

§10.06. Notice of Evaluation Criteria

Where required or allowed under these regulations, written or published notices issued shall contain notice of the specific criteria from within these Regulations to be used by the Commissioners Court as the basis for evaluating whether to approve or deny an Application submitted under these regulations. This notice shall also indicate that the Commissioners Court may not consider factors other than the identified criteria in making their decision. The Department shall develop and make available to the public sample text to be used in conjunction with each of the types of Applications under these regulations which require or allow written or published notice. The Commissioners Court will accept comment on any matters related to the Application; however, certain matters may not be legally relevant to the Commissioners Court's decision on the Application.

§10.07. Public Access to Applications Tracking

The Department shall maintain a list of administratively complete Applications received, Development Authorizations issued and the status of pending Applications for each calendar month. The Department shall make a hard copy of this list available for inspection at Department offices and shall distribute a copy to the offices of the County Judge and the Commissioners. This list may be distributed electronically and may also be posted on any electronic medium maintained or used by the County.

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The Department shall maintain a list of persons that request to be placed on a public distribution list. For each calendar month, the Department shall distribute to all such persons on that list a summary listing of administratively complete Applications received and Development Authorizations issued under these Regulations. Copies may be distributed electronically or by regular mail. The Department may charge a fee, as established by the Commissioners Court, to each person requesting to be on the distribution list to cover the cost of distributing the information.¶

Sub-Chapter 11 - Development Authorizations

§11.01. Basis for Issuance of Development Authorizations

Development Authorizations issued by the County shall be based on the Application materials, including any representations made in the Application and supplemental information submitted by the Application. The County may incorporate into a Development Authorization by reference any information submitted in conjunction with an Application.

§11.02. Issued to Permittee

All Development Authorizations issued by the County shall be issued to one or more Permittees. Unless a different Permittee is specifically indicated on the Application, the Development Authorization shall be issued to the Applicant as the Permittee.

§11.03. Contiguous Property Under Multiple Ownership

The County may issue Development Authorizations for Contiguous Property under single and separate ownership or under multiple ownership. If the Development Authorization is issued for Contiguous Property under multiple ownership, all development activities taking place shall be subject to a common plan of development with common authority and common responsibility.

§11.04. Special Provisions

The County may incorporate reasonable special provisions into any Development Authorization to ensure compliance with these Regulations and protection of public health, safety, welfare and the environment. Such special provisions shall be based on any of the requirements of these Regulations or on the County's established legal authority.

§11.05. Form of Development Authorization

All Development Authorizations issued by the County shall include:

geoscientists, professional land surveyors, registered sanitarians, attorneys, accountants, etc.)

§4.04. Communication with Precinct Commissioner

The Applicant or the Applicant's authorized agent is required to contact the Commissioner(s) in whose precinct(s) the proposed Subdivision is located prior to the submission of the Application.

§4.05. Supplemental Information

In addition to the items required to be submitted with the Application in accordance with Chapter 701 and Section §705.4.03, each Application for a Preliminary Plan or a Final Plat shall include the following:

- (A) Property location map(s), which utilizes at least one of the following base maps:
 - (1) A topographic map as published by the U.S. Geological Survey (USGS), or an equivalent map from another source, indicating the location of the Subject Property;
 - (2) A County Roadway map as published by the Texas Department of Transportation indicating the location of the Subject Property; and/or,
 - (3) A County Roadway map from another source that accurately depicts the location of the Subject Property.
- (B) A copy of the deed or deeds documenting current ownership of the Subject Property.
- (C) Engineering, Surveying and other drawings and documents containing the specific information required for either a Preliminary Plan or a Final Plat.
- (D) All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit.
- (E) Any subdivision proposal that is not exempt according to Chapter 705, Subchapter 3 shall be required to submit digital files for all drawings and graphics of the subdivision, as required under Chapter 701, Subchapter 7.

§4.06. Application Review Periods

The Department review period for an application for a Preliminary Plan or Final Plat shall begin on the first working day after a completed Application is submitted and shall end on the first Wednesday following the expiration of fifteen (15) working days thereafter.

- (A) An application for a Preliminary Plan or Final Plat shall be deemed to be administratively complete for purposes of this Chapter when all of the materials required by these Regulations are delivered to the Department together with:
 - (1) for Preliminary Plans, those items required in Subchapter 5, 6 and 7 of this Chapter, and;
 - (2) for Final Plats, those items required in Subchapters 5 and 8 of this Chapter.
- (B) Final action, including resolution of all appeals, of either a Preliminary Plan or Final Plat shall be no later than sixty (60) calendar days from the date of the administratively complete application submittal, subject to extensions as allowed by LGC §232.0025(f).

- (A) 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. Applications for subdivisions which are an extension of a pre-existing, contiguous subdivision shall include a designation of the sequence order for each separate application (e.g. Phase II, Section 3, etc.)
- (B) The boundary lines and total acreage of the Original Tract, the Subject Property and the proposed Subdivision.
- (C) A note stating the total number of Lots within the proposed subdivision and the average size of Lots, and the total number of Lots within the following size categories: 10 acres or larger, larger than 5.0 acres and smaller than 10 acres, 2.00 acres or larger up to 5.00 acres, larger than 1.00 acre and smaller than 2.0 acres and smaller than 1.00 acre.
- (D) Approximate acreage and dimensions of each Lot, roadway and parkland/open space tract.
- (E) The location of any proposed parkland, squares, greenbelts, school tracts, open space or other public use facilities, the calculation of the required quantity of parkland/open space, and a notation as to whether this requirement is being satisfied through dedication, fee-in-lieu, or a combination of both.
- (F) Names of adjoining subdivisions or owners of property contiguous to the proposed Subdivision.
- (G) Geographic Coordinates shall be reflected on the drawings for the main entrance point to the proposed subdivision from an existing public roadway and for the most extreme property boundary corners of the parent tract(s) constituting the boundaries of the Subject Property in each compass direction (e.g. northernmost, southernmost, etc.). Geographic coordinates for Preliminary Plans may be reported using navigational grade precision (using navigational grade Global Positioning System [GPS] equipment). Geographic coordinates obtained using more precise methods are also acceptable for Preliminary Plans.
- (H) Name and address of the Texas licensed professional land surveyor and/or Texas licensed professional engineer preparing the Application materials.
- (I) Name and address of the Owner(s) of the Subject Property, and Applicant if not the Owner.
- (J) Area map, with a scale not to exceed 1" = 600', showing general location of Subdivision in relation to major roads, towns, cities or topographic features.
- (K) North arrow, scale and date. The scale shall not exceed 1" = 200'.
- (L) Boundary lines of any incorporated municipality and the limit of the extraterritorial jurisdiction of any municipality.
- (M) The location of Political Subdivision (e.g. school districts, municipal utility districts, groundwater conservation districts, emergency services districts, etc.) boundaries and/or a statement clearly indicating in which Political Subdivision(s) the Subdivision is located. In the event any Lot lies within more than one Political Subdivision then the plat shall

clearly state the number of acres within the Lot that lies within each Political Subdivision.

§5.02. Water, Wastewater and Utilities Information

A proposed subdivision shall satisfy the requirements of Chapter 715 of these Regulations and shall make provision for serving the subdivision with other utilities:

- (A) Designation of the entity supplying electric, telephone and natural gas utilities to the development, or a statement that such utility is not available.
- (B) The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.
- (C) A Water and Wastewater Service Plan, if required by Chapter 715.
- (D) Certification that all Lots have been designed in compliance with Chapter 741, together with all planning and evaluation materials required to determine Lot sizing under the Chapter 741 and any request for a variance under Chapter 741.
- (E) Any applicable separation distances from identified streams or other applicable off-site receptors in accordance with Chapter 741.
- (F) For developments where the Subject Property is fifty (50) acres or greater, or which may result in fifty (50) or more dwelling units, the Applicant shall indicate on the plat an easement to the public to allow the County, the State of Texas, or a Groundwater Conservation District with jurisdiction over the subject property to install and maintain groundwater monitoring wells. Such easement shall be at least fifty (50) feet by fifty (50) feet, shall have public access from a Regulated Roadway, shall not be encumbered by other uses, such as drainage features or utilities, and shall be located in parkland, open space, or other undeveloped common spaces otherwise dedicated to the public. All costs for the installation, operation and maintenance of the groundwater monitoring wells and access controls (e.g. roadways, fences, etc.) shall be borne by the entity installing the wells.

§5.03. Roadway and Right-of-Way Information

A proposed subdivision shall satisfy the requirements of Chapter 721 relating to design of roadways and shall contain a written certification from a Texas licensed Professional Engineer that the location and dimensions of roadways as set forth are in accordance with these Regulations. This information is not the sealed Construction of Roadways and Storm Water Management plans that are required after approval of preliminary plan. The information included with the Application shall illustrate:

- (A) Location, length and right-of-way widths of all proposed roadways and a depiction of how all proposed roadways shall connect with previously dedicated, platted or planned roadways within the vicinity of the Subdivision.
- (B) Proposed names or designations for all roadways, public access easements, and shared access driveways, and a statement indicating that the Applicant has coordinated all such names or designations with the County “911” coordinator.
- (C) Location, size and proposed use of all proposed access easements, or Shared Access Driveways, if any.

- (D) A statement indicating whether the Applicant shall seek public dedication of the roadways or designation of roadways as private roadways.
- (E) The number of feet of frontage of each Lot onto a regulated roadway.
- (F) A roadway design report prepared in accordance with Chapter 721, unless exempted pursuant to Chapter 721, Subchapter 5.
- (G) A designation of the classification of each roadway to be constructed or existing roadways abutting any Lot as determined in accordance with Chapter 721 below.
- (H) Proposed location of all depth gauges, at all road crossings where the 100 year frequency flow or lesser frequency storm event is anticipated to flow over the roadway surface and any proposed gates or warning devices. The Department shall evaluate and recommend to the Commissioners Court whether or not to require additional gates or warning devices at such locations.

§5.04. Flood Plain and Storm Water Management Information

A proposed subdivision shall satisfy the requirements of Chapter 725 of these Regulations relating to Storm Water Management Standards and shall contain a written certification from a Texas licensed Professional Engineer stating that the location and approximate sizes of the storm water management structure set forth are in accordance with the Department's Storm Water Management Standards. The information included with the Application shall illustrate:

- (A) Elevation contours at no greater than two-foot (2') intervals, based on the North American Vertical Datum (NAVD) of 1988 [NAVD 88].
- (B) All Special Flood Hazard Areas identified by the Federal Emergency Management Agency as identified in Chapter 735, Subchapter 3.
- (C) For each Lot containing a special flood hazard area, sufficient additional contours to identify and delineate the special flood hazard area (including the 100-year floodplain and regulatory floodway, if any) and the lowest allowable finished floor elevation. If base flood elevations and lowest allowable finished floor elevations have not already been established, they shall be established by a method satisfactory to the Director.
- (D) For each subdivision containing a special flood hazard area, at least one benchmark showing the NAVD 88 elevation, as well as geographic coordinates, shall be established using the procedures presented in the Texas Department of Transportation (TXDOT) Survey Manual, latest edition.
- (E) A storm water management plan depicting the anticipated flow of all storm water onto and from the subdivision and showing all major topographic features on or adjacent to the property including all water courses, special flood hazard areas, ravines, bridges and culverts.
- (F) The location and size of all proposed storm water management structures and easements, including on-site retention or detention ponds and easements and the impact of lot and roadway layouts on drainage.
- (G) All storm water management structures to be submitted for consideration of acceptance of maintenance by the County.

- (H) General depiction of the boundary lines of the Edwards Aquifer Recharge Zone, or the Contributing Zone of the Edwards Aquifer, if affecting the property, and a statement certified by the Texas licensed professional surveyor or Texas licensed professional 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 the Edwards Aquifer Recharge Zone or the Contributing Zone of the Edwards Aquifer.
- (I) Depiction of all streams, rivers, ponds, lakes, water courses and 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 such features in accordance with the terms of these Regulations.
- (J) A statement as to whether or not development of the proposed subdivision is subject to the TCEQ Edwards Aquifer Regulations in 30 TAC §213.

§5.05. Lot Size Requirements

Except where a larger minimum lot size is required elsewhere within these Regulations, a subdivision approved by the County shall be subject to the following minimum lot size requirements:

Table 705.05.01 – Minimum Lot Sizes (in Acres)

Water Supply Systems	Wastewater Service	Within EARZ	Within EACZ	All Other Areas
Other Water Supply System	TCEQ Permitted Public System	None	None	None
Other Water Supply System	TCEQ Permitted Private System	1.00	0.75	None
Public Local Groundwater System	TCEQ Permitted Public System	0.75	0.50	None
Public Local Groundwater System	TCEQ Permitted Private System	1.50	1.00	None
Non-Public Local Groundwater System	TCEQ Permitted Public System	1.00	0.75 6.00 [1]	0.50 6.00 [1]
Non-Public Local Groundwater System	TCEQ Permitted Private System	2.00	1.50 6.00 [1]	1.00 6.00 [1]
Any	OSSF	Refer to Table 741.06 in Chapter 741		
EARZ – Edwards Aquifer Recharge Zone EACZ – Edwards Aquifer Contributing Zone [1] Applicable to new <u>subdivisions and Manufactured Home Rental Communities</u> served by individual private wells located <u>within</u> the Priority Groundwater Management Area <u>and required to demonstrate water availability under Chapter 715</u> , except as modified under §715.3.06(D)				

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§5.06. Parkland and Open Space Requirements

Except as exempted in §705.5.06(A), proposed subdivisions shall make suitable provisions for parks and/or open space through the establishment of parkland and/or open space within the subdivision, by paying a fee to the County in lieu of parkland/open space establishment, or a combination of both methods.

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- (A) The following proposed subdivisions are exempted from the requirement to make provision for parks and/or open space:
- (1) Subdivisions where the Subject Property is less than fifty (50) acres;
 - (2) Subdivisions that will result in fewer than fifty (50) dwelling units; or,
 - (3) Subdivisions where the average size of all lots is greater than five (5) acres.
- (B) Each subdivision shall make provision for parkland and/or open space at a rate of one (1) acre per fifty acres (two percent [2%]) of the Subject Property. Except as provided in Section §705.5.06(E) and (F), areas within drainage, roadway and utility easements or rights-of-way may not be considered as satisfying this requirement. Nothing in this requirement shall be construed to prohibit the placement of utilities within parkland/open space.
- (C) Provision of parkland and/or open space within the subdivision shall be reflected on the Preliminary Plan and/or Final Plat. Land areas established as parkland/open space shall have access to at least one existing or proposed public roadway. This requirement may be waived if the Department determines that such access is unnecessary for maintenance of the parkland/open space (e.g. the established area is adjacent to an existing public park or open space area that has such access).
- (D) Land established as parkland must be suitable for active and passive recreational uses by the public. In determining whether proposed parkland is suitable, the Applicant shall demonstrate that the size, configuration, topography, surface features and subsurface features allow it to be useable for recreational activities such as children's play areas, family picnic areas, game court areas, turf fields, swimming pools and other recreational facilities.
- (E) Land established as open space shall consist of greenbelts, riparian corridors, habitat conservation areas and similar areas which are intended to remain in their natural state. Future development of the established open space shall be prohibited in perpetuity through the means of a conservation easement or equivalent legal instrument. The easement or instrument shall be granted to the public and shall be held by the County or other non-profit legal entity recognized by the County as custodian for the County. Such easement or instrument shall be in such form and under such conditions as are acceptable to the County.
- (F) Where Parkland/open space is acceptable to the County for public dedication, it shall be subject to the following requirements:
- (1) Where the established parkland/open space allocation is less than five (5) acres, the entire allocation shall constitute one (1) lot or tract.

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- (B) Any procedures for switching between service methods shall be clearly identified; and,
- (C) Potential conflicts between service methods shall be clearly identified.

Sub-Chapter 3 - Water Availability

§3.01. Applicability

The following developments are exempted from the requirements to certify water availability under these Regulations. The County encourages exempted developments to comply with these Regulations.

- (A) Exempted subdivisions as defined under §701.3.01.
- (B) Exempted Manufactured Home Rental Communities as defined under §745.2.01.
- (C) The following categories of non-exempt subdivisions are not required to demonstrate water availability, subject to the inclusion of a plat note prohibiting further non-exempt subdivision or re-subdivision for a period of five (5) years following the filing of the Final Plat:
 - (1) All non-exempt subdivisions of five (5) lots or less in which all lots average at least two (2) acres.
 - (2) All subdivisions of ten (10) lots or less in which all lots are larger than ten (10) acres.

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§3.02. Items Common to All Water Availability Demonstrations

The following items shall be addressed in all water availability demonstrations prepared under these regulations, regardless of the source(s) utilized:

- (A) An estimate of the amount of water demand throughout all phases of development supported by engineering calculations based on the anticipated timetable for full build-out, including a statement describing the level of fire protection afforded to the proposed phase(s) of the development;
- (B) A statement as to whether there are plans for alternative or backup water service; if so, an identification of the alternative or backup water source;
- (C) A description of any anticipated new water facility improvements required to serve the development;
- (D) A map showing the proposed location of all water facilities throughout all phases of development as well as the proposed water service area, including any TCEQ-approved service area boundaries of a water service provider operating under a Certificate of Convenience and Necessity (CCN) within the boundaries of the proposed subdivision;
- (E) An estimated timetable for completion of all facilities; and,
- (F) Based on the information available at the time the application is submitted, the anticipated owner(s) and operator(s) of all water facilities throughout all phases of development shall be identified and included in the application.

§3.03. Notification for All Developments Utilizing Local Groundwater

This Subchapter addresses the requirements that Subdivisions and Manufactured Home Rental Communities must meet to demonstrate water availability using Local Groundwater for the

(D) The person preparing the groundwater availability certification shall utilize the estimated annual average recharge rates (developed under §715.3.06.C) to determine the total estimated annual recharge for the footprint area of the Subject Property. The estimated annual recharge for the Subject property shall be compared to the projected annual groundwater withdrawal, to assess whether the projected withdrawal exceeds the estimated recharge. For developments where the projected withdrawal exceeds estimated recharge, the Applicant shall take one or more of the following steps:

(1) Comply with the minimum lot size requirement of 6.00 acres, as presented in Table 705.05.01;

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(2) Provide a supplemental demonstration of water availability based on an Other Water Supply System, and prorate the minimum lot size requirement using 6.00 acres for the percentage provided by Local Groundwater and the otherwise applicable value from Table 705.05.01 for the Other Water Supply System; or,

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(3) Subject to the requirements of §715.3.06(F), secure the future development rights for currently undeveloped property in a quantity sufficient to balance the groundwater withdrawal for the Subject Property with overall recharge from the Subject Property and other property, and provide Written Notice, as outlined in Chapter 701, to the owners of all proximate property for which a groundwater well is documented or discovered during the walking receptor survey, and the owners of any other documented well within one-quarter mile of the Subject Property, that the projected groundwater use for the proposed development is being offset through the acquisition of additional property. The Department shall make available to the public standardized notice language for this purpose.

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(E) For developments where the availability of groundwater is limited to less than the flow required to support fully developed conditions, the Applicant shall include in the Water and Wastewater Service Plan the procedures to be utilized to limit groundwater withdrawal to the certified available quantity.

(F) Property outside the Subject Property that is used for the purpose of balancing the groundwater withdrawal for the Subject Property shall comply with the following conditions:

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(1) Eligible additional property must recharge to the same aquifer zone as the Subject Property and be within the same PGMA.

(2) All such additional property shall be subject to a conservation easement or equivalent legal mechanism structured to prohibit in perpetuity its future subdivision or development. The easement or instrument shall be granted to the public and shall be held by the County or other non-profit legal entity recognized by the County as custodian for the County. Such easement or instrument shall be in such form and under such conditions as are acceptable to the County.

(3) For properties located within the jurisdiction of public entities having zoning authority, the Applicant shall provide documentation that the zoning for the additional property is “agricultural”, “open space” or other equivalent zoning that allows little to no development of the additional property.

- (4) The additional property shall either be contiguous to the Subject Property or located within five (5) miles of the Subject Property.
- (5) Additional property that is contiguous to the Subject Property may be considered as providing the same recharge as the Subject Property.
- (6) Additional property that is not contiguous, but is located within five (5) miles of the Subject Property shall be considered as providing seventy five percent (75%) of the recharge provided by the Subject Property.
- (7) In instances where the Applicant proposes to secure the development rights from a property (the originating property) that is outside the jurisdiction of the County and within the jurisdiction of one or more local governmental entities, the Applicant must provide documentation of the written approval of the transfer from each such local governmental entity with jurisdiction over the originating property.

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§3.07. Water Availability Demonstrations Utilizing a new TCEQ public water supply system:

In addition to the requirements outlined in §715.3.02, Applicants proposing to serve a development through a new public water supply system shall include the following information in the Water and Wastewater Service Plan:

- (A) If water service is to be provided by a municipal utility district or other special purpose district that has not been created as of the filing of the Preliminary Plan, a detailed description of the proposed district boundaries, a timetable for creation of the district, and identification of the proposed organization of the district.
- (B) Prior to the final approval of the development (e.g. the final plat or the Infrastructure Development Plan), the Applicant shall supply a letter to the Department from the water service provider certifying that they have the authority to provide water service; that there will be sufficient capacity to serve all phases of the proposed development; and that all required agreements have been executed.
- (C) Within ten (10) working days of receiving this supply letter, the Department shall notify in writing all governmental entities which the Department has record of having jurisdiction over any aspect of water supply to the proposed development requesting their comments on the letter. In instances where the water service provider does not own or otherwise control the source(s) of supply, the Department may require that the Applicant obtain supporting documentation certifying the availability of adequate supply from the actual water supply source(s) in addition to the information required to be provided by the water service provider. The Department shall include in any Development Authorization a Special Provision recognizing the requirements of any other governmental entity with established jurisdiction over the proposed development. Any disputes between the Applicant, water service provider and other governmental jurisdictions shall be heard by the Commissioners Court.
- (D) For developments within the jurisdiction of a Groundwater Conservation District that utilize groundwater in their demonstration, a formal groundwater availability analysis, in accordance with 30 TAC 230, shall be completed, along with a statement acknowledging that all applicable requirements of the GCD will be met.

to permit continuity of improvements to adjacent properties. A Roadway Design Report, prepared by a Texas licensed professional engineer, certifying compliance with these Regulations and other applicable standards shall be prepared and submitted with the Application.

§5.03. Minimum Rights of Way and Building Setbacks

All Regulated Roadways shall comply with the established minimum right-of-way widths and building setback lines based on the roadway classification. Above-grade construction is prohibited within the established building setback lines. Building setback lines apply on each side of a Regulated Roadway. The established minimum right-of-way widths and building setback lines are presented in Table 721.02, below.

§5.04. Design and Construction Standards

- (A) The classification and construction standards for all Regulated Roadways shall be determined according to the Average Daily Traffic anticipated for the roadways. The Roadway Design Report shall include estimates of the Average Daily Traffic (ADT) before and after the proposed development. The methodology for estimating ADT shall be based on recognized industry standards, including those utilized by the Texas Department of Transportation (TXDOT) and AASHTO. The post-development ADT shall be based on the maximum number of Lots that would be permitted in the approved development plan.
- (B) The geometric requirements for Regulated Roadways shall be identified in the Roadway Design Report and shall be designed to accommodate the design ADT of the roadway. The minimum geometric standards for Regulated Roadways are summarized in Table 721.02.
- (C) The design and construction of all Regulated Roadways shall conform to the Hays County Specifications for Paving and Drainage Improvements, as adopted by the Department. and shall include all necessary improvements, including necessary signage and traffic control devices. All signage and traffic control devices shall conform to the “Texas Manual of Uniform Traffic Control Devices,” latest edition, as adopted by TXDOT. Speed bumps are not authorized as traffic control devices on Public Roadways. Pedestrian elements (e.g. sidewalks, crosswalks, access ramps, etc.) for projects in Public Roadways shall comply with the accessibility requirements of the Texas Department of Licensing and Regulation (TDLR), and if required, shall be submitted to TDLR for review and approval.
- (D) Incentive for Lots Larger than Five Acres. As an incentive to developers to create lots larger than five acres and to reduce their associated development costs, Country Lane roadways may be constructed, without calculation of the Average Daily Traffic, if all Lots with frontage or access onto the roadway are (i) larger than five acres in size, (ii) restricted by a note on the Record Document limiting development to one single family dwelling unit per Lot and prohibiting TCEQ Regulated Development, and (iii) the application is approved by the Department.
- (E) Incentives for Bicycle Paths and Lanes. If portions of a Local Roadway or Minor Collector are set aside and appropriately designated for the use of bicycles (or a separate bike path is constructed parallel to the roadway), then the amount of right-of-way dedicated to such bicycle use shall be credited against the width of required shoulders and

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the Department may reduce the estimated Average Daily Traffic per Lot in determining the design criteria for the roadway served by the bicycle path/lane, in an amount determined appropriate by the Department.

- (F) Clearance of Right-of-Way. Upon request by the Owner, the Department shall, to the extent it is safe and prudent to do so, permit preservation of trees of greater than ten inches (10") in diameter, measured one foot from the ground (or the replanting of trees by the Owner), within rights of way of roadways classified as Country Lanes, Local Roadways and Minor Collectors, with greater preservation of trees permitted along roadways with the lower design speed. The Owner shall be responsible for affixing reflectors or other safety devices to any trees preserved within the right-of-way.

§5.05. Access to Regulated Roadways

Except with respect to Lots served by Shared Access Driveways, each Lot shall have the minimum direct frontage onto a Regulated Roadway set forth below and Driveways shall be spaced no closer than the minimum space intervals set forth below, depending on the classification of road onto which the Lot has frontage and the driveway has access. All such driveways shall conform to the Hays County Driveway Specifications, as adopted by the Department.

- (A) Incentive for Qualifying Lots. Qualifying Lots will be exempt from the minimum lot frontage and driveway spacing requirements specified above if approved by the Department and Commissioners Court with due regard to safety concerns. A Qualifying Lot is any Lot that (i) is restricted by plat note to development of a single family residence, (ii) has direct access onto a Regulated Roadway and (iii) satisfies the minimum Lot size requirements set forth in these Regulations either through actual lot size or lot size averaging.
- (B) Flag Lots. Flag lots shall generally not be permitted, except if approved by the Commissioners Court as consistent with the intent and spirit of these Regulations. The Department shall advise the Commissioners Court if a proposed Lot constitutes a "flag lot" and the Commissioners Court shall, in reviewing all the circumstances, make the final determination.

§5.06. Commercial Driveways

Driveways serving commercial development shall be spaced at the minimum intervals of one hundred fifty feet (150'). Joint-use driveways may be utilized in situations that limit the number of driveway access permits that are issued by either the State of Texas or Hays County to a public roadway, or where safety concerns provide a satisfactory explanation for its use.

§5.07. Shared Access Driveways

Up to one (1) Lot without independent access to a Regulated Roadway may obtain access to a Regulated Roadway by means of a Shared Access Driveway if approved by the Commissioners Court. An additional two (2) Lots having independent access to a Regulated Roadway may also share the use of the Shared Access Driveway. Shared Access Driveways are intended as a means to provide flexibility in the development process, preserve the rural character of the land and avoid excessive infrastructure costs when such costs would provide little or no social benefit. Shared Access Driveways are not intended to serve as a substitute for interior roads. Excessive

Table 721.02 – Design Requirements Based on Roadway Classification

Functional Classification	Country Lane	Local Roadway	Urbanized Local Roadway	Minor Collector	Major Collector	Minor Arterial	Major Arterial
AASHTO Classification	Special Purpose	Local Rural	Special Purpose	Rural Collector	Rural Collector	Rural Arterial	Rural/Urban Arterial
Average Daily Traffic (ADT - one way trips*)	Not more than 100	101-1000	Not more than 1000	1001-2500	2501-5000	5001-15000	More than 15,000
Design Speed (mph)	25 mph	25 mph	<u>25 mph</u>	35 mph	45 mph	55mph	**
No. of Travel Lanes	2	2	<u>2</u>	2	2	4	**
Turn Lanes	No	No	No	No	**	**	**
Min. ROW Width (ft)	50	60	40	60	80	100	**
Building Setback (ft)	<u>10</u>	25	10	25	50	50	<u>50</u>
Width of Travelway (ft)	18	20	18	22	24	48	**
Width of Shoulders (ft)	2	4	2	5	6	8	**
Minimum Centerline Radius (ft)	200	300	200	375	675	975	**
Min. Tangent Length between Reverse or Compound Curves (ft)	50	100	50	150	300	500	**
Min. Radius for Edge of Pavement at Intersections (ft)	25	25	25	25	25	25	**
Intersection Street Angle Range (degrees)	80-100	80-100	80-100	80-100	80-100	80-100	**
Max. Grade (%):	11	11	10	10	9	8	**
Min. Street Centerline offset at Adjacent Intersections (ft)	110	125	110	125	125	125	**
Min. Stopping Sight Distance (ft)	175	175	175	250	350	550	**
Min. Intersection Sight Distance (ft)	250	250	250	350	450	550	**
Ditch Foreslope Grade	4:01	4:01	4:01	5:01	5:01	6:01	**
Ditch Backslope Grade	3:01	3:01	3:01	4:01	4:01	4:01	**
Min. Cul-de-sac ROW/ <u>Pavement</u> Radius (ft)	<u>70/45</u>	<u>70/45</u>	<u>70/45</u>	<u>70/45</u>	N/A	N/A	N/A
Min. <u>"T"</u> End ROW/ Pavement <u>Length</u> (ft)	<u>80/65</u>	<u>80/65</u>	<u>80/65</u>	<u>N/A</u>	N/A	N/A	N/A
Min. <u>"T"</u> End ROW/ Pavement <u>Width & Radius</u> (ft)***	<u>40/20</u>	<u>40/20</u>	<u>40/20</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Min. Lot Frontage (ft)	30	50	30	100	150	150	150
Min. Drive Spacing (ft)	50	50	50	75	120	120	120
Notes: * ADT shall be based on an average of 10 one-way trips per dwelling unit per day for residential lots. ADT calculations for commercial or other lots shall approved by the Department on a case-by-case basis. ** Noted elements shall be approved by the County Engineer on a case-by-case basis. *** <u>"T"</u> End Designs must conform to minimum AASHTO Standards AASHTO – American Association of State Highway and Transportation Officials Building Setback – Minimum building setback, in feet, applicable to each side of the roadway							

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CHAPTER 725 - STORM WATER MANAGEMENT STANDARDS

Sub-Chapter 1 - Applicability

§1.01. Applicability

This Chapter shall govern the design, construction and public dedication and use of all drainage, flood control and storm water management facilities and features (hereafter “storm water management facilities”) for Subdivisions and ~~Manufactured~~ Home Rental Communities within the County, but outside the incorporated limits of any municipality in the County.

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§1.02. Legal Authority

Legal Authority for adopting and enforcing the regulations in this Chapter is granted to the County under TLGC in Chapters 232 and 411.

§1.03. Approval Required

Approval of the Commissioners Court is required prior to acceptance by the County of drainage, flood control or storm water features. Separate approval is required under Chapter 751 for any use of County facilities, including roadway rights of way.

Sub-Chapter 2 - Public Facilities

§2.01. Dedication to Public

Any dedication of storm water management facilities to the public shall be accomplished using one of the methods identified in Chapter 701, Subchapter 11. Storm water management facilities to be constructed within dedicated public roadways shall not require separate dedication. In no event shall any private lot extend into a dedicated public storm water management feature.

- (A) All public storm water management facilities and other areas of concentrated storm water flow shall be contained within a dedicated public easement or right-of-way.
- (B) All areas within a floodplain, as identified in Subchapter 3 of this Chapter, shall be contained within a dedicated public easement or right-of-way.

§2.02. Publicly Maintained and Dedicated Facilities

Storm water management facilities dedicated to the public (hereafter “Public storm water management facilities”) shall be required to provide proper drainage of Regulated Roadways in all developments approved under these Regulations. Constructed public storm water management facilities shall be designed and constructed in accordance with Subchapter 3 of this Chapter. Areas occupied by existing watercourses may also be dedicated to the public as a part of a Development Authorization issued under these Regulations. In the initial submittal to the County (e.g. the preliminary plan or the Infrastructure Development Plan), the Applicant shall identify all storm water management facilities for which County acceptance of maintenance will be requested. Applicants proposing County acceptance of maintenance for storm water management facilities controlling runoff rate or storm water quality from within the development shall be required to enter into a Development Agreement with the County prior to acceptance of maintenance.

- (C) All roadway storm water facility crossings shall be designed and constructed to withstand the impact of water being impounded adjacent to the storm water management facility up to and including the 100 year frequency.
- (D) This Section does not apply to driveway culverts.

§3.06. Public Safety Considerations

All public storm water management facilities, including driveway culverts, shall be designed with public safety considerations. Public storm water management facilities constructed within Regulated Roadways shall comply with the safety standards published by the Texas Department of Transportation. All driveways shall conform to the Hays County Driveway Specifications.

§3.07. Identification of Special Flood Hazard Areas

- (A) Regulatory floodplains (identified as Areas of Special Flood Hazard) and Regulatory Floodways may be defined based on available mapping.
- (B) A drainage area of sixty four (64) acres or greater within a contributing watershed for which a Regulatory floodplain has not previously been identified shall require the identification of a local flood plain. For areas of flow with less than sixty four (64) acres of contributing area, the identification of a local flood plain is not required; however, any concentrated flow necessitates the dedication of a drainage easement.
- (C) Development within an Area of Special Flood Hazard must conform to the requirements of Chapter 735. Only limited utility, roadway or pedestrian crossings and fences that do not obstruct flow will be permitted in the floodway.

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§3.08. Completion of Drainage System Prior to Acceptance of Roadway Maintenance

No roadways will be accepted for maintenance by the County until all storm water management facilities, including drain pipes for all driveways constructed as of the acceptance date, have been installed by the Applicant or Permittee and inspected and approved by the Hays County Road Department. Permanent vegetation must be established, or financial assurance must be provided to permanently stabilize any remaining areas disturbed during construction.

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Sub-Chapter 4 - Areas Subject to Local Water Quality Requirements

§4.01. Compliance Required

Developments located in areas governed by the applicable water quality requirements of another jurisdiction shall identify all such requirements in their Storm Water Management Plan. The Applicant shall furnish to the County copies of all documents prepared for the development to satisfy the requirements of such other applicable water quality management requirements.

§4.02. Incorporation by Reference

Applicable storm water quality requirements adopted by other jurisdictions within Hays County are hereby incorporated into these Regulations. Compliance with these referenced requirements may be included as a special provision in any Development Authorization issued by the County.

- (B) In the case of a subdivision for which the County has issued an approval of the Preliminary Plan, and for which the Department has issued an approval of the construction plans and cost estimates, the Applicant or Permittee may commence construction of public infrastructure and related improvements upon the posting of an acceptable Performance Assurance with no further approvals required.
- (C) An Applicant or Permittee shall post with the Department an acceptable Performance Assurance equal to the full value (100%) of the estimated construction costs for the public infrastructure and related improvements.
- (D) In the event the construction of the public infrastructure is completed prior to the County's issuance of the Development Authorization, the Applicant or Permittee may request release of the Performance Assurance.

§2.03. Construction Occurring After Issuance of Development Authorization

The following requirements shall govern the construction of public infrastructure and related improvements that occurs following the County's issuance of a Development Authorization:

- (A) Prior to the Department's issuance of a Development Authorization for which the construction of the public infrastructure and related improvements has not yet been completed, the Applicant or the Permittee shall post with the Department an acceptable Performance Assurance. The value of the Performance Assurance shall be equal to the full value (100%) of the estimated construction costs for the public infrastructure and related improvements.
- (B) If a Development Authorization is issued prior to completion of construction of all related public infrastructure, an acknowledgment that no Development Authorization will be issued for any Lot until completion of sub-grade of the Permitted Street serving the Lot and, if applicable, installation of all underground utilities.

§2.04. Installation of Public Infrastructure Under Public Roadways

All utility lines, storm water management facilities, and other public infrastructure planned to be constructed under a new paved roadway shall be installed before the roadway is paved. All utility lines, storm water management facilities, and other public infrastructure installed under an existing paved roadway shall be bored to a point at least four (4) feet beyond the edge of the pavement and must be approved in advance by the Department, unless otherwise approved by the Commissioners Court.

§2.05. Temporary Construction Erosion Controls

All construction of roadways, whether public or private, shall comply with the Hays County Erosion and Sedimentation Control Manual adopted by the Department, as well as the applicable requirements of other jurisdictions regarding temporary erosion control measures.

§2.06. Development Authorizations within approved Subdivisions

No Development Authorization for a Lot within a subdivision for which the County has issued a Development Authorization shall be issued until the subgrade of the Regulated Roadway serving the Lot has been completed and, if applicable, the installation of all underground public infrastructure.

system followed by a dispersal system that uses a pressurized method to uniformly distribute the effluent over the entire disposal/dispersal area.

Sub-Chapter 7 - Planning and Evaluation Materials

§7.01. Site Evaluation Materials

The site evaluation materials recognized under this Chapter are those described in 30 TAC §285.30 of the TCEQ Regulations.

§7.02. Site Specific Materials

The facility planning materials recognized under this Chapter are those described in 30 TAC §285.4 of the TCEQ Regulations and, if applicable, 30 TAC Sections §285.5, §285.6, §285.7 and §285.40 of the TCEQ Regulations.

§7.03. Preparation of Site Evaluation and Planning Materials

Site Evaluation and Planning materials recognized under this Chapter may be prepared by a TCEQ licensed site evaluator, a Texas registered professional sanitarian or by a Texas licensed professional engineer, as authorized under 30 TAC §285.

Sub-Chapter 8 - Amendments

The County of Hays, Texas, wishing to adopt more stringent Rules for its On-Site Sewage Facilities, understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Commission on Environmental Quality requirements if local rules provide greater public health and safety protection. Listed below are the more stringent Rules adopted by Hays County, Texas.

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§8.01. Facility Planning

All of the terms and provisions of 30 TAC §285.4 are incorporated within the Rules of Hays County except as expressly amended below.

(A) Land Planning, Site Evaluation and Minimum Lot Sizing:

The following requirements shall apply to all lots on which an OSSF is to be utilized:

- (1) A platted or unplatted single family residential lot shall have a surface area of at least the acreage designated in Table 741.05, below.
- (2) Small Multi-Unit Residential Developments. Multi-unit residential developments with four or fewer individual dwelling units, including duplexes, may utilize lots smaller than the acreages set forth in Sections §741.8.01(A)(1), provided:
 - (a) site specific evaluation materials, for a central system or individual systems, are prepared by a Texas licensed professional engineer or a Texas registered professional sanitarian and submitted to the Department for review and approval; and,
 - (b) there ~~is~~ no more than ~~one (1)~~ dwelling unit for each ~~TCEQ~~ minimum lot acreage as designated in Table 741.05, below.
- (3) Other Multi-unit Residential Developments and Non-Residential Developments. Platted or unplatted lots used for multi-unit residential developments with more than four

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only Lots with acreage exceeding the minimum set forth in such table that may be included in the averaging calculation shall be:

- (1) Lots reserved by plat note for use as parkland or open space, or a private greenbelt in which all owners or residents of the subdivision hold an equal, unrestricted and indivisible right of access and use; or,
- (2) Lots larger than five acres restricted by a plat note prohibiting all development other than one Single Family Residence or other development excluded from the term "Regulated Activities" under the Edwards Aquifer Rules of the TCEQ (30 TAC Chapter 213), but without regard to the aquifer over which the development occurs.
- (C) Notwithstanding the averaging allowed above or anything else to the contrary in this Chapter, no on-site sewage facility shall be permitted on any Lot smaller than the minimum lot size permitted under Chapter 366 of the Texas Health and Safety Code and the TCEQ Regulations promulgated thereunder (30 TAC Chapter 285).

Table 741.05 – Minimum Lot Sizes (in Acres) for OSSFs

Location	Water Service	Advanced	Conventional	TCEQ Min.
EARZ [1]	Other Water Supply System	1.50	2.00	1.00 [4]
EARZ	Public Local Groundwater Supply System[2,8]	2.50	4.50	1.00 [4]
EARZ	Any Other	3.00	5.00	1.00 [4,6]
EACZ [3]	Other Water Supply System	1.00	1.50	0.50 [5]
EACZ	Public Local Groundwater Supply System	1.50	2.50	0.50 [5]
EACZ	Any Other	2.00 6.00 [9]	3.00 6.00 [9]	1.00 [6]
Any Other	Other Water Supply System	0.50 1.00 [7]	1.00	0.50 [5] 1.00 [6]
Any Other	Public Local Groundwater Supply System	1.00	1.50	0.50 [5]
Any Other	Any Other	1.50 6.00 [9]	2.00 6.00 [9]	1.00 [6]
Notes:				
1. Edwards Aquifer Recharge Zone as defined in 30 TAC §213				
2. A Public System is a Public Water System as defined in 30 TAC §290				
3. Edwards Aquifer Contributing Zone as defined in 30 TAC §213				
4. TCEQ Minimum lot size as per 30 TAC §285.40(c)				
5. TCEQ Minimum lot size as per 30 TAC §285.4(a)(1)(A)				
6. TCEQ Minimum lot size as per 30 TAC §285.4(a)(1)(B)				
7. Minimum lot size for use of surface application system as per 30 TAC §285.33(d)(2)				
8. See Chapter 715 for definition of a Local Groundwater Supply System				
9. Applicable to new <u>subdivisions and Manufactured Home Rental Communities</u> served by individual private water wells <u>located within the</u> Priority Groundwater Management Area <u>and required to demonstrate water availability under Chapter 715</u> , except as modified under §715.3.06(D)				

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and on-site sewage facilities (including drainage fields) on each Lot; and All other materials required under Sections 285.6 and 285.30 of the Rules, as applicable.

The Commissioners Court may approve an application for cluster or innovative development permitting minimum lot acreage below those required in Chapter 701, Subchapter 8 upon a finding that the proposed development will provide equivalent protection of the public health and environment as development in accordance with this Chapter and the remainder of these Regulations.

§8.05. Variances.

Requests for variances from the requirements of this Chapter shall be considered in accordance with the general variance requirements in Chapter 701, with the criteria specified in 30 TAC §285.3(h) of the TCEQ's Rules and the following additional criteria:

- (A) Only lots platted in accordance with these Regulations or any prior regulations of Hays County or legally in existence prior to the Effective Date of Chapter will be eligible for a variance;
- (B) For variance requests addressing effluent disposal/dispersal, Site Specific Evaluation Materials must be submitted with the preliminary plan application for each lot for which a variance is sought, with detailed soil profile analysis of the proposed dispersal field site demonstrating existing or proposed soil characteristics that meet or exceed the criteria for suitable soils set forth in 30 TAC ~~§285.91~~, ~~Table XIII~~ of the TCEQ Rules; and,
- (C) As authorized under Chapter 701, Subchapter 8, the Commissioners Court may delegate to the Department the discretion to approve or deny an application for a variance. Within that discretion, the Department may approve an application for a variance only upon a finding that development pursuant to the proposed variance will provide equivalent protection of the public health and environment as development in strict accordance with this Chapter and these Regulations in general;

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§8.06. Permitting Procedures and Additional Requirements

The Hays County Commissioners Court and/or the Department may from time to time adopt local procedural requirements for applications, permitting and inspections for On-Site Sewage Facilities.

§8.07. Amendment to Section 285.5 (Submittal Requirements for Planning Materials)

The following requirements for the submission of planning materials are imposed in addition to those set forth in Section 30 TAC §285.5:

- (A) All site plans shall be submitted to a standard engineering scale and shall include an overall site plan drawn on a single sheet of paper, providing the exact placement of all existing and proposed development, wells (including wells on adjacent property), driveways, and all wastewater system components and showing features that require minimum separation distances and topographic lines at one foot intervals in the area of the proposed OSSF and extending twenty five (25) feet past OSSF location.
- (B) A flow diagram of the tank battery shall be prepared.

- (C) An installation detail for subsurface systems shall be provided.
- (D) Detail all calculations for determining hydraulic loading, wastewater strength, sizing of system components, total head, dosing volume, pump tank sizing and reserve capacity.
- (E) The disposal method for any OSSF designed for multi-family residences or for commercial/ institutional or nonresidential uses with wastewater flows over 500 gallons per day must include properly designed pressurized distribution that assures uniform distribution of effluent.
- (F) Plugging reports for any wells proposed to be abandoned shall be provided.
- (G) The OSSF designer shall establish the average daily design flow for all OSSFs based on the information contained in Table III from 30 TAC §285.91(3), or other valid technical sources acceptable to the Department.
- (H) Calculations for hydraulic and organic load for both normal and peak flows on all OSSFs other than single-family residential shall be provided showing that both organic and hydraulic overloading of the treatment and/or disposal method is prevented.
- (I) The Department may require additional planning materials if in its opinion they are warranted for the specific instance.

§8.08. Amendment to Section 285.7 (Additional Requirements for Surface Application Systems)

In addition to the permits issued for installation, licenses to operate an On-Site Sewage Facility utilizing surface application or an OSSF that requires a maintenance contract under TCEQ Regulations (30 TAC §285) or these Regulations shall be issued by the Department and shall be valid for two years. The Owner of the On-Site Sewage Facility shall be responsible for processing a renewal application for the renewal of the license prior to the expiration date of the current license.

In addition to the maintenance requirements of the TCEQ Regulations (30 TAC §285), the County specifically prescribes that all maintenance activities on OSSFs be performed only by individuals and firms licensed by the TCEQ to perform maintenance on OSSFs, as discussed in §741.8.18.

The following requirements for maintenance contracts are imposed in addition to those set forth in the TCEQ Regulations [specifically 30 TAC §285.7(c)]. All maintenance contracts shall include the following information: permit number; on-site sewage facility or wastewater operator license identification; the printed name and signature of the system owner and maintenance company representative; the starting and ending dates of the contract with the starting being the date of the notice of approval to operate; the physical address and phone number of the system location; and the physical address, business address, business phone number and emergency phone number of the maintenance company.

§8.09. Amendment to Section 285.7(d)(2) (Weather Resistant Tags)

The following requirements for weather resistant tags are imposed in addition to those set forth in the TCEQ Regulations [specifically 30 TAC §285.7(d)(2)]:

- (A) The weather resistant tags shall be approved by the Department in advance of their installation;

- (B) The maintenance company shall be responsible for submitting a sample tag to the Department for approval; and,
- (C) The tags shall be installed outside the control panel or treatment unit device.

§8.10. Amendment to Section 285.32, (Criteria for Sewage Treatment Systems)

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- (A) The following requirements for OSSFs other than residential OSSFs (non-residential OSSFs) are imposed in addition to those set forth in 30 TAC §285.32:
 - (1) For Non-Residential OSSFs, the site specific evaluation materials, prepared by a Texas licensed professional engineer or a Texas registered professional sanitarian, must include hydraulic loading calculations and influent and effluent wastewater strength calculations.
 - (2) Non-Residential OSSFs shall include a hydraulic equalization tank prior to the treatment system. The hydraulic equalization tank shall be designed with sufficient storage to ensure that there is at least one day's flow (at the average daily design flow) between the pump-on level and alarm activation level, and one-day's flow above the alarm activation level and below the inlet of the tank, unless duplex pumps are used and designed in accordance with 30 TAC §285.34(b)(3). The rate of flow from the hydraulic equalization tank into the treatment system shall be controlled to uniformly distribute the flow over a twenty four (24) hour period at a rate no greater than the maximum design capacity of the treatment system. In cases where Non-residential OSSFs are expected to have peak flows that exceed the average daily design flow, the Department will require an Applicant to submit calculations of sufficient storage in conjunction with the other Planning Materials required for the design of the system.
- (B) The following requirements for proprietary treatment systems are imposed in addition to those set forth in Section 285.32(c):
 - (1) Approved Proprietary Treatment Systems (including aerobic treatment units) may be considered Proprietary Treatment System only for those service conditions for which the approval was obtained. Proprietary Treatment Systems used under other service conditions shall be considered Non-Standard Treatment Systems.
 - (2) All disinfection devices must be listed by the NSF as having passed NSF/ANSI Standard 46 for effluent disinfection devices, or be manufactured or approved by the manufacturer of the treatment unit. Should the treatment unit be upgraded or altered, the disinfection device shall be re-evaluated and shall be upgraded, if necessary, to a device that meets the NSF/ANSI Standard 46 requirements, or to one that is manufactured by the manufacturer of the treatment unit.
 - (3) All aerobic treatment units (ATUs) shall be installed with a pre-treatment tank. The pre-treatment tank shall be sized at a capacity of at least one-half the average daily design flow, but no greater than one full day's flow. The pretreatment tank shall be designed in accordance with the requirements of 30 TAC §285.32(b)(1)(G).
 - (4) All aerobic treatment units shall be buried in the ground and backfilled to the lid of the tank.
- (C) The following requirements for Non-Standard Treatment Systems are imposed in addition to those set forth in 30 TAC §285.32(d):

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- (1) Treatment Systems (including aerobic treatment units) approved as Proprietary Treatment Systems, but used under service conditions other than those on which the approval was obtained shall be considered Non-Standard Treatment Systems.
- (2) All disinfection devices must be listed by the NSF as having passed NSF/ANSI Standard 46 for effluent disinfection devices. Should the treatment unit be upgraded or altered, the disinfection device shall be re-evaluated and shall be upgraded, if necessary, to a device that meets the NSF/ANSI Standard 46 requirements.

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§8.11. Amendment to Section 285.33 Criteria for Effluent Disposal Systems

For all effluent disposal systems utilizing trenches or beds containing disposal media, the bottom of the excavation shall be level to within one inch over each 25 feet of excavation, but in no event shall there be more than two inches of fall over the entire length of the excavation. For the purposes of this amendment, gravel-less drainpipe shall be required to meet this standard.

§8.12. Amendment to Section 285.33 (a)(1)(B) (Porous Media)

Chipped tires or iron slag are not a permitted medium.

§8.13. Amendment to Section 285.33(c)(3)(E) (Vertical Separation Distance)

The following requirement for vertical separation distance is imposed in addition to those set forth in Section 285.33(c)(3)(E): all drip irrigation disposal fields shall be covered with at least eight (8) inches of soil backfill of suitable composition to support vegetative growth.

§8.14. Amendment to Section 285.33(d)(1) (Additional Requirements for Surface Application Systems)

The following requirements are imposed in addition to those set forth in Section 285.7 for an On-Site Sewage Facility utilizing surface application systems:

- (A) Surface application shall be limited to sprinkler application only.
- (B) All On-Site Sewage Facilities utilizing surface application shall be designed to facilitate periodic sampling.
- (C) The site for a surface application system shall be cleared of exposed rock, or the exposed rock shall be covered with at least four (4) inches of soil of suitable composition to support vegetative growth.
- (D) The individual sprinkler heads installed for a surface application area shall have a maximum operating height of twenty four (24) inches and a maximum operating pressure of forty (40) pounds per square inch. The receptor (property line, habitable structure, or vegetable garden or orchard producing food for human consumption) separation distance identified in Table 741.07 shall be modified as shown in Table 741.08 for an application radius greater than twenty (20) feet. Designers and the Department may interpolate between separation distances presented in Table 741.08 for application radius and operating pressure values different than those shown.

Table 741.08 – Receptor Separation Distances (in Feet) for Various Combinations of Application Radius and Operating Pressure (Reference Table 741.07)

Application Radius (ft)	Operating Pressure (psi)	Receptor Separation Distance (ft)
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The suspension shall continue until the facility is being operated in compliance with this Chapter and other applicable regulations.

(B) Notice of Suspension

If the Department suspends the permit of a facility considered to be a Regulated Land Use, the Department shall provide Written Notice of the suspension to the applicant for the suspended permit.

(C) Revocation of Permit

- (1) If the permit for a facility has been suspended for more than fourteen (14) days and the operation of the facility has not been brought into compliance with this Chapter, the permit shall automatically be revoked and no valid or subsisting permit shall exist for that facility.
- (2) If the applicant has provided any information in the application which is not true and correct, then the permit may be revoked by the Department and, if revoked, no valid or subsisting permit shall exist for that facility.

(D) Notice of Revocation

If the permit of a facility considered to be a Regulated Land Use is revoked pursuant to these rules the Director shall give notice of that revocation to the applicant for the revoked permit.

(E) Hearing on Suspension and Revocation

The applicant or current holder of a suspended or revoked permit may have a hearing by the Commissioners Court on the suspension or revocation of the permit if a request for such a hearing is made in writing to the Hays County Judge within thirty (30) days of receipt of the notice of suspension or revocation. The hearing will be set as soon as practicable, but in any event no later than thirty (30) days after receipt of the request for the hearing.

Sub-Chapter 6 - Gated Community Access Control Regulations

§6.01. Applicability

The owner or operator of any institutional or multi-unit residential gated community is required to obtain a permit from the County and to comply with the technical requirements outlined below. Nothing in this Subchapter shall be construed to require an institutional or multi-unit residential community to have either vehicular or pedestrian gates. The intent of this Subchapter is to ensure access to the interior of the gated community by law enforcement and emergency services providers.

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§6.02. Exemptions and Exclusions

(A) These rules do not apply to the following gated communities:

- (1) Gated communities that are subject to access control regulation in any manner by a municipality;
- (2) Gated communities which existed on the effective date of this Chapter; and,
- (3) Gated communities consisting entirely of dwelling units that are occupied by an individual who is related to the owner of the gated community within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any