the streets or roads are accepted by the county, for all streets or roads completed prior to the recording of the Final Plat.
- 10.2.6 County Acceptance of Streets Constructed as Private Streets. The Commissioners Court shall not accept for County maintenance any street constructed as a private street unless the street and associated drainage improvements are upgraded as necessary to comply with current standards of these Regulations.
 - 10.2.6.1 Right-of-way. If the street right of way is not dedicated to public use by a plat of record or deed instrument(s) satisfactory to the Commissioners Court, the Commissioners Court may require that the owner(s) petitioning for County acceptance execute a right of way deed(s) to the County. Petitioners should coordinate with the County Commissioner to ensure that right of way is sufficient for any modification, reconstruction or realignment of street or drainage improvements required for the improvements to conform to these Regulations.
 - 10.2.6.2 Design, Testing and Inspections. Petitioners should coordinate with the County Commissioner regarding the nature and extent of reconstruction, repair, upgrade, modification or realignment of existing street and drainage improvements necessary to bring them into conformance with these Regulations. The

Commissioners Court may require such testing and inspection of existing improvements as the Court deems necessary, and may require that construction plans for necessary modifications be prepared by a licensed engineer at the petitioners' expense.

10.2.6.3 Procedure. The procedures and requirements of Sections 10.2.2 through 10.2.5 shall apply, provided that in case of conflicting requirements the requirements of this Section 10.2.6 shall govern.

10.3 Installation of Utility Lines. All utility lines planned to be constructed under paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point at least four (4) feet beyond the pavement and must be approved in advance by the County Commissioner, unless otherwise approved by Commissioners Court.

10.4 Construction of Roads Prior to Final Plat. Upon approval of a Preliminary Plan, an Owner may apply to the County Commissioner to commence construction of roads, streets, utilities and drainage structures within the right-of-way. This application will be granted upon the County Commissioner's review and approval of the Construction Plans, and other materials required in Section 6.4 or 6.5, as applicable. An Owner wishing to construct roads, streets, or other improvements prior to the recording of a Record Plat, shall be required to post maintenance Bond or Letter of Credit upon recording of the Final Plat satisfying the requirements of Section 10.2.5.1 above.

ARTICLE XI

11. WATER AND WASTEWATER SYSTEMS.

11.1 Water

11.1.1 Design and Construction. Public water supply systems shall be designed and constructed in accordance with the rules of the TCEQ.

11.2 Wastewater.

11.2.1 Design and Construction. Wastewater collection systems shall be designed and constructed in accordance with the rules of the TCEQ.

11.2.2 Compliance with On-site Sewage Rules. All Lots must be designed in compliance with the Rules of Gonzales County for On-Site Sewage Facilities.

11.3 Water Availability: General Requirements for all Lots.

11.3.1 Applicants shall state how water is to be provided to each of the Lots in the proposed Subdivision.

11.3.2 Applicants shall provide a study by a registered professional in accordance with the guidelines established by the Texas Commission on Environmental Quality (30 TAC, Chapter 291), in order to demonstrate that adequate water exists to serve the needs of the Subdivision at projected build-out.

11.3.3 Applicants shall submit a copy of the study prepared under 11.3.2 to the local water district for review, and the Commissioners Court, at its discretion, may rely on the water district to determine whether an Applicant is in compliance with Water Availability requirements.

11.3.4 Applicants shall comply with both these general requirements and with any relevant specific requirements enumerated below in this Article.

11.3.5 Water Availability data shall be submitted to the Commissioners Court along with submission of the Preliminary Plan. Gonzales County shall have the Water Availability data review by a qualified expert on behalf of Gonzales County. The Commissioners Court may rely on the local water district to review the submission, or on other qualified persons or organizations, at its discretion.

11.3.6 Exceptions to Water Availability Regulations.

11.3.7 Subdivision of property where platting is not required by the Gonzales County Subdivision Rules;

11.3.8 Subdivision of property in which all Lots are 25 acres or greater.

11.3.9 The Gonzales County Commissioners Court makes no representation or warranty; either express or implied that subdivisions that comply with these water availability regulations will meet the current or future water needs of purchasers of property within the subdivision.

11.4 Requirements For Subdivisions To Be Served By Private Water Wells. The Preliminary Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be private water wells shall include Water Availability data derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of Test-Monitor wells for each 100 acres and the local groundwater district shall consult on the location of these wells. The use of existing wells is permitted if the existing well complies with these regulations and the local groundwater district accepts the well(s) to be suitable for the purpose of the proposed test.

11.4.1 The following Water Availability data is required:

11.4.1.1 Map of the proposed subdivision prepared by a qualified expert identifying:

- a. Geological formations;
- b. Location of test and monitor wells by longitude and latitude;
- c. Available data on wells within 1,000 feet of the boundaries of the proposed subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in the files of the Texas Water Development Board or TCEQ or the records of the local water district of otherwise known to the qualified expert.

11.4.1.2 The static water level to the nearest 0.1 foot, equated to the mean sea level elevation.

11.4.1.3 Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ suitable for the geologic formation identified by the qualified expert. The pump test shall be supervised by a qualified expert and shall be performed on a new well after the well has been properly completed. The duration of the pump test shall be 24 consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two hours.

11.4.1.4 Statement by a qualified expert, based on the pump test:

- a. Estimated yield of wells proposed for the subdivision;
- b. Determination of transmissivity of the water bearing formation or strata from which the ground water will be withdrawn;
- c. A report on the water quality.

11.4.1.5 Certification by a registered professional engineer that an adequate supply of water of sufficient quantity and quality exists to supply the subdivision at full build-out based on number of connections, using the formula for minimum gallons per year to be supplied to the subdivision:

Minimum gallons per year =
Number of connections x 3.5 100 x 365 days.

11.4.2 The following statement shall appear on the final plat for the approved subdivision: "This subdivision will be served by individual, privately-owned groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of Lots in this subdivision in the office of the County Clerk of Gonzales County, Texas."

11.4.3 For any existing or proposed private water well which is subject to permitting or pumping restrictions by a governmental subdivision, the Applicant shall submit proof that pumping of groundwater at the specified rate complies with applicable regulations and/or permits.

11.5 Requirements For Subdivisions To Be Served By A Proposed New Public Water Supply System.

11.5.1 The Preliminary Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be a proposed new Public Water Supply System relying wholly or partially on groundwater or surface water shall include Water Availability data on those respective sources.

11.6 For Ground Water sources, this water availability data shall be derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of Test Monitor wells for each 100 acres and the local groundwater district shall consult on the location of these wells. The use of existing wells is permitted if the existing well complies with these Regulations and local groundwater district accepts the well(s) to be suitable for the purpose of the proposed test.

Groundwater Availability Data shall include:

11.6.1.1 Map of the proposed subdivision prepared by a qualified expert identifying:

- a. Geological formations;
- b. Location of test and monitor wells by longitude and latitude;
- c. Available data on wells within 1,000 feet of the boundaries of the proposed subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in the files of the Texas Water Development Board or TCEQ or the records of the local water district or otherwise known to the qualified expert.

11.6.1.2. The static water level to the nearest 0.1-foot, equated to the mean sea level elevation.

11.6.1.3. Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ suitable for the geologic formation identified by the qualified expert. The

pump test shall be supervised by a qualified expert and shall be performed on a new well after the well has been properly completed. The duration of the pump test shall be 24 consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two hours.

- 11.6.1.4.. Statement by a qualified expert, based on the pump test.
 - a. Estimated yield of wells proposed for the subdivision;
 - b. Determination of transmissivity of the water-bearing formation or strata from which groundwater will be withdrawn;
 - c. A report on the water quality.

11.6.2. For Surface Water sources, water availability data shall include:

- 11.6.2.1 Identification of the source(s) of surface water (name of stream or impoundment) and proof that withdrawal or diversion of surface water complies with state and federal laws.
- 11.6.2.2 Identification of any wholesale water provider to the system, the date of wholesale water supply contract(s) and the maximum quantity of water per year that is committed by the wholesale supplier to the public water supply system.
- 11.6.2.3 A description of interconnection(s) with other public water supply system(s) and the terms under which water will be provided by either system to the other.
- 11.6.2.4 For proposed new public water supply system, certification by a qualified expert that an adequate supply of the water of sufficient quantity and quality to supply the subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.

11.6.3. The following statement shall appear on the final plat for an approved subdivision: *“This subdivision will be served by [Name of New Public Water Supply System, and mailing address]. Information on the [Name of New Public Water Supply System] is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Gonzales County, Texas.”*

11.7. Requirements For Subdivisions To Be Served By An Existing Public Water Supply System. The Preliminary Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be an existing Public Water Supply System relying wholly or partially on groundwater or surface water shall include certification in writing by the president or general manager of the public water supply system of the following:

11.7.1. General System Information.

- 11.7.1.1. Name, address, phone number, authorized agent and TCEQ facility number.

- 11.7.1.2. Map of the service area of the Public Water Supply System, showing the location of the proposed subdivision.
- 11.7.1.3. Certification that an adequate supply of water of sufficient quantity and quality exists to supply the subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.
- 11.7.2. The following statement shall appear on the final plat for an approved subdivision: *“This subdivision will be served by [Name and address of Public Water Supply System]. Information on the [Name of Public Water Supply System] is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Gonzales County, Texas and be stated in deed restrictions.”*
- 11.7.3. Applicant shall comply with state laws that require adequate water – in both quantity and quality – to serve the proposed development for human consumption. The burden is on the applicant to demonstrate adequate water availability.

ARTICLE XII

12. DRAINAGE DESIGN AND IMPROVEMENTS.

- 12.1 Stormwater Runoff into County Drainage Facilities. Stormwater runoff from any Development may not be released into any County drainage ditch, swale, easement, culvert or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. The Precinct Commissioner may require the submission of additional materials at the time of the Preliminary or Final Plat application to assure the proposed subdivision will be in compliance with this Section.
- 12.1.1 Incentive for Lots Larger than Five Acres. If all Lots in a subdivision are larger than five acres and restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development (as defined in Article II), then such subdivision shall be deemed to be in compliance with this Section 12.1 and no additional materials need to be submitted to demonstrate compliance to the Precinct Commissioner.
- 12.2 Conveyance of 100-year Storm Frequency Flows. In addition 12.1 above, the drainage system shall be designed to convey all channeled or concentrated flows from a 100-year frequency storm within defined right-of-way or drainage easements, which shall not be narrower than 20 feet in width.
- 12.3 Completion of Drainage System Prior to Acceptance of Street Maintenance. No streets will be accepted for maintenance by the County until all required drainage structures have been installed. This includes drain pipes for any driveways that have already been constructed at the time the street is presented to the County for acceptance into the public road system.
- 12.4 Maximum Headwater Elevation for Drainage Crossings. All streets, culverts underneath streets, and bridges shall be designed so that storm water runoff shall not produce a headwater elevation at the roadway greater than six inches above the roadway crown elevation, based on the storm event frequency described in 12.4.2 (below).
- 12.4.1 A permanent depth gauge shall be placed at all road crossings where the 100-year frequency flow or lesser frequency is anticipated to flow over the street surface. Commissioners Court may require installation of gates or warning devices at all or some of such locations.
- 12.4.2 Drainage facilities shall be designed to convey the 10-year storm event with not more than six inches of water over the street in the 25-year storm event.
- 12.4.3 This Section does not apply to driveway culverts.

12.4.4 Design for Overflow and Impounding. All streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the street as described in 12.4.2.

12.5 Drainage Design Methodology. The methodologies shall be based upon commonly accepted engineering practices used within the area. By sealing the Final Plat Application, Applicant's design engineer warrants that he or she has made every good faith effort to comply with the letter and spirit of these Rules. Gonzales County reserves the right to review computations by the Applicants engineer. Upon request, Applicant or his engineer shall submit data to support all drainage designs to the Precinct Commissioner or his/her designee.

12.5.1 All computations of flood plains, culverts, channels, etc., shall be based on fully developed upstream conditions; and

12.5.2 A drainage area of 64 acres or greater is required within a contributing watershed to create a "flood plain." For areas of flow with less than 64 acres of contributing area, no flood plain shall be defined; however, any concentrated flow necessitates the dedication of a drainage easement.

12.6 Easements.

12.6.1 All flood plain and concentrated flows for the 100-year storm frequency shall be contained within a dedicated drainage easement or right-of-way; and

12.6.2 Development will be allowed within the flood plain or within a drainage easement only on a case-by-case basis. Any structure authorized to be constructed within the flood plain must be above the base flood elevation. No development whatsoever will be permitted in the floodway.

ARTICLE XIII

13. REVISION AND CANCELLATION.

- 13.1 Revision. The Owner of an existing Lot or Lots in a platted subdivision may submit an application to revise the protection of the existing plat affecting such Lots, unless prohibited by restrictive covenants or plat note files pursuant to these Regulations, by submitting the following to the Office of the County Judge:
- 13.3.1 Eight (8) copies of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or, if submitted by a private property owner who is not a developer in the subdivision, other materials acceptable to the County Commissioner clearly setting for the desired amendment; and
 - 13.3.2 A statement giving the reason for the proposed revision; and
 - 13.3.3 A filing fee as established in Appendix D.
- 13.2 Review Period. Commissioners Court shall have the review period established in Section 3.7 and 3.8 above.
- 13.3 Public Notice. After the date the Commissioner posts the resubdivision for consideration by Commissioners Court, but before the application is considered by the Court, the applicant shall file proof that the Owner, at its expense, has delivered or published all notices required by Local Government Code, Section 232.009, including:
- 13.3.1 A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the resubdivision, including a statement of the time and place at which Commissioners Court will meet to consider the application and hear protests, if any. As required by Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the 30th day and ending on the 7th day prior to the date of the Commissioners Court hearing; and
 - 13.3.2 Delivery of notice of the application to all owners within the original subdivision by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.
- 13.4 Criteria for Approval. Commissioners Court may approve an application to revise a subdivision upon a finding that:
- 13.4.1 The revision will not interfere with the established rights of any Owner of a part of the subdivided land, or each Owner whose rights may be interfered with has agreed to and signed the revised plat; and
 - 13.4.2 The plat as revised conforms to the requirements of the regulations.

- 13.5 Cancellation. An application to cancel an existing plat shall be submitted and considered in accordance with Article 232.008 of the Texas Local Government code, which establishes, among other things:
- 13.5.1 The application shall be granted if it is shown that the cancellation of all or a part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation; and
 - 13.5.2 Notice of the application must be published in English in the county for at least three (3) weeks before action is taken on the application; and
 - 13.5.3 Upon application of the Owners of 75 percent (75%) of the property included in the subdivision, phase or identifiable part, Commissioners Court shall authorize the cancellation upon notice and hearing as required under Local Government Code, Article 232.008, provided that if the Owners of at least 10 percent (10%) of the property affected file written objections with Commissioners Court, the grant of an order of cancellation is at the discretion go Commissioners Court; and
 - 13.5.4 Establishing a certain private action for damages against the applicant for persons who protest unsuccessfully against a cancellation application.

In the event of any conflict or inconsistency between the summaries set forth above the actual terms of Article 232.008 of the Local Government Code, as amended, the terms of the Local Government Code shall control in all respects.

ARTICLE XIV

14. VARIANCES.

- 14.1 Criteria for Variance. These Regulations are intended to cover most circumstances arising from the subdivision and development of land in Gonzales County. Of course, no set of rules and regulations can foresee every issue that will arise. Therefore, the Gonzales County Commissioners Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of fairness and justice demand it. In considering whether to relax the strict requirements of these Regulations, or to grant a variance for any reason, the Court shall consider the following factors:
- 14.1.1 The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted; and
 - 14.1.2 Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development; and
 - 14.1.3 Whether the granting of the variance would be detrimental to the public health, safety or welfare, and whether it would be injurious to other property, or prevent the orderly and safe subdivision of the land in the area in accordance with these Regulations; and
 - 14.1.4 Whether there are special circumstances or conditions involved such that strict application of the provisions of these Regulations would deprive the Applicant of the reasonable use of his or her land, so that failure to approve the variance would result in undue hardship to the Applicant. But financial hardship, standing alone, shall not be deemed to constitute undue hardship.
- 14.2 Application for Variances. Any person who wishes to receive a variance should apply to Commissioners Court in writing. The request for variance should include a list of all variances requested, along with a written justification for each. The request shall be submitted with payment of a non-refundable fee. That fee shall be established in Appendix D.
- 14.3 Discretion to Grant Variances. The decision of the Court to grant or deny a variance is at its complete and sole discretion

ARTICLE XV

15. ENFORCEMENT AND PENALTIES.

- 15.1 Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations, the Rules of Gonzales County for On-site Sewage Facilities, and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment, or both.
- 15.2 Enforcement Actions. At the request of Commissioners Court, the County Attorney or other prosecuting attorney for County may file an action in a Court of competent jurisdiction to:
- 15.2.1 Enjoin the violation of threatened violation of a requirement established by or adopted by Commissioners Court under these regulation; or
- 15.2.2 Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by Commissioners Court under these Regulations.
- 15.3 Enforcement of Plat Notes. The enforcement of plat notes or restrictions is generally the responsibility of the developer and other persons holding a property interest, whether in fee simple, or by easement, in the subdivision. However, Plat Notes shall reflect that the County may enforce any plat note imposed pursuant to the Rules of Gonzales County for On-Site Sewage Facilities or otherwise based on these regulations and related to the general health, safety and welfare of the public, including but not limited to any plat note limiting development to single family residences or prohibiting further resubdivision of the tract in order to qualify for an incentive under these regulations, any plat note imposed in conjunction with street design, or any plat note affecting county right-of-way, drainage, or dedications to the County. Moreover, Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction, connection of utilities, or issuing of permits if the plat notes or restrictions have been violated.
- 15.4 Severability. In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgment unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, section, appendices or articles of these Regulations. It is the express intent of the Commissioners Court that the sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

PASSED AND APPROVED THIS _____ DAY OF _____, 2007.

COUNTY JUDGE

ATTEST:

COUNTY CLERK

APPENDIX A:
DESIGN AND CONSTRUCTION SPECIFICATIONS OF GONZALES COUNTY

SECTION 1
DATE OF EFFECT AND APPLICABILITY

- 1.1 These standards and specifications, having been adopted by the Gonzales County Commissioners Court by an Order of the Court on the _____ day of _____, 2007, are declared to be in and of effect for all subdivision road and drainage work commenced on or after this date. These standards and specifications replace and supercede any and all guidelines, standards or specifications heretofore in effect in Gonzales County, and shall be the sole basis of determining standards and specifications for Subdivisions commenced after this date, unless a specific variance is granted by Order of the Gonzales County Commissioners Court, or these standards and specifications are amended or replaced by the Court.

SECTION 2
GENERAL GUIDELINES

2.1 General Engineering Standards:

In order to ensure the safe and proper construction design of new streets, driveways, storm sewer, and drainage ways; construction drawings and specifications, prepared and certified by a Registered Professional Engineer licensed to practice in the State of Texas, shall be submitted for review and approval prior to land clearing and construction. Construction Plans should be submitted along with the Final Plat. A copy of the proposed plat shall be included in the construction plans.

All roads shall consist of drainage facilities, subgrade, compacted flexible base material, and surface treatment of what is generally known as a "two course chip seal," unless otherwise specified by the County.

Drainage facilities shall be designed to convey a 10-year storm event with not more than 6" of water over the road in a 25-year storm event. All roads and streets shall be designed and constructed to withstand the impact of storm water being impounded adjacent to and flowing over the road or street. Streets that cross areas of 100-year floodplain shall not increase the water surface level or change the floodplain limits.

2.2 General Review Requirements:

The Applicant must submit the following for review and approval:

- 2.2.1 A set of construction drawings for streets, site development, drainage, utilities, and roadway signage plan;
- 2.2.2 An engineer's drainage report providing the technical data related to drainage issues required for the review of the proposed project. The report must be signed and sealed by the same engineer who prepared the construction plans.

- 2.2.3 A copy of a geotechnical report, signed and sealed by a registered professional engineer, establishing the engineer's recommended pavement section design based on American Association of State Highway and Transportation Officials (AASHTO) pavement section thickness design for a proposed 20-year life;
- 2.2.4 Temporary and permanent erosion and sedimentation control methods for all areas disturbed by the construction; and
- 2.2.5 An engineer's construction cost estimate signed and sealed by the same engineer who prepared the construction plans.

In addition, an engineer's summary letter shall be submitted outlining the nature of the project and any requests for the use of design standards other than those outlined herein.

2.3 Engineer's Construction Plan Requirements:

2.3.1 Cover Sheet. Show the following:

- (a) Subdivision Name
- (b) Legal description of property.
- (c) Name, address, and phone number of Owner, surveyor and engineering firm that prepared the plans.
- (d) North arrow.
- (e) Name of watershed.
- (f) Project location map, clearly identifying the precise construction location.
- (g) Tabulation sheet index.
- (h) Legible Professional Engineer's seal and signature.
- (i) The following note: "The Engineer who prepared these plans is responsible for their adequacy. In approving these plans, Gonzales County has relied on the professional representations and design judgments made by the registered professional engineer who sealed these plans."
- (j) The following note: "I, _____, a Texas Registered Professional Engineer, certify that these plans are prepared in accordance with the Road and Drainage Standards of Gonzales County."

2.3.2 Notes Sheet. Show the following:

- (a) Applicable general construction notes.
- (b) Any applicable special notes.
- (c) Construction sequencing.
- (d) Standard Details.

2.3.3 Erosion and Sedimentation Control Sheets. Show the following:

- (a) Scale, north arrow, and legend.
- (b) Proposed temporary erosion and sedimentation control and tree protection measures for street, drainage, and utility construction.
- (c) Stabilized construction entrance detail for location where construction vehicles will enter or exit directly onto public streets.
- (d) Survey of all trees six inches in diameter or greater which are proposed to remain within the limits of a clear zone or sight distance area, showing locations, diameters, and species. (Show methods to be used to preserve

trees; i.e., boring, tree wells, guard rail, etc.) Gonzales County reserves the right to require all obstructions, including trees, be removed from the right of way.

- (e) Permanent erosion control measures including revegetation, matting, and any erosion control methods not included on other plan sheets, such as riprap, gabions, retards, etc.
- (f) Proposed construction waste disposal must be approved by the Commissioner(s)/Designated Agent(s) in whose precinct(s) the proposed construction and disposal sites are located.
- (g) Legible Professional Engineer's seal and signature.

2.3.4 Drainage Layout Sheets. Show the following:

- (a) Scale, north arrow, and legend.
- (b) Drainage layout of the subdivision or area of construction, distinguishable line delineating the limits of construction.
- (c) Existing adjoining street layout or other property adjacent to the project, including adjacent subdivision names.
- (d) Location of all existing drainage structures on or adjacent to the project.
- (e) Street names, lot, and block numbers and right-of-way lines.
- (f) Existing contours at two-foot minimal intervals.
- (g) Show entire upstream drainage areas, existing drainage areas, and proposed drainage areas based on improvements and final grading.
- (h) Size in acres, Runoff coefficient (C), and Time of Concentration (Tc) for each drainage area based on pre- and post-development conditions.
- (i) Arrows indicating drainage flow direction for streets and lots.
- (j) All high and low points.
- (k) Proposed drainage facilities.
- (l) All existing and proposed drainage easements as per Final Plat or by separate instrument, including volume and page information.
- (m) Existing and proposed 100-year flood plains for all waterways.
- (n) Clearly show limits of construction.
- (o) Location of applicable city limits, governmental entity, County lines, or any boundary of a utility district with either taxing or regulatory authority within the subject area.
- (p) Legible Professional Engineer's seal and signature.

2.3.5 Street Plan and Profile Sheets.

- (a) Plan. Show the following.
 - (1) The street name.
 - (2) Scale, north arrow, and legend.
 - (3) Stationing south to north or west to east with street layout directly over the profile stationing.
 - (4) Right-of-way and paving dimensions.
 - (5) Lot numbers, block numbers, and frontage dimensions.
 - (6) Street names within respective right-of-way.
 - (7) Existing or proposed easements and intersecting right-of-way.
 - (8) Centerline "TIC" marks every 50 feet.

- (9) Drainage facilities within or intersecting right-of-way and indicate stationing on both sides of structure.
 - (10) Match lines on street plan sheets for continuation of streets on other sheets.
 - (11) Show proposed tie-in to existing streets.
 - (12) Sheet numbers for intersecting streets, and show full intersection, provide dimensions, and give street names.
 - (13) Plan view must transpose directly above profiles stationing when possible. (Station limits shown on the plan view must be the same as the station limits shown on the profile.)
 - (14) Clearly show the beginning and ending of the project.
 - (15) Clearly show all points of curvature (PC), points of tangency (PT), points of intersection (PI), and all relevant curve data with their corresponding station.
 - (16) Location of applicable city limits, governmental entity, County lines, or any boundary of a utility district with either taxing or regulatory authority within the subject area.
 - (17) Legible Professional Engineer's seal and signature.
- (b) Profile. Show the following.
- (1) Scale and legend.
 - (2) Even stations on vertical division lines.
 - (3) Even elevations on horizontal division lines (in right and left margins).
 - (4) Natural ground profiles at left and right right-of-way and street centerline.
 - (5) Proposed bar ditch flow lines.
 - (6) Identify and give elevations at all points of curvature (PC), points of tangency (PT), points of intersection (PI), vertical curve beginning points (PVC), vertical curve ending points (PVT), and vertical curve points of intersection (PVI).
 - (7) Label all vertical curves with the following information: curve length, PVI station and elevation, tangent intercept, tangents and tangent grades, and design "K" values.

2.3.6 Construction Detail Sheets. Show the following:

- (a) Typical pavement design cross-section.
- (b) Safety end treatment details for culvert pipe ends within the roadway clear zone and riprap or headwall details.
- (c) Guard rail details if required.
- (d) Legible Professional Engineer's seal and signature.

2.3.7 Traffic Control Plan Sheet.

A traffic control plan is required for any construction conducted in public right-of-way which may impede or has the potential to interrupt normal traffic flow. Show the following:

- (a) Street plan showing all traffic control devices, taper distances, and traffic flow diagram.
- (b) The traffic control plan must be consistent with the *Texas Manual on Uniform Traffic Control Devices (TxMUTCD)*.
- (c) Legible Professional Engineer's seal and signature.

2.3.8 Roadway Signing and Striping Plan Sheet.

A roadway signing and striping plan shall be submitted along with the street plans. Show the following:

- (a) Street plan showing the locations of all traffic control devices including signs, striping, and pavement markers.
- (b) All traffic control devices shall be fabricated and installed in accordance with the requirements of the *Texas Manual on Uniform Traffic Control Devices*.
- (c) Legible Professional Engineer's seal and signature.

2.3.9 Utility Plans.

Plans for water and wastewater utilities proposed by the developer to be located within the County right-of-way shall be designed by a Registered Professional Engineer, licensed to practice within the State of Texas, and shall conform to the standards and specifications established for that particular utility. The County review of Utility Plans will be for the purpose of verifying that appropriate details are used for street cuts, and traffic control, and utility placement within roadway rights-of-way. The Engineer of Record shall be solely responsible for the design of utility improvements. The County will not review Utility Plans for the purpose of verifying that the design is done according to relevant utility design standards. Legible Professional Engineer's seal and signature is required on each sheet.

2.4 Engineer's Drainage Report Requirements

- 2.4.1 The name of the subdivision or project.
- 2.4.2 The name and address and phone number of the engineering firm which prepared the report and the name of the design engineer.
- 2.4.3 A brief description of the scope of the project, including the name and classification of the relevant watershed.
- 2.4.4 A brief description of the Hydrologic Model (Rational Method, SCS, HEC 1, etc.) used and an explanation on why that model was chosen.
- 2.4.5 Provide the following for each drainage area:
 - (a) Area in acres (A)
 - (b) Time of Concentration (Tc) in minutes based on pre- and post-development conditions.

- (c) Rainfall Intensity (I) for the 2-year, 10-year, 25-year, and 100-year events. (I_2 , I_{10} , I_{25} , and I_{100})
 - (d) Runoff Coefficient (C) for the 2-year, 10-year, 25-year, and 100-year events. (C_2 , C_{10} , C_{25} , and C_{100}) based on pre- and post-development conditions. Or SCS curve number depending on hydrologic model used.
 - (e) Runoff flow volumes (Q) for the 2-year, 10-year, 25-year, and 100-year events. (Q_2 , Q_{10} , Q_{25} , and Q_{100})
- 2.4.6 If a computerized model is used provide printouts of the model's input and output. Otherwise clearly show all pertinent calculations.
- 2.4.7 All relevant culvert design calculations.
- 2.4.8 All relevant detention pond design calculations.
- 2.4.9 Legible Professional Engineer's seal and signature.

2.5 Street and Drainage Design Criteria:

The basic construction standards for Subdivision streets in Gonzales County are laid out in this Appendix. However, Gonzales County reserves the right to impose higher, reasonable standards based on good engineering principles when the size, layout, or topography of the Subdivision indicate that the basic design and construction standards of the County would not adequately protect the public health, welfare, and safety. In such cases, Gonzales County may consult with the Applicant, and/or an independent professional engineer licensed in the state of Texas, and may require the Applicant to meet a higher standard. If a higher standard is to be required, the Commissioners Court shall vote on that standard and shall provide the Applicant with written notice of what is to be required.

**SECTION 3
SPECIFICATIONS FOR PAVING AND DRAINAGE IMPROVEMENTS**

3.1 Excavation and Subgrade Preparation

3.1.1 Description: The work to be performed under this specification will consist of excavation and grading necessary for the preparation of the road-bed subgrade, roadside and drainage ditches, and shall include the removal and satisfactory disposal of all trees, shrubs, brush, rock and other debris being cleared within the right-of-way.

3.1.2 Construction Methods: The site should be cleared and stripped of vegetation. Only the footprint of the road must be stripped of the vegetation. After this is done, the excavation and grading may proceed in conformity with the plans and specifications, and as directed by the Precinct Commissioner or Designated Agent.

All subgrade and excavation work shall be in conformance with the spirit of these plans and in the directions of the design engineer. Builders are expected to use good construction practices as commonly understood in Central and South Texas. If questions arise about the interpretation of these specifications – in this section or others – the Precinct Commissioner shall decide the issue. The decision of the Precinct Commissioner may be appealed to Commissioners Court.

The Contractor shall at all times make ample provisions for completely and readily draining the subgrades and excavation.

3.1.3 Maintenance of the Finished Subgrade: The finished subgrade shall be maintained to the proper grade, cross section and density by the Contractor until subbase or base material is placed on it. All such maintenance, including recompacting necessary as a result of precipitation or excessive drying, shall be the responsibility of the Contractor. All construction traffic shall be uniformly distributed over the subgrade.

3.1.4 Inspection: Prior to the installation of the base material, the compacted subgrade shall be inspected by the Precinct Commissioner or Designated Agent. The owner or agent shall notify the Precinct Commissioner or Designated Agent forty-eight (48) hours prior to the time when the inspection is needed.

3.2 Embankment

3.2.1 Description: Embankments or fills shall be constructed at the locations and to the lines and grades indicated on the drawings, or as established. Materials placed in fill shall be free from all vegetable matter, trash, and stone having a maximum dimension greater than six inches.

3.2.2 Construction Methods: Embankments shall be formed of excavated materials placed in successive layers of such widths and lengths as are suited to the sprinkling and compaction method utilized. Embankments shall be constructed in layers not exceeding six inches in thickness after compaction.

The Contractor shall add moisture to or shall dry by aeration, each layer as may be necessary to meet the requirements of this specification for compaction. The addition of moisture to or drying by aeration of, each layer, shall be accompanied with thorough mixing so as to bring all material in each layer to a uniform moisture content.

Compaction shall be accomplished with tamping rollers, discs, and pneumatic rollers. Soft areas that develop under construction operations shall be scarified, aerated or moistened as required, and compacted to the full depth required to obtain the specified density for each layer. Portions of embankments which are too near adjacent walls, pavements or other fixed objects to permit use of the above specified rolling equipment for compacting, and other portions which the roller cannot reach for any reason, shall be thoroughly compacted by tamping in two-inch layers with mechanical tampers or other equipment as approved by the Precinct Commissioner or Designated Agent.

Any damage to adjacent walls, pavements or other fixed objects, shall be replaced or repaired at the expense of the Contractor.

All road subgrade and embankments shall be compacted to a minimum density of ninety-five percent (95%), according to test method TEX-114-E.

3.3 Flexible Base

3.3.1 Description: This item shall consist of a base course for the asphaltic concrete or other paving, and shall be composed of crushed material constructed as specified below.

3.3.2 Materials: The flexible base shall be constructed of material from an approved source. Stabilization shall be provided as necessary. The material shall consist of durable stone particles mixed with an approved binding material, meeting the following requirements:

- Type A, Grade 1 or 2, as described in "TxDOT Standard Specification for Construction of Highways, Streets, and Bridges," latest edition.

3.3.3 Construction Methods: The base material shall be placed in lifts on the prepared subgrade in uniform courses with the compacted thickness to be no more than 6 inches nor less than 4 inches per lift. Material deposited on the subgrade shall be spread and shaped the same day unless otherwise directed by the Precinct Commissioner or Designated Agent. The course shall then be sprinkled as required and rolled as directed until a uniform compaction is secured. Through this entire operation, the shape of the course shall be maintained by blading and the surface, upon completion, shall be smooth and in conformance with the typical sections shown on the plans and to the established lines and grades. All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, and reshaping and recompacting by sprinkling and rolling. Material excavated in preparation of the subgrade may be utilized in the construction of adjacent shoulders and slopes or otherwise disposed of as directed. Any additional material required for the completion of the shoulders and slopes shall be secured from approved sources designated by the Precinct Commissioner or Designated Agent. Each course of base shall be compacted to a minimum density of 100 percent (100%), according to TxDOT Test Method Tex-113-E. After final compaction, a field density test shall be required at intervals no less than 300 feet, at locations representative of the entire road base. Intermediate points will be tested if required by the Precinct Commissioner or Designated Agent. The cost of these tests shall be borne by the Subdivider.

3.3.4 Thickness Control: The thickness of the compacted flexible base may vary from a maximum of 1/2 inch less than specified to a maximum of 1 inch more than specified. Deviations not within this tolerance shall be corrected.

- 3.3.5 Inspection: Prior to the installation of the paving, the compacted base material shall be inspected by the Precinct Commissioner or Designated Agent. The Owner or agent shall notify the Precinct Commissioner or Designated Agent forty-eight (48) hours prior to the time when the inspection is needed.

3.4 Two Course Surface Treatment

- 3.4.1 Description: This item shall consist of a wearing surface composed of two applications of asphaltic material, each covered with aggregate constructed on the prepared base course as herein specified and in accordance with the details shown on the plans. All specifications in this item shall be in conformance with the TxDOT Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, items 300, 302, and 316.

- 3.4.2 Air temperature: Two course surface treatment shall not be applied when the air temperature is below 60 degrees F, or when it is anticipated that the air temperature will fall below 50 degrees F within the (20) days following application. Air temperature shall be taken in the shade and away from artificial heat. Asphaltic material shall not be placed when general weather conditions, in the opinion of the Precinct Commissioner or Designated Agent, are not suitable.

3.4.3 Materials:

Aggregates are to be composed of sound and durable particles of crushed gravel, crushed stone, crushed slag, or natural rock. These materials shall meet the requirements as shown in Table 3 of TxDOT Standard Specifications item 302.

Aggregate to be used shall meet requirements of Item 302 and when tested by Test Method TEX-200-F, Part I, shall be to the gradation requirements of:

For the first course:

- Type B, Grade 3 (non-lightweight for the first course. Approximate Application Rate: Minimum – one cubic yard covers 80 square yards (1:80). Maximum – one cubic yard covers 100 square yards (1:100).

For the second or final course:

- Type B or PB, Grade 4. Approximate Application Rate: Minimum - - one cubic yard covers 90 square yard (1:90). Maximum – one cubic yard covers 110 square yard (1:110).

Asphaltic materials shall be AC-5 Asphaltic Cement or HFRS-2 High Float Anionic Emulsion as specified by Item 300 of TxDOT 1993 Standard Specifications. Application temperature for AC-5 shall be between 275 degrees F and 350 degrees F and for HFRS-2 shall be between 120 degrees F and 160 degrees F. Rate of application shall be 0.35 - 0.45 gallons per square yard for the first course and 0.25-0.35 gallons per square yard for the second course. HFRS-2, if used, shall be applied at the upper end of these application rates.

- 3.4.3 Construction Methods: The area to be treated shall be cleaned of dirt, dust, or other deleterious matter by sweeping or other approved methods. If it is found necessary by the Precinct Commissioner or Designated Agent, the surface shall be lightly sprinkled with water just prior to the first application of asphaltic material. An optional primecoat can be applied prior to the first application.

Asphaltic material of the type and grade shown on the plans and/or those requirements for the first course shall be applied on the clean surface by an approved type of self-propelled pressure distributor so operated as to distribute the material in the quantity specified, evenly and smoothly, under a pressure necessary for proper distribution. The Contractor shall provide all necessary facilities for determining the temperature of the asphaltic material in all of the heating equipment and in the distributor, for determining the rate at which it is applied, and for securing uniformity at the junction of two distributor loads. The distributor shall have been recently calibrated and the Precinct Commissioner or Designated Agent shall be furnished an accurate and satisfactory record of such calibration. After beginning work, should the yield of the asphalt material appear to be in error, the distributor shall be recalibrated and/or application rate adjusted in a manner satisfactory to the Precinct Commissioner or Designated Agent before proceeding with the work.

Asphaltic material placement shall also meet requirements of TxDOT Item 316. No traffic or hauling will be permitted over the freshly applied asphaltic material until immediate covering is assured.

Aggregate placement shall also meet the requirements of TxDOT Item 316. The type and grade shown on the plans and/or these requirements for the first course, shall be immediately and uniformly applied and spread by an approved self-propelled continuous feed aggregate spreader, unless otherwise shown on the plans or authorized by the Precinct Commissioner or Designated Agent in writing. The aggregate shall be applied at the approximate rates indicated on the plans and/or these requirements and shall be rolled and as directed by the Precinct Commissioner or Designated Agent. Rollers shall be maintained in good repair and operating condition and shall be approved by the Precinct Commissioner or Designated Agent.

The Contractor shall be responsible for the maintenance of the surface of the first course until the second course is applied.

The entire surface shall be broomed or raked as required by the Precinct Commissioner or Designated Agent and shall be thoroughly rolled with power rollers, self-propelled type, weighing not less than 6 tons nor more than 12 tons. All wheels shall be flat.

The second course shall consist of asphaltic material and aggregate of the type and grade indicated on the plans and/or these requirements for the second course. The asphaltic material and aggregate for this second course shall be applied and covered in the same manner specified for the first course. The surface shall thoroughly rolled as specified for the first course. Asphaltic materials and aggregates for both courses shall be applied at the approximate rates indicated on the plans and as directed by the Precinct Commissioner or Designated Agent. After both courses have been installed, lightly broom off any remaining loose aggregate from final surface.

The Contractor shall be responsible for the maintenance of the surface until the work is accepted by the Precinct Commissioner or Designated Agent.

The Contractor shall be responsible for the proper preparation of all stockpile areas before aggregates are placed thereon, including leveling and cleaning of debris necessary for the protection of the aggregate to prevent any contamination thereof.

All storage tanks, piping, retorts, booster tanks and distributors used in storing or handling asphaltic materials shall be kept clean and in good operating condition at all times and they shall be operated in such manner that there will be no contamination of the asphaltic material with foreign material. It shall be the responsibility of the Contractor to provide and maintain in good working order a recording thermometer at the storage heating utility at all times.

3.5 **Drainage Facilities**

- 3.6.1 **Description:** This item shall govern the furnishing of all drainage culvert pipe, concrete headwalls, and reflector posts as shown on the Plans and herein specified, and installing the same as designated on the Plans or by the Precinct Commissioner or Designated Agent in conformity with the lines and grades given.
- 3.6.2 **Materials:** The culvert pipe shall be of size, length, and gauge as shown on the engineered plans. Corrugated aluminized steel pipe shall be as specified by item 460 of the TxDOT Standard Specifications. Reinforced concrete pipe shall be as specified by Item 464 of the same. All pipe shall be new and unused and shall not have been damaged by handling or shipping.
- Reflector posts shall be 6 ft 1 in, 12 lbs per foot, galvanized steel posts equipped with 6 inch by 12 inch or 3 inch by 3 inch amber reflectors. The length of the post shall be adequate to place the reflector assembly 48 inches above the centerline elevation of the street and anchor the post approximately 48 inches into the ground.
- Concrete headwalls and/or rip-rap shall be constructed of 3000 psi, five sack, concrete meeting the requirements of Item 421 of TxDOT Standard reinforced with deformed bars or wire mesh meeting the requirements of Item 440 of same. All headwalls and/or rip-rap shall be of the dimensions and in the locations shown on the plans.
- 3.6.3 **Construction Methods:** Culvert pipe shall be installed to the lines and grades shown on the Plan or as specified by the Precinct Commissioner or Designated Agent. The pipe shall be bedded along its complete length and the backfill around the pipe shall be compacted. The installation of all culvert pipes shall be in general conformance with the appropriate sections of the TxDOT Standard Specifications. All culvert pipes located in streets or roads shall be provided with reflector posts. The reflector post shall be equipped with one reflector facing in each direction of traffic flow. Reflector posts shall be provided on the ends of the concrete headwalls or rip-rap as shown on the Plans. The concrete headwalls or rip-rap shall be of the dimensions and at the locations shown on the plans. The headwalls shall be formed on their exposed surfaces, which shall be grouted and broom finished upon removal of the forms.
- 3.6.4 **Culverts:** Culvert pipe shall be clean and free of debris.

3.7 **Channel Excavation**

- 3.7.1 **Description:** Channel Excavation shall consist of required excavation for all channels, the removal and proper utilization or disposal of all excavated materials, and constructing, shaping and finishing of all earthwork involved in conformity with the required lines, grades and typical cross sections and in accordance with the specifications and requirements herein outlined. Excavated topsoil can be used in

accordance with County standards. It is the responsibility of the contractor to dispose of excavated trash in accordance with County standards and at an approved landfill.

- 3.7.2 Construction Methods: All suitable materials removed from the excavation shall be used, insofar as practicable, in the formation of embankments as required, or shall be otherwise utilized or satisfactorily disposed of as indicated on plans, or as directed, and completed work shall conform to the established alignment, grades and cross sections. During construction, the channel shall be kept drained, insofar as practicable, and the work shall be prosecuted in a neat and workmanlike manner.

Unsuitable channel excavation, or excavation in excess of that needed for construction, shall be known as "Waste" and shall become the property of the Contractor to be disposed of by him.

Channel Excavation shall include the removal and replacement of all fence lines crossing the channels and the installation of gates and water gaps as shown on the plans.

All channels and that area adjacent to the area which has been disturbed by construction equipment shall be seeded with Bermuda grass or other grass as approved by the Precinct Commissioner or Designated Agent at the rate of eight pounds per acre (8 lb/ac). Seeding shall conform to item 164 of the TxDOT Standard Specifications.

3.8 Miscellaneous

- 3.8.1 Signage: Street name signs, traffic control signs, speed limit signs, etc., shall all conform to the requirements of the TxDOT Standard Specifications when applicable and/or the "Uniform Manual of Traffic Control Devices".

For all developments proposing new street construction, the developer's engineer shall provide - as part of the construction plans - a narrative statement in recordable format, to be recorded with the Final Plat, listing the type and location of all proposed signs for directing and controlling traffic.

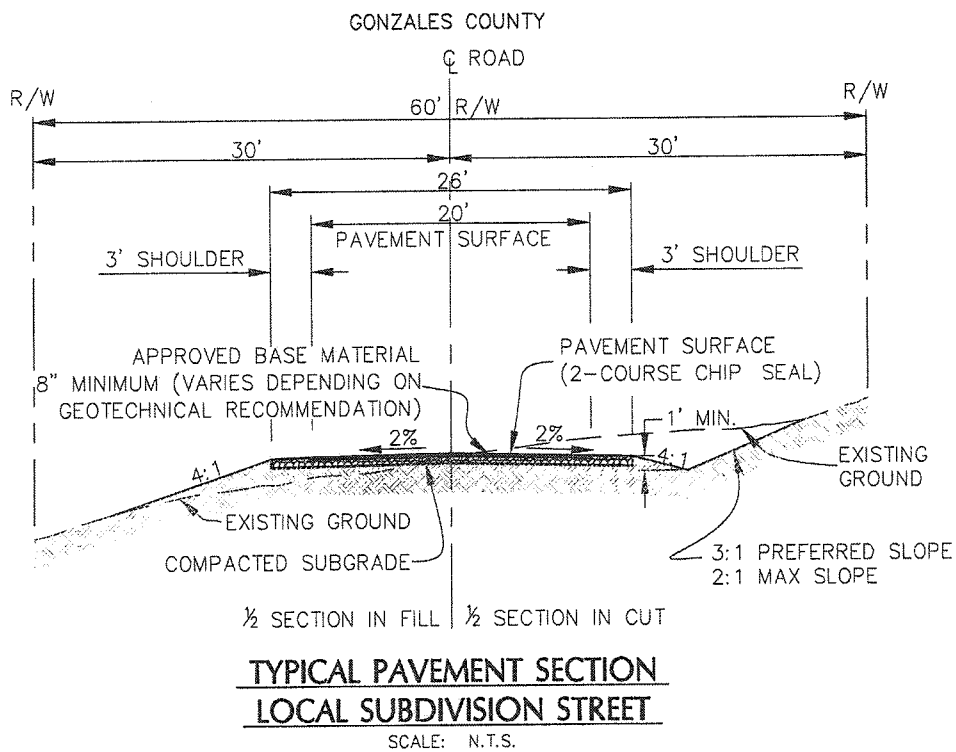
The Developer or Subdivider shall put all traffic signs in place, or, at the sole discretion of the Precinct Commissioner, the County may elect to install the signs, in which case the Developer or Subdivider shall pay the County the estimated actual cost of the signs plus a reasonable amount for the estimated actual cost of county labor.

- 3.8.2 Completion Certificate: At the time a final inspection and release of construction security is requested, the design engineer shall provide a complete set of "as-built" construction drawings and shall certify that all road and drainage construction has been completed in substantial accordance with previously approved plans and specifications, except as noted; and the design engineer shall also certify that the approved signage plan has been put into place. No performance security will be released without this exhibit.

- 3.8.3 Equivalency: All provisions of these regulations are intended to allow for the use of equal or better materials and methods. It is the responsibility of the design engineer and engineer certifying the geotechnical report to demonstrate that all provisions in these standards are met or exceeded by the alternate materials and methods to the

satisfaction of the Commissioners Court or Designated Agent of the Commissioners Court.

APPENDIX B Typical Road Cross-Section



P:\927-001\planning\concept rd\Typical Pavement Section.dwg

APPENDIX C
**Survey and Infrastructure Requirements for
Rental Communities in Gonzales County**

Preamble:

Whereas, due notice was given of a meeting and public hearing to determine whether the Commissioners Court of Gonzales County, Texas should enact an order establishing infrastructure requirements for Rental Communities; and

Whereas, the Commissioners Court of Gonzales County, Texas finds that the requirements enumerated below will help to insure the safe ingress and egress of emergency vehicles, protect against loss of life and property in the event of flooding or other emergencies, and insure adequate water and wastewater facilities for the citizens of Gonzales County; and

Whereas, the Commissioners Court of Gonzales County, Texas has considered the matter and deems it appropriate to enact this Order adopting minimum infrastructure requirements for Rental Communities,

Now, therefore, be it resolved and ordered, that the Commissioners Court of Gonzales County, Texas, meeting in open session this _____ day of _____, 2007, adopts the following minimum infrastructure requirements for Rental Communities:

Order of the Commissioners Court:

SECTION 1
DEFINITION OF AFFECTED DEVELOPMENTS

- 1.1** As used in this Order, the term “Rental Community,” referred to as RENTAL COMMUNITIES, means any plot or tract of land that is separated into two or more spaces that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, to be used as residence.
- 1.2 Definitions:** Streets and roads- A public road, a private drive, or any other avenue of ingress or regress intended to provide access to all or any part of the RENTAL COMMUNITIES consisting of more than one space.

SECTION 2
CONSTRUCTION START

- 2.1** Construction of a proposed RENTAL COMMUNITIES may not begin before an Infrastructure Development Plan has been approved by the Commissioners Court or by a county official or employee designated by resolution to act as an agent of the Court.

SECTION 3
UTILITY HOOK-UPS

- 3.1** A utility may not provide utility services, including water, sewer, gas, or electric services to an RENTAL COMMUNITIES until a Final Survey and an Infrastructure Development Plan have been approved by the Commissioners Court.

SECTION 4
FINAL SURVEY AND INFRASTRUCTURE DEVELOPMENT PLANS REQUIRED

- 4.1** The owner of a tract of land intended to be used as a RENTAL COMMUNITIES shall have prepared and submitted to the County a Final Survey and an Infrastructure Development Plan (IDP). In the rare event that there will be no infrastructure in the proposed RENTAL COMMUNITIES, then only a Final Survey will be required. The owner shall submit eight blue-line or blackline copies and two reproducible prints of the Final Survey, and shall submit eight blue-line or blackline copies and two reproducible prints of the IDP and eight copies of supporting materials. All original materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer who prepared them. The Final Survey and the IDP shall show or be accompanied by the following information:

- 4.1.1 DRAWING REQUIREMENTS: The north arrow, graphic scale and date shall be shown. The Final Survey and IDP shall be drawn on 24"x36" sheets to a scale not exceeding one inch equals two hundred feet (1"=200'). The recording Final Survey and IDP shall be on permanent type material equivalent or superior to mylar. If the recording Final Survey and IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller than 0.09 inches in height, and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the general location of RENTAL COMMUNITIES in relation to major roads, towns, cities, or topographic features. All county, city, school district, or special taxing districts that fall on or adjacent to the RENTAL COMMUNITIES must be shown on the Final Survey and the IDP.
- 4.1.2 COMMUNITY DETAILS: The name of the RENTAL COMMUNITIES, graphic scale, north arrow, names of streets and/or drives, block and space boundaries, and block and space numbers within the RENTAL COMMUNITIES shall be shown. Adjacent property owners, subdivisions and RENTAL COMMUNITIES shall also be shown and identified by owner's name and deed or plat reference.
- 4.1.3 OWNER IDENTIFICATION: The name, addresses, and telephone numbers of the owner or owners of a proposed RENTAL COMMUNITIES, and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the Final Survey and IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and address of the corporate officers, partners or joint venturers shall be provided.
- 4.1.4 BOUNDARY LINES: The perimeter boundary of the community and each boundary or space shall be shown with bearings and distances, referenced to a corner of the original Final Survey and IDP. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown in each Final Survey and IDP. A table of space square footage or acreage and the total square footage or acreage must be shown.
- 4.1.5 UTILITY SERVICE: Each utility service shall approve the Final Survey and IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the RENTAL COMMUNITIES.
- 4.1.6 LAYOUT OF SPACES, DRIVES, EASEMENTS, SETBACK LINES, DRAINAGE: Location of spaces, drives, roads, public highways, utility easements, parks, benchmarks, 100-year flood plain boundaries and other pertinent features, shall be shown by bearing and distance. The bearings and

distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, central angle and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The location of drainage easements and other public rights of way or future rights of way shall be shown. The names and locations of all drives shall be clearly shown, and shall be Coordinated with the County's 911 Coordinator and to avoid confusion or duplication in street names. A letter from the County's 911 Addressing Coordinator shall be provided to the County certifying drive name approval. One 911 address will be provided to the rental community; unit numbers are required to be assigned and clearly marked for each rental space as shown on the Final Survey and IDP

- 4.1.7 **FLOODPLAIN AND DRAINAGE INFORMATION:** In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan and floodplain delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year floodplain as well as the proposed finished floor elevations of any homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the RENTAL COMMUNITIES without increasing the peak flow under post-development conditions for a 100-year storm event. Elevation contours should be at no less detail than two-foot (2') intervals, based on NGVD 83 datum. All Special Flood Hazard Areas must be identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency. For each space containing 100-year flood plain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a Registered Professional Engineer. For each space containing 100-year flood plain, minimum Finished Floor Elevation must be provided on plat and development below the Finished Floor Elevation prohibited by plat note. A drainage plan depicting the anticipated flow of all drainage onto and from the Subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year floodplain boundaries, ravines, swales, ditches, bridges, and culverts. The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of space and drive layouts on drainage. Depiction of all streams, rivers, ponds, lakes, and other surface water features.
- 4.1.8 **ON-SITE SEWAGE:** If utilizing individual on-site sewage facilities, each space must meet the requirements of the Gonzales County Rules for On-Site Sewage Facilities. Viable percolation area must be shown. Space numbers and block designations shall be shown on the IDP. Each space shall have a minimum of 50 feet of road or drive frontage. After the approval of the septic permit, any

changes to the design or use of the On-Site Sewage Facilities must be approved by Gonzales County's Designated Representative Licensed by the State of Texas.

- 4.1.9 CERTIFICATION AND DEDICATION OF OWNER: The Owner shall certify the dedication for public use forever all streets, alleys, utility and drainage easements, parks, and any other land dedicated for public use, on the first page of the IDP with signature and acknowledgment before a notary public.
- 4.1.10 CERTIFICATION BY REGISTERED PROFESSIONAL LAND SURVEYOR: The Texas Registered Professional Land Surveyor shall certify on the first page of the Final Survey and IDP that the survey correctly represents a survey made on the ground under his supervision, and the dimensions, bearings, acreage and other technical information needed for platting each space shall be shown on the Final Survey and IDP. Final Surveys and IDPs shall not be approved until benchmarks are placed and placement is certified by the Surveyor.
- 4.1.11 CERTIFICATION AND APPROVAL BY CITY: Certification of approval signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the RENTAL COMMUNITIES is located shall be placed on the first page of the IDP. All information required by the city for approval, i.e. plans and specifications, shall also be submitted to the County along with the IDP.
- 4.1.12 RESTRICTIONS OF COMMUNITY: A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the RENTAL COMMUNITIES shall accompany the IDP, and shall be notarized and filed for record in the office of the County Clerk.
- 4.1.13 STATUS OF AD VALOREM TAXES: Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the RENTAL COMMUNITIES as furnished through the Gonzales County Tax Assessor/Collector's Office.
- 4.1.14 STREET STANDARDS: Streets shall be arranged and constructed so as to provide each with direct access to an all-weather driveway suitable for two-way traffic. drive drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express purpose of, at a minimum, assuring speedy emergency access to each home or in the community. "Flag lot" spacing or other contrivances which unduly inhibit proper drive maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles, and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP. One source of appropriate drive specifications is the Road and Drainage Specifications contained as part of the Gonzales County Subdivision and Development Rules.
- 4.1.15 DRAINAGE STANDARDS: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP

shall include a drainage plan, floodplain delineation, and floodway delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year flood plain as well as the proposed finished floor elevations of any homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the RENTAL COMMUNITIES without increasing the peak flow under post-development conditions for a 100 year storm event.

- 4.1.16 IMPROVEMENTS STATEMENT: Each IDP shall have the following note on the first page. "The paving, grading and easement or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by Gonzales County." When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page of the IDP the following statement: "I, _____, a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge, information and belief and based upon the information provided, the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless Gonzales County from any claim or litigation arising from any errors, omissions, or other acts of negligence in the preparation of same."
- 4.1.17 MEETING WITH PRECINCT COMMISSIONER: It is recommended that Applicants set up a meeting with the Precinct Commissioner before preparing the IDP.

SECTION 5 **FINAL SURVEY AND IDP APPROVAL**

The Commissioners Court of Gonzales County shall approve or reject the Final Survey and/or IDP within 60 business days of its being submitted. Failure to reject the plan within the time prescribed shall constitute the County's acceptance of the plan as required by Section 232.007 of the Texas Local Government Code.

SECTION 6 **INSPECTION AND CONFIRMATION OF CONSTRUCTION**

The Commissioners Court of Gonzales County shall approve or reject the IDP prior to the commencement of construction of any drive, drainage or utility improvements. The Owner, or the owner's authorized agent, shall arrange a preconstruction meeting with the Precinct Commissioner and/or Designated Agent to discuss the timing and nature of inspections by the County during all phases of construction. The County may designate a private engineer,

road contractor, testing company or other entity to serve as its agent for inspections. In any event, the applicant shall be required to pay for any reasonable testing requested by the County or Designated Agent. The final inspection shall occur no later than the second business day after the owner delivers written confirmation that all improvements have been completed to the standards established in the IDP as required by Section 232.007 of the Texas Local Government Code. If the County determines that the infrastructure complies with the IDP, the County shall issue a certificate of compliance no later than the fifth business day after the date of the final inspection; or, where no inspection is required, no later than the fifth business day after the receipt of the owner's letter of completion. If the County determines that the infrastructure does not comply with the IDP, the RENTAL COMMUNITIES may not be occupied until those deficiencies identified by the County are remedied to the satisfaction of the Commissioners Court.

SECTION 7
REVIEW FEES

Review fees shall be established from time to time by the Gonzales County Commissioners Court, and are subject to change without notice. At the adoption of these Rules, the review fee shall be set at \$1,250.00 plus \$100.00 per rental space for each space up to 100, and \$15 per rental space for any additional space above 100 at the time the application is filed. The fee shall be paid to the County Clerk, with proof of payment delivered by the Applicant to the Precinct Commissioner and the County Judge's office.

SECTION 8
SEVERABILITY

The various points and conditions enumerated in this Order are intended to stand alone as well as part of the larger Order, and, therefore, should any part of this Order be repealed by the Commissioners Court or struck down by a court of law, the remaining parts, points, numbers and conditions of this Order shall remain in effect until expressly repealed or amended by the Commissioners Court of Gonzales County.

APPENDIX D:
Fee Schedule

D.1. Plat Application Fees

D.1.1. Sketch Plan: There is no fee to discuss a Sketch Plan with the County.

D.1.2. Preliminary Plan: A review fee shall be paid at the time of Preliminary Plan application.

D.1.2. a) If no streets are proposed, the fee shall be \$200; plus, \$5 per Lot for each Lot up to 99 Lots, and \$2.50 for the 100th Lot and for each additional Lot.

D.1.2. b) If streets are proposed, the fee shall be \$3000.00; plus, \$20 per Lot for each Lot up to 99 Lots, and \$10 the 100th Lot and for each additional Lot.

D.1.2. Final Plat: A review fee shall be paid at the time of Final Plat application.

D.1.2. a) If no streets are proposed, the fee shall be \$1000; plus, \$75 per Lot for each Lot up to 99 Lots, and \$2.50 for the 100th Lot and for each additional Lot.

D.1.2. b) If streets are proposed, the fee shall be \$1250; plus, \$100 per Lot for each Lot up to 99 Lots, and \$5 per Lot for the 100th Lot and for each additional Lot.

D.2. Review Fees for Plat Revision (often called Re-Subdivision) and Cancellation

D.2.1. Revision: A review fee shall be paid at the time a Revised Subdivision application or application for Cancellation is submitted. The fee shall be \$100; plus, \$30 per Lot for each Lot up to nine Lots, and \$15 for the 10th Lot and for each additional Lot. This same fee shall also apply to any changes or cancellation of a Rental Infrastructure Plan.

D.3. Review Fees for Rental Communities.

D.3.1. RENTAL COMMUNITIES Review: A review fee shall be paid at the time an infrastructure plan is submitted for review. The fee shall be \$1250; plus \$100 per unit site (rental space, Lot, or equivalent space) up to 99, and \$10 for the 100th site and for each additional site. Once an infrastructure plan has been approved, any changes must meet all county standards and be re-approved by the Gonzales County Commissioner's Court

D.4. Review Fees for Proposed Variances

D.4.1. Variances (First Variance): A review fee shall be paid at the time a formal request for Variance is submitted. The fee shall be \$100 for the first Variance requested;

plus, \$2 per Lot for each Lot up to 99 Lots, and \$1 for the 100th Lot and for each additional Lot.

D.3.2. Additional Variances: If an Applicant requests more than one Variance per project, an additional review fee is due with the formal Variance request. In addition to the fee mandated in above (in D.3.1.), the Applicant shall pay \$50 per Variance request.

D.5. Other Related Fees

D.5.1. Additional Fees Beyond Subdivision. In addition to the review fees listed here, Gonzales County may impose fees for recordation in the County Clerk's office, and for applications and review related to On Site Sewage Facilities.

D.5.2. Additional Fees for Certain Subdivision Reviews. In the event of a dispute over engineering data or interpretation, or if the County has reason to question an Applicant's calculations related to flood plain delineation, geotechnical specifications, or any other engineering-related issues, the County may impose an additional review fee to cover all or part of the costs of obtaining an independent engineering review. This shall be discussed with the Applicant in advance, so that the Applicant may determine whether to 1) offer the County additional information from its engineers or consultants; or, 2) withdraw its Application. If the Applicant wishes to proceed, and the County determines that it still needs additional information, then the Applicant shall pay an additional fee to Gonzales County as "Additional Engineering Review." This fee shall be equal to the amount charged the County by the firm or person who is to perform the review, or \$500, whichever is less.

D.6. Change Without Notice

D.6.1. Subject to Change. The fees in this Appendix are subject to change at any time by the Gonzales County Commissioners Court, provided the action is properly posted under the Texas Open Meetings laws.

D.6.2. Fee Schedule is Stand-Alone. This Appendix is attached to the Gonzales County Subdivision and Development Regulations for the convenience of Applicants, but it is intended as a stand-alone Order and not as an integral part of the County's Subdivision Order.