

# Update of the Hays County Development Standards

Changes – 2008-01-24 to 2008-05-31

## **Chapter 701**

- Added abbreviation TWC for Texas Water Code [2.02]
- Added additional language to coincide with the TLGC Chapter 245 “fair notice” provisions. [2.07]
- Added “including the associated right-of-way” to definition of regulated roadway [3.KK]
- Modified existing public roadways which may be considered regulated roadways. [3.KK.1]
- Clarified that private roadways used for general public ingress/egress are regulated. [3.KK.4]
- Clarified that only the portion of the facilities/features within the County right-of-way are regulated. [3.KK.5]
- Typographical correction [4.01]
- Eliminated general requirement for all applicants to meet with the County Commissioner (intended to requirement for flood plain, OSSF, driveway, etc applicants to meet with the Commissioner, while still requiring commissioner meetings for larger items) [7.02]
- Added additional language to clarify occupational licensing requirements [7.03.F]
- Added a section specifying application requirements for various types of Applicants (persons) [7.05]
- Added provisions to accommodate the voluntary delivery of Written Notice electronically [9.08]
- Added provisions to relieve low density residential developments (less than one DU per 5 acres) from requirement to hold a public meeting. [10.03]
- Added language to identify the effective date of a Development Authorization [11.06]
- Added language limiting notice to other political subdivisions to those requesting notice [11.10]
- Reorganized the entire section and added provisions establishing venue [13]
- Added language allowing requiring all changes to special provisions or restriction in a DA to be processed as a modification by the Commissioners Court [13.05]
- Added a section authorizing “stop-work” orders issued by the Department for activities authorized under a DA [13.06]
- Added a section requiring the public notice for transfers or modifications of Development Authorizations to be the same as the original DA.
- Added language requiring subdivision applications to confirm names/designations in conjunction with the preliminary plan [16.01]
- Typographical correction [16.02]
- Clarified that “911” addresses are established by the County “911” coordinator in conjunction with the issuance of the DA [16.03]

## **Chapter 705**

- Clarified that changes to exempt subdivisions will require review by the County and may require formal subdivision [3.03]
- Revised requirements for general geographic coordinates to be included with Application [4.03.B.4]
- Moved requirement to provide geographic coordinates for roadways from 4.03.B.4 to 8.03.E.
- Revised requirements for geographic coordinates for property boundaries [5.01.H]

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- Revised language to accommodate the concept of private parks, to require an access plan for publicly dedicated parks and a management plan for private parks, to allow habitat areas to be included as open space, to place the burden on demonstrating suitability of park areas on the Applicant, and to allow the fee-in-lieu to be determined based on either the assessed tax value of the parent tracts or on an appraisal. [5.06]
- Eliminate the requirement to indicate “911” addresses on the final plat [8.03.C]
- Change the number of reproducible record plats from two to one [10.03]
- Added language clarifying that for Final Plats filed before the Preliminary Plan expires, a second notice is not required [12.02]

### ***Chapter 711***

- Miscellaneous editorial corrections
- Eliminated the requirement to contact the County Commissioner on site development applications (May still be subject to coordination with Commissioner based on other chapters) [4.03]
- Added language to allow modified expiration dates based on other Chapters of the regulations or by applicable state or federal requirements [5.02]

### ***Chapter 715 - Groundwater Availability***

- Added language to allow a wastewater availability demonstration based on OSSFs to be issued by a registered sanitarian [2.02 and 5.02]
- Typographical correction [3.02]
- Added language to coincide with TCEQ rule proposals for groundwater availability demonstrations to be submitted to the TWDB and GCDs [3.03 & 3.04]
- Added language to clarify that the walking receptor survey was only intended to visually located wells on adjacent properties from the Subject Property and did not imply the need to physically access the adjacent property [3.06.B]
- Added language to clarify that the procedures for comparing groundwater recharge to groundwater withdrawal [3.06.D]
- Added language to require the prototype rainwater harvesting design to include minimum component sizes. [3.09.C]
- Added language to require restrictions on the use of groundwater for developments that demonstrate water availability solely using rainwater harvesting. [3.09.F]

### ***Chapter 721***

- Miscellaneous editorial corrections
- Added references to Texas Transportation Code and to consolidated table [2.01]
- Typographical corrections [2.06 & 2.07]
- Clarified requirements for private roadway status and added language to require all-weather surface (not necessarily paved) to all areas of the developed served by the private roadway [2.01]
- Clarified general requirements for maintenance of private roadways and to allow maintenance by entities other than homeowners associations [4.03 & 4.04]
- Added language to require certification by P.E. that design meets standards. [5.02]
- Changed construction restrictions within building setbacks from “building” to “above-grade”. [5.03]

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- Moved Table from Section 5.03 to the end of the Chapter and consolidated information into the table from other sections.
- Removed reference to County roadway specifications [5.04]

### **Chapter 725**

- Miscellaneous editorial corrections
- Added maximum design velocity of 10 feet per second for flow going over a roadway [3.05]
- Typographical correction [3.06]
- Change “no development whatsoever” to “Only limited utility and roadway crossings” for the floodway [3.07]
- Added language from “local” to “other jurisdictions” to incorporate the requirements of the TCEQ Edwards Aquifer Program and the TCEQ Construction Site Stormwater Permitting Program. [4.03]
- Added language to require compliance with construction standards from Chapter 731 [5.01.B]
- Added language to preclude the use of speed bumps [5.04.C]
- Typographical correction [6.05]

### **Chapter 731**

- Clarified reference to Temporary Erosion Controls Manual and the addition of the requirements of other jurisdictions [2.05]
- Incorporated language regarding a “punch list” from the final inspection. [2.09]
- Added a section addressing the expiration and renewal of a bond [4.06]

### **Chapter 735**

- Miscellaneous editorial corrections
- Modified the expiration requirements for FHAPs [4.05]

### **Chapter 741**

- Miscellaneous editorial corrections
- Changed “administrator” to “authorized agent” [1.05]
- Added Texas licensed professional engineers and Texas registered sanitarians [3]
- Modified the title and description of conventional systems to be limited to standard treatment system combined with a standard effluent disposal system and to conform to TCEQ terminology [6.02]
- Modified the title (“Class I” to “Advanced”) and description of advanced systems and to conform to TCEQ terminology [6.03]
- Added a section identifying who is recognized to submit planning materials [7.03]
- Added language to address minimum lot sizes when multiple water sources are used [8.01.A]
- Added language to allow a smaller minimum lot sizes for areas outside the EARZ that utilize effluent disposal methods other than surface application [8.01.C]
- Added language to address permitting of OSSFs on lots platted at various times prior to the effective date of these regulations [8.01.E]
- Modify the minimum separation distances to allow for water-tight fixtures [8.02]

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- Added language to modify the maintenance requirements to require all maintenance activities be conducted by a TCEQ licensed maintenance contractor, superseding TCEQ rules and Texas HB 2482. [8.07 & 8.18]
- Re-ordered several sections to match the order presented in the TCEQ rules. [8.08 to 8.18]

### **Chapter 745**

- Added abbreviation for MHRC [1.03]
- Added new Subchapter 2 dealing with exemptions, allowing MHRC's with four (4) or fewer units; with five (5) or fewer units occupied by relatives, with all individual lots exceeding 10 acres in size. These exempted MHRC's are required to register only.

### **Chapter 751**

- Added a section that addresses any entities that may be authorized to use County property or facilities under state or federal law [1.07]
- Added language that precludes mailboxes, signs, etc. not constructed of collapsible materials from qualifying for a minor permit [2.02]
- Added a section that allows the County to approve the use of County property or facilities in conjunction with other types of Development Authorizations [2.03]
- Typographical correction [5.03]

### **Chapter 755**

- Miscellaneous editorial corrections
- Separated gated communities into a regulated activity [3.03]
- Added new roadway classification to setback table [4.04]
- Re-structured the text to generally match other Chapters and revised the application procedures and required information to refer back to Chapters 701 and 711[5 & 6]
- Added a requirement for posted notice for regulated land uses [5.03]
- Eliminated the language on transfers to allow Chapter 701 to govern [6]
- Move enforcement language to Chapter 701.
- Added a new Subchapter on Gated Community Access Control Regulations [6]

### **Chapter 761**

- Added a section that identifies the legal authority for this Chapter [1.02]
- Added the following items to the list of qualifying activities [1.04]
  - Water conservation features
  - Open space preservation/allocation
  - Low intensity developments
  - Affordable housing
- Added a section that authorizes multiple items to be incorporated into one project or Development Authorization [1.05]
- Added a sections on rebate procedures [4]

### **Chapter 765**

- Added Voluntary Conservation Easements & related changes to types of conservation developments [3.03]

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- Added requirements for conservation space to be secured by conservation easements (CEs) and items to be included in CEs. [5.01.E]

**Need to add authorization for the County to Hold voluntary donations of conservation easements.**

### **Chapter 771**

- Miscellaneous editorial corrections
- Added an item to allow for phased development [1.03]
- Added a clarification that development agreements are intended to work in conjunction with development authorizations [1.04]
- Added clarification that more restrictive agreements were specifically intended to be used in conjunction with transferrable development rights or commodities. [1.05]
- Substituted Hays County Criminal District Attorney's office for County Attorney [2.03]
- Changed "Commissioners Court" to "parties to the Development Agreement" [3.02]
- Added "public notice" to "Written Notice and Published Notice" [5.03]

### **Other Issues**

- General references to other documents [701.2.06, 701.4.04]
- Exemption for Man. Home Rent. Comm. - change to 4 - exceptions [701.3.V, 745]
- Tax Status Twice (Regulations require demonstration prior to processing, Property Code, Chapter 12 requires demonstration at time of filing with County Clerk) [701.12.03] Currently 701.5 only requires that the Applicant file their Tax ID #s and not provide certificates. This allows the County to check tax status before processing.
- Concerns about staff ability to track exempted subdivisions [705.3]
- County responsibility to manage parkland and open space [705.5.06]
- Need to coordinate recent refund resolution [705.11.01]
- Philosophical approach to Site Development Review [711.2.03]
- Is it appropriate to allow combined DAs [711.3.02]
- What are the water availability requirements for re-subdivisions? [715.3.01]
- Allow unpaved private roadways to be approved as a part of DA? [721.?)
- Providing relief to small commercial development through a regional drainage facilities and/or a fee-in-lieu program [725.3.02]
- Accommodate TLGC 245.004(11)(A)? [725.3.02]
- Does County want to be the repository for documents for other jurisdictions water quality control programs? [725.4.01]
- Require paved roads for MHRC's [745.2.05.C.1] Under 721, public roads must be paved, private roads can be "all-weather"
- As currently construed, the language in 751.1.03 would require someone to get a minor permit before building a mailbox in County ROW