SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

FOR

KERR COUNTY, TEXAS

Approval Date: November 28, 2022
Commissioners Court Order No. 39679

Effective Date: January 1, 2023

ADDENDUM No. 1
February 13, 2023

for

Kerr County Subdivision and Manufactured Home Rental Community Regulations
Court Order No. 39679

The following changes, additions, and/or clarifications were made by the Kerr County Commissioners Court on 2/13/23 by Court Order No. 39815:

Page 43, 6.02.B Copies required: The Developer shall submit eight (8) folded prints of a voluntary predevelopment review plan to the County Subdivision Administrator, and one (1) such print to every agency who signs the final plat, twenty-eight (28) days prior to the Commissioners Court agenda date requested. A completed routing slip for the voluntary pre-development review plan (Appendix/Exhibit H) and all required documentation must be submitted to the County Subdivision Administrator a minimum of eighteen (18) days prior to the Commissioners Court date requested. *(added the word "folded")*

Page 44, 6.03 Final Plat and Data. Submit one (1) reproducible mylar and eight (8) folded paper copies of Final Plats, along with applicable accompanying data, to the County Subdivision Administrator twenty-eight (28) calendar days prior to the desired Commissioners Court meeting, and Application and Routing Slip (Appendix/Exhibit H) shall be started by the Developer, to be returned to County Subdivision Administrator eighteen (18) calendar days before the Commissioners Court meeting requested. Plats shall be in correct order to be recorded with all required signatures except for the County Subdivision Administrator, Floodplain Administrator County Judge and County Clerk. Final Plats shall not be removed from the County Clerk's possession prior to filing. The mylar copy shall be filed on record with the County Clerk. *(added the word "folded")*

Page 45, 6.03.C.3. Eight (8) folded copies of the Final Plat shall be submitted, together with one (1) reproducible original mylar (all certifications signed except those of the subdivision administrator, flood plain administrator, county judge, and county clerk), a digital copy in **.**DWG computer format (labeled with subdivision name); and shall contain all of the features required for plats or voluntary prereview development plans as set forth herein and shall also include the following: *(added the word "folded")*

Page 84, Appendix H, 6. Submit eight (8) folded copies of the Plat and one (1) copy of the construction plans (if applicable) 28 days prior to the court agenda date requested. *(added the word "folded" to line 6 of Appendix H)*

Page 106, Exhibit R, (e) Survey Requirements. (viii) ~~Six~~ Eight folded copies of the survey shall be submitted with the plan, together with one reproducible mylar copy of the original, a digital copy in DWG computer format (labeled with the MHRC name). *(changed the number of copies from six to eight and added the word "folded")*

ADDENDUM No. 2
February 13, 2023

for

Kerr County Subdivision and Manufactured Home Rental Community Regulations
Court Order No. 39679

The following changes, additions, and/or clarifications were made by the Kerr County Commissioners Court on 2/13/23 by Court Order No. 39815:

Page 52, 6.08.A. Statutory and Local Plat Exceptions *(added the word "Local" to the title block)*

Page 54, 6.08.A(9) Adjacent Property Transfer - The County need not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the Subdivision prepared if: (a) one part is to be retained by the Owner, and another part or parts are transferred to an adjacent land owner; and (b) no part or parts of either tract are in an existing platted subdivision; and (c) the number of tracts does not increase; and (d) the Owner does not lay out a part of the tract described by section 232.001(a)(3), Texas Local Government Code. *(added the entire section 6.08.A(9))*

ADDENDUM No. 3
February 13, 2023

for

Kerr County Subdivision and Manufactured Home Rental Community Regulations
Court Order No. 39679

The following changes, additions, and/or clarifications were made by the Kerr County Commissioners Court on 2/13/23 by Court Order No. 39815:

Page 106, Exhibit R, (e) Survey Requirements. (vii) The survey shall be on permanent reproducible mylar ~~21~~ 24 inches vertical and ~~26~~ 36 inches horizontal with margins of not less than .5-inch. The survey shall be drawn at a scale of not more than 200-feet to 1-inch. Where more than one sheet is necessary to accommodate the entire MHRC, an index sheet showing the entire community at an appropriate scale shall be attached to the survey. *(changed the size of the survey to 24 inches vertical by 36 inches horizontal)*

ORDER NO. #39679

AN ORDER OF THE COMMISSIONERS COURT OF KERR COUNTY, TEXAS: (1) APPROVING THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KERR COUNTY, TEXAS; (2) APPROVING A FEE SCHEDULE AND CIVIL AND CRIMINAL ENFORCEMENT REMEDIES RELATING TO SAID REGULATIONS; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.

WHEREAS, Kerr County, Texas ("County") is a duly organized and operating county of the State of Texas pursuant to the constitution and laws of Texas, and further, the Kerr County Commissioners Court ("Commissioners Court") is the governing body of the County; and

WHEREAS, pursuant to Article V, Section 18 of the Texas Constitution, Chapters 232 and 233 of the Texas Local Government Code, and other authority, the County may approve, adopt, and enforce regulations governing plats and subdivisions of land and manufactured home rental communities in the unincorporated area of Kerr County, Texas in order to promote the health, safety, morals, and general welfare of said county and the safe, orderly, and healthful development of the unincorporated area of said county, and further, to prevent colonias or other substandard development, said matters being declared to be worthwhile public purposes and in the public interest; and

WHEREAS, the County desires to approve, adopt, and enforce the **Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas** ("Regulations"), in the form and scope described in the attached **Exhibit 1**, said Regulations being related, among other things, to plats and subdivisions of land, plat procedure, design and construction standards, enforcement and other remedy issues, a fee schedule, and other related land development matters, including manufactured home rental community development and regulations, for application, implementation, and enforcement in the unincorporated area of said county, as authorized by law for County regulation; and

WHEREAS, the approval, adoption, implementation, and enforcement of the Regulations and this order shall accomplish or substantially achieve all public purposes described in those instruments;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Kerr County Commissioners Court, for and on behalf of said County and in the public interest, as follows:

(1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other, where necessary for a correct meaning.

(2) The caption and preliminary recitals of this order and all attached documents are incorporated by reference.

(3) The Commissioners Court approves, adopts, and shall enforce, the **Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas**, in the form and scope described in the attached **Exhibit 1**.

(4) The Commissioners Court orders that:

(a) on behalf of the County and its Commissioners Court, the County Judge shall properly execute the Regulations and timely initiate and complete all tasks necessary or desired to accomplish the publication, distribution, and implementation of the Regulations in the public interest;

(b) this order and the Regulations shall be filed of record in the official minutes of the Commissioners Court;

(c) true and correct copies of this order and the Regulations shall be included and incorporated in the appropriate booklets, packets, or other documents published, distributed, or made available by the County to the public regarding land development matters; and

(d) the County's staff and legal counsel shall assist the County Judge in the timely initiation and completion of all tasks herein described.

(5) All notice and conditions precedent for the lawful approval and adoption of the Regulations have been timely accomplished by the County.

(6) All prior acts of the County, including its elected officials, appointed officials, officers, employees, attorneys, agents, and representatives are hereby ratified, confirmed, and approved regarding the Regulations and any related matter.

(7) For regulation approval purposes, this order shall take effect immediately from and after its passage -- however, the attached Regulations shall become effective and operative on January 1, 2023 (their effective date), as stated in the Regulations.

(8) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, APPROVED, AND ADOPTED on this the 28th day of November, 2022 at 12:58 P.m.

THE COMMISSIONERS COURT OF KERR COUNTY, TEXAS

County Judge
Kerr County, Texas

County Commissioner, Precinct 1
Kerr County, Texas

County Commissioner, Precinct 2
Kerr County, Texas

County Commissioner, Precinct 3
Kerr County, Texas

County Commissioner, Precinct 4
Kerr County, Texas

ATTEST:

County Clerk, Jackie "JD" Boundy
Kerr County, Texas

COMMISSIONERS COURT KERR COUNTY, TEXAS

EXHIBIT 1

(Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas; Effective Date November 28, 2022)

SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

FOR

KERR COUNTY, TEXAS

Approval Date: November 28, 2022
Commissioners Court Order No. 39679

Effective Date: January 1, 2023

TABLE OF CONTENTS

		Page
Section I	GENERAL PROVISIONS & PURPOSES	
1.01	Enactment	5
1.02	Public Purposes	5
1.03	Conditions Precedent and Notice	6
1.04	Effective Date.	6
1.05	Partial Invalidity.	6
1.06	Headings	6
1.07	ETJ Regulation.	6
1.08	Authority	6
Section II	DEFINITIONS AND INTERPRETATION	
2.01	Word Usage and Special Definitions.	7
2.02	Interpretation, Findings, and Appendix.	12
Section III	PLATTING APPLICABILITY & ENFORCEMENT	
3.01	Plat Required for Division of Land	13
3.02	Plat Submission and Review	14
3.03	Plat Filing, Sale of Lots, Construction, and Erosion Control.	14
3.04	Subdivision Administrator Authorization to Enforce Rules, and Developer Costs	15
3.05	Enforcement	15
3.06	Resolution of Noncompliance	15
Section IV	PLAT SUFFICIENCY	
4.01	Minimum Plat Standards	15
Section V	SUBDIVISION DEVELOPMENT STANDARDS AND REQUIREMENTS	
5.01	General Standards and Requirements (Including Water/Sewer/OSSF Disclosures, Building Setbacks, Model Subdivision Rules, and Other Matters)	16
5.02	Roads	31
5.03	Wastewater Disposal System	32
5.04	Utility Lines	33
5.05	Concrete Monuments	34
5.06	Drainage	34
5.07	Fire Safety and Suppression.	36
5.08	Water Availability Requirements	37
5.09	Manufactured Home Rental Community Regulations.	40
5.10	Developer Participation Contracts.	42
5.11	Utility Connection Requirements.	42

Section VI	PLATTING PROCEDURE, EXCEPTIONS, AND VARIANCES	
6.00	Sale of Lots	43
6.01	Voluntary Concept Plan	43
6.02	Voluntary Pre-Development Review Procedure	43
6.03	Final Plat and Data	44
6.04	Revision of Plat of Existing Recorded Subdivision	49
6.05	Cancellation of Subdivision	49
6.06	Cancellation of Subdivisions if Land Remains Undeveloped	51
6.07	Amending Plat	51
6.08	Plat Exceptions.	52
6.09	Variance Procedure.	54
Section VII	ROAD DESIGN AND CONSTRUCTION	
7.01	Roads	55
7.02	Dedication to Public	56
7.03	Design of Public Improvements	56
7.04	Access to Roads	56
7.05	Commercial Driveways	56
7.06	Road Construction Design, Construction Specifications, Inspections, and Testing	57
7.07	Privately Maintained Paved Roads	65
7.08	Privately Maintained Unpaved Roads	65
7.09	Encroachments into Public Right of Way	66
7.10	Acceptance of Road for County Maintenance	66
7.11	Conditions of Acceptance of Road for County Maintenance	66
Section VIII	INSPECTIONS	
8.01	Inspections	67
Section IX	GUARANTEE OF PERFORMANCE	
9.01	General Requirements.	68
9.02	Construction/Maintenance Limitations for Public Dedication	68
9.03	Bond Requirements	68
9.04	Other Financial Guarantee Requirements	69

Certificate of Adoption 71

APPENDIX

EXHIBIT A	Owner's Certification and Acknowledgment	2
EXHIBIT B	Other Certifications and Notes	3
	1) Certification by Licensed Professional Land Surveyor	3
	2) Certification by Licensed Professional Engineer Concerning Drainage and Associated Notes.	3
	3) Certification by Administrator of On-Site Sewage Facilities and Associated Notes	3

4) Certification by Administrator of Floodplain and Associated Notes. . . 4
5) Certification by County Subdivision Administrator and Associated Notes. 4
6) Approval of the Commissioners Court and Associated Notes 4
7) County Clerk's Recording Acknowledgment. 5
8) Privately Maintained Paved Roads Note. 5
9) Privately Maintained Unpaved Roads Note 5
10) Certification by Director of Kerr 911 Emergency 6
11) Certification by Headwaters Groundwater Conservation District 6
12) Note on Development Component Exceeding Min. Requirement 6
13) Notice Regarding Other Required Certifications and Notes. 6

EXHIBIT C Performance Bond Form 7
EXHIBIT D Letter of Credit Forms. 8
EXHIBIT E Maintenance Bond Form. 10
EXHIBIT F Fee Schedule 11
EXHIBIT G Diagram: Underground Utilities Crossing County Road 12
EXHIBIT H Plat Application and Routing Slip 13
EXHIBIT I TxDOT Item 247: Flexible Base Information 14
EXHIBIT J Diagram: Typical Road Section with Ditches. 16
EXHIBIT K Diagram: Typical Road Section with Curbs 17
EXHIBIT L Voluntary Concept Plan Checklist 18
EXHIBIT M Sample Form for Water Service Agreement 19
EXHIBIT N Sample Form for Wastewater Service Agreement 20
EXHIBIT O Subdivision Construction Agreement Sample Form. 21
EXHIBIT P Irrevocable Letter of Credit Sample Form. 26
EXHIBIT Q Diagram: Cattleguard Crossing Details. 27
EXHIBIT R MHRC Regulations: Additional Requirements. 33
EXHIBIT S Subdivision Plat Application Form. 37
EXHIBIT T MHRC Application Form. 40
EXHIBIT U Variance Application Form. 42
EXHIBIT V Utility Connection Requirements 44
EXHIBIT W Plat Review Procedure and Requirements. 45
EXHIBIT X Plat Cancellation, Revision, and Amendment Requirements. 47

Section I

GENERAL PROVISIONS & PURPOSES

1.01 Enactment.

1.01.A. County and Governing Body. Kerr County, Texas (**"County"**) is a duly organized and operating county of the State of Texas, and the Kerr County Commissioners Court ("Commissioners Court") is the governing body of the County.

1.01.B. Declaration. The County, acting by and through its Commissioners Court, declares that these **Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas** ("Regulations") are lawfully enacted, adopted, and approved, and further, that they shall be enforced, pursuant to and in compliance with the express and implied authority herein described. The Regulations are effective and operable on January 1, 2023, their Effective Date.

1.02 Public Purposes.

1.02.A. Identification. These Regulations are enacted, adopted, approved, and shall be enforced to accomplish the following worthwhile public purposes:

(1) The Regulations shall govern plats, subdivisions of land, and manufactured home rental communities in the unincorporated area of Kerr County, Texas to promote the health, safety, morals, and general welfare of the County and the safe, orderly, and healthful development of said area, and to prevent colonias or other substandard development.

(2) The Regulations shall ensure that adequate plats, design and planning procedures, water, sewer, septic, and on-site sewer facilities **("OSSF")**, and utility and transportation infrastructure, are provided in the unincorporated area of the County.

(3) The Regulations are reasonably enacted, adopted, and approved, and shall be enforced, among other things, to: (a) fulfill an obligation mandated by federal and/or state law; (b) regulate construction and other development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of Owners of interests in groundwater; (f) prevent subsidence; (g) provide a response to a real and substantial threat to public health and safety, said response being designed to significantly advance said purpose and not to impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; (i) prevent the imminent destruction of property or injury to persons from flooding within a floodplain established by a federal or state flood control program, and enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property; and (j) accomplish all other public purposes herein described.

1.02.B. Accomplishment. The approval, adoption, and enforcement of the Regulations shall achieve or substantially advance all public purposes described in the Regulations.

1.03 Conditions Precedent and Notice.

1.03.A. Conditions Precedent. All notice and conditions precedent for the lawful approval, adoption, and enforcement of the Regulations have been accomplished.

1.03.B. Notice**.** Any notice or document submission to the County required by the Regulations shall be in writing and delivered by the United States Postal Service (by certified mail), courier; or hand-delivery, with proof of delivery to the County established by a delivery receipt or other document. The County's contact official regarding notice or document submissions required by the Regulations is as follows: the Kerr County Subdivision Administrator, 3766 State Highway 27, Kerrville, Texas 78028 (telephone 830-896-9046).

1.04 Effective Date. The effective date ("Effective Date") of the Regulations is January 1, 2023.

1.05 Partial Invalidity. Should any part of the Regulations, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or governmental office, the remainder of the Regulations shall remain fully effective and operable. If any part or provision of these Regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Regulations without any such part, provision or application.

1.06 Headings. The separate headings contained in the Regulations are for reference and convenience only, and shall not limit or otherwise affect in any way the meaning of the Regulations.

1.07 ETJ Regulation. The authority of the County to regulate plats or subdivisions of land by the Regulations in the extraterritorial jurisdiction ("ETJ") of an incorporated municipality located in Kerr County, Texas is subject to the provisions of an active interlocal governmental agreement made by and between the County and the municipality pursuant to Chapter 242 of the Texas Local Government Code and Chapter 791 of the Texas Government Code.

1.08 Authority. The following legal authority including any amendments thereof, and including the express and implied regulatory authority granted to the County therein, are hereby approved and incorporated by reference to support the interpretation, application, use, and enforcement of the Regulations: TEX. CONST. art. 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Ch. I (Subchapter B, Parts 59-60); TEX. HEALTH & SAFETY CODE Chapters 341, 343, 364, and 366; TEX. LOC. GOV'T CODE Chapters 232 (Subchapters A, C, and E), 233, 235, 242, including without limitation §§ 232.0032 and 232.101-232.109; TEX. PROP. CODE Chapters 12 and 13, including without limitation § 12.002; TEX. TRANSP. CODE Chapters 201 and 251, including without limitation §§ 201.619, 251.003, 251.008, 251.016, 251.051-.059; TEX. WATER CODE Chapters

16 (Subchapters I and J) and 35, including without limitation §§ 16.001, 16.343, 16.350, and 35.019; 30 TAC §§ 230.1-230.11; 31 TAC §§ 364.1-364.72; the County's active flood damage prevention order or other floodplain management regulations; the County's active sewer, septic, or OSSF orders or regulations; the applicable regulations of the Headwaters Groundwater Conservation District ("HGCD," current website at www.hgcd.org), Upper Guadalupe River Authority ("UGRA"), Texas Department of Transportation ("TxDOT"), Texas Parks and Wildlife Department ("TPWD"), Texas Commission on Environmental Quality ("TCEQ"), Environmental Protection Agency ("EPA"), Kerrville/Kerr County Airport (regarding certain height and distance restrictions), United States Postal Service (regarding respective local post office regulations regarding location and type of certain mail delivery facilities or equipment); and all other applicable county, state and federal regulations, including all other authority described in the Regulations.

Section II

DEFINITIONS AND INTERPRETATION

2.01 Word Usage and Special Definitions.

For the purposes of Kerr County Subdivision Rules & Regulations, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in governmental planning and engineering practices. Unless otherwise designated, the following special definitions shall apply (whether appearing in capital letters, bold, italics, or underlined printing in these Regulations):

Alley: A minor public right-of-way not intended to provide the primary means of the access to abutting lots, which is used for vehicular service access to the rear or sides of properties otherwise abutting on a road.
AASHTO: American Association of State Highway and Transportation Officials.
ASTM: American Society for Testing of Materials.
Business Day: A day other than a Saturday, Sunday, or holiday recognized by the County.
Colinias: Substandard, generally impoverished, rural subdivisions or other developments that lack basic utilities and other infrastructure.
Commissioners Court or Court: The Commissioners Court of Kerr County, Texas.
Community Sewage Collection System: A sewage collection, treatment and disposal system designed to serve two or more sewage generating units on separate lots in a subdivision or a system that is connected to another system for the collection, treatment and disposal of sewage.
Community Water System: A public water system which has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis [30 TAC §290.38(15)].
Concrete Monument: Permanent concrete survey marker as defined in Section 5.05.
Conjunctive Use: The combined use of groundwater and surface water sources that optimizes the beneficial characteristics of each source, such as water banking, aquifer storage and recovery, enhanced recharge, and joint management.

County: Kerr County, Texas.
County Clerk: The County Clerk of Kerr County, Texas.
County Judge: The County Judge of Kerr County, Texas.
Court: Kerr County Commissioners Court
Cul-de-sac: A vehicular turnaround at the end of a road.
Dead-end-Street: A road with only one entrance from another road.
Developer: (a) the fee simple Owner (or authorized agent thereof) of land which is the subject of development; or (b) any Owner of land (or authorized agent thereof) proposing to divide or dividing land so as to constitute a subdivision defined by the Regulations. Subdivider, Developer and Owner are synonymous.
Development: Any actual or proposed man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.
Development Plan: A development plan required by these Regulations for a Manufactured Home Rental Community in the unincorporated area of Kerr County, Texas.
Drinking Water: All water distributed by any agency or individual, public or private, for the purpose of: human consumption and/or its use in the preparation of fees or beverages for said consumption; the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings; human bathing; or clothes washing.
DWG: Suffix indication for an AutoCAD ® document (used by most computer aided drafting software).
Effective Date: The Effective Date of the Regulations, same being January 1, 2023, is the date these Regulations become effective, operable, and enforceable.
Engineer: A person licensed and authorized to practice engineering in the State of Texas pursuant to Texas law, including the Texas Engineering Practice Act.
Fee Schedule: Applicable fees from Kerr County for the regulation of subdivisions and subdivision plats. (See Appendix/Exhibit F)
FEMA: Federal Emergency Management Agency.
Floodplain or Flood-Prone Area: (a) any area in the 100-year floodplain or area of special flood hazard that is susceptible of being inundated by water from any source, as identified by the flood maps issued by the Federal Emergency Management Agency for the County pursuant to the National Flood Insurance Act and National Flood Insurance Program; or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area subject to a 1% or greater chance of flooding in any given year.
Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
Foundation: The lowest division or part of a residence, building or other structure, usually consisting of a concrete slab or a pier and beam structure, which is partly or wholly below the surface of the ground and on which the structure rests.
Groundwater: Water percolating below the surface of the earth, or as otherwise defined by Texas statues or administrative agency regulations.
HGCD: The Headwaters Groundwater Conservation District (current business office at 125 Lehmann Drive, Suite 202, Kerrville, Texas 78028-6059; current telephone at (830) 896-4110; current website at www.hgcd.org), a Texas groundwater conservation district, and body politic

and corporate, created by the Texas Legislature in 1991 and currently organized and operating in Kerr County, Texas pursuant to article XVI, § 59 of the Texas Constitution, Chapters 35 and 36 of the Texas Water Code, and other authority, with its primary responsibility being the protection, conservation, and management of groundwater resources within its jurisdiction territory, said territory being the whole of Kerr County, Texas. HGCD (current website at www.hgcd.org) has the authority pursuant to Chapter 36 of the Texas Water Code and other authority to make and enforce rules limiting groundwater production in Kerr County, Texas based on tract size or the spacing of wells, by requiring water wells to be spaced a certain distance from property lines or adjoining wells, by limiting the amount of water produced based on acreage or tract size, and imposing other restrictions on groundwater use. HGCD (current website at www.hgcd.org) has adopted rules and regulations which specify minimum lot sizes and maximum density regarding subdivisions and other types of land development using groundwater.

Hill Country PGMA: The Hill Country Priority Groundwater Management Area designated by TCEQ and the Texas Water Development Board pursuant to Chapters 35 and 36 of the Texas Water Code and other authority as an area experiencing or expected to experience critical groundwater problems, with said area including all of Kerr, Bandera, Blanco, Gillespie, and Kendall Counties, Texas and parts of Bexar, Comal, Hays, and Travis Counties, Texas.

Kerr 911: The Board of Managers, authorized employees, agents, and representatives of the Kerr Emergency 9-1-1 Network, the Emergency Communications District serving Kerr County.

Kerr County Flood Damage Prevention Order: An order adopted by the Kerr County Commissioners' Court based on the Flood Insurance Study for Kerr County, Texas dated January 1979 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM respectively) and any revisions thereto, and which serves as the basis for establishing areas of special flood hazard in Kerr County and aids in the administration of the National Flood Insurance Program.

LOC: an irrevocable letter of credit (LOC).

Manufactured Home: (a) a manufactured home or mobile home as defined by § 1201.003, Texas Occupations Code; (b) any other type of mobile home; and (c) any trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.

Manufactured Home Rental Community (MHRC): A tract of land separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences, as defined by §232.007 of the Texas Local Government Code.

Minimum State Standards or Minimum State Requirements: The minimum standards of the State of Texas Required for: (a) adequate drinking water pursuant to §16.343-of the Texas Water Code or other Texas administrative agency regulation or state statute; (b) adequate sewer, septic/OSSF, or other waste facilities under §16.343-of the Texas Water Code, Chapter 366 of the Texas Health and Safety Code, or other Texas administrative agency regulation or state statute; and (c) the treatment, disposal, and management of solid waste and litter under Chapters 361 through 365 of the Texas Health and Safety Code or other Texas administrative agency regulation or state statutes.

Model Subdivision Rules or Model Rules: The Model Subdivision Rules described in § 5.01 of the Regulations.

National Flood Insurance Program (NFIP): The National Flood Insurance Program made effective pursuant to federal law, including the National Flood Insurance Act, pursuant to §§ 4001-4027, Title 42 of the United States Code, 44 CFR Ch. I, Subchapter B, Parts 59, 60, and other authority.
NGVD: National Geodetic Vertical Datum.
Non-Community Water System: Any public water system which is not a community system [30 TAC § 290.38(56)].
Non-Public Water System: Any water system supplying water for domestic purposed which is not a public water system, or as otherwise defined by Texas statutes or administrative agency regulations.
Non-Transient Non-Community Water System: A public water system that is not a community water system and regularly serves at least 25 of the same persons at least six months out of the year [30 TAC §290.38(58)].
OSSF: On-Site Sewage Facility (including a septic system) as defined in the rules and regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285 or other Texas administrative agency regulation or state statute.
Owner: As used herein is the same as Developer.
Pavement Width: The portion of a street or road available for vehicular traffic that is between the backs of curbs; otherwise, it is the portion between the opposite edges of the pavement.
Person: Any individual, partnership, corporation, limited liability company, joint venture, sole proprietorship, association, firm, governmental entity, or political subdivision.
Plat and Final Plat: (a) a plat required by these Regulations; and (b) a map or drawing, and any accompanying material, of a proposed subdivision prepared in a manner suitable for recording, if approved, in the County records and prepared as described in the Regulations.
Plat Application: The County's Plat Application form described in these Regulations and the Appendix/Exhibit S.
Platted: A subdivision plat approved by the Commissioners Court and recorded in an official plat records on file with the office of the County Clerk.
Private Road: A privately owned right of way or place used for vehicular and pedestrian travel which is not a Public Road. A Private Road shall not be maintained by the County.
Public Road: A right of way or place used for vehicular and pedestrian travel, which is open to the public, as a result of a grant, deed, easement, express or implied public dedication, road acceptance, condemnation, or otherwise.
Public County Road: A Public Road which has been accepted by the County as part of its public road and bridge system and is subject to the control, operation, and maintenance of the County, as a result of original County design and construction, grant, deed, easement, express or implied public dedication, road acceptance, condemnation, or otherwise.
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 in the definition of "Drinking Water" at 30 TAC § 290.38(22) or other Texas administrative agency regulation or state statute. Public Water Systems shall include Community Water Systems, Non-Community Water Systems, Non-Transient Non-Community Water Systems, and Transient Non-Community Water Systems, as each of them is defined in 30 TAC § 290.38 or other Texas administrative regulation or state statute.
Regulations: This instrument and all of its provisions and attached appendix.

Re-plat: See Revision of Plat.
Retail Public Utility: Any entity meeting the definition of a retail public utility as defined in § 13.002 of the Texas Water Code or other Texas administrative agency regulation or state statute.
Revision of Plat or Re-Plat: Any change to an approved plat in the layout of a subdivision including, but not limited to lot size, lot lay out, names, streets, alleys, squares, parks, or other parts.
Right-of-Way (ROW): The area within the outermost boundary of a road, including the area of a constructed bridge, overpass, entrance or exit ramp, watercourse passage, culvert, bar ditch, drainage ditch, or other transportation or drainage facility or infrastructure.
Road or Street: A right of way or place used for vehicular and pedestrian travel, whether private or public, however created. See Section 7.06.15 (b) for specific road classifications.
Routing Slip: Checklist obtained from County Subdivision Administrator's Office showing all applicable persons have received a plat for review and appropriate fees have been paid, as described in the Appendix/Exhibit H.
Sewer, Sewer Services, Sewerage Facilities, and Sewer Facilities: (a) treatment works as defined by § 17.001 of the Texas Water Code or other Texas administrative agency regulation or state statute, or individual, on-site, or cluster treatment systems (such as septic systems, OSSF systems, and related tanks and equipment), and including drainage facilities and other improvement for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards described in these Regulations.
Shall, May: The word "shall" is always mandatory. The word "may" is merely directory.
State: The State of Texas and its administrative agencies.
Street: See definition for Road.
Subdivider: See definition for Developer. Subdivider, Developer, and Owner are synonymous.
Subdivision: A division of a tract of land as defined by §§3.01 and 5.01 of these Regulations.
Subdivision Administrator: The Kerr County Subdivision Administrator, located at the business address described in section 1.3.
Surface Water: As defined in the Texas Water Code, or other Texas administrative agency regulation or state statute, the water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state, and water imported from any source outside the boundaries of the state for use in the state and which is transported through the beds and banks of any navigable stream within the state or by utilizing any facilities owned or operated by the state.
Surveyor: A Texas Licensed Professional Land Surveyor pursuant to Texas law.
TAC: The Texas Administrative Code, as compiled by the Texas Secretary of State.
TCEQ or The Commission: Texas Commission on Environmental Quality.
Texas Open Meetings Act: Chapter 551 of the Texas Government Code.
Total Acreage: The total acreage in a subdivision is the gross total acres within the subdivision boundary and includes all lots, roads, drainage structures, parks, utility and other easements, divided parts, and all other acreage in the subdivision.
TMUTCD: *Texas Manual on Uniform Traffic Control Devices.*
Transient, Non-Community Water System: A public water system that is not a community water system and serves at least 25 persons at least 60 days out of the year, yet by its characteristics,

does not meet the definition of a non-transient, non-community water system [30 TAC § 290.38(84)].
TWDB: The Texas Water Development Board.
UGRA: Upper Guadalupe River Authority.
USGS: United States Geographical Survey.
Utility: A person, public or private entity, or political subdivision providing the services of a public utility (including electric, gas, water sewer, or other utility service) pursuant to § 31.002, § 101.003, or Chapter 181 of the Texas Utilities Code, § 13.002 of the Texas Water Code, or other Texas administrative agency regulation or state statute.
VLB: The Texas Veterans' Land Board.
Wastewater: Shall include greywater and sludge, as well as sewage, septic system, and OSSF system wastes.
Water Availability Requirements: The Water Availability Requirements (or rules) described in § 5.08 of these Regulations.
Water Facilities: Any facilities, devices, and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, or retail distribution of water (including drinking water) for safe human use and consumption.

2.02 Interpretation, Findings, and Appendix.

2.02.A. Tense, Gender, and Number. Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning in the Regulations.

2.02.B. Incorporation by Reference. The following matters are adopted, approved, and incorporated by reference in the Regulations: (1) all statements made in the title page, preamble, and preliminary recitals; (2) all documents in the attached Appendix; and (3) where applicable for the use, application, operation, and/or enforcement of these Regulations, all provisions in the County's active floodplain management, sewer, septic/OSSF, or other development regulations, and the applicable regulations of the Headwaters Groundwater Conservation District (current website at www.hgcd.org), including well permitting, drilling permits, production and operating permits, production caps, and other matters related to water availability regarding land development in Kerr County, Texas.

2.02.C. Minimum Requirements. The Regulations shall be considered as minimum requirements and shall be liberally construed in favor of the County.

2.02.D. Superseding Effect. The Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

2.02.E. Findings. The Regulations have been approved and adopted based on the following findings: (1) the Commissioners Court has the authority to regulate the subdivision and manufactured home rental community platting and development plan process pursuant to the authority herein recited; (2) the Commissioners Court has been designated by TCEQ as the

authorized agent for the licensing and regulation of sewer, wastewater, septic/on-site sewage facilities within Kerr County, and these Regulations are a necessary component of such regulation; (3) the Commissioners Court has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within the County's public road and bridge system; (4) the Commissioners Court has been granted the authority and responsibility under federal and state law to administer floodplain development regulations within Kerr County and to regulate development in the floodplain; (5) Kerr County has been designated by TCEQ and the Texas Water Development Board to be a county within a Priority Groundwater Management Area, and the Commissioners Court has been granted the authority pursuant to § 35.019 of the Texas Water Code and other authority to require any person seeking plat approval to show (a) compliance with the water availability requirements approved and adopted by the Commissioners Court in these Regulations, and (b) that an adequate supply of water of sufficient quantity and quality is available to supply the number of lots proposed for the proposed platted subdivision area; (6) pursuant to § 232.0032 of the Texas Local Government Code, § 35.019 of the Texas Water Code, and other authority, the Water Availability Requirements described in these Regulations are necessary to prevent current or projected water use in the County from exceeding the safe and sustainable yield of the County's water supply; (7) the Commissioners Court has the authority and obligation to protect the public health, safety and welfare of the people of Kerr County; (8) the Commissioners Court has the authority to regulate subdivisions, manufactured home rental communities, water facilities, and wastewater facilities in the unincorporated area of Kerr County, Texas pursuant to the authority described in these Regulations; (9) pursuant to the authority herein described, the subdivision platting requirements (including compliance with the Model Subdivision Rules) of Chapter 232, Subchapter C of the Texas Local Government Code, with other authority, are adopted for use and application regarding certain residential subdivisions in the unincorporated area of Kerr County, Texas as hereafter described, in view of a grant or loan of state funds to the County by the Texas Water Development Board pursuant to the Economically Distressed Areas Program of TWDB; and (10) all other Commissioners Court findings or declarations herein described.

Section III

PLATTING APPLICABILITY AND ENFORCEMENT

3.01 Plat Required for Division of Land.

3.01.A. Division Defined. Pursuant to § 232.001 of the Texas Local Government Code, the Owner of a tract of land in Kerr County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the Owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or Owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

3.01.B. Scope of Division. A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made:

(1) by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method; or (2) for the purpose of residential, business, commercial, industrial, or other development. Residential or mixed-use development projects (including planned unit development, cluster development, apartment complexes, and condominiums) may be subject to these Regulations pursuant to the correct application of the division of land concept described in this § 3.01.

3.02 Plat Submission and Review.

3.02.A. Application. The County's Plat Application form is described in the Appendix/Exhibit S. It shall be provided at no cost to the public at the office of the Subdivision Administrator at the notice address described in § 1.03 of the Regulations, and on the County's internet website www.co.kerr.tx.us**.** The Plat Application describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute: (1) the fully complete and executed application; (2) the proposed plat and all supporting documents, as herein required; and (3) all required fees as described in the Appendix/Exhibit F.

3.02.B. Submission of Completed Application/Notice of Incomplete Application.

1. A completed Plat Application shall be submitted by the Developer to the Subdivision Administrator at the notice address described in § 1.03.B.
2. County receipt of a submitted plat application for review shall not constitute plat approval by the County.
3. Pursuant to § 232.0025(b) of the Texas Local Government Code, if a Developer submits a Plat Application to the County that does not include all of the documentation or other information required by law and the Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information.

3.02.C. Review. Upon submission of a completed Plat Application, the County will review in accordance with Texas law the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with these Regulations. (See Appendix/Exhibit W).

3.03. Plat Filing, Sale of Lots, Construction, and Erosion Control. No plat shall be filed for record in Kerr County unless the standards contained or referred to herein have been complied with in full. No lot in any Subdivision shall be sold until the Final Plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full. No construction other than clearing, grubbing and minor grading (subject to an approved Storm Water Pollution Prevention Plan) will be allowed on any subdivision infrastructure until after the date of the approved construction plans and Final Plat approval. Any required drainage plan and roadway plan and profile shall have been approved prior to the start of any construction concerning same, and the associated performance financial guarantee approved by the Commissioner's Court. Engineers, Developers, and their contractors are encouraged to utilize Best Management Practices (BMP) developed by the Upper Guadalupe River Authority (UGRA).

3.04. Subdivision Administrator Authorization to Enforce Rules, and Developer Costs. The County Subdivision Administrator is hereby authorized and directed to enforce rules, Regulations, standards and specifications for the construction, installation, design, location and arrangement of all components of a subdivision including but not limited to roads, easements, sidewalks, monuments, utilities, criteria for drainage easement requirements, drainage facilities, and crosswalks, and the Subdivision Administrator shall recommend to the Court any changes to be made. All such improvements shall be constructed, installed, designed, located, and arranged by the Owner or Developer in accordance with such rules, regulations, standards, and specifications. Furthermore, the Developer shall be responsible for all costs of the subdivision improvements required by these Regulations. General subdivision review costs incurred by the County shall be included in the general subdivision fees paid to County by the Developer. (see Appendix/Exhibit F).

3.05 Enforcement. All applicable civil enforcement remedies and penalties, criminal enforcement remedies and penalties, and litigation recovery rights (whether legal, equitable, or mixed) authorized by these Regulations, or by Texas or federal law, are hereby adopted, approved and shall be implemented for a violation or threatened violation of these Regulations, including without limitation the following enforcement authority: Chapters 232, 233, and 235 of the Texas Local Government Code; (2) Chapter 12 of the Texas Property Code; (3) Chapter 16, Subchapter I, of the Texas Water Code; (4) the County's active floodplain management regulations; (5) the County's active sewer, septic, or OSSF regulations; and (6) all other enforcement authority described in these Regulations, including without limitation §§ 232.78, 232.79, and 232.80 of the Texas Local Government Code. Nothing contained in these Regulations shall prevent the County or its officials from taking necessary or desired action to prevent or remedy a violation of these Regulations, as allowed by law.

3.06. Resolution of Noncompliance. If a subdivision exists for which a Final Plat has not been approved and recorded or in which the standards contained or referred to herein have not been complied with in full, the Court may pass a resolution reciting the fact of such noncompliance or failure to secure Final Plat approval. The County Clerk shall cause a certified copy of such resolution under the corporate seal of the County to be filed in the Deed Records of Kerr County. If full compliance and Final Plat approval are secured after the filing of such resolution, the County Clerk shall forthwith file an instrument in the Deed Records of Kerr County stating that the resolution of non-compliance no longer applies.

Section IV

PLAT SUFFICIENCY

4.01. Minimum Plat Standards. In order to obtain Commissioners Court approval, and to qualify for recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the plat must comply with the minimum standards described in these Regulations.

4.01.A. Lawful Compliance. The plat and all other documents submitted to the County to support a request for plat approval must be truthful, accurate, correct, and prepared in compliance with the requirements (including methodology) prescribed by law and these Regulations, including the applicable statutes and regulations of the State of Texas and federal government (and the administrative agencies thereof), and the County's active flood damage prevention order or other floodplain management regulations, sewer, septic, OSSF or other wastewater regulations, or other land development regulations.

4.01.B. Acknowledgment and Recordation. On or before approval by the Commissioners Court, the plat must be acknowledged by the Developer in the manner required for the acknowledgment of deeds, as described in the Appendix/Exhibit A. On or before 90 days from plat approval by the Commissioners Court, the plat must be filed and recorded in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, and further, the filing and recordation of the plat must occur in compliance with the requirements of § 12.002 of the Texas Property Code.

4.01.C. Plat Certification. On or before approval, the plat must be signed, sealed, and certified by the persons and in the manner described in the Appendix/Exhibits A and B.

Section V

SUBDIVISION DEVELOPMENT STANDARDS AND REQUIREMENTS

No Final Plat shall be approved by the Commissioners Court, and no completed improvements shall be accepted by the Court, unless they conform to the following standards and specifications:

5.01. General Standards and Requirements (Including Water/Sewer/OSSF Disclosures, Building Setbacks, Model Subdivision Rules, and Other Matters).

5.01.A. Provision for Future Roads and Transportation Corridors. Should Kerr County adopt a Master Thoroughfare Plan, lots and roads shall be located in a manner to facilitate the connection to possible future roads outside the subject subdivision. Pursuant to § 232.0033, Texas Local Government Code, if all or part of a subdivision for which a plat is required under these Regulations is located within a future transportation corridor identified in an agreement under § 201.619, Texas Transportation Code:

(1) the Commissioners Court may: (a) refuse to approve the plat for recordation unless the plat states that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and (b) refuse to approve the plat for recordation if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and

(2) each purchase contract or lease between the Subdivider and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the

alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.

5.01.B. Reserve Strips Prohibited. There shall be no reserve strips (i.e., negative easements) by plat, deed, or other instrument controlling the access to land dedicated or intended to be dedicated for public use, controlling access to any portion of the subdivision, or controlling access to any adjacent land.

5.01.C. Right of Way. Right of way limits shall be contiguous with lot lines, except in the instance of an amendment to, or revision of, a previously approved plat where the right of way is not contiguous with the lots.

5.01.D. Water/Sewer/OSSF Disclosures.

(1) Facilities Constructed. Should water, sewer, or OSSF facilities (public or private) be required or intended for the subdivision, and be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain or have attached a document that contains the following information by the Developer and his engineer: (a) a detailed description (including the proposed location) of the water, sewer, or OSSF facilities, and any roadways and easements dedicated for the provision of said facilities, that will be constructed or installed to service the subdivision; (b) a statement specifying the date by which said facilities will be fully operable; (c) compliance with the County's Water Availability Requirements described in the Regulations; and (d) a statement that the plat and subdivision comply with (i) minimum state standards regarding the proposed water, sewer, or OSSF facilities or service, (ii) all applicable water, drainage, sewer, or OSSF regulations required by the County's sewer, drainage, septic, or OSSF regulations, (iii) the County's floodplain management regulations, and (iv) these Regulations.

(2) Facilities Not Constructed. Should private water wells and/or septic/OSSF facilities be intended for the subdivision, with said facilities not intended to be constructed or installed by the Developer, the plat must contain a certification by the Developer and his engineer that said proposed facilities shall comply with: (a) the County's applicable water, drainage, septic/OSSF, and floodplain management regulations; and (b) all applicable minimum state standards related to the proposed water wells and septic/OSSF facilities.

5.01.E. Building Setbacks. Pursuant to Sections 232.104 and 233.032 of the Texas Local Government Code, and for the promotion of the general welfare and safety of the public, the following standards are hereby established, adopted, and approved for building or set-back lines on subdivision lots: no new building on subdivision lots may be located closer than (1) 50-feet from the edge of the right-of-way of all roads, and (2) 10-feet from the property line of said lots. The County Subdivision Administrator may approve exceptions to these provisions based on pre-existing subdivision plat setback requirements, lot size, topography, or other mitigating factors.

[Beginning of Model Subdivision Rules]

5.01.F. *Model Subdivision Rules*. *The County adopts the applicable provisions of Texas Administrative Code, Title 31 Natural Resources and Conservation, Part 10 Texas Water*

Development Board, Chapter 364 Model Subdivision Rules. Notwithstanding anything to the contrary stated in these Regulations, and pursuant to the authority herein described to support these Regulations (including Chapter 232, Subchapter C of the Texas Local Government Code), the following Model Subdivision Rules (or Model Rules) are approved, adopted, and applied for use in these Regulations regarding only certain types of residential subdivisions as hereafter described.

5.01.F.1 - General Provisions.

5.01.F.1.a – Purpose. The Model Rules provide the criteria for assuring that an adequate supply of safe drinking water and adequate safe sewer facilities are available to residential areas in accordance with state standards established by the Texas Department of Health and the Texas Commission on Environmental Quality. The model rules prohibit the establishment of residential developments with lots of five acres or less without adequate water supply and sewer services, prohibit more than one single-family, detached dwelling to be located on each subdivision lot, and establish minimum setbacks to ensure proper operation of water supply and sewer services and to reduce the risk of fire hazards.

5.01.F.2 - General and Administrative Provisions.

5.01.F.2.a - Authority and Scope of Rules. These rules are adopted by Kerr County, Texas, under the authority of the Texas Local Government Code, Chapter 232, Texas Water Code, § 16.350, and other authority. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

5.01.F.2.b – Purpose. It is the purpose of these rules to promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this County, and to apply the minimum state standards for water and wastewater facilities to these subdivisions. These Model Rules became effective on the Effective Date, and pursuant to 31 TAC § 364.16, they supersede any conflicting regulation of the County.

5.01.F.2.c - Plat Required.

(1) The Owner, Developer, or Subdivider of a tract of land located inside Kerr County, Texas, outside the corporate limits of a municipality, which divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
(2) No subdivided land shall be sold or conveyed until the subdivider: (a) has received approval of a final plat of the tract; and (b) has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.
(3) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property

5.01.F.2.d – Severability. Notwithstanding anything to the contrary stated in these Regulations, if any part or provision of these Model Rules, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Model Rules or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Model Rules without any such part, provision or application.

5.01.F.2.e – Definitions.

The following words and terms (whether appearing in capital letters, bold, italics, or underlined printing in these Model Rules) shall have the following meanings in these Model Rules, unless the context clearly indicates otherwise.

(1) ***Commission****--the Texas Commission on Environmental Quality and any of its predecessor or successor entities.*
(2) ***Commissioners Court*** *(or Court)--The Commissioners Court of Kerr County, Texas.*
(3) ***County****-- Kerr County, Texas.*
(4) ***Drinking water****--All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.*
(5) ***Engineer****--A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.*
(6) ***Final plat****--A map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in these Model Rules.*
(7) ***Lot****--An undivided tract or parcel of land.*
(8) ***Non-Public Water System****--Any water system supplying water for domestic purposes which is not a public water system.*
(9) ***OSSF****--On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.*
(10) ***Platted****--Recorded with the County in an official plat record.*
(11) ***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 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 which 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 more 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.
(12) ***Purchaser****--Shall include purchasers under executory contracts for conveyance of real property.*
(13) ***Retail Public Utility****--Any entity meeting the definition of a retail public utility as defined in Water Code § 13.002.*
(14) ***Sewerage Facilities****--The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.*
(15) ***Subdivider****--Any Owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision. Subdivider, Developer and Owner are synonymous.*
(16) ***Subdivision****--Any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat or revision of plat) of land which was previously divided.*
(17) ***TAC****--Texas Administrative Code, as compiled by the Texas Secretary of State.*
(18) ***Water facilities****--Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.*

5.01.F.3 – Minimum Standards.

5.01.F.3.a - Scope of Standards - The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of these Model Rules is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

A plat required by these Model Rules shall contain the following:
(1) The plat shall be certified by a surveyor or engineer registered to practice in this state.
(2) The plat shall define the subdivision by metes and bounds.
(3) The plat shall locate the subdivision with respect to an original corner of the original survey of which it is a part.
(4) The plat shall describe each lot by metes and bounds, number each lot in progression, and give the dimensions of each lot.
(5) The plat shall state the dimensions of and accurately describe each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or Owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
(6) The plat shall include or have attached a document containing a description in English and Spanish of the water and sewer facilities, and roadways and easements dedicated for the provision of water and sewer facilities, which will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operable.
(7) The plat shall have attached a document prepared by an engineer registered to practice in this state certifying that (i) the water and sewer service facilities proposed under the immediately

preceding subparagraph are in compliance with these Model Rules, and (ii) a certified estimate of the cost to install the water and sewer service facilities.
(8) The plat shall provide for drainage in the subdivision to efficiently manage the flow of stormwater runoff and coordinate subdivision drainage with the general storm drainage pattern for the area, and further, shall: (i) comply with the reasonable drainage standards described in these Regulations; and (ii) include a description of those drainage requirements for the subdivision.
(9) The plat shall identify the topography of the area.
(10) The plat shall include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision that is in a floodplain or stating that no area is in a floodplain;
(11) The plat shall include certification that the Subdivider has complied with the requirements of § 232.0032, Texas Local Government Code, and that: (i) the water quality and connections to the lots meet, or will meet, the minimum state standards; (ii) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (iii) electrical connections provided to the lots meet, or will meet, the minimum state standards; and (iv) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards. A Subdivider may meet the requirements of this provision through the use of a certificate issued by the appropriate County or state official having jurisdiction over the approval of septic systems stating that lots in the subdivision can be adequately and legally served by septic systems.
(12) The Subdivider of the tract must acknowledge the plat by signing the plat and attached documents and attest to the veracity and completeness of the matters asserted in the attached documents and in the plat.
(13) The plat must be filed and recorded with the County Clerk. The plat is subject to the filing and recording requirements of § 12.002 of the Texas Property Code.
(14) The Plat Application shall include a digital map that is compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under § 21.071 of the Natural Resources Code. An exemption from this requirement is granted if the Subdivider submits with the application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this provision was not reasonably accessible.
(15) The plat and all supporting documents submitted for plat approval shall comply with: (a) the standards (including methodology) of Division 2 and the requirements (including methodology) of Division 3 of Subchapter B of 31 TAC Chapter 364; (b) the other requirements (including methodology) for plat sufficiency and approval described in these Model Rules (including the 31 TAC § 364.53 requirements); and (c) pursuant to §§ 16.343 and 16.350 of the Texas Water Code, and 31 TAC § 364.16, the other requirements (including methodology) described in §§ I through IX of these Regulations (including without limitation § 5.08, the water availability requirements stated in these Regulations) which do not conflict with or are not superseded by these Model Rules.

5.01.F.3.b - Water Facilities Development.

(1) Public Water Systems.
(a) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the

form attached in Appendix/Exhibit M. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat. (See Appendix/Exhibit M, Sample Form for Water Service Agreement)

(b) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38-290.51 and §§ 290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1-230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or a wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(2) Non-Public Water Systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1-230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§ 290.104, 290.106, 290.108 and 290.109, either:

(a) without any treatment to the water; or

(b) with treatment by an identified and commercially available water treatment system.

(3) Transportation of Potable Water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these Model Rules due to the negligence of the subdivider does not constitute an emergency.

5.01.F.3.c – Wastewater Disposal.

(1) Organized Sewerage Facilities.

(a) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the Commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the Commission.

(b) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix/Exhibit N with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. (See Appendix/Exhibit N, Sample Form for Wastewater Service Agreement).

(2) On-Site Sewerage Facilities.

(a) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.

(b) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.

(c) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5 and 285.30-285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

5.01.F.3.d - Greywater Systems for Reuse of Treated Wastewater.

(1) Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the commission.

(2) On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

5.01.F.3.e - Sludge Disposal. The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

5.01.F.3.f – Setbacks. In areas that lack a nationally recognized fire code as listed in Local Government Code, § 233.062(c) and lack water lines sized for fire protection, setbacks from roads and right-of-ways shall be a minimum of 50 feet, setbacks from adjacent property lines shall be a minimum of 10 feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the County shall control to the extent greater setbacks are therein required.

5.01.F.3.g - Number of Dwellings Per Lot. "No more than one single family detached dwelling shall be located on each lot." A notation of this restriction shall be placed on the face of the final

plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

5.01.F.4 - Plat Application.
5.01.F.4.a - An application for approval of a plat shall be filed with the Subdivision Administrator by the record Owner or Subdivider of the property to be subdivided or the duly authorized agent thereof. Every plat creating two or more lots of five acres or less for residential use shall comply with all of the standards and requirements described in 31 Texas Administrative Code, Chapter 364 (Model Subdivision Rules), Subchapter B, Divisions 2 (Minimum Standards) and 3 (Plat Approval).

5.01.F.4.b - Final Engineering Report.
The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the County shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under 31 TAC § 364.54, the schedule shall include the start dates and completion dates.

(1) Public Water Systems.

(a) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix/Exhibit M and referenced in 31 TAC § 364.32(a)(1). Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the County, the Commission and the County Health Department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1-230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

(b) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the Commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1-230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater

supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(2) Non-Public Water Systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with 31 TAC § 364.32. The results of such analyses shall be made available to the prospective property Owners. If the water quality of the test well required pursuant to 31 TAC § 364.32(b) does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the County at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

(3) Organized Sewerage Facilities.

(a) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix/Exhibit N and referenced in 31 TAC § 364.33(a)(2). Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the Commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(b) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the Commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(4) On-site Sewerage Facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation described by 30 TAC § 285.30 and all other information required by the County's OSSF order.

5.01.F.4.c - Financial Guarantees for Improvements.

(1) Applicability. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the Commissioners Court shall require the Owner of the subdivided tract to execute an agreement with the County in substantially the form attached as Appendix 2A to 31 TAC § 364.54, and as shown in Appendix/Exhibit O, secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below.

(2) Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(a) The bond or financial guarantee shall be payable to the county judge of the County, in his official capacity, or the judge's successor in office.

(b) The bond or financial guarantee shall be in an amount determined by the Commissioners Court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

(c) The bond shall be executed with sureties approved by the Commissioners Court. The County criteria for acceptability of the surety companies issuing bonds are as follows:

(1) registration with the Secretary of State and be authorized to do business in Texas;

(2) authorization to issue bonds in the amount required by the Commissioners Court; and

(3) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(d) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Division 2 of 31 TAC § 364, Subchapter B and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(3) Letter of Credit. A letter of credit that is submitted in compliance with this section shall meet the following requirements.

(a) Any letter of credit submitted as a financial guarantee for combined amounts greater than $10,000 and less than $250,000 must be from financial institutions which meet the following qualifications.

(1) Bank qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and

(iii) total assets must be at least $25 million.

(2) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than $25 million or tangible capital must be at least 3.0% of total assets if total assets are less than $25 million; and

(iii) Sheshunoff rating must be 30 or better.

(3) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(b) Any letter of credit submitted as a financial guarantee for combined amounts greater than $250,000 must be from financial institutions which meet the following qualifications.

(1) Bank qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and

(iii) total assets must be at least $75 million.

(2) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than $75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than $75 million; and

(iii) Sheshunoff rating must be 30 or better.

(3) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(c) The letter of credit shall list as sole beneficiary the County Judge, in his official capacity, or the judge's successor in office, and must be approved by the County Judge. The form of the letter of credit shall be modeled after the form attached in Appendix/Exhibit P, and as described in the Appendix 2B of 31 TAC § 364.54.

(d) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(4) Financial Guarantee. The County will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.

(5) Alternative to County Accepting a Financial Guarantee. The County may approve a final plat under this section without receiving a financial guarantee in the name of the County if:

(a) the property being subdivided lies wholly within the jurisdiction of the County;

(b) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and

(c) the municipality has executed an interlocal agreement with the County that imposes the obligation on the municipality to:

(1) accept the bonds, letters of credit, or other financial guarantees, which meet the requirements of this section;

(2) execute the construction agreement with the Subdivider; and

(3) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

5.01.F.4.d - Review and Approval of Final Plats.

(1) Scope of Review. The County will review the final plat to determine whether it meets the standards of Division 2 and the requirements of Division 3 of 31 TAC Chapter 364, Subchapter B.

(2) Disapproval Authority. The Commissioners Court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Model Rules.

(3) Prerequisites to Approval. Final plat approval shall not be granted unless the Subdivider has accomplished the following:

(a) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and

(b) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these Model Rules and the approvals from the Commission of the plans and specifications for such construction, including any change orders filed with these agencies; or

(c) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the County secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Division 3 of 31 TAC Chapter 364, Subchapter B.

5.01.F.4.e - Time Extensions for Providing Facilities.

(1) Reasonableness. The Commissioners Court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:

(a) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with 31 TAC § 364.54 are submitted which will be effective for the period of the extension; and

(b) the Court finds the extension is reasonable and not contrary to the public interest.

(2) Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.

(3) Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Division 2 of 31 TAC Chapter 364, Subchapter B.

5.01.F.4.f - Criteria for Subdivisions that Occurred Prior to 9/1/89.

(1) Authority and scope. This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the County to grant a delay or variance pursuant to Texas Local Government Code § 232.043 or a rule of the County adopted pursuant to such provision.

(2) Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this County, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the County.

(3) Required plat. In the event that the Owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or Owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the Commissioners Court, and filed, the Owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the Commissioners Court as provided in this section in lieu of the filing of a plat of the subdivision.

(4) Special criteria. The Commissioners Court may approve the plat of a residential lot which does not comply with the provisions of §§ 364.15(b) (sale restrictions), 364.36 (Setbacks), 364.37 (Number of Dwellings per Lot), 364.52 (Final Engineering Report), and 364.54 (Financial Guarantees for Improvements) of 31 TAC Chapter 364, as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these Model Rules so that the public health, safety, and welfare may be secured and substantial justice done.

(a) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.

(b) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain

available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the Commissioners Court may request to support the application, including:

(1) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;

(2) the name and address of the original Subdivider or the Subdivider's authorized agent, if known;

(3) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and

(4) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.

(c) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the Commissioners Court that:

(1) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original Subdivider;

(2) a plat was required for the subdivision, but has not been filed with the County by the subdivider legally obligated to file it;

(3) an existing, currently occupied residential dwelling is located on the lot;

(4) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and

(5) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.

(5) Final Determination. The Commissioners Court shall make the final decision on an application for a waiver, following review and recommendation by the County planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the Commissioners Court, the County shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

5.01.F.5 – Enforcement.

5.01.F.5.a - Oversight – The Owner, by submitting a plat, acknowledges the authority of the County and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the Owner from any obligation to comply with the requirements of these Model Rules.

5.01.F.5.b - General Enforcement Authority of County - These Model Rules are enforceable pursuant to the specific provisions of the Regulations related to enforcement and state law, including: Chapter 7 and §§ 16.352, 16.353, 16.3535, 16.354, and 16.3545 of the Texas Water Code; §§ 232.037, 232.078, 232.079 and 232.080 of the Texas Local Government Code; and the other applicable enforcement authority recited in the Regulations or state law.

[End of Model Subdivision Rules]

5.02 Roads.

5.02.A. Road Layout. Adequate roads shall be provided by the Developer, and the arrangement, character, extent, width, grade and location of each shall be considered in their relation to existing and planned roads, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed use of land to be served by such roads. The road layout shall be devised for the most advantageous development of the entire surrounding area.

5.02.B. Relation to adjoining road system. Where necessary to the neighborhood pattern, existing roads in adjoining areas shall be continued, and shall be at least as wide as such existing roads and in alignment therewith.

5.02.C. Projection of roads. Where adjoining areas are subdivided or not, the arrangement of roads that are to be maintained by Kerr County in the subdivision shall make provision for the proper projection of said roads into said areas.

5.02.D. Road intersections. Road intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

5.02.E. Cul-de-sacs. Cul-de-sacs right of way shall have a radius of not less than fifty (50) feet with a surface of forty (40) feet radius. A cul-de-sac shall be constructed at the end of any road in excess of 99 feet in length. Other designs besides cul-de-sacs may be submitted and considered by the County Engineer on a case-by-case basis.

5.02.F. Lot and Block Numbers. Lot and block numbers are to be arranged in systematic order and shown on the plat. Each block will be numbered sequentially beginning with the number one (1), and each subdivision unit will have a separate lot and block designation.

5.02.G. Road Construction/Design. Road construction and design shall meet the requirements herein. Roadway Plan and Profile Drawings shall be required for all road classifications. See Section VII. for minimum design requirements.

5.02.H. Road Names. Proposed roads which are in alignment with existing named roads shall bear the names of the existing road. Proposed roads shall comply with the Road Naming and Addressing Guidelines of Kerr 911 and approved by Commissioners Court. Road names must be certified by Kerr 911 before Final Plat approval. The Court shall have final determination of road names.

5.02.I. Road Access and Sufficiency. The County may disapprove a submitted plat pertaining to a proposed subdivision in which the plat application documents or plat show that the subdivision: (a) lacks contiguous and direct access to an existing external public road leading to or from the subdivision; (b) lacks sufficient and safe access to a properly designed, structurally adequate, and safe existing external public road leading to or from the subdivision, due to any reason, including the degree and type of road travel and traffic impact on and regarding said road anticipated to occur

as a result of the subdivision development; or (c) contains a proposed or existing internal road that is not or will not be properly designed, structurally adequate, and safe, due to any reason, including the degree and type of road travel and traffic impact on and regarding said road anticipated to occur as a result of the subdivision development. Should any of the aforesaid and adverse road issues exist regarding a proposed subdivision development, the County may require the following to be completed for County review prior to a decision regarding plat approval, at the Developer's sole cost and expense, in order to review and analyze those adverse road issues and determine whether any of those issues may impair or diminish public safety, traffic efficiency or control, or the required public resources to be expended regarding any such road made the subject of review: (a) a Texas Department of Transportation study; (b) a traffic impact study; and/or (c) an engineering study or review.

5.03 Wastewater Disposal System. Each lot in the subdivision must have some legal means of sewage wastewater treatment and disposal. The minimum lot size for an OSSF system is 0.5 acres, as required by the Kerr County OSSF Rules and Regulations.

5.03.A. Lots Served By OSSF. All lots to be served by OSSF shall be in compliance with the Kerr County OSSF Rules and Regulations. Owners or Developers proposing residential subdivisions, MHRCs, multi-unit residential developments, business parks, or other similar structures that use OSSFs for sewage disposal shall submit planning materials for these developments to the Kerr County Environmental Health Department and receive approval prior to final plat or development plan approval. The planning materials shall be prepared, signed and sealed by a professional engineer or sanitarian and shall include the following:

(1) an overall site plan that provides individual lot sizes - with the understanding that areas for replacement OSSF systems are generally considered adequate when minimum lot sizes, as required by the TCEQ's OSSF rules (30 Texas Administrative Code (TAC) Chapter 285), are provided -- however, if ground surface features or topography limits a lot's suitable area for an OSSF system smaller than the minimum lot size allowed by the TCEQ regulations, then the replacement OSSF area on impacted lots will be addressed;

(2) a topographic map with the proposed subdivision location imposed on the map - and the map shall be an original or legible copy of a "7.5 degree" map (Department of the Interior Geological Survey map with 5-foot contour intervals), with surface drainage and direction of drainage influenced by slope and other improvements planned for the subdivision shall be indicated on the map;

(3) a Federal Emergency Management Agency (FEMA) 100-year floodplain map with the proposed subdivision location imposed on the map (with the map being an original or legible copy) and containing a statement regarding whether (a) the proposed subdivision is or is not located in the floodplain or floodway, or (b) a statement is needed from the local floodplain coordinator/administrator regarding those issues if a FEMA 100-year floodplain map for the area is not available;

(4) a soil survey, including (a) an original or legible copy of an existing official USDA Natural Resources Conservation Service soil survey map, if one has been completed; (b) with the proposed subdivision location imposed on the map; and (c) with the soil class and texture information on the map describing each major soil association named by the USDA in the proposed subdivision, and with the map being in accordance with current 30 TAC Chapter 285 rules for class and texture;

(5) if there is no official USDA Natural Resource Conservation Service soil survey information available, then soils information, as described in the current 30 TAC Chapter 285 rules must be submitted by class and texture – including (a) a soil texture analysis for each different USDA soil association, and (b) the soil drainage and groundwater information and soil limitations that could affect OSSF disposal, identified by soil scientists in any official soil surveys;

(6) the location of water wells;

(7) the locations of easements, as identified in 30 TAC § 285.91(10) (relating to tables);

(8) a comprehensive drainage plan (reference § 5.03.A(2));

(9) a complete report detailing the types of OSSFs to be considered and their compatibility with area-wide drainage and groundwater; and

(10) if the proposed development includes restaurants or buildings with food service establishments, the planning materials (a) must show adequate land area for doubling the land needed for the treatment units; and (b) the Developer may consider increasing the amount of land area for the treatment units beyond doubling the minimum required area.

5.03.B. Lots Served By Community Sewage Collection and Treatment Facilities. All Lots to be served by community sewage collection and treatment Facilities shall have such system and facility plan approved by TCEQ and the Developer shall provide a letter from TCEQ approving such system and facility plan prior to Final Plat approval. If wastewater collection and treatment services are to be provided by a utility service provider entity other than a community collection system, that entity shall review the system and facility plan and the Developer shall provide a letter from such entity approving such system and facility plan prior to Final Plat approval.

5.04 Utility Lines.

5.04.A. All utility lines that pass under a road or alley shall be installed before the road or alley is constructed and at the minimum depths identified in Title 43 of the Texas Administrative Code. When it is necessary that utility lines pass under an existing road or alley pavement, they shall be bored to a point at least four (4) feet beyond the edge of the pavement, see Appendix/Exhibit G, or a road cut may be used if approved by the Road Administrator. If a road cut is used such road cut shall be installed in accordance with the design set forth in Appendix/Exhibit G.

5.04.B. Utility fixtures extending above ground (poles, fire hydrants, etc.) will be within four (4) feet of the outside edge of the right of way line unless approved by the County (See Appendix/Exhibits J & K).

5.04.C. Underground utility lines are to be placed a *minimum* of thirty (30) inches below surface (and meet all safety codes) within a range of 0 to 4 feet of the outside of the right of way line. (See Appendix/Exhibits J & K).

5.05 Concrete Monuments. A minimum of one concrete monument containing certified benchmark elevations shall be required when any part of the subdivision is located within a Special Flood Hazard Area (studied), as represented by the applicable Flood Insurance Rate maps produced by Federal Emergency Management Agency (FEMA). The monument location shall permit reasonable access from all lots. The concrete monument shall be a minimum of 6 inches in diameter and at least 30 inches deep or embedded at least 4 inches into bedrock (if bedrock is encountered) and shall have a brass disc placed in the top of the concrete. The brass disc elevation shall then be determined and stamped with the elevation (NAVD 88) and date.

5.06 Drainage.

5.06.A. All drainage plans, drainage calculations, drainage structures designs, drainage facilities design, and all other requirements of this section shall be prepared by a Texas licensed professional engineer experienced in hydraulic and hydrologic analysis and design; shall be signed and sealed by said engineer; and shall be prepared using professional standards and practices of the engineering industry. Engineers, Developers, and their contractors are encouraged to utilize Best Management Practices (BMP) developed by the Upper Guadalupe River Authority (UGRA).

The Texas licensed professional engineer of record shall certify on the Final Plat that all drainage requirements specified by said engineer have been, or will be, constructed substantially in accordance with all design criteria submitted, and are in compliance with these Regulations. In addition, all plats shall contain a "No Adverse Impact" note concerning drainage (See Appendix/Exhibit B for both the certificate and note).

5.06.B. Subdivision design, layout and construction shall be done to minimize any adverse impact to private property, public property, all easements, and all public or private right-of-way either within or outside the proposed subdivision. Provisions must be made to assure that no adverse impact is made to existing drainage systems within public right of ways. All drainage design, layout and construction shall comply with all applicable laws of the State of Texas and the United States of America.

5.06.C. The criteria set forth under this section are intended to provide guidelines for residential and commercial drainage calculations. The licensed professional engineer that signs and seals the drainage plans, drainage calculations, drainage structures design, drainage facilities design, and all other drainage requirements is responsible for all drainage calculations. The calculated post-construction runoff flow rates at the points of flow leaving the subdivision for each drainage basin should be calculated based on the area of the pre-development drainage basin plus any added or

subtracted area due to subdivision construction or layout. All runoff flow rate calculations shall be done in cubic feet per second (cfs). The runoff flow rate shall be calculated for the five (5), ten (10) and one hundred (100) year storm frequency, respectively. Exit velocity runoff flow rates should not be greater than eight (8) fps from any storm detention structure, and velocities greater than six (6) fps may require erosion preventive armoring depending on soil type. The calculated post-construction runoff flow rates at the points of flow leaving the subdivision should not exceed the pre-construction runoff rate for the post-construction drainage basin(s) for each calculated storm frequency.

5.06.D. The storm drainage plan shall include a prepared plat to a scale of two hundred feet to one inch (200:1) and with the same contours and scaled lot sizes as shown on the plat. The plan shall indicate both the predevelopment and post development acreage areas and run off rates for the required frequencies for each drainage basin in the subdivision. The storm drainage plan shall include all lots, roads and easements.

All road widths and grades shall be indicated. Runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers; at all points where the road changes grade of more than three (3) percent; at all points where the road changes direction of less than 120 degrees and where the water enters another road or storm sewer or drainage ditch.

One (1) copy of the plat, the plan and all backup material and calculations shall be submitted to the County.

5.06.E. When a drainage channel, storm sewer, detention structure or other device is to be constructed, one (1) copy of the design complete with construction plans, profiles, and specifications shall be submitted. The plans shall show construction details, calculations showing the anticipated storm water runoff, including watershed area, percentage and velocity of runoff, and time of concentration.

5.06.F. No pipe less than 18 inches in diameter, or comparable flow area, shall be used in the storm drainage system. Driveway crossings, however, shall have no pipe less than 15 inches in diameter or comparable flow.

5.06.G. Drainage easements shall be provided as necessary and shall be maintained by the property Owner unless specifically noted on the Final Plat.

5.06.H. All drainage structures crossing roads within a subdivision shall be sized based on calculated storm frequency as established by standard engineering practices as follows (the Subdivision Administrator may consider design alternatives when strict compliance cannot be attained due to factors out of the control of the design engineer):

1. Ten (10) year for equalizer and minor drainage channel culverts that drain an area from one (1) to one-hundred (100) acres.
2. Twenty-five (25) year for medium drainage channel culverts that drain an area from one-hundred one (101) acres to five hundred (500) acres or unnamed stream tributary culverts.

3. Fifty (50) year for major channel culverts that drain an area over 500 acres and named stream culverts.
4. One hundred (100) year for river crossing culverts or bridges.

Table 5.02
Summary of Drainage Structures Crossing Roads Design Criteria

Sub. Reg.	Type	Drainage Area (acres)	Storm Frequency (year)
5.06.H.1	Equalizer and Minor Culverts	1<x<100	10
5.06.H.2	Medium or Unnamed Stream Tributary Culverts	101<x<500	25
5.06.H.3	Major and Named Stream Culverts	500<x	50
5.06.H.4	River Crossing Culverts or Bridges	N/A	100

5.06.I. All drainage structure installation and construction shall be inspected and tested during construction to insure installation and construction is in accordance with the approved plans and design. Inspections and testing should be performed by or under the direction of the design engineer at the sole cost and expense of the Developer. Inspections and testing shall include verification of materials used, compaction tests, grade calculations and other testing requirements as may be required to verify construction. A copy of all testing shall be provided to the County within 15 days of completion of testing. All test results must be submitted to the County at least 15 days prior to the request for Final Plat approval. The County Subdivision Administrator shall be notified in writing 48 hours prior to any inspections and testing.

5.06.J. All drainage structures shall be covered by letter of credit or performance bond for the same term of roads, as required by these Regulations.

5.06.K. Driveway crossings for each proposed lot shall be sized and noted on the plans by the engineer who prepared the drainage plans and shall be based on calculated five (5) year storm frequency as established by standard engineering practices.

5.07 Fire Safety and Suppression. Pursuant to §§ 232.101, 232.107, and 232.109 of the Texas Local Government Code, in a subdivision that is not served by fire hydrants as part of a centralized water system certified by the Texas Commission on Environmental Quality as meeting minimum standards for water utility service, a limited fire suppression system is required as follows:

5.07.A. Subdivision with 11 to 49 Houses. The Developer (including its successors and assigns) shall construct and maintain at all times a fully operational fire suppression system for the subdivision containing a minimum of 2,500 gallons of water storage to be supplied to the subdivision through a storage tank with a 2.5-inch NST pipe connection to said tank. The plat must accurately describe the: (a) location and components of the fire suppression system; and (b) fire suppression system compliance obligations of the Developer (including its successors and assigns) required by this section.

5.07.B. Subdivision of 50 or More Houses. The Developer (including its successors and assigns) shall construct and maintain at all times a fully operational fire suppression system for the subdivision with: (a) a minimum of 2,500 gallons of storage with a centralized water system; or (b) 5,000 gallons of storage to be supplied to the subdivision through a storage tank with a 2.5-inch NST pipe connection to said tank. The plat must accurately describe the: (a) location and components of the fire suppression system; and (b) fire suppression system compliance obligations of the Developer (including its successors and assigns) required by this section.

5.07.C. Access for Emergency Vehicles. Regarding a residential subdivision that is subdivided into 200 or more lots in the unincorporated area of Kerr County, Texas, the following standards and requirements regarding emergency vehicle access are adopted: (1) at least two means of ingress and egress in the subdivision shall be provided, and shown by the Developer on the plat, to provide for sufficient routes of travel for use by emergency vehicles and for use during evacuations resulting from fire or other natural disasters; and (2) said means of ingress and egress in the subdivision shall be designed, platted, constructed, and operated pursuant to the road, bridge, drainage, public road access, driveway, and other transportation infrastructure standards or requirements of these Regulations.

5.08 Water Availability Requirements. Pursuant to § 232.003, Texas Local Government Code, each purchase contract between a Developer and a purchaser of land in the subdivision, and any approved subdivision plat, must contain a statement describing the extent to which water will be made available to the subdivision, and if it will be made available, how and when. This requirement must be stated in the submitted subdivision plat application and plat.

(1) Application.

(a) The Water Availability Requirements in this § 5.08 shall apply to all subdivisions required to be platted on and after the Effective Date of these Regulations, with the exception of the following subdivision types: (1) a subdivision not subject to regulation under the Model Subdivision Rules, but in which all lots are more than 5 acres and the total number of lots are not more than 10; (2) a subdivision not subject to regulation under the Model Subdivision Rules, but in which all lots are more than 20 acres; or (3) a platted subdivision not subject to regulation under the Model Subdivision Rules, but regarding which a revision of plat is requested, the subdivision is served by a public water system, and all lots in the subdivision are more than 5 acres.

(b) Notwithstanding anything to the contrary stated in this § 5.08, an exempt subdivision (as described in § 5.08(1)(a) above) nevertheless must still comply in all things with the requirements of § 5.08(3)(b) below regarding HGCD Rule Compliance.

(2) General Considerations and Public Purpose. The Commissioners Court finds and declares the following:

(a) Due to current growth conditions, Kerr County has experienced, and in the future is expected to experience, critical groundwater problems. Kerr County is located in the Hill Country PGMA, and in the jurisdictional territory of the Headwaters Groundwater Conservation District (current website at www.hgcd.org), which district is charged with the responsibility to protect, conserve, and manage groundwater resources in Kerr County, Texas.

(b) HGCD (current website at www.hgcd.org) has adopted district rules which contain regulations, requirements, and commentary for the protection, conservation, and management of groundwater in Kerr County, Texas, including without limitation well permitting, drilling permits, production and operating permits, production caps, and other matters constituting water availability requirements pertaining to land development in Kerr County, Texas for development projects such as subdivisions, lots, multi-unit attached dwellings, mobile home parks, RV parks or sites, stand-alone housing, apartments, duplexes, condominiums, and tiny homes.

(c) Other water availability requirements available for adoption, use, and implementation by the Commissioners Court in these Regulations also exist pursuant to other state law in the form of certain state statutes and administrative regulations, including: § 232.0032 of the Texas Local Government Code, and 30 TAC §§ 230.1-230.11, the administrative regulations enacted to implement § 232.0032; the Model Subdivision Rules authorized by §§ 16.343 and 16.350 of the Texas Water Code, and Subchapters A, C, and E of Chapter 232 of the Texas Local Government Code, and 31 TAC §§ 364.1-364.72, the administrative regulations enacted to implement the Model Subdivision Rules; and §§ 232.101 and 232.107 of the Texas Local Government Code.

(d) Pursuant to § 232.0032 of the Texas Local Government Code, § 35.019 of the Texas Water Code, and other authority as herein described, the Commissioners Court hereby approves and adopts all Water Availability Requirements (or "rules") described in these Regulations, including the standards and procedure of said rules, which shall be applied, used, and implemented as subdivision platting requirements in the unincorporated areas of Kerr County, Texas (where subdivision platting procedure is required), because said rules are necessary to prevent the current or projected water use in Kerr County from exceeding the safe and sustainable yield of the county's water supply.

(3) Water Availability Rules, Standards, and Procedure. Through subdivision plat application documents submitted by the Developer pursuant to these Regulations to the Subdivision Administrator regarding a proposed subdivision, and on the submitted subdivision plat, the Developer must show compliance with the following water availability rules, standards, and procedure, and further, must show that an adequate supply of water of sufficient quantity and quality (using minimum state standards for a minimum period of 30-years) is available to supply the number of lots or spaces proposed for the proposed platted area:

(a) Groundwater Sufficiency Disclosure Statement. Pursuant to the standards and procedure of § 232.0032 of the Texas Local Government Code (applicable to all Texas counties and hereby approved and adopted by the Commissioners Court), if the source of the water supply intended for the subdivision is groundwater under that land, the plat application and plat shall have attached to it a statement that: (1) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (2) certifies that adequate groundwater is available for the subdivision. The form and content of this certification shall be in compliance with all applicable rules of TCEQ as required by § 232.0032, including but not limited to the standards and procedure of a groundwater availability study complying with 30 TAC §§ 230.1 through 230.11 for water availability and certifying the long-term quantity and quality (using minimum state standards for a minimum period of 30-years) of available groundwater for the proposed subdivision. Should this plat certification be required, the Developer also shall transmit to the TWDB, and any groundwater conservation district (including HGCD, current website at www.hgcd.org) that includes in the district's boundaries any part of the subdivision, as required by § 232.0032 and the applicable rules of TCEQ and TWDB, information that would be useful in: (1) performing groundwater conservation district activities; (2) conducting regional water planning; (3) maintaining the state's groundwater base; or (4) conducting studies for the state related to groundwater. Prior to subdivision plat approval, the Developer shall confirm and verify in writing to the County that all required information pursuant to said § 232.0032 has been transmitted to the TWDB and an applicable groundwater conservation district, if required by this provision.

(b) HGCD Rule Compliance. The Developer's subdivision plat and related application shall include documents showing that the subdivision is in compliance with the then current HGCD (current website at www.hgcd.org) rules and regulations.

(c) Surface Water Sufficiency Disclosure Statement. If the source of the water supply intended for the subdivision is surface water, the submitted subdivision plat application and plat shall have attached to it a statement that: (1) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (2) certifies through sufficient evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply of surface water to serve the needs of the subdivision for a term of not less than 30 years.

(d) Model Subdivision Rules Compliance. For those subdivisions subject to regulation pursuant to the Model Subdivision Rules described in these Regulations, the submitted subdivision plat application and plat shall show compliance with the water availability requirements of the Model Subdivision Rules whether the water source for the subdivision is groundwater or surface water.

5.09 Manufactured Home Rental Community Regulations. Pursuant to § 232.007 of the Texas Local Government Code, the Commissioners Court adopts and approves for use and application in these Regulations the following standards and regulations for Manufactured Home Rental Community development located in the unincorporated area of the County.

5.09.A Application. The County's Manufactured Home Rental Community Application form is described in the Appendix/Exhibit T. It shall be provided at no cost to the public at the office of the Subdivision Administrator at the notice address described in § 1.3 of these Regulations, and on the County's internet website www.co.kerr.tx.us. The MHRC Application form describes all required documentation for submission by the Developer to the County of a completed MHRC application.

5.09.B Completed Application. A completed MHRC application shall constitute: (1) the fully completed and executed application; and (2) the required infrastructure development plan and all supporting documents, as herein described.

5.09.C Infrastructure Development Plan. Construction of a proposed MHRC may not begin before an infrastructure development plan ("plan") has been submitted to and approved by the County, as follows:

(1) Specifications. The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) specify necessary drainage culverts and other drainage facilities for the MHRC; and (c) identify all areas of the MHRC located in the floodplain, if any. The drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in these Regulations.

(2) Descriptions/Water. The plan shall: (a) describe the provision of an adequate public or community water supply to the MHRC in accordance with minimum state standards; and (b) describe the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341 of the Texas Health and Safety Code.

(3) Descriptions/Sewer, Septic, OSSF. The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards, and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; and (b) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366 of the Texas Health and Safety Code.

(4) Land Survey. The plan shall contain a land survey of the proposed MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify, at minimum: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.
(5) Roads. The plan shall identify and describe all roads and streets in the MHRC. Those roads and streets shall be constructed and comply with the following standards in order to provide ingress and egress for fire and emergency vehicles: all road and street requirements described in these Regulations for subdivisions.

(6) Additional Plan Requirement. Additional MHRC development plan requirements are described in the Appendix/Exhibit R.

(7) Lawful Compliance. The plan and all other documents submitted to the County to support a request for plan approval must be truthful, accurate, correct, and prepared in compliance with the requirements (including methodology) prescribed by law and these Regulations, including the applicable statutes and regulations of the State of Texas and federal government (and the administrative agencies thereof), and the County's active flood damage prevention order or other floodplain management regulations, sewer, septic, OSSF or other wastewater regulations, or other land development regulations.

5.09.D. Signature and Completeness. The MHRC application and proposed infrastructure development plan shall be: (1) signed, dated, approved, and acknowledged by the Developer; and (2) signed, dated, approved, and stamped by the Developer's engineer and surveyor. The MHRC application and proposed plan are considered complete when all applicable documentation or other information required by these Regulations is received by the County.

5.09.E. Submission and Fees. The original and two complete copies of the MHRC application and proposed plan, both being fully executed, complete, and in compliance with these Regulations, with all required fees, shall be submitted by the Developer to the Subdivision Administrator at the notice address described in § 1.3 of these Regulations.

5.09.F. County Review. The County (through its designee the Subdivision Administrator or County Engineer) shall review the plan, and thereafter shall approve or reject the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny a MHRC and its proposed plan if: (1) the plan does not comply with these Regulations; (2) the required fees are not paid; or (3) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is approved, the County (through its designee the Subdivision Administrator or County Engineer) shall so certify on the plan, and shall acknowledge the plan. The approved/executed plan shall be filed and recorded in the Office of the County Clerk within 30 days of plan approval, and the Developer shall be responsible for payment of the filing and recording fees.

5.09.G. Construction and Occupancy. Construction regarding a MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the infrastructure development plan is approved by the County. The County may require inspection of the infrastructure during or on completion of construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue the MHRC Certificate of Compliance in accordance with § 232.007 of the Texas Local Government Code.

5.09.H. Utility Service**.** A utility may not provide utility services (including water, sewer, gas, and electric services) to a MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the Owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County under the immediately preceding paragraph (G). As used in this paragraph, "utility" means: (1) a municipality that provides utility services; (2) a municipality owned or municipally operated utility that provides utility services; (3) a public utility (or "utility" as previously described) that provides utility services; (4) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (5) a county that provides utility services; and (6) a special district or authority created by state law that provides utility services.

5.09.I. MHRC Variance. The Commissioners Court may grant a variance (also called "waiver") from these MHRC standards or requirements pursuant to the variance procedures and standards described in § 6.09 of these Regulations**.** The variance application, review, and fee requirements therein described are expressly adopted for use and application in these Regulations regarding MHRC development, including the following requirements: (1) regarding a requested variance from the County's MHRC regulations, the variance application must be timely filed with the required MHRC application and proposed infrastructure development plan; and (2) the variance request/application fee, as described in the fee schedule attached in the Appendix//Exhibit F, shall be paid in full to the County at the time of the variance application filing.

5.10 Developer Participation Contracts. Pursuant to the provisions of § 232.105 of the Texas Local Government Code and other authority, the County hereby adopts and approves its authority to make, but not its obligation to make, Developer participation contracts with a Developer of a subdivision or land in the unincorporated area of the Kerr County, Texas to construct public improvements, but not including a building, related to the development. Such contracts, if any, shall be made and implemented using the lawful authority, discretion, and best business judgment of the Commissioners Court, and in the manner and procedure authorized by the aforesaid statute. The County reserves the right not to make a proposed Developer participation contract should the discretion and best business judgment of the Commissioners Court indicate that the making and implementation of such a contract would not be in the County's best public interests.

5.11 Utility Connection Requirements. Pursuant to §§ 232.071-.072 and 232.077 of the Texas Local Government Code, the utility connection requirements described in the Appendix/Exhibit V are adopted for use and application in these Regulations.

Section VI

PLATTING PROCEDURE, EXCEPTIONS, AND VARIANCES

6.00 Sale of Lots. No sale of lots in any subdivision shall begin until the Court has approved the Final Plat and the subdivision plat has been filed with the County Clerk, of Kerr County, Texas.

6.01 Voluntary Concept Plan. Prior to submission of a plat, the Developer voluntarily may submit a Voluntary Concept Plan to the County, and request a meeting with the County Subdivision Administrator and other individuals the County Subdivision Administrator may feel helpful, including members from other county departments and other governmental entities, to discuss the concept plan of the proposed subdivision. (Appendix/Exhibit L). The aforesaid plan submittal and meeting are not required as conditions of plat approval by these Regulations.

6.02 Voluntary Pre-Development Review Procedure. Prior to the submission of a plat application or plat, the Developer voluntarily may request a voluntary pre-development review procedure by the Commissioners Court. This review procedure and any documents submitted by the Developer to the County for the review are not required as a condition of plat approval by these Regulations.

6.02.A. The Developer's participation in the voluntary pre-development review procedure, and the submission of any document by the Developer to the County for said review (including without limitation a voluntary concept plan or a voluntary preview development plan) do not constitute: (a) the submission of a completed plat application by the Developer to the County; or (b) approval by the County of a final subdivision plat.

6.02.B. Copies required: The Developer shall submit eight (8) prints of a voluntary pre-development review plan to the County Subdivision Administrator, and one (1) such print to every agency who signs the final plat, twenty-eight (28) days prior to the Commissioners Court agenda date requested. A completed routing slip for the voluntary pre-development review plan (Appendix/Exhibit H) and all required documentation must be submitted to the County Subdivision Administrator a minimum of eighteen (18) days prior to the Commissioners Court date requested.

6.02.C. Form and Content of Voluntary Pre-Review Development Plan shall contain the following:
6.02.C.1. Said plan shall be drawn on one sheet of appropriate size and scale necessary to accommodate the entire subdivision (on one sheet regardless of subdivision size). Minimum size shall be twenty-four inches (24") vertical and thirty-six inches (36") horizontal. Maximum size shall not exceed thirty-six inches (36") vertical and forty-eight inches (48") horizontal.
6.02.C.2. Names and addresses of the Developer record Owner, lien holders and engineer and/or surveyor.
6.02.C.3. Proposed name of the subdivision shall not have the same spelling as, or be pronounced similar to the name of any other subdivision located wholly or partially in the County. Subdivision names must be checked for duplication by the County Clerk.

6.02.C.4. Street names and road names shall be approved by Kerr 911 according to Kerr County guidelines and the inter-local agreement Kerr County has with Kerr 911 regarding same.
6.02.C.5. Names of contiguous subdivisions and / or indication of whether or not contiguous properties are platted. School District lines are to be indicated, or the district within which the subdivision is situated will be stated.
6.02.C.6. An accurate plat of the property, with reference to a patent survey lines and adjoining established subdivisions. Subdivision boundary lines shall be indicated by heavy lines. The approximate acreage of the subdivision shall be shown.
6.02.C.7. The location, dimensions, names and description of all existing or recorded: (a) Roads, streets, alleys, reservations, easements or other rights-of-way within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries. (b) Structures, wells (water, oil or monitor), and septic systems.
6.02.C.8. The location, dimensions description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other right-of-way, blocks, and lots within the subdivision.
6.02.C.9. Date of preparation, scale of plat and approximate true north arrow.
6.02.C.10. Topographical information shall include: (a) contour lines at twenty-foot intervals for all lots, based on NAVD 88 datum – or, as the County Subdivision Administrator may require, contour lines at five-foot intervals based on flatter topography; and (b) delineation of all Special Flood Hazard areas as identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
6.02.C.11. Said plan must show the location of all utilities lines and utility easements set forth herein.
6.02.C.12. Said plan must show all road right-of-ways separate from individual lots (except in the instance of an amendment to, or revision of, a previously approved plat where the right-of-ways are already not separate from individual lots), and whether or not such roads are dedicated to the public, or if they are to remain private.
6.02.C.13. For subdivisions that lie within, all or part, of the one hundred (100) year floodplain, said plan must show the horizontal location of the floodplain and/or floodway in accordance with the Kerr County Flood Damage Prevention Order.
6.02.C.14. Said plan shall show a number to identify each lot or site and each block should be shown on said plan. Lot lines should be contiguous with right-of-way lines for all roads and streets (except in the instance of an amendment to, or revision of, a previously approved plat where the lot lines are already not contiguous with the right-of-way), where applicable.
6.02.C.15. Said plan shall contain a location map which shall show the proposed subdivision, existing adjacent subdivisions, adjoining State and County road and School District lines and shall bear the same north-orientation as the plat.

6.03 Final Plat and Data. Submit one (1) reproducible mylar and eight (8) paper copies of Final Plats, along with applicable accompanying data, to the County Subdivision Administrator twenty-eight (28) calendar days prior to the desired Commissioners Court meeting, and Application and Routing Slip (Appendix/Exhibit H) shall be started by the Developer, to be returned to County Subdivision Administrator eighteen (18) calendar days before the Commissioners Court meeting requested. Plats shall be in correct order to be recorded with all required signatures except for the County Subdivision Administrator, Floodplain Administrator,

County Judge and County Clerk. Final Plats shall not be removed from the County Clerk's possession prior to filing. The mylar copy shall be filed on record with the County Clerk.

6.03.A.1. General: The Developer shall have a Final Plat prepared, along with the accompanying site improvement data (construction plans and supporting studies) and detailed cost estimates prepared by a licensed Texas Professional Engineer to determine value of bond or letter of credit. A licensed Texas Professional Engineer shall be engaged for all engineering designs as well as supervising the engineering construction where expenses for a completed public works project will exceed $8,000 per § 1001.053, 1001.402 & 1001.407 of the Texas Engineering Practice Act.

6.03.A.2. The Developer must provide sufficient information to the County in the subdivision plat application and plat regarding existing structures, existing wells (water, oil or monitor), and existing septic systems so that said information can be submitted for environmental health department review purposes (this data must be removed from the final plat that is to be recorded), or the following statement shall be added to the plat: "Certification by Registered Professional Land Surveyor" "No structures, wells (water, oil or monitor), or OSSF system(s) are located on any lot subject to this final plat as of this date _____."

6.03.B. Fees to County Clerk: The Final Plat shall be accompanied by a routing slip issued by the County Clerk that shows all "Final Plat Review Fees," as per the fee schedule in Appendix/Exhibit F, have been paid. No action shall be taken by the Court until the Final Plat Review Fees have been paid. This fee is not refundable should the Developer fail to make formal application for plat approval or should the plat be disapproved or approved with conditions. All fees shall be paid by Developer.

6.03.C. Form and Content of Final Plat:

6.03.C.1. Where applicable, the Final Plat shall substantially conform to the voluntary pre-development review plan, and shall be reviewed for accuracy and sufficiency by the Subdivision Administrator and the Commissioners Court, incorporating any and all changes, modifications, alterations, corrections and conditions required by the Court. The plat shall contain all information described for inclusion on the plat by these Regulations, including without limitation all information described in Sections 6.02 and 6.03 herein.

6.03.C.2. The Final Plat shall be on permanent white paper that is no larger than 24 inches (24") by 36 inches (36") with margins of not less than one half (1/2) inch. The plat shall be drawn at a scale of not more than 200 feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire subdivision, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

6.03.C.3. Eight (8) copies of the Final Plat shall be submitted, together with one (1) reproducible original mylar (all certifications signed except those of the subdivision administrator, flood plain administrator, county judge, and county clerk), a digital copy in **.**DWG computer format (labeled with subdivision name); and shall contain all of the features required for plats or voluntary pre-review development plans as set forth herein and shall also include the following:

6.03.C.4. Required Certifications: See Appendices A and B for proper wording and specific requirements:

6.03.C.4.a. Developer's or Owner's Certificate of Ownership, and written consent of all lien holders.
6.03.C.4.b. Certification by Registered Professional Land Surveyor, registered in the State of Texas that such plat represents a true and accurate survey.
6.03.C.4.c. Certification by the County Subdivision Administrator.
6.03.C.4.d. Certification by the Administrator of On-Site Sewage Facilities.
6.03.C.4.e. Certification by the Administrator of Flood Plain.
6.03.C.4.f. Certification by Kerr 911.
6.03.C.4.g. Certification of dedication of all roads and easements, and other land intended for public use, signed by the Owner or Owners of the property.
6.03.C.4.h. County Clerk's recording acknowledgement.
6.03.C.4.i. Approval of the Commissioners Court.

6.03.C.5. Required Statements and Notes on Final Plat: See Appendix/Exhibit B for proper wording and specific requirements:

6.03.C.5.a. Statement as to the total number of lots permitted in subdivision required on all Final Plats.
6.03.C.5.b. Statement on Status of Drainage Easements when applicable.
6.03.C.5.c. Statement on OSSF required on all Final Plats.
6.03.C.5.d. Statement concerning Individual Wells when applicable.
6.03.C.5.e. Statement concerning the number of dwellings per lot for lots that are 5-acres or less per the rules for residential subdivisions that create two or more lots that are 5 acres or less.

6.03.C.6. Names and addresses of the Developer record owner, lien holders and engineer and/or surveyor.

6.03.C.7. Name of the subdivision shall not have the same spelling as, or be pronounced similar to the name of any other subdivision located wholly or partially in the County. Subdivision names must be approved by the County Clerk.

6.03.C.8. Street names and road names approved by Kerr 911 according to Kerr County guidelines and the inter-local agreement Kerr County has with Kerr 911 regarding same.

6.03.C.9. Names of contiguous subdivisions and/or indication of whether or not contiguous properties are platted. School District lines are to be indicated, or the district within which the subdivision is situated will be stated.

6.03.C.10. An accurate plat of the property, with reference to a patent survey lines and adjoining established subdivisions. Subdivision boundary lines shall be indicated by heavy lines. The approximate acreage of the subdivision shall be shown.

6.03.C.11. The location, dimensions, names and description of all existing or recorded roads, streets, alleys, reservations, easements or other rights-of-way within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.

6.03.C.12. The location, dimensions description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other right-of-way, blocks, and lots within the subdivision.

6.03.C.13. Date of preparation, scale of plat and approximate true north arrow.

6.03.C.14. Delineation of all Special Flood Hazard areas as identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency or note stating the entire lot or subdivision is within such Special Flood Hazard area and denote applicable zone.

6.03.C.15. The plat will show the location of all utility easements set forth herein.

6.03.C.16. The plat must show all road right-of-ways separate from individual lots (except in the instance of an amendment to, or revision of, a previously approved plat where the right-of-ways are already not separate from the individual lots), and whether or not such roads are dedicated to the public, or if they are to remain private.

6.03.C.17. A number to identify each lot or site and each block. Lot lines should be contiguous with right-of-way lines for all roads and streets (except in the instance of an amendment to, or revision of, a previously approved plat where the lot line is already not contiguous with the right-of-way lines), where applicable. All lot corners shall be monumented and described in a legend.

6.03.C.18. Location and description of concrete monuments in the subdivision when required by Section 5.05 herein.

6.03.C.19. The minimum surveying requirements shall conform to the accuracy standards set by the *"Texas Board of Land Surveying 1992 Act"* except that in no case shall the requirements be less than the following: a) The raw unadjusted angular error in the field survey shall not exceed fifteen seconds when multiplied by the square root of the number of angles in the traverse. b) The boundary shall be adjusted, and the bearings shall be shown to the nearest 10 seconds and the lengths to the nearest .01 of a foot.

6.03.C.20. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every road, boundary line, building setback line, easement, etc., whether curved or straight. This shall include accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.

6.03.D. Processing Final Plat:

6.03.D.1. A Final Plat shall be submitted to the Subdivision Administrator and shall demonstrate compliance with these Regulations.

6.03.D.2. The Court in writing shall approve or disapprove the Final Plat or approve the plat with conditions according to the requirements of Texas law. (See Appendix/Exhibit W). If the Final Plat is not approved, or is approved with conditions, the Court or its designee shall inform the Developer in writing of the reasons at the time such action is taken in accordance with Texas law.

6.03.D.3. After the Final Plat has been approved and the Developer has filed the security or bond hereinafter provided and paid all required fees~~,~~ the Court shall cause the Final Plat to be recorded in the Office of the County Clerk. Any outstanding fees payable to the County Clerk encompassed by these Regulations shall, at the time of recording, be paid by the Developer, including publication fees and recording fees as described in Section 6.03.F.

6.03.E. Accompanying data to be submitted with the Final Plat:

6.03.E.1. When submitted, the Final Plat shall be accompanied by the following site improvement data, prepared by a Texas Licensed Professional Engineer.

6.03.E.1.a. Roads. Three copies of construction drawings (one full size 24"x36" and two half-size 11"x17"), construction details, and test reports on all materials used and verification of installed materials on all roads, and one full size (24"x36") print copy and one digital .pdf file of As-Built record drawings at the conclusion of construction.
6.03.E.1.b. A general location map of the subdivision showing the entire watershed (TNRIS LiDAR Digital Elevation Model data is satisfactory).
6.03.E.1.c. Drainage: One copy of the Drainage Plans and calculations shall be submitted if required by Section 5.06 of these Regulations, and one print copy and one digital .pdf file of As-Built record plans and calculations at the conclusion of construction.
6.03.E.1.d. A check, payable to the County Clerk of Kerr County in the amount required to pay all fees and for recording the Final Plat in the office of the County Clerk (see Appendix/Exhibit F). Also, the submitted subdivision plat application and plat (regarding a proposed original plat, re-plat, revised plat, or amended plat) must contain sufficient attached documents to show compliance with § 12.002 of the Texas Property Code regarding the submission of tax certificates or other documents authorized by that statute which show that no delinquent ad valorem taxes are owed on the real property made the subject of the subdivision development.

6.03.F. When filed for recording with the County Clerk, the Final Plat shall also be accompanied by:

6.03.F.1. Tax Certifications from the school district, County and other Tax Districts, which indicate that all ad valorem taxes have been paid on all land, included within the subdivision as shown on the Final Plat.

6.03.F.2. A check, payable to the County Clerk of Kerr County in the amount required to pay for recording the Final Plat in the office of the County Clerk (see Appendix/Exhibit F "Plat Recording

Fee") and any outstanding publication fees from the statement of balance issued by the County Clerk. If the statement has not been issued by the County Clerk for good reason, the County Clerk shall record the final plat, and the Developer shall pay the statement of balance for publication fees within 30 days of receipt of said statement once issued by the County Clerk.

6.04 Revision of Plat of Existing Recorded Subdivision. A person who has subdivided land that is subject to these Regulations of Kerr County may apply in writing to the Commissioners Court for permission to revise the subdivision plat filed for record with the county clerk. (See Appendix/Exhibit X).

6.04.A. A revised plat must be prepared by a Registered Professional Land Surveyor registered in Texas. A written application, see Appendix/Exhibit H, shall be submitted to the County Subdivision Administrator twenty-eight (28) days prior to the requested Court Date along with all of the names and addresses of the property Owners in the subdivision unless the plat revision only combines existing lots/tracts (see section 6.04.E), and Application and Routing Slip (Appendix H) shall be started by the Developer, to be returned to County Subdivision Administrator eighteen (18) calendar days before the Commissioners Court meeting requested.

6.04.B. After the application is filed with the Commissioners Court, the court shall publish a notice, in English, of the application in a newspaper of general circulation in the County. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the 7th day before the date of the meeting. If all or part of the subdivided tract has been sold to non-developer Owners, the court shall also give notice to each of those Owners by certified or registered mail, return receipt requested, at the Owner's address in the subdivided tract. The publication fees (see Appendix/Exhibit F) for required hearings shall be paid by the Developer to the County Clerk within 30 days of receiving a county clerk issued statement of balance due.

6.04.C. During a regular term of the Commissioners Court, the court shall adopt an order to permit the revision of the subdivision plat if it is shown to the Court that: (1) the revision will not interfere with the established rights of any Owner of a part of the subdivided land; or (2) each Owner whose rights may be interfered with has agreed to the revision.

6.04.D. If the Commissioners Court permits a person to revise a subdivision plat, the person shall make the revision by filing for record with the County Clerk a revised plat or part of plat that indicates the changes made to the original plat.

6.04.E. The Commissioners Court is not required to give notice by mail if the plat revision only combines existing tracts and therefore names and addresses in section 6.04.A are not required.

6.04.F. The revised plat shall be subject to all of the provisions of these Regulations.

6.05 Cancellation of Subdivision. A person owning real property in the County that has been subdivided into lots and blocks or into small subdivisions may apply to the Commissioners Court

for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or 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, the Commissioners Court by order shall authorize the Owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The court shall enter the order in its minutes. After the cancellation instrument is filed and recorded in the deed records of the County, the county tax assessor-collector shall assess the property as if it had never been subdivided. (See Appendix/Exhibit X).

6.05.A. The Commissioners Court shall publish notice of an application for cancellation. The notice must be published in a newspaper, published in the English language, in the County for at least three weeks before the date on which action is taken on the application. The court shall take action on an application at a regular term. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice. The cost of such notice shall be paid for by Developer and shall be included in the subdivision permitting fee. (See Appendix/Exhibit F).

6.05.B. If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by this section, the Owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing the tract for a preceding year, the county tax assessor-collector shall back assess the tract on an acreage basis.

6.05.C. On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the Owners of 75 percent of the property included in the subdivision phase or identifiable part, the Commissioners Court by order shall authorize the cancellation in the manner and after notice and a hearing as provided by Subsections, (A) and (B). However, if the Owners of at least 10 percent of the property affected by the proposed cancellation file written objections to the cancellation with the court, the grant of an order of cancellation is at the discretion of the court.

6.05.D. To maintain an action to enjoin the cancellation or closing of a roadway or easement in subdivision, a person must own a lot or part of the subdivision that: abuts directly on the part of the roadway, or easement to be canceled or closed; or connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to: a) the nearest remaining public highway, county road, or access road to the public highway or county road; or b) any not canceled common amenity of the subdivision.

6.05.E. A person who appears before the Commissioners Court to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision. The person must bring the action within one year after the date of the entry of the Commissioners Court's order granting the cancellation

6.05.F. The Commissioners Court may deny a cancellation under this section if the Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

6.06 Cancellation of Subdivisions if Land Remains Undeveloped. This section applies only to real property located: 1) outside municipalities and the extra territorial jurisdictions of municipalities as determined under Ch. 42, Texas Local Government Code; and 2) in the effected county, as defined by section 16.431, Texas Water Code, which has adopted the Model Rules developed under section 16.343, Texas Water Code, and is along an international border. The Commissioners Court may cancel, after notice and a hearing, a subdivision for which the plat was filed and approved before September 1, 1989.

6.06.A. The Commissioners Court must publish notice of a proposal to cancel a subdivision under this section and the time and place of the required hearing in a newspaper of general circulation in the County for at least 21 days immediately before the date of cancellation order is adopted. The Kerr County Tax Assessor-Collector shall, not later than the 14th day before the date of the hearing, deposit with the United States Postal Service a similar notice addressed to each Owner of land in the subdivision, as determined by the most recent county tax roll. The cost of such notice shall be paid for by Developer and shall be included in the subdivision permitting fee, see Appendix/Exhibit F.

6.06.B. At the hearing, the Commissioners Court shall permit any interested person to be heard. At the conclusion of the hearing, the court shall adopt an order on whether to cancel the subdivision. The Commissioners Court may adopt an order canceling subdivision if the court determines the cancellation is the best interest of the public. The Court may not adopt an order canceling a subdivision if: 1) the cancellation interferes with the established rights of a person who is a non-developer Owner and owns any part of the subdivision, unless the person agrees to the cancellation; or 2) the Owner of the entire subdivision is able to show that: a) the Owner of the subdivision is able to comply with the minimum state standards and model political subdivision rules developed under Section 16.343, Water Code, including any bounding requirements; or b) the land developed or improved before September 1, 1989.

6.06.C. The Commissioners Court shall file the cancellation order for recording in the deed records. After the cancellation order is filed and recorded, the property shall be treated as if it had never been subdivided, and the county chief appraiser shall assess the property accordingly. Any liens against the property shall remain against the property as it was previously subdivided.

6.07 Amending Plat.

6.07.A. The Commissioners Court may approve and issue an amending plat if the amending plat is signed by the applicants and filed for one or more of the following purposes: (See Appendix/Exhibit X).

(1) to correct an error in the course or distance shown on the preceding plat;

(2) to add a course or distance that was omitted on the preceding plat;
(3) to correct an error in a real property description shown on the preceding plat;
(4) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
(5) to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or
(6) to correct an error in courses and distances of lot lines between two adjacent lots if:
(a) both lot Owners join in the application for amending the plat;
(b) neither lot is abolished;
(c) the amendment does not attempt to remove recorded covenants or restrictions; and
(d) the amendment does not have a material adverse effect on the property rights of the other Owners in the plat;
(7) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
(8) to relocate one or more lot lines between one or more adjacent lots if:
(a) the Owners of all those lots join in the application for amending the plat;
(b) the amendment does not attempt to remove recorded covenants or restrictions; and
(c) the amendment does not increase the number of lots;

6.07.B. The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat.

6.07.C. Notice, a hearing and the approval of other lot Owners are not required for the filing, recording, or approval of an amending plat.

6.07.D. The amending plat does not exempt the applicants from other requirements of state law, rules or regulations that may be required for platting.

6.08 Plat Exceptions. Statutory plat exceptions under § 232.0015 of the Texas Local Government Code do not apply to the revision of a plat, a re-plat or the amending of a plat of an existing subdivision.

6.08.A. Statutory Plat Exceptions. Pursuant to § 232.0015 of the Texas Local Government Code, and unless disallowed by the proper application of other state law including the Model Subdivision Rules described in these Regulations, the following plat exceptions are adopted:

(1) Agricultural Use/Statutory Exception. The County shall not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (a) the Owner does not lay out a part of the tract described by section 232.001(a)(3) of the Texas Local Government Code; and (b) 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. If a tract described by this paragraph ceases to be used primarily for agricultural use or for farm, ranch, wildlife

management, or timber production use, the platting requirements of Subchapter A, Chapter 232, Texas Local Government Code apply.

(2) Family Transfer/Statutory Exception. The County shall not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by section 232.001(a)(3), Texas Local Government Code to have a plat of the Subdivision prepared if each of the lots 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, Texas Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the Owner within the third degree of consanguinity or affinity, the platting requirements of Subchapter A, Chapter 232, Texas Local Government Code apply.

(3) All Lots More Than 10 Acres/Statutory Exception. The County shall not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the Subdivision prepared if: (a) all of the lots of the Subdivision are more than 10 acres in area; and (b) the Owner does not lay out a part of the tract described by section 232.001(a)(3), Texas Local Government Code.

(4) VLB Program/Statutory Exception. The County shall not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by section 232.001(a)(3), Texas Local Government Code to have a plat of the Subdivision prepared if all of the lots are sold to veterans through the Veterans' Land Board program.

(5) State Land/Statutory Exception. The provisions of Subchapter A, Chapter 232, Texas Local Government Code shall not apply to a Subdivision of any tract of land belonging to the State or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the Subdivision lays out a part of the tract described by section 232.001(a)(3), Texas Local Government Code.

(6) Political Subdivision Land in Floodplain/Statutory Exception. The County shall not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the Subdivision prepared if: (a) the Owner of the land is a political Subdivision of the state; (b) the land is situated in a floodplain; and (c) the lots are sold to adjoining landowners.

(7) Owner Retained Land/Statutory Exception. The County shall not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the Subdivision prepared if: (a) the Owner does not lay out a part of the tract described by section 232.001(a)(3), Texas Local Government Code; and (b) 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 Chapter 232, Texas Local Government Code.

(8) Undivided Interest Holder/Statutory Exception. The County shall not require the Owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the Subdivision prepared if: (a) the Owner does not lay out a part of the tract described by Section 232.001(a)(3), Texas Local Government Code; and (b) 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.

6.08.B. Kerr 911 Emergency Service Addressing**.** Should a plat not be required by these Regulations, the Developer is requested to submit to the Kerr Emergency 911 Network office the location of the development project, in order to confirm correct information for 911 and emergency service addressing purposes.

6.09 Variance Procedure.

6.09.A. Application of Variance Procedure. These provisions apply to variance (also referred to as "waiver") requests by a Developer seeking: (1) plat approval regarding proposed Subdivision development; or (2) infrastructure development plan approval for proposed MHRC development. When literal enforcement of these Regulations will result in undue hardship to the Developer, and when a variance from enforcement is in harmony with the general purpose and intent of these Regulations, so that public health, safety, and welfare may be secured and substantial justice done, but subject to any limitations or requirements existing under applicable federal or state law, or other County regulations, the Commissioners Court may grant a variance from these Regulations as hereafter described.

6.09.B. Order of Commissioners Court. The variance, if granted, must be the result of the Commissioners Court acting through an order entered by a recorded vote in a public meeting held in accordance with the Texas Open Meetings Act.

6.09.C. Variance Application and Fees.

(1) Application. A Developer may request a variance from the County regarding the strict application of these Regulations through the timely submission of a written variance application submitted to the Subdivision Administrator at the notice address described in § 1.3 of the Regulations, and on the County's internet website www.co.kerr.tx.us. The application must describe in detail all special circumstances to support the variance.

(2) Request for Subdivision Variance. Regarding a variance sought from the County's subdivision regulations, the variance request must be filed with the plat application as described in the Appendix/Exhibit S.

(3) Request for MHRC Variance. Regarding a variance sought from the County's MHRC regulations, the variance request must be filed with the MHRC application and infrastructure development plan as described in Appendix/Exhibit T.

(4) Fees. A variance request fee (see fee schedule described in the Appendix/Exhibit F) shall be paid in full to the County when a written variance application is filed with the Subdivision Administrator.

6.09.D. Prohibition. The Commissioners Court may not grant a variance regarding the following matters: (1) the necessity of an approved plat or MHRC development plan if required by these Regulations, but subject to the plat or other exceptions herein described; (2) a required bond or other financial security; (3) a variance which violates the variance standards hereafter described; and (4) a variance from compliance with the Model Subdivision Rules, unless the variance is expressly allowed by the Model Rules. Also, financial hardship, standing alone, shall not be deemed to constitute an undue hardship or special circumstance to support a variance.

6.09.E. Standards. A variance to these Regulations may be granted by the Commissioners Court, within its discretion, only when the submitted evidence and the attendant circumstances establish the following:

(1) a special circumstance must exist which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated property Owners or Developers with similarly timed development of the same nature and scope;

(2) the variance will constitute only a minimum departure from these Regulations, and will not constitute a violation of state or federal law;

(3) the variance will not create a special privilege, use, or safety for the Developer that is not enjoyed by similarly situated property or Developers with similarly timed development of the same nature or scope;

(4) the variance must be based on the general intent of these Regulations and deemed to be in the public interest;

(5) the variance must not prevent or impair the safe, healthy, or orderly development of other land in the area in accordance with these Regulations; and

(6) an ad valorem tax delinquency must not exist regarding the land made the subject of the proposed development.

Section VII

ROAD DESIGN AND CONSTRUCTION

7.01. **Roads.** All roads, whether maintained by the County, property Owner, group of property Owners or by a homeowners association, shall be constructed in accordance with these Regulations and shall be classified as one of the three following types of roads (referred to collectively as "Roads"):

(a) Publicly dedicated, paved and to be maintained by Kerr County and constructed pursuant to Section 7.06;
(b) Private, paved and to be maintained by Homeowners Association or property Owners in perpetuity (or until constructed to then-applicable County standards for acceptance of maintenance, and accepted for maintenance by resolution of the Commissioners Court) and constructed pursuant to Section 7.07; or
(c) Private, not paved and to be maintained by a Homeowners Association or property Owners in perpetuity (or until construction to then-applicable County standards for acceptance of maintenance, and accepted for maintenance by resolution of Commissioners Court) and constructed pursuant to Section 7.08.

7.02 Dedication to Public. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest, a dedication conveying a perpetual right-of-way easement in the property to the County for public use, or by right-of-way easement. A statement of such dedication shall be noted on the Final Plat, and no dedication shall be effective until the Final Plat is recorded. In no event shall any private lot extend into a road (except in the instance of an amendment to, or revision of, a previously approved plat). The Commissioners Court decision to approve a Final Plat or dedication of the right of way for a road shall not be deemed to constitute acceptance of the roads for maintenance. No road shall be accepted for County maintenance unless such acceptance is specifically accepted by separate court order.

7.03 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 roads and to permit continuity of improvements to adjacent properties.

7.04 Access to Roads. Tracts shall have the minimum direct frontage onto a road as set forth below, depending on the classification of road onto which the resulting tract has frontage.

Road Classification	Minimum Lot Frontage
Country Lane	150’
Local Road	150’
Collector Road	200’
Cul-de-sac	60'
Arterial Road	200’
State Highways	Contact TxDOT

Minimum lot frontage distances may be reviewed by the Commissioners Court and lesser distances may be approved based on lot configuration, topography and other mitigating factors recommended by the County Subdivision Administrator. Subdivisions where the above minimum lot frontage distances are not practical will be considered on a case-by-case basis.

7.05 Commercial Driveways. Driveways serving commercial development shall be determined on case-by-case basis.

7.06 Road Construction Design, Construction Specifications, Inspections and Testing. All roads shall be designed and constructed in accordance with the specifications set forth herein. The boundary lines of all tracts or lots fronting onto a dedicated road right-of-way shall be contiguous with the boundary of the road right-of-way (except in the instance of an amendment to, or revision of, a previously approved plat). Plan and profile drawings shall be required for all road classifications and such drawings shall be signed, sealed and dated by a licensed professional engineer.

(A) No construction shall start on any subdivision infrastructure until after the date of construction plan approval and the required final plat approval. Any required drainage plan and roadway plan and profile shall have been approved prior to the start of any construction concerning same. Clearing, grubbing and minor grading will be allowed prior to the required Final Plat approval, drainage plan approval, and roadway plan and profile approval, subject to an approved Storm Water Pollution Prevention Plan (SWPPP). Engineers, Developers, and their contractors are encouraged to utilize Best Management Practices (BMP) developed by the Upper Guadalupe River Authority (UGRA).

(B) Public right of ways shall be cleared of all impediments including boulders, stumps, trees, or any other debris. Selective clearing may be approved by Kerr County.

(C) Traffic Signs: The Developer shall present a traffic sign placement plan and have it approved by the County prior to Final Plat approval. Traffic signs shall include but are not limited to: Street Name, NO OUTLET, STOP, YIELD, Advisory Curve with Speed Plaque, Low Water Crossing Delineators for edges of road, Low Water Crossing Flood Gauges, Speed Limit, ROAD ENDS with distance plaque, Chevrons, INTERSECTION AHEAD with distance plaque if applicable, WATCH FOR ICE for steep inclines, Object Markers. The plan will graphically depict the location for each sign to be used with its *Texas Manual of Uniform Traffic Control Devices* (TMUTCD) image, identification number, and size (i.e., STOP, R1-1, 36”x36”). Sign size is dictated by road speed per the TMUTCD.

(D) Reflective road name signs shall be furnished and installed by the Developer at all intersections within or abutting the Subdivision. Road name signs shall be placed in a uniform manner throughout the Subdivision. Road name signs shall be seven feet (7') above the pavement to the bottom of the sign on an approved metal post.

(E) Private road name signs shall be green with a 1" red tape across the top of the sign with 6” white reflective letters.

(F) County maintained road name signs shall be green with 6” white reflective letters.

(G) All traffic signs shall be furnished and installed by the Developer in accordance with the latest issue of the *Texas Manual of Uniform Traffic Control Devices* (TMUTCD) issued by the Texas Department of Transportation.

(H) All privately maintained roads shall be signed to inform the public of their status. The sign shall read "Privately Maintained Road," and signs must be placed at each entrance to the Subdivision. The sign must be a rectangular shaped, minimum size of 24" wide, white backing with black letters and installed in accordance with the TMUTCD.

(I) All sub-grade and road construction shall be inspected and tested during construction to insure installation and construction is in accordance with the approved plans and design. Inspections and testing shall be performed by or under the direction of the design engineer at the sole cost and expense of the Developer. Inspections and testing shall include verification of materials used, compaction tests, grade calculations and other testing requirements as may be required to verify construction. A copy of all testing shall be provided to the County within 15 days of completion of testing. All test results must be submitted to the County at least 15 days prior to the request for Final Plat approval (if filing Final Plat after construction completion).

(J) The County Subdivision Administrator shall be notified in writing 48 hours prior to any construction, inspections or testing.

(K) The sub-grade shall be inspected and approved, in writing, by the County Subdivision Administrator, or his designated representative, prior to the placement of any base on sub-grade.

(L) Road construction testing shall be one test for each 500 feet using an alternate lane pattern with a minimum of two tests per road. Tests shall be from a certified geotechnical testing laboratory.

(M) Additional testing may be required at the discretion of the County Subdivision Administrator with concurrence of a licensed Engineer hired by Kerr County. If necessary, additional testing will be made at the request of the County Subdivision Administrator, and cost thereof paid by the County if the test passes, and paid for by the Developer if the test fails.

7.06.1. Sub-Grade Preparation.

(a) Clearing and Grubbing. The entire area of the sub-grade shall be cleared and grubbed to a depth of not less than 6" below natural ground in fill areas and one foot below sub-grade elevation in excavated areas. Brush and other debris shall be removed from the ROW and disposed of as elected by the Developer.

(b) Density. Sub-grades shall be constructed and finished with a minimum density of 95% of standard proctor for in place materials or as specified in the pavement report prepared by a soils lab or proof rolled by equipment as approved by the County Subdivision Administrator.

(c) Moisture Sensitive Soils (Unstable Material). Moisture sensitive soils are defined as soil with a plasticity index of 20 or greater (as determined by ASTM D-4318) and 35% or more passing the #200 sieve (as determined by ASTM D-1140). Moisture sensitive soils shall be stabilized with lime or cement as determined by a licensed professional engineer or removed and replaced to a

depth of not less than one foot below natural ground or finished subgrade with a suitable replacement fill material.

7.06.2. Grading. The roadway area, (sub-grade, ditches and slopes), shall be constructed in accordance with the typical sections shown in Appendices J and K, which are made part hereof, and with the following requirements.

(a) Embankments. Embankments shall be placed in lifts of not more than eight (8) inches loose depth and each lift shall be thoroughly compacted by sprinkling and rolling before placement of succeeding lifts. Rock embankments shall conform to *Texas Department of Transportation (TxDOT) Standard Specification* (1993), Item 132.

(b) Unstable Material (Moisture Sensitive Soil). Unstable material encountered in either excavated section or beneath embankments shall be removed to a depth of not less than one foot below natural ground or finished sub-grade and replaced by satisfactory material, or stabilized with lime or cement as determined by a licensed professional engineer. Material so removed shall be removed from the ROW.

(c) Erosion Control. Stormwater discharges associated with construction activity disturbing one acre or more are subject to permitting by the Environmental Protection Agency's (EPA's) National Pollution Discharge Elimination System Stormwater Multi-Sector General Permit for Industrial or Construction Activities. For revegetation of native grasses use TxDOT native seed mixtures for the San Antonio District.

7.06.3. Roadway Ditches. Ditches intended for parallel drainage shall be designed to accommodate runoff to be expected at a Five (5) year frequency. On grades of more than three (3%) percent, in friable soils, erosion control by installation of sod and/or seeding or by properly designed checks of concrete, stone, sod blocks, or other suitable materials (i.e., recycled heavy duty conveyor belts, etc.) shall be included.

7.06.4. Cross Drainage Culverts and Bridges. Cross drainage culverts and bridges shall be designed for the following storm frequency criteria: (a) Ten (10) year for equalizer and minor drainage channels that drain an area from one (1) to one-hundred (100) acres. (b) Twenty-five (25) year for medium drainage channels that drain an area from one-hundred one (101) acres to five hundred (500) acres or unnamed stream tributaries. (c) Fifty (50) year for major channels and named streams that drain an area over 500 acres. (d) One hundred (100) year for river crossings.

Culverts may be constructed with standard reinforced concrete pipe, corrugated galvanized metal pipes or reinforced concrete boxes, and shall be capable of sustaining "HS-20 Highway Loading." No box culvert shall be smaller than two (2) feet in either waterway height or depth. No pipe structure shall have waterway area of less than 1.76 square feet (18-inch diameter) or equivalent.

7.06.5. Side Road or Entrance Culverts. No entrance culvert shall be less than twenty-four (24') feet in length with ditch design and shall be designed for runoff of five (5) year frequency.

Headwalls, if placed, shall be of reinforced concrete or course laid masonry, and shall be no higher than six (6) inches above the road crown elevation.

7.06.6. Bridges. All bridges shall be designed by a Licensed Professional Engineer with at least five years of experience in bridge design. The load capacity shall be not less than "HS-20" as defined by TXDOT. Bridges shall be designed and constructed to a hydraulic design criteria to withstand floods of a (25) year storm frequency and structural design criteria to withstand a one-hundred (100) year storm frequency.

7.06.7. Low Water Crossing Sections. The Subdivision Administrator will consider allowing the installation of low water crossings. Such consideration will consider the probable frequency and depth of overflow, the traffic potential and the nature of the tributary area. Low water crossing structures shall be designed based on drainage data prepared by an engineer licensed in the State of Texas and constructed in accordance with such plans. Plans must be approved by the County Subdivision Administrator.

7.06.8. Base or Base Courses/

(a) Material. Material for base courses shall be in accordance with Texas *Department of Transportation (TxDOT) Standard Specification* as specified for each of the following type of roadways. (See Appendix/Exhibit I)

(1) Arterial Road: Type A, Grade 2
(2) Collector Road: Type A, Grade 2
(3) Local Road: Type A, Grade 2
(4) Country Lane: Type C, Grade 2

Equivalent base material may be approved by the County Subdivision Administrator if such material meets equivalent testing criteria performed by a licensed testing laboratory.

(b) Construction Methods. Base on all streets and roads shall have a compacted base depth of not less than six (6"), eight (8”), or ten (10”) inches in accordance with the respective road classification and shall be constructed in two approximately equal courses. The material shall be dumped, spread, mixed, wind rowed, watered and other operations necessary to produce a uniformly blended mixture of the desired course thickness, moisture condition and gradation. Shaping of the blended mixture to the required grade and line shall follow the mixing procedure and precede the compaction. Compaction of each course of material shall be accomplished by suitable equipment to obtain a minimum density of 95% of AASHTO T180-61 (Standard Proctor). Moisture content shall be maintained near optimum during compaction. Soft spots that develop during compaction will be removed and replaced to the required density. Areas that show evidence of segregation shall be replaced before the compaction of the course is complete. The same procedures shall be used in the construction of each course.

(c) Testing Material. Prior to delivery of base material to the road or street, the results of physical tests of the material proposed for use shall be submitted to the County Subdivision Administrator

for approval. These test results shall be certified as conforming to the requirements by an approved commercial laboratory. The certification shall define the area and column represented by the tabulated results.

7.06.9. Prime Coat. After final finishing, curing, and correction of any irregularities developed during the curing period have been corrected; the area of the base which is to receive surfacing may be primed with an application of approximately two-tenths (0.2) gallons of AEP asphalt, or equivalent, per square yard of surface covered. Generally, traffic shall be diverted from the primed area until placement of the surface. Should diversion of traffic not be feasible, the prime coat shall be blanket rolled with a pneumatic roller immediately following application. Prime coat shall be permitted to cure following application and before application of surface courses of pavement.
7.06.10. Surface Treatment. All streets and roads in Subdivisions, and providing access thereto, which are provided with a wearing surface shall meet the following standards:

(a) Asphalt Surface.

(1) Asphalt: A two course asphalt surface treatment composed of asphalt and aggregates of the grades and rates of distribution shown below: asphalt shall be CRS-2P emulsion. Total asphalt, both courses, not less than 0.6 to 0.7 gallon per square yard.
(2) Aggregates: Aggregates shall be from grading as established by the Texas Department of Transportation Standard Specifications.
(3) Grading Rates of Distribution:

First Course:
Asphalt: CRS-2P at 0.45 gallon per sq. yd.

Aggregate: Grade 3 or 4 trap rock or crushed rock; 1 Cu. Yd. per 100 sq. yards.

Second Course:
Asphalt: CRS-2P at 0.42 gallon per sq. yd.

Aggregate: Grade 4 trap rock or crushed rock; 1 Cu. Yd. per 100 sq. yards.

(b) Hot Mix Asphalt Concrete (HMAC). Should the Developer elect, a HMAC pavement may be placed in lieu of the minimum surface treatment described above, however the prime coat described in 7.06.9 above shall be placed before the HMAC surface.

(c) Quality and Spread Rate. HMAC Pavement shall be placed in such quantity and spread at such rate as to provide a minimum compacted depth of mat of two (2) inches.

(d) Surface Treatment. Surface treatment shall be blanket rolled at least once each day during three days following placement.

(e) Neither Surface Treatment nor Asphaltic Concrete shall be placed at any time when:
1. The air temperature is below 60° F and falling;

2. The air temperature is below 50° F, and
3. The roadway surface temperature is below 60° F.

7.06.11. Curbed Streets. Where streets or roads are proposed to be provided with curbs or curbs and gutters, design and construction details shall be in conformity with the specifications in Appendix/Exhibit K.

7.06.12. Shoulders. Untreated shoulders shall be bladed and dragged for uniformity after placement of the surface and shall be smooth, stable and well compacted for the entire width. The thickness of base shall not vary from the prescribed thickness by more than one-half (½) inch at any point tested.

7.06.13. Cattle Guards. The Commissioners Court may authorize the installation of cattle guards when considered appropriate for public safety. When permitted, a cattle guard shall be not less than six (6) feet in length, measured along the center of the road and of a width not less than one (1) foot greater than the width of the pavement or twenty (20) feet, whichever is greater, and must meet the requirements found in Appendix/Exhibit Q.

(a) Deck Members. Deck members shall be either capable of being welded upset carbon steel tubing two and three eighths (2-3/8) inches outside diameter or relayed rails weighing not less than seventy (70) pounds per yard.

(b) Support Members. Support members shall be structural steel shapes of size and section adequate for H-15 loading with twenty-five (25) percent impact allowance. Support sections shall be spaced not more than thirty-one (31) inches for tubing decks or forty-eight (48) inches for rail decks. Units may be prefabricated or welded in place, provided fastenings to masonry foundation are arranged for ready removal for clean out. Supporting masonry shall extend to firm foundation or shall be designed as an open flume with ends closed except where structure serves as a drainage structure. Pit drainage shall be provided for closed end structures.

7.06.14. Cul-de-sacs. Cul-de-sacs right of way shall have a radius of not less than fifty (50) feet with a surface of forty (40) feet radius. Cul-de-sacs are required at the end of dead-end streets when they are in excess of ninety-nine (99) feet in length. Other designs besides cul-de-sacs may be submitted and considered by the County Engineer on a case-by-case basis.

7.06.15. Typical Road Sections. The design parameters for the classifications of roads, pursuant to the road definitions contained herein, will be determined by the County Subdivision Administrator and approved by the Commissioners Court.

(a) Roads in Subdivisions shall be designed in accordance with these Regulations.

(b) Minimum Requirements. See Table 7.00 below and Appendices J and K. In determining number of lots served and average daily traffic counts, The Kerr County Subdivision Administrator shall consider future development within the Subdivision and potential development outside the Subdivision.

(1) Arterial Road: An "arterial road" serves a large area. It is a heavily traveled route connecting urban areas, and major traffic generators. Any road that serves 120 lots or more **or** serves 1,500 vehicles per day or more expected average daily traffic count shall be deemed to be an "arterial road."

(2) Collector Road: A "collector road" is a principal thoroughfare within a Subdivision. It collects traffic from local roads and channels the traffic into the arterial system. Any road that serves more than 60 lots and less than 120 lots or has a traffic count of greater than 400 and less than 1,500 vehicles per day expected average daily traffic count shall be deemed a "collector road."

(3) Local Road: A "local road" is a low volume road within a Subdivision. It provides direct access to the lots or residence and has relatively light traffic volumes. Roads that serve more than eight (8) lots and 60 lots or less; **or** serves 400 or less and more than 60 vehicles per day expected average daily traffic count shall be deemed a "local road."

(4) Country Lane: A "country lane" is one used primarily for access to abutting residential property with a small number of lots and minimal traffic volume. A country lane may serve eight (8) lots or less **or** serves an expected average daily traffic count of 60 vehicles per day or less. All lots must be a minimum of ten (10) acres.

(5) Unpaved Country Lane: An "unpaved country lane" is one used primarily for access to abutting residential property with a small number of lots and minimal traffic volume. A country lane may serve eight (8) lots or less **or** serves an expected average daily traffic count of 60 vehicles per day or less. All lots must be a minimum of ten (10) acres. This road shall be a privately maintained road and shall be signed, "Privately Maintained Road" (See Section 7.06.E).

[Remainder of Page Left Blank]

Table 7.00 Road Construction (Without Curb and Gutter) Minimum Design Requirements
≤ less than or equal to, ≥ greater than or equal to, < less than, > greater than

	*UNPAVED COUNTRY LANE	*PAVED COUNTRY LANE	LOCAL ROAD	COLLECTOR ROAD	ARTERIAL ROAD
Number of Lots Served	≤ 8	≤ 8	9-60	61-120	120 ≥
ROW	60’	60’	60’	**60’-80’	**60’-100’
Minimum Crown of Roadway	4”	4”	4”	4”	4”
Minimum Compacted Depth of Base	6”	6”	8”	10”	10”
Minimum Base Width	22’	22’	24’	28’	36’
Minimum Base Material	Type C, Grade 2	Type C Grade 2	Type A Grade 2	Type A Grade 2	Type A Grade 2
Minimum Gradient	.30%	.30%	.30%	.30%	.30%
Maximum Gradient	12%	12%	12%	10%	10%
Minimum Pavement Width	N/A	18’	20’	24’	32’
Minimum Ditch Depth	12”	12”	12”	12”	12”
Traffic Volume ADT	≤ 60	≤ 60	61 – 400	401 – 1,500	≥ 1500
Design Speed Limit	35 MPH	35 MPH	35 MPH	45 MPH	50 MPH
Vertical Curve “K” Value – crest	N/A	N/A	19	61	84
Vertical Curve “K” Value – sag	N/A	N/A	37	79	96
Stopping Sight Distance	N/A	N/A	200’	360’	425’
Minimum Horizontal Curve Radius	382’	382’	382’	573’	955’

*Ten (10) acre lot minimum, no further subdividing on plat.

Design Speed and alignment of vertical and horizontal components (design speed, vertical curve “K” value – crest, vertical curve “K” value – sag, stopping sight distance, and minimum horizontal curve radius) may be coordinated to provide lesser figures. For example, a collector or arterial road may have lowered speed limits, which must be properly signed, to adapt to existing topography that dictates design constraints. Kerr County shall make the final determination concerning such design modifications. **ROW width as determined by the Subdivision Administrator, and approved by the Commissioners Court, based on topography, drainage, and other factors.

The Kerr County Subdivision Administrator may approve equivalent depth requirements and base materials to meet the requirement for "Minimum Compacted Depth of Base" and "Minimum Base Material", see Section 7.06.8 and Appendix/Exhibit I.

7.07 Privately Maintained Paved Roads (Collector, Local, or Country Lane). All private roads shall be designed and constructed in accordance with the standards specified in the Kerr County Road Design and Construction Specifications for paved, publicly dedicated roads (7.06). Private roads shall be permitted only within Subdivisions satisfying each of the following criteria:

(a) the following note shall be conspicuously displayed on the Plat:

_____ [Owner], by filing this Plat of Record, and all future Owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Kerr County shall have no obligations whatsoever to repair or accept maintenance of the roads shown in this subdivision until and unless _____[Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Kerr County and the roads have been accepted for maintenance by formal, written action of the Kerr County Commissioners Court and the roadway has been dedicated by the Owners thereof, and accepted by the County as a public road. _____[Owner] and all future Owners of property within this shall look solely to the _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision;

(b) all private roads shall be signed in accordance with these Regulations. (See Section 7.06.H); and

(c) restrictive covenants shall be imposed on all of the Resulting Tracts with frontage or access onto country lanes prohibiting any future re-subdivision of any tract into lots smaller than ten (10) acres unless the country lane is first constructed to the County's standards then in effect for publicly dedicated roads and accepted for maintenance by the County.

7.08 Privately Maintained Unpaved Roads (Country Lane Only). Unpaved roads shall be designed and constructed in accordance with Kerr County Road Design and Construction Specifications except for those pertaining to Surface Treatment (7.06.9 -7.06.12). Unpaved roads shall be permitted within a Subdivision only if each of the following criteria are satisfied:

(a) all Resulting Tracts with frontage or access onto the road shall be 10 acres or larger;

(b) a maximum number of eight (8) lots designed for single family residents may have access utilizing a privately maintained unpaved road;

(c) The following note shall be conspicuously displayed on the Plat:

_____ [Owner], by filing this Plat of Record, and all future Owners of property within this Subdivision, by purchasing such property, acknowledge and agree that

Kerr County shall have no obligation what so ever to repair or accept maintenance of the roads shown on this Subdivision until and unless _____ [Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Kerr County and the roads have been accepted for maintenance by formal written action of the Kerr County Commissioners Court and the roadway has been dedicated by the Owners thereof, and accepted by the County, as a public road. _____[Owner] and all future Owners of property within this Subdivision shall look solely to the _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision;

(d) restrictive covenants shall be imposed on all of the Resulting Tracts with frontage or access onto the unpaved road prohibiting any future re-subdivision of any tract into lots smaller than ten (10) acres unless the road is first constructed to the County's standards then in effect for publicly dedicated roads and accepted for maintenance by the County; and

(e) all private roads shall be signed in accordance with these Regulations. (See Section 7.06.H)

7.09 Encroachments into Public 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 approval from the Kerr County Subdivision Administrator's office.

7.10 Acceptance of Road for County Maintenance. The Developer, lot Owners, or homeowners association shall remain responsible for all maintenance and repair of roads within Subdivision until the Commissioners Court, by formal action, accepts the obligation to maintain and repair such roads. The Commissioners Court's decision to approve a Final Plat or dedication of the right of way for a road shall not be deemed to constitute acceptance of the roads for maintenance.

7.11 Conditions of Acceptance of Road for County Maintenance. The County may consider, but is not required, to accept a road for maintenance when all of the following conditions have been satisfied:

(a) The road has been constructed as a Public Road in accordance with these Regulations as amended from time to time and the associated right-of-way has been dedicated to the public pursuant to these Regulations;

(b) The Developer has submitted a written request for said County maintenance to the Kerr County Subdivision Administrator;

(c) The Kerr County Subdivision Administrator has approved all required inspections and tests at the completion of each phase of construction of the road, including plasticity index, sub-grade 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 Kerr County Subdivision Administrator and not to proceed with construction until proper inspections and tests have been obtained, as required by the Kerr County Subdivision Administrator. Any laboratory tests and test borings shall be at the expense of the Developer. In no event will any base be placed on the road until the Kerr County Subdivision Administrator has approved the sub-grade in writing.

(d) The Kerr County Subdivision Administrator has inspected the road no earlier than 30 days prior to the Commissioners Court's acceptance of maintenance obligation and has submitted to the Commissioners Court a written inspection report stating that:

(1) the road, in its current condition and with no repairs needed, is in compliance with the current regulations at Plat approval; and

(2) the Kerr County Subdivision Administrator recommends acceptance of the road by the Commissioners Court;

(e) If subject road has been previously constructed, any required laboratory tests and test borings requested by the Kerr County Subdivision Administrator shall be at the sole expense of the Developer. Any previously constructed road shall comply with all construction standards set forth herein.

(f) The Developer has posted with Kerr County a financial guarantee, in a form approved by Kerr County, to secure the proper maintenance of the roads and drainage, in an amount equal to 30% of the construction costs of said roads and drainage, for a term of one (1) year following construction completion and concurrent to final maintenance acceptance by the County. The financial guarantee shall conform to the standards set forth in Section 232.004 and Section 232.0045, Local Government Code, and Section IX of these Subdivision regulations.

Section VIII

INSPECTIONS

8.01 Inspections. The County Subdivision Administrator, or other designated agent as authorized by the Commissioners Court, may inspect all property site work at any reasonable time and any stage. Developer will provide a written construction schedule for drainage, utility and road construction. Developer will provide written amended schedules if the actual construction varies more than three (3) days from the date set forth in the original construction schedule. Should the Developer fail to comply with this provision or begin any drainage, utilities or road construction prior to providing such schedule the Developer may be required to perform any testing deemed necessary by the County Subdivision Administrator at the sole cost and expense of the Developer. This additional testing may be in addition to any inspections and testing required under these Regulations.

Section IX

GUARANTEE OF PERFORMANCE

9.01 General Requirements.

9.01.A. Bond or Financial Guarantee Required. Before subdividing a tract, the Developer must execute a good and sufficient bond for the construction and maintenance of the roads, streets, and drainage structure requirements shown on the proposed plat for the Subdivision, unless another financial guarantee ("Guarantee") is authorized by these Regulations. The bond or guarantee must be approved by the Commissioners Court to predicate approval of the proposed Subdivision plat.

9.01.B. Approval. The bond or Guarantee must be submitted to and approved by the Commissioners Court in a form and amount required by these Regulations, and that amount must be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the Subdivision, but must not exceed their estimated cost of construction. The bond or Guarantee shall apply to, and be in a form and amount sufficient to ensure, the proper construction of, the roads and streets in, and drainage structure requirements for, the Subdivision.

9.02 Construction/Maintenance Limitations for Public Dedication. Regarding dedicated public roads, streets, or drainage structure requirements described on the plat for the Subdivision, and upon plat approval, the County expressly does not accept for County construction or maintenance purposes the dedicated roads, streets, or drainage structure requirements described on the plat. In the event of plat approval, the construction or maintenance of the dedicated roads, streets, or drainage structure requirements described on the plat shall remain the responsibility of the Developer (in accordance with these Regulations and the approved bond or other Guarantee) until the dedicated roads, streets, or drainage structure requirements are accepted, if ever, by the Commissioners Court by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a subsequent public meeting conducted in compliance with these Regulations.

9.03 Bond Requirements.

9.03.A. Bond Payee or Beneficiary Description**.** The bond required by these Regulations shall be payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his surety, and approved by the Commissioners Court prior to subdividing a tract and prior to Commissioners Court approval of the plat.

9.03.B. Bond Surety Requirements. The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's criteria for surety acceptability includes the following: (1) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (2) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (3) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to

participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

9.03.C. Bond Amount. The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the Subdivision, but must not to exceed the estimated cost of construction.

9.03.D. Bond Condition. The bond shall be conditioned that the roads, streets, and drainage structure requirements for the Subdivision (which shall be specifically named and described in the bond) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than two years from the date of plat approval.

9.04 Other Financial Guarantee Requirements.

9.04.A. Guarantee Types. In lieu of a bond, the Developer may deposit another good and sufficient financial Guarantee approved by the Commissioners Court in the form of: (1) a monetary deposit (in good funds approved by the County); (2) an irrevocable letter of credit **("LOC")** issued by a federally insured financial institution; or (3) another form of good and sufficient financial guarantee deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.

9.04.B. Letter of Credit. If an LOC is used, it must conform to the following requirements:

(1) Beneficiary. The LOC must list as the sole beneficiary the County Judge or his successor in office.

(2) Developer and Financial Institution Execution. The LOC must be fully executed by the Developer and the financial institution, in compliance with these Regulations, and approved by the Commissioners Court prior to subdividing a tract and prior to Commissioners Court approval of the plat.

(3) Requirements. The LOC shall meet the following requirements.

(a) Financial Institution Qualifications. Any LOC submitted as a financial guarantee for combined amounts greater than $10,000 and less than $250,000 must be from financial institutions which meet the following qualifications: (i) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least $25 million. (ii) Savings and loan associations must be: federally insured; with tangible capital of at least 1.5% of total assets; with total assets greater than $25 million, or tangible capital of at least 3.0% of total assets if total assets are less than $25 million; and

with a Sheshunoff rating of 30 or better. (iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a County investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

(b) Additional Qualifications. Any LOC submitted as a financial guarantee for combined amounts greater than $250,000 must be from financial institutions which meet the following qualifications: (i) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with a primary capital of at least 7.0% of total assets, and total assets of at least $75 million. (ii) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets, and total assets greater than $75 million (or alternatively, tangible capital of at least 5.0% of total assets if total assets are less than $75 million); and with a Sheshunoff rating of 30 or better. (iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a County investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

(4) Sole Beneficiary and Approval. The LOC shall list as sole beneficiary the County Judge (in his official capacity), or his successor in office, and must be approved by the Commissioners Court. The form of the LOC shall be modeled after the form attached in Appendix 2B of 31 TAC § 364.54.

(5) Amount and Conditions. The LOC must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the Subdivision, but in an amount not to exceed the estimated cost of construction. The LOC must be conditioned that the roads, streets, and drainage structure requirements for the Subdivision (which shall be specifically named and described in the LOC) shall be: (a) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (b) constructed within a reasonable time set by the Commissioners Court, but not less than two years from the date of plat approval.

[End of Regulations]

CERTIFICATE OF ADOPTION

APPROVED BY: **The Commissioners Court of Kerr County, Texas**

ADOPTED: **November 28, 2022**

I, Rob Kelly, the undersigned, being the County Judge of Kerr County, Texas and the Presiding Officer of the Commissioners Court of Kerr County, Texas ("Commissioners Court"), do hereby certify that the above and foregoing instrument (with attached Appendix) is the Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas ("Regulations"), which instrument was duly considered, approved, and adopted by the Commissioners Court at a public meeting duly convened and conducted on this date. Copies of the Regulations may be obtained from the official minutes of the Commissioners Court filed with and maintained by the County Clerk of Kerr County, Texas, or reviewed and downloaded from the internet website of said county at www.co.kerr.tx.us.

EXECUTED on the 28th day of November, 2022 at 1:00 P.m.

Hon. Rob Kelly, County Judge
Kerr County, Texas

ATTEST:

County Clerk, Jackie "JD" Dowdy
Kerr County, Texas

COMMISSIONERS COURT
KERR COUNTY, TEXAS

APPENDIX:

SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

FOR

KERR COUNTY, TEXAS

APPROVAL DATE: NOVEMBER 28, 2022
EFFECTIVE DATE: JANUARY 1, 2023

EXHIBIT A
OWNER'S CERTIFICATION AND ACKNOWLEDGEMENT

The undersigned Owner (also being the Developer and Subdivider) of the real property made the basis of the ("Subdivision") made the subject of this subdivision plat, and pursuant to the active Subdivision and Manufactured Home Rental Community Regulations of Kerr County, Texas ("Regulations"), certifies the following: (1) this plat and its attached documents are in compliance with the Regulations; (2) the representations on this plat and its attached documents are true and correct; (3) the Owner shall comply with the Regulations regarding the development of the Subdivision; (4) all dedicated real property, roads, streets, easements, improvements, facilities, or other property described on this plat are dedicated to the use and benefit of the public forever; and (5) lienholder consent and lien subordination has been obtained regarding all public dedications shown on this plat, and the lienholder consent and subordination documents are attached to this plat and incorporated by reference.

EXECUTED on this the ___ day of _____, _____.

OWNER: _____
By: _____
Type Name: _____
Title: _____

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the ___ day of _____, _____.

_____
Notary Public/State of Texas
My Commission Expires: _____

Notary Seal

THIS INSTRUMENT WAS ACKNOWLEDGED before me, the undersigned authority, on this the ____ day of _____, _____, by _____, the _____ of _____, by and on behalf of said _____.

_____
Notary Public/State of Texas
My Commission Expires: _____

Notary Seal

EXHIBIT B
OTHER CERTIFICATIONS AND NOTES

1) Certification by Licensed Professional Land Surveyor.

I certify the following on behalf of the subdivision Owner, Developer, and Subdivider: (1) this subdivision plat and its attached documents represent a true and accurate survey on the ground made by me of the real property made the basis of this plat; (2) all required survey monuments are correctly shown on this plat: (3) all existing easements and rights of way are shown on this plat according to documents of record or apparent circumstances observed on the land; (4) the perimeter field notes are accurately tied to an original corner of the original survey; (5) this plat and its attached documents comply with all surveying and plat drafting requirements described in the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas; and (6) all surveying representations on this plat and its attached documents are true, correct, and in compliance with the current standards of registered professional land surveying practice in the State of Texas.

EXECUTED on this the ___ day of _____, _____.

_____
Name (Type Name): _____
Registered Professional Land Surveyor No._____

Registered Professional Land Surveyor Seal

2) Certification by Licensed Professional Engineer Concerning Drainage/Other Matters and Associated Notes.

I certify the following: (1) this subdivision plat and its attached documents, and the proposed subdivision identified in the plat, satisfy all engineering requirements of the Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas ("Regulations"); (2) all engineering or design representations on this plat and its attached documents are true, correct, and in compliance with the current standards of licensed professional engineering practice in the State of Texas; and (3) all drainage or other engineering requirements specified by me have been or will be constructed in accordance with all design criteria submitted, and are in compliance with the Regulations.

EXECUTED on this _____ day of _____, _____.

_____
Name (Type Name): _____
Licensed Professional Engineer No. _____

Licensed Professional Engineer Seal

All plats shall contain the following drainage notes:

"Subdivision design, layout and construction shall be done to minimize any adverse impact to private property, public property, all easements, and all public or private right-of-ways either within or outside the proposed subdivision. Provisions must be made to assure that no adverse impact is made to existing drainage systems within public right-of-ways. All drainage design, layout and construction shall comply with all applicable laws of the State of Texas and the United States of America."

"Property owners may not utilize drainage easements for any purpose detrimental to the intended use of the easement. No objects including but not limited to buildings, fences, or landscaping, shall be allowed in a drainage easement except as approved by the County Subdivision Administrator."

3) Certification by Administrator of On-Site Sewage Facilities and Associated Notes.

I certify the following: (1) the proposed subdivision described on this subdivision plat shall comply with the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas, and the active rules and regulations of the State of Texas and Kerr County On-Site Sewage Facilities; and (2) individual OSSF system selection will be made in conjunction with the site evaluation with respect to the individual site permitting process, in accordance with the 30 TAC Chapter 285, OSSF Rules.

EXECUTED on this the ____ day of _____, _____.

_____
Name (Type Name): _____
Designated Representative, Kerr County OSSF

All plats shall contain the following OSSF note:

"Prior to construction on any lot, the Owner of said lot shall contact the Kerr County OSSF Designated Representative. All lots in this subdivision are required to comply with all current and future OSSF regulations adopted by Kerr County. Individual OSSF systems selection must be made in conjunction with the Site Evaluation with respect to the individual site permitting process, in accordance with the 30 TAC 285 OSSF Rules."

4) Certification by Administrator of Floodplain and Associated Notes.

I certify the following: (1) the subdivision described in this plat, _____, (includes or does not include) areas within a designated 100-year flood hazard zone according to Flood Insurance Rate Map No. _____ for Kerr County, Texas, dated _____, [include following if said areas are present] and said flood hazard zone areas are represented on the plat as required by the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas; and (2) I have reviewed and acknowledged the foregoing statement as applicable to the Kerr County Flood Damage Prevention Order.

EXECUTED on this the ____ day of _____, _____.

_____
Name (Type Name): _____
Floodplain Administrator, Kerr County, Texas

All plats shall contain the following floodplain note:

"Prior to construction on any lot that includes areas within a designated 100-year flood hazard zone, the owner of said lot shall contact the Kerr County Engineering Department to secure a Floodplain Development Permit. The owner is responsible for compliance with the Kerr County Flood Damage Prevention Order."

5) Certification by County Subdivision Administrator and Associated Notes.

I certify that this subdivision plat conforms to all requirements of the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas.

EXECUTED on this the ____ day of _____, _____.

_____
Name (Type Name): _____
Subdivision Administrator, Kerr County, Texas

All plats shall contain the following driveway permit note:

"Prior to construction on any lot, the owner of said lot shall contact the Kerr County Road & Bridge Department to secure a Driveway Construction Permit. The owner is responsible for construction of driveway in accordance with regulations prepared by the County Engineer."

6) Certification of Approval by the Commissioners Court and Associated Notes.

I certify the following by and on behalf of the Commissioners Court of Kerr County, Texas: (1) this plat of the _____ _____ Subdivision, named herein, has been submitted to and considered by the Commissioners Court of Kerr County, Texas ("Commissioners Court") and is hereby approved; (2) this plat was considered and approved on _____, _____ by the Commissioners Court in accordance with Chapter 232 of the Texas Local Government Code, Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), and other authority; and (3) this plat is authorized for filing and recording with the County Clerk of Kerr County, Texas pursuant to and in compliance with the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas, Section 12.002 of the Texas Property Code, and other authority.

EXECUTED on this the ____ day of _____, _____

_____
Name (Type Name): _____
County Judge, Kerr County, Texas

ATTEST:

_____
Name (Type Name): _____
County Clerk, Kerr County, Texas

Commissioners Court Seal

All plats shall contain the following water availability notes:

"Kerr County, Texas expressly **DOES NOT CERTIFY** that compliance with the water availability requirements in the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas will ensure that adequate and sufficient groundwater or surface water is available to service the subdivision or any lot or divided space therein."

All subdivision final plats where lots are served by a community water system shall contain the following certification:

"No individual water wells shall be permitted on any lot, or on any other location in this subdivision."

7) County Clerk's Recording Acknowledgment.

Approved by the Commissioners Court of Kerr County, Texas, on the ____ day of _____, _____A.D. by Order No._____ of said Court.
Filed for record on the _____ day of _____, _____A.D., at _____ o'clock ___. M.
Recorded on the ____ day of _____, _____A.D., at _____ o'clock ___.M. in File Record No._____ of the Plat Records of Kerr County, Texas.

_____
Name (Type Name): _____
County Clerk, Kerr County, Texas

County Clerk Seal

8) Privately Maintained Paved Roads Note.

All plats shall contain the following note:

_____[Owner], by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Kerr County shall have no obligations whatsoever to repair or accept maintenance of the roads shown in this subdivision until and unless_____[Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Kerr County and the roads have been accepted for maintenance by formal, written action of the Kerr County Commissioners Court and the roadway has been dedicated by the owners thereof, and accepted by the county as a public road. _____[Owner] and all future owners of property within this Subdivision shall look solely to the _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision.

9) Privately Maintained Unpaved Roads Note.

All plats shall contain the following note:

_____[Owner], by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Kerr County shall have no obligation whatsoever to repair or accept maintenance of the roads shown on this subdivision until and unless_____[Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required

by Kerr County and the roads have been accepted for maintenance by formal written action of the Kerr County Commissioners Court and the roadway has been dedicated by the owners thereof, and accepted by the county, as a public road. _____[Owner] and all future owners of property within this Subdivision shall look solely to the _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision**.**

10) Certification by Director of Kerr Emergency 9-1-1.

I certify that this subdivision plat is consistent with public safety and the Road Naming and Address Guidelines of Kerr 911.

EXECUTED on this the ____ day of _____, _____.

_____
Name (Type Name): _____
Executive Director, Kerr 911

11) Certification by Headwaters Groundwater Conservation District and Associated Note.

I certify that this plat is consistent with the active Headwaters Groundwater Conservation District Rules as revised on _____. _____.

EXECUTED on this the ____ day of _____, _____.

_____
Name (Type Name): _____
General Manager, Headwaters Groundwater Conservation District

All plats shall contain the following compliance note:

"All water wells described in this plat or to be constructed, used, and operated in the subdivision described in this plat shall be in compliance with the active rules and regulations of the Headwaters Groundwater Conservation District."

12) Note Regarding Development Component Exceeding Minimum Requirements.

All plats shall contain the following note:

"Should any component of the development plan for the subject property exceed the minimum requirements of an applicable federal, state, county, and/or other law or regulation, the owner, developer, and/or subdivider hereby certifies and confirms that said component has been included in the plan with the full knowledge, consent, and approval of said owner, developer, and/or subdivider in the interest of the health, safety, and welfare of the public."

NOTICE REGARDING OTHER REQUIRED CERTIFICATIONS AND NOTES: Developers are hereby advised that other required certifications and notes for inclusion in submitted subdivision plats and Manufactured Home Rental Community infrastructure development plans (based upon certain land development circumstances and issues) are described in the active **Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas** ("Regulations") to which reference is made for all purposes. Please refer to the Regulations for those other required certifications and notes because the failure to include a required certification or note on a submitted subdivision plat or Manufactured Home Rental Community infrastructure development plan can result in the plat or plan being disapproved or approved only with conditions by the County. Should questions occur regarding proper subdivision platting or Manufactured Home Rental Community infrastructure development plan procedure or documents for submission to the County, please contact the Subdivision Administrator's office at the contact information described in § 1.03.B of the Regulations.

EXHIBIT C
PERFORMANCE BOND FORM

PERFORMANCE BOND

STATE OF TEXAS)(

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KERR)(

That we, _____, the undersigned developer, as Principal, and _____ as Surety, do hereby acknowledge ourselves to be held and firmly bound unto Kerr County, Texas, a County in the State of Texas, in the full and just sum of $_____, for the payment of which will and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned Kerr County for permission to develop a subdivision within the jurisdiction of Kerr County, more particularly described as follows to-wit:_____ which is shown on a subdivision plat, entitled _____ subdivision, heretofore conditionally approved by the Commissioners Court of Kerr County on _____ day of _____, _____, and

WHEREAS, under the provisions of the Kerr County subdivision control regulation adopted as of _____, _____, Kerr County required as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will construct, or cause to be constructed, according to the requirements of such subdivision control regulation, the following site improvements within three (3) years after final approval of the plat of said subdivision:_____.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall, on or before _____ day of _____, _____, construct, or cause to be constructed, the above mentioned improvements in accordance with the requirements of the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas, and the amendments thereto, if any, then this obligation shall be void; otherwise, the obligation made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal, this, the _____ day of _____, _____.

_____
Developer and Principal Surety

By:_____
Attorney in Fact

APPROVED AND ACCEPTED, this the _____day of _____,20_____.

KERR COUNTY , TEXAS

By:_____
Title: County Judge, Kerr County, Texas

EXHIBIT D
LETTER OF CREDIT FORMS

LETTER OF CREDIT NO. _____

Check one of the following:
[ ] Construction of Roads, Streets, and Alleyways
[ ] Maintenance of Roads, Streets, and Alleyways
[ ] Construction of Utilities and/or Drainage

in _____)
(Name of Subdivision or Location)

A DEPOSIT ON BEHALF OF _____.
This is an irrevocable letter of credit issued to the County of Kerr, Texas, at the request of _____, in accordance with Chapter 5, V.T.C.A., Texas Business and Commerce Code.

This Bank promises to pay to the order of Kerr County, Texas, upon presentation of a sight draft, any amount not exceeding the cumulative total of ($) _____ on or after _____, _____.

This is not a notation credit, and Kerr County, Beneficiary, shall be entitled to payment without the presentation of documents.

In accordance with Section 5, 106 of the Texas Business and Commerce Code, this letter of credit may be modified by the reduction of the total outstanding and unused amount of this credit, upon the execution and delivery to issuer of a sworn statement making demand by the Subdivision Administrator of Kerr County, or by anyone purporting to be his duly authorized agent, and presenting a document to that effect on Kerr County letterhead.

This letter of credit shall expire on _____, _____.

IN WITNESS WHEREOF, the Issuer has caused this letter to be signed and attested by its duly authorized officer(s) who has attached proof of this authorization to sign, and sealed with the Issuer, this the _____day of _____, _____

ISSUER: _____
_____
_____

BY: _____
Signature
Type Name: _____
Title: _____

LETTER OF CREDIT AFFIDAVIT

STATE OF TEXAS)(
COUNTY OF KERR)(

Before me, the undersigned authority in and for the State and county aforesaid, on this day personally appeared _____ who, being by me first duly sworn, upon his oath deposes and says:"I, _____, developer of the _____ subdivision under date(s) of _____,_____, withdrew the sum(s) of $_____ from the trust account heretofore deposited with _____, trustee, and created for such use and purpose, and expended said funds so withdrawn on prescribed site improvements to said _____ subdivision as follows:

Site Improvements	Amount	Percentage of Completion
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

with expenditure of these funds, it is estimated that the prescribed site improvements will be completed by the ____ day of _____ , _____.

_____
Developer
By: _____
Type Name: _____

SWORN TO AND SUBSCRIBED BEFORE ME this _____day of _____ , _____.

_____
Notary Public, Kerr County, Texas
My Commission Expires: _____, _____

Notary Seal

Until this affidavit is accomplished, no further withdrawals shall be made from said trust account. The trustee shall be authorized to release further funds to the developer only after receipt of written notification thereof from the designated County Official.

Developer agrees to construct all site improvements within three years from the date of final approval of the plat of said subdivision. Upon the failure of the developer to provide such site improvements as herein provided, any remaining balance in such trust account shall be paid by trustee to Kerr County for the sole purpose of completing, repairing, maintaining or otherwise working on the site improvements in such subdivisions. A resolution of the Commissioners Court of Kerr County declaring that such site improvements have not been completed as required by applicable subdivision regulations shall be final and conclusive on the parties to this agreement. Payment to the County shall be made on the order of the trustee without the necessity of joinder by the developer. A certificate that the sum required herein is on deposit in the above-named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto. A copy of this contract has been supplied to the bank, trust company, or qualified escrow agent named by the undersigned trustee.

_____	_____
Developer	Trustee
By: _____	By: _____
Type Name: _____	Type Name: _____

APPROVED AND ACCEPTED, this the _____day of _____, _____.

KERR COUNTY, TEXAS
By:_____
Type Name: _____ Title: _____

EXHIBIT E
MAINTENANCE BOND FORM

MAINTENANCE BOND

STATE OF TEXAS)(

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF KERR)(

That we, _____, the undersigned developer, as Principal, and _____, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto Kerr County of the State of Texas, in the full and just sum of $_____, (being 30% of the estimated cost of the hereinafter enumerated site improvement) for the payment of which well and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the Commissioners Court of Kerr County for permission to develop a subdivision within the jurisdiction of Kerr County more particularly described as follows, to-wit: _____ which is shown on a subdivision plat, entitle _____ Subdivision, heretofore conditionally approved by the Commissioners Court of Kerr County on ____ day, _____, _____, and

WHEREAS, under the provisions of the Subdivision Regulation of Kerr County requires, as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will maintain and cause to be maintained, according to the requirements of such subdivision control regulation, the following site improvements for a period of one (1) year after the approval of the construction thereof by the county.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall maintain, and cause to be maintained, the above mentioned improvements in accordance with the requirements of Kerr County, if any, for the period of one (1) year after the approval of the construction thereof by Kerr County and until the final approval of said Kerr County thereafter by resolution of the Commissioners Court, then this obligation shall be void; otherwise, the obligations made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal, this, the ____day of _____, _____.

_____
Developer and Principal (Type Name)
By: _____
Type Name: _____
Title: _____

_____
Surety (Type Name)
By: _____
Type Name: _____
Title: _____

By: _____
Attorney in Fact
Type Name: _____
Title: _____

APPROVED AND ACCEPTED, this the _____day of _____, _____.

KERR COUNTY, TEXAS
By: _____
Type Name: _____
Title: _____

EXHIBIT F
FEE SCHEDULE

The Commissioners Court may impose an application fee to cover the cost of the county's review of a subdivision plat and inspection of street, road, and drainage improvements described by the plat. The fee may vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of proposed street and drainage improvements, or any other reasonable criteria as determined by the commissioners court. The owner of the tract to be subdivided must pay the fee at the time directed by the county before the county conducts a review of the plat. **Plat applications are considered incomplete until all fees have been paid to the following Kerr County Departments per the annually adopted fee schedule for said department:**

County Clerk - The County Clerk fee schedule is located at http://www.co.kerr.tx.us/cclerk/

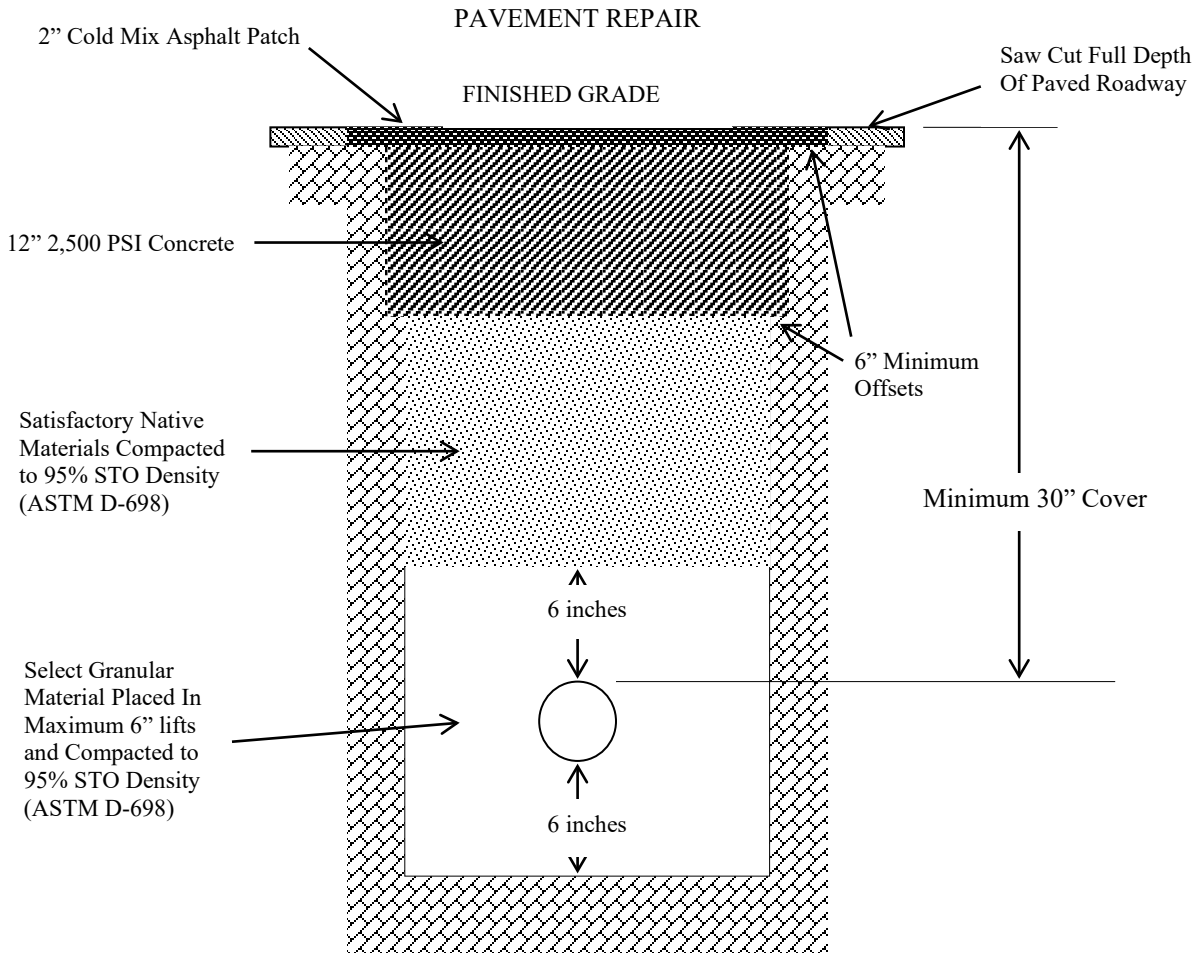
Environmental Health - The Environmental Health fee schedule is located at http://www.co.kerr.tx.us/envhealth/

Engineering - The Engineering Department fee schedule is located at https://www.co.kerr.tx.us/engineer/subdivision.html

EXHIBIT G
DIAGRAM: UNDERGROUND UTILITIES CROSSING COUNTY ROAD

1. All utility lines that pass under a road shall be installed before the road is paved and at the minimum depths identified in Title 43 of the Texas Administrative Code. When it is necessary that utility lines pass under an existing road pavement, they shall be bored to a point of at least four (4) feet beyond the edge of the pavement.

2. Should conditions exist making it impossible to bore, the following steps must be followed:
   a) A permit must be obtained from the Road & Bridge Department showing location, time and date the road is to be cut.
   b) Signage must be provided in accordance with Texas Manual of Uniform Traffic Control Devices (MUTCD); and a flagman shall direct traffic during the construction.
   c) The road will be dug and repaired exactly in accordance with the details shown below.
   d) The work will be completed in a timely manner, but no longer than five (5) working days.
   e) After the construction is completed, the Road & Bridge department shall be contacted for the final inspection.
3. Failure to follow procedure in Item 2 will result in a suit to collect the County's damages including attorney's fees and court cost, and may result in criminal prosecution.



APPENDIX H
KERR COUNTY SUBDIVISION REGULATIONS
PLAT APPLICATION AND ROUTING SLIP

Eng. Dept. Use Only

Date Received:

_____

Agenda Date Assigned:

_____

Public Hearing Date Proposed:

_____

Kerr County Application for: ( ) Voluntary Pre-Development Review, ( ) Final Plat, Plans, and Supporting Data
( ) Cancellation of Subdivision, ( ) Amending Plat, ( ) Revision of Plat

Name of Subdivision: _____ AGENDA DATE REQUESTED: _____

Location of Subdivision: _____ Precinct # _____

Owner/Developer Name: _____ Phone (_____)_____-_____ Email: _____

Surveyor Name: _____ Phone (_____)_____-_____ Email: _____

Engineer Name: _____ Phone (_____)_____-_____ Email: _____

Is this part of an existing subdivision? Yes ( ) No ( ). If yes, Name: _____ Volume _____, Page _____, or File Number _____.

1. Submit one (1) copy of Plat, plat review form, and supporting data for On-Site Sewage Facility (OSSF) to the Kerr County Environmental Health Department

   Fee Amount Paid $_____ Received by:_____ _____
   (Environmental Health Office) Date

2. Submit one (1) copy of Plat to the County Clerk and arrange for payment of fees per Kerr County Subdivision Regulations

   Fee Amount Paid $_____ Received by:_____ _____
   (County Clerks Office) Date

3. Submit one (1) copy of Plat to Headwaters Groundwater Conservation District and each applicable public utility. Utility shall give Surveyor/Engineer easement notes required. *Where not applicable, indicate below in the signature block by writing "N/A".*

   Received by:_____ _____ Received by:_____ _____
   (Electric Utility Office) Date (Water Utility Office) Date

   Received by:_____ _____ Received by:_____ _____
   (Communications Utility Office) Date (Wastewater Utility Office) Date

   Received by:_____ _____ Received by:_____ _____
   (Gas Utility Office) Date (HGCD Office) Date

4. Submit one (1) copy of Plat to the Kerr 911 Administrative Office

   Received by:_____ _____
   (911 Office) Date

5. Submit one (1) copy of Plat to the Texas Department of Transportation (TXDOT) where Plat has access to a TXDOT road/highway. TxDOT shall give Surveyor/Engineer applicable requirements. *If not applicable, indicate below in the signature block by writing "N/A".*

   Received by:_____ _____
   (TXDOT Office) Date

6. Submit eight (8) copies of Plat and one (1) copy of construction plans (if applicable) 28 days prior to the court agenda date requested.

   Received by:_____ _____
   (Kerr County Engineering Office) Date

******THIS COMPLETED ROUTING SLIP WITH ALL APPLICABLE SIGNATURES SHALL BE RETURNED TO THE KERR COUNTY ENGINEERING OFFICE A MINIMUM OF 18 DAYS PRIOR TO THE REQUESTED COURT DATE**

EXHIBIT I
TEXAS DEPARTMENT OF TRANSPORTATION ITEM 247: FLEXIBLE BASE INFORMATION

247.1. Description. Construct a foundation course composed of flexible base.

247.2. Materials. Furnish uncontaminated materials of uniform quality that meet the requirements of the plans and of the proposed material sources and of changes to material sources. The Engineer may sample and test project materials at any time before compaction throughout the duration of the project to assure specifications compliance. Use Tex-IOO-E material definitions.

Table 1
Material Requirements

Property	Test Method	Grade 1	Grade 2	Grade 3	Grade 4
Master gradation sieve size (% retained)	Tex-110-E				As shown on the plans
2-1/2 in.		-	0	0	
1-3/4 in.		0	0-10	0-10	
7/8 in.		10-35	-	-	
3/8 in.		30-50	-	-	
No. 4		45-65	45-75	45-75	
No. 40		70-85	60-85	50-85	
Liquid Limit, % max.[1]	Tex-104-E	35	40	40	As shown on the plans
Plasticity Index, max.[1]	Tex-106-E	10	12	12	As shown on the plans
Plasticity Index, min.[1]		As shown on the plans			
Wet Ball Mill, % max.[2]	Tex-116-E	40	45	-	As shown on the plans
Wet Ball Mill, % max. increase passing the No. 40 sieve		20	20	-	
Classification[3]	Tex-117-E	1	1.1-2.3	-	As shown on the plans
Min. compressive strength[3], psi					
lateral pressure 0 psi		45	35	-	
lateral pressure 15 pdi		175	175	-	

1. Determine plastic index in accordance with Tex-107-E (linear shrinkage) when liquid limit is unattainable as defined in Tex-104-E.
2. When a soundness value is required by the plans, test material in accordance with Tex-411-A.
3. Meet both the classification and the minimum compressive strength, unless otherwise shown on the plans.

A. Aggregate. Furnish aggregate of the type and grade shown on the plans and conforming to the requirements of Table 1. Each source must meet Table 1 requirements for liquid limit, plasticity index, and wet ball mill for the grade specified. Do not use additives such as but not limited to lime, cement, or fly ash to modify aggregates to meet the requirements of Table 1, unless shown on the plans.

1. Material Tolerances. The Engineer may accept material if no more than 1 of the 5 most recent gradation tests has an individual sieve outside the specified limits of the gradation. When target grading is required by the plans, no single failing test may exceed the master grading by more than 5 percentage points on sieves No.4 and larger or 3 percentage points on sieves smaller than No.4. The Engineer may accept material if no more than 1 of the 5 most recent plasticity index tests is outside the specified limit. No single failing test may exceed the allowable limit by more than 2 points.

2. Material Types. Do not use fillers or binders unless approved. Furnish the type specified on the plans in accordance with the following.

a. Type A. Crushed stone produced and graded from oversize quarried aggregate that originates from a single, naturally occurring source. Do not use gravel or multiple sources.

b. Type B. Crushed or uncrushed gravel. Blending of 2 or more sources is allowed.

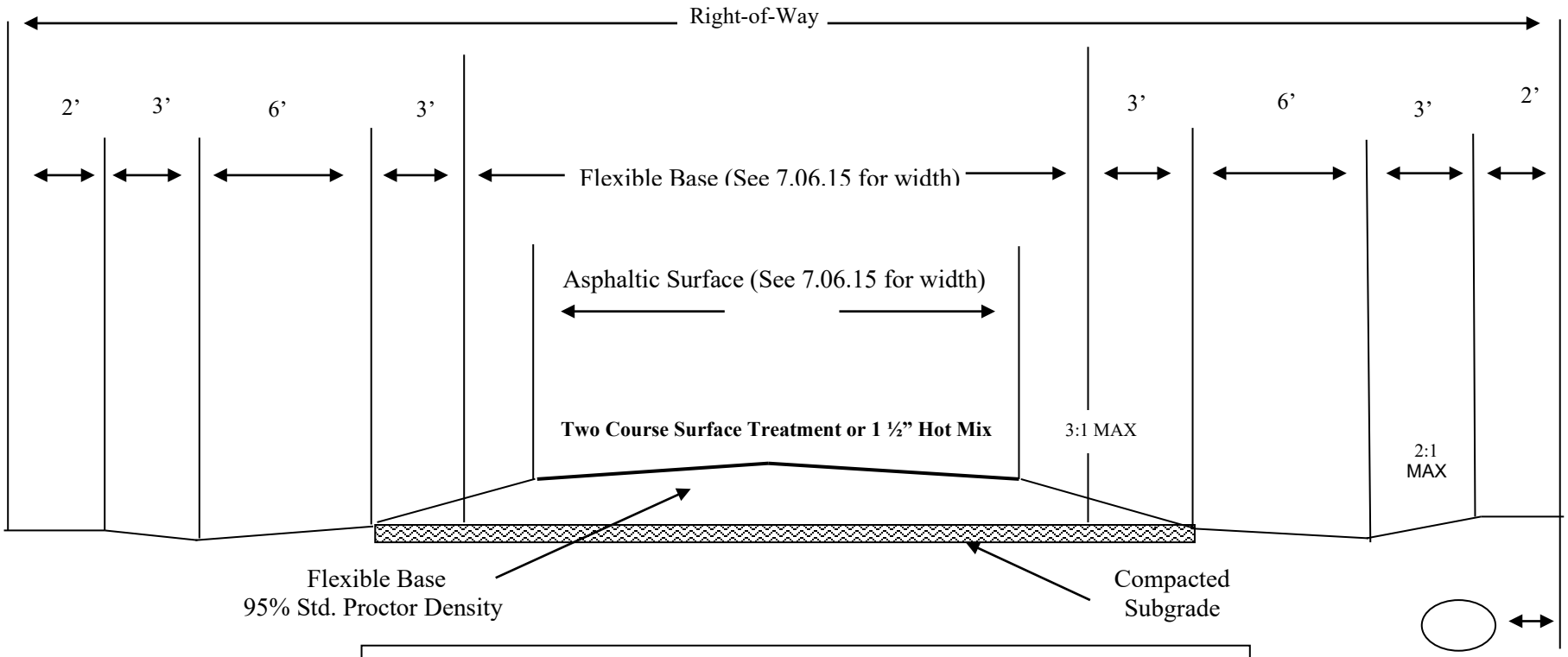
c. Type C. Crushed gravel with a minimum of 60% of the particles retained on a No.4 sieve with 2 or more crushed faces as determined by Tex-460-A, Part I. Blending of 2 or more sources is allowed.

d. Type D. Type A material or crushed concrete. Crushed concrete containing gravel will be considered Type D material. Crushed concrete must meet the requirements in Section 247.2.A.3.b, "Recycled Material (Including Crushed Concrete) Requirements," and be managed in a way to provide for uniform quality. The Engineer may require separate dedicated stockpiles in order to verify compliance.

e. Type E. As shown on the plans.

EXHIBIT J
DIAGRAM: TYPICAL ROAD SECTION WITH DITCHES

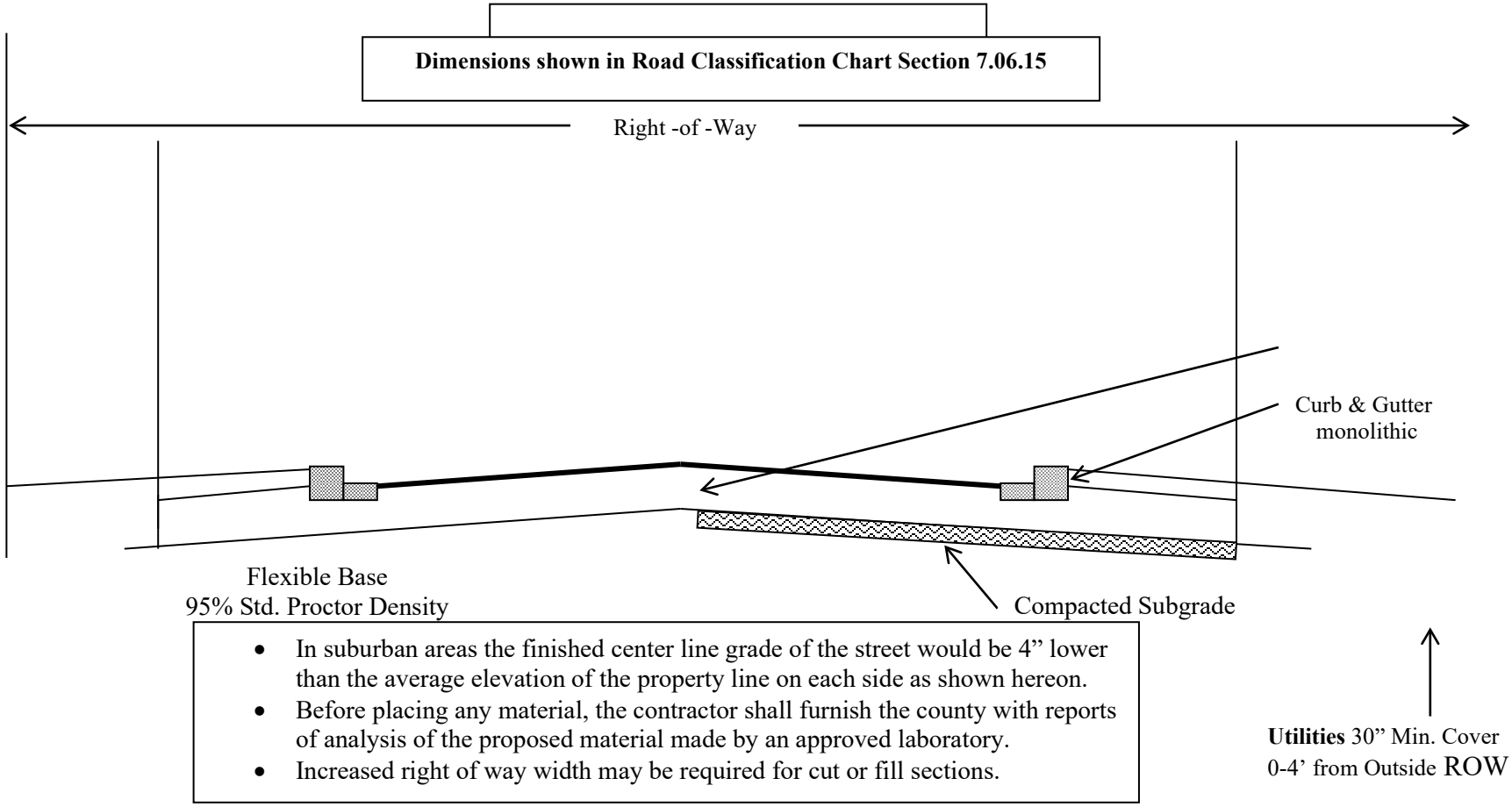
Dimensions shown in Road Classification Chart Section 7.06.15



- In suburban areas the finished center line grade of the street would be 4” lower than the average elevation of the property line on each side as shown hereon.
- Before placing any material, the contractor shall furnish the county with reports of analysis of the proposed material made by an approved laboratory.
- Increased right of way width may be required for cut or fill sections.

Utilities: 30” Min. Cover
0-4’ from Outside ROW

EXHIBIT K
DIAGRAM: TYPICAL ROAD SECTION WITH CURBS



- In suburban areas the finished center line grade of the street would be 4" lower than the average elevation of the property line on each side as shown hereon.
- Before placing any material, the contractor shall furnish the county with reports of analysis of the proposed material made by an approved laboratory.
- Increased right of way width may be required for cut or fill sections.

EXHIBIT L
VOLUNTARY CONCEPT PLAN CHECKLIST

This form must be completed and returned to the office of the Kerr County Engineering Department before a meeting will be set for discussing a Voluntary Concept Plan. At the time of the meeting, you will need:

1) Eight drawings in sketch form with topography (USGS or better) and floodplain

Name of Subdivision: _____ Location of Subdivision: _____Precinct # _____

Owner/Developer: _____ Phone (_____)_____-_____

Surveyor: _____ Phone (_____)_____-_____

Is this part of an existing subdivision? Yes ( ) No ( )
If yes, Name: _____ Volume _____, Page _____, File No. _____

Circle, Check, or Fill in the Blanks Below:

Have you checked with the following authorities (not all may be required)?

City (in ETJ)	Yes	No
US Post Office	Yes	No
Texas Department of Transportation	Yes	No
County Clerk for Subdivision Name Duplication	Yes	No
911 for Addressing and Road Names	Yes	No
On-Site Sewage Facilities Administrator	Yes	No
Flood Plain Administrator	Yes	No
Headwaters Groundwater Conservation District	Yes	No

Water/Wastewater Provider:_____Communications Provider: _____

Electric/Gas Provider: _____School District:_____

Number of Acres: _____ Number of Lots: _____ Min. Lot Size (Acres): _____ Max. Lot Size (Acres):_____

Special Circumstances: _____

Office Use Only
Date Received by Eng.:

_____

Considerations

1) **Road Types**
   County Maintained
   Paved Private
   Unpaved Private
2) **Road Classification**
   Arterial
   Collector
   Local
   Country Lane
3) **Drainage Study**
4) **Floodplain Study**
5) _____
6) _____

Agenda Date Assigned:
_____

EXHIBIT M
SAMPLE FORM FOR WATER SERVICE AGREEMENT

AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED _____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to-wit:

The Utility is the governing board or owner of a retail public utility which supplies of drinking water known as _____.

The Subdivider is _____, who is the owner, or the authorized agent of the owner, of a tract of land in Kerr County, Texas, which has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to Kerr County for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's water distribution system has been connected to the Utility's water supply system.

The Subdivider covenants that the water distribution system will be constructed as shown in the Plans and as provided for through the plat-approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the water distribution system.

The Subdivider has paid the Utility the sum of $ _____ which sum represents the total costs of water meters, water rights acquisition fees, and all membership or other fees associated with connecting the individual lots in the Subdivision to the Utility's water supply system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by Kerr County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, _____.

The Utility	The Subdivider
By:_____	By:_____
Printed Name:_____	Printed Name:_____
Office or Position:_____	Office or Position:_____
Date:_____	Date:_____

EXHIBIT N
SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT

AGREEMENT REGARDING WASTEWATER SERVICE FOR THE PROPOSED _____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:

The Utility is the governing board or owner of a retail public utility which provides wastewater treatment and is known as _____.

The Subdivider is _____, who is the owner, or the authorized agent of the owner, of a tract of land in Kerr County, Texas, which has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to Kerr County for its approval. The Subdivider plans to construct for the Subdivision a wastewater collection system to be connected to the Utility's wastewater treatment system. Such wastewater will consist of domestic sewage, i.e., waterborne human waste and waste from domestic activities such as bathing, washing, and food preparation. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the wastewater flow projected from the Subdivision under fully built-out conditions (the projected wastewater flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the capacity to treat the projected wastewater flow, and that it will treat that wastewater flow for at least thirty years. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's wastewater collection system has been connected to the Utility's wastewater treatment plant.

The Subdivider covenants that the wastewater collection system will be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive wastewater treatment service from the Utility. Upon completion of the wastewater collection system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the wastewater collection system.

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system:

The Subdivider has paid the Utility the sum of $ _____ which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the Utility's wastewater collection and treatment system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by Kerr County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20___.

The Utility	The Subdivider
By:_____	By:_____
Printed Name:_____	Printed Name:_____
Office or Position:_____	Office or Position:_____
Date:_____	Date:_____

Figure: 31 TAC Â§364.54(a)

EXHIBIT O
SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM

1. Parties. This Subdivision Construction Agreement (the Agreement) is by and between the County and the Subdivider. The County is _____ County, Texas, acting by and through its Commissioners Court, or authorized representative as designated by the Commissioners Court. The Subdivider is _____, who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the County.

2. Effective Date. This Agreement is effective on the date the County approves the final plat for the subdivision described in Paragraph 3 of this agreement (the Effective Date).

Recitals

3. Subdivider is the owner of the land included in the proposed final subdivision plat of the _____ subdivision, as shown in County's File Number (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and

4. Subdivider seeks authorization from the County to subdivide the Property in accordance with the requirements imposed by Texas statute and the County's ordinances, regulations, and other requirements; and

5. County ordinances require the completion of various improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and

6. The purpose of this Agreement is to protect the County from the expense of completing subdivision improvements required to be installed by the Subdivider; and

7. This agreement is authorized by and consistent with state law and the County's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

Subdivider Obligations

8. Improvements. The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with County orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements shall be constructed in conformity to the County's requirements, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the County prior to commencement of construction, and subject to inspection, certification, and acceptance by the County.

9. Completion. Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than three (3) years after the Effective Date (the Completion Date); provided, however, that if the Subdivider or the Issuer delivers to the County no later than the Completion Date a substitute Letter of Credit satisfying the criteria established by Paragraph 11 and which has an expiration date no earlier than one year from the Completion Date, then the Completion Date shall be extended to the expiration date of that substitute Letter of Credit or any subsequent substitute Letter of Credit provided in accordance with this Paragraph. Upon completion of each of the Improvements, the Subdivider agrees to provide to the County a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

10. Warranty. The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of one (l) year from the date the County accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdivider's agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a

condition of the County's acceptance of dedication of any of the Improvements, the County may require the Subdivider to post a maintenance bond or other financial security acceptable to the County to secure the warranty established by this Agreement. If the Improvements have been completed but not accepted, and neither the Subdivider nor Issuer is then in default under this Agreement or the Letter of Credit, at the written request of the Subdivider or the Issuer the County shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to an amount equal to the face amount of the maintenance bond or other financial security acceptable to the County.

11. Security. To secure the performance of Subdivider's obligations under this Agreement, Subdivider agrees to provide adequate financial guarantees of performance in the form of a surety bond acceptable to the County, a cash deposit to be held by the County in escrow, or an irrevocable letter of credit in the amount of _____ Dollars ($_____) (the Stated Amount), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B. If a letter of credit is provided pursuant to this Agreement, it shall be in a standard form acceptable to the County, shall have an expiration date no earlier than one year from the date of its issuance, and shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established under the County's financial institution rating system in effect at the time the initial letter of credit is issued pursuant to this Agreement (the Issuer). During the term of this Agreement and subject to the terms of Paragraph 22 of this Agreement, the County may revise the standard form letter of credit it reasonably considers acceptable and necessary to secure the performance of Subdivider's obligations under this agreement. A letter of credit satisfying the criteria of this Paragraph (and any substitute or confirming letter of credit) is referenced to in this agreement as the "Letter of Credit."

12. Reduction In Letter of Credit. After the acceptance of any Improvement, the amount which the County is entitled to draw on the Letter of Credit shall be reduced by an amount equal to ninety percent (90%) of the Quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider or Issuer, and if neither the Subdivider nor Issuer is then in default under this agreement or the Letter of Credit, the County shall complete, execute, and deliver to the Issuer a reduction letter verifying the acceptance of the Improvement and documenting that the Stated Amount has been reduced by stating the balance of the Stated Amount remaining after the reduction required by the first sentence of this Paragraph. No later than sixty (60) days after its receipt of a written request to reduce the Stated Amount submitted by the Subdivider or the Issuer, the County shall determine the Estimated Remaining Cost and shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to the Estimated Remaining Cost if the County determines the Stated Amount exceeds the Estimated Remaining Cost. Notwithstanding the preceding sentence, the County shall not be required to authorize reductions in the Stated Amount more frequently than every ninety (90) days. As used in this Paragraph, "Estimated Remaining Cost" means the amount the County estimates to be the cost of completing all Improvements which are incomplete as of the time of such estimate.

County Obligations

13. Inspection and Certificate. The County agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with County standards and specifications. The inspections and certifications will be conducted in accordance with standard County policies and requirements. The Subdivider grants the County, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.

14. Notice of Defect. The County will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and if the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the County may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.

15. Use of Proceeds. The County will disburse funds drawn under the Letter of Credit only for the purposes of completing the Improvements in conformance with the County's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Letter of Credit or any accrued interest earned on the funds. All funds obtained by the County pursuant to one or more draws under the Letter of Credit shall be maintained by the County in an interest-bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are disbursed by the County. The County may disburse all or portions of the Escrowed Funds as Improvements are completed and accepted by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of Improvements. Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the County to the Issuer of the Letter of Credit no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

16. Return of Excess Escrowed Funds. No later than sixty (60) days after its receipt of a written request from the Subdivider or the Issuer to return Excess Escrowed Funds to the Issuer, the County shall disburse to the Issuer from the Escrowed Funds all Excess Escrowed Funds. For purposes of this Paragraph, "Excess Escrowed Funds" means the amount of Escrowed Funds exceeding one hundred ten percent (110%) of the estimated cost of constructing Improvements the County intends to construct but which have not been accepted, as such cost is shown on Exhibit B. Notwithstanding the first sentence in this Paragraph, the County shall not be required to disburse Excess Escrowed Funds more frequently than every ninety (90) days.

17. Cost Participation by County. If the County and Subdivider agree the County will participate in the expense of installing any of the Improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.

18. Conditions of Draw on Security The County may draw upon any financial guarantee posted in accordance with Paragraph 11 upon the occurrence of one or more of the following events:
(a) Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement;
(b) Subdivider's failure to renew or replace the Letter of Credit at least forty-five (45) days prior to the expiration date of the Letter of Credit;
(c) Subdivider's failure to replace or confirm the Letter of Credit if the Issuer fails to maintain the minimum rating acceptable to the County, in accordance with Paragraph 11 of this Agreement; or
(d) Issuer's acquisition of the Property or a portion of the Property, through foreclosure or an assignment or conveyance in lieu of foreclosure.

The County shall provide written notice of the occurrence of one or more of the above events to the Subdivider, with a copy provided to the Issuer. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraph (a), the County shall provide notice to the Subdivider and the Issuer of the specific default, and the notice shall include a statement that the County intends to perform some or all of Subdivider's obligations under Paragraph 8 for specified Improvements if the failure is not cured. The notice with respect to a default under subparagraph (a) shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit, unless, in the reasonable opinion of the County, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and shall be given no less than five (5) days before presentation of a draft on the Letter of Credit. In the event of a draw based on subparagraph (a), the County shall be entitled to draw in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or complete in accordance with the standards and specifications for such improvement. The subdivider hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraphs (b), (c), or (d), the notice shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit. In lieu of honoring a draft based on an event described in subparagraphs (b) or (c), the Issuer or the Subdivider may deliver to the County a substitute Letter of Credit if the event is described by subparagraph (b) or a substitute or confirming Letter of Credit if the event is described by subparagraph (c). If the Issuer has acquired all or a portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure, in lieu of honoring a draft based on an event described in subparagraph (d), the Issuer may deliver to the County a substitute or confirming Letter of Credit.

19. Procedures for Drawing on the Letter of Credit. The County may draw upon the Letter of Credit in accordance with Paragraph 18 by submitting a draft to the Issuer in compliance with the terms of the Letter of Credit governing such draft. The Letter of Credit must be surrendered upon presentation of any draft which exhausts the Stated Amount of such Letter of Credit. The County may not draft under a Letter of Credit unless it has substantially complied with all its obligations to the Issuer under this Agreement and has properly completed and executed the draft in strict accordance with the terms of the Letter of Credit.

20. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the County's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount, nor the amount of the Letter of Credit establishes the maximum amount of the Subdivider's liability.

21. Remedies. The remedies available to the County, the Subdivider, and Issuer under this Agreement and the laws of Texas are cumulative in nature.

22. Provisions for the Benefit of Issuer. The provisions of Paragraphs 9, 10, 11, 12, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, and 36 of this Agreement for the benefit of the Issuer may not be modified, released, diminished, or impaired by the parties without the prior written consent of the Issuer.

23. Third Party Rights. No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the County (including without limitation a trustee in bankruptcy) have any interest in or claim to funds drawn on the Letter of Credit and held in escrow by the County in accordance with this Agreement. Notwithstanding the preceding sentence, the Issuer shall have a right of action to enforce any provision of this Agreement where the Issuer is specifically named as a beneficiary of such provision pursuant to Paragraph 22.

24. Indemnification. The Subdivider hereby expressly agrees to indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the County. Notwithstanding anything to the contrary contained in this agreement, the Subdivider does not agree to indemnify and hold the County harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the County, its agents, contractors, employees, tenants, or licensees.

25. No Waiver. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the County, the Subdivider, or the Issuer, their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

26. Attorney's Fees. Should either party or the Issuer, to the extent Issuer is named as specific beneficiary, be required to resort to litigation to enforce the terms of this agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.

27. Assignability. The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the County. The County's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted the required security. The County agrees to release or reduce, as appropriate, the Letter of Credit provided by the Subdivider if it accepts substitute security for all or any portion of the Improvements. The County, in its sole discretion, may assign some or all of its rights under this Agreement, and any such assignment shall be effective upon notice to the Subdivider and the Issuer.

28. Expiration. This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision or if the Subdivision is vacated by the Subdivider.

29. Notice. Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Subdivider:
Attn:_____
Printed Name:_____
Office or Position:_____
Address:_____
_____

if to County:
Attn:_____
Printed Name:_____
Office or Position:_____
Address:_____
_____

if to the Issuer: at Issuer's address shown on the Letter of Credit.

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

30. Severability. If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parities will be construed as if the part, term, or provision was never part of this Agreement.

31. Personal Jurisdiction and Venue. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the Agreement or the Letter of Credit, will be deemed to be proper only if such action is commenced in District Court for _____ County, Texas, or the United States District Court for the _____ District of Texas, _____ Division. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal. The Issuer, by providing a Letter of Credit pursuant to the terms of-this Agreement, expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

32. Release Upon Completion. Upon acceptance of all Improvements, the County agrees: (a) to complete, execute and deliver to the Subdivider and the Issuer a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Issuer the Letter of Credit and any Escrowed Funds not expended or obligated by the County for the completion of the Improvements.

33. Captions Immaterial. The numbering, order, and captions or headings of the paragraphs of this agreement are for convenience only and shall not be considered in construing this agreement.

34. Entire Agreement. This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.

35. Authorization to Complete Blanks. By signing and delivering this agreement to the appropriate official of the County, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.

36. Binding Agreement. The execution and delivery of this agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the County. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date. These representations and agreements are for the benefit of the Issuer, and have been relied on by the Issuer in issuing the Letter of Credit.

EXECUTED by the parties to be effective as of the _____ day of _____, _____.

_____ _____

County Official Subdivider

[SIGNATURES OF THE PARTIES TO BE ACKNOWLEDGED]

EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY; EXHIBIT B: SUBDIVISION IMPROVEMENTS

Subdivision Improvements. Subdivider and County agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the County in an amount equal to the Estimated Cost of Completion listed below, as follows:

Description of Improvement(s)	Estimated Cost of Completion
a)	
b)	
c)	

EXHIBIT P
IRREVOCABLE LETTER OF CREDIT SAMPLE FORM

IRREVOCABLE LETTER OF CREDIT NO. _____

TO: _____ , Texas

DATE: _____ , _____

We hereby authorize you to draw at sight on [NAME AND LOCATION OF BANK], for the account of [NAME OF CUSTOMER] (the Customer), up to the aggregate amount of _____ DOLLARS ($_____) (the Stated Amount) available by our draft, accompanied by a certification by the county judge, any county commissioner, or the county treasurer that the following condition exists:

A Condition of Draw exists under Subdivision Construction Agreement dated_____, _____ by and between Subdivider and the County of Kerr (the Agreement). County is in substantial compliance with the terms of said Agreement and has calculated the amount of this draft in accordance with the terms of the Agreement.

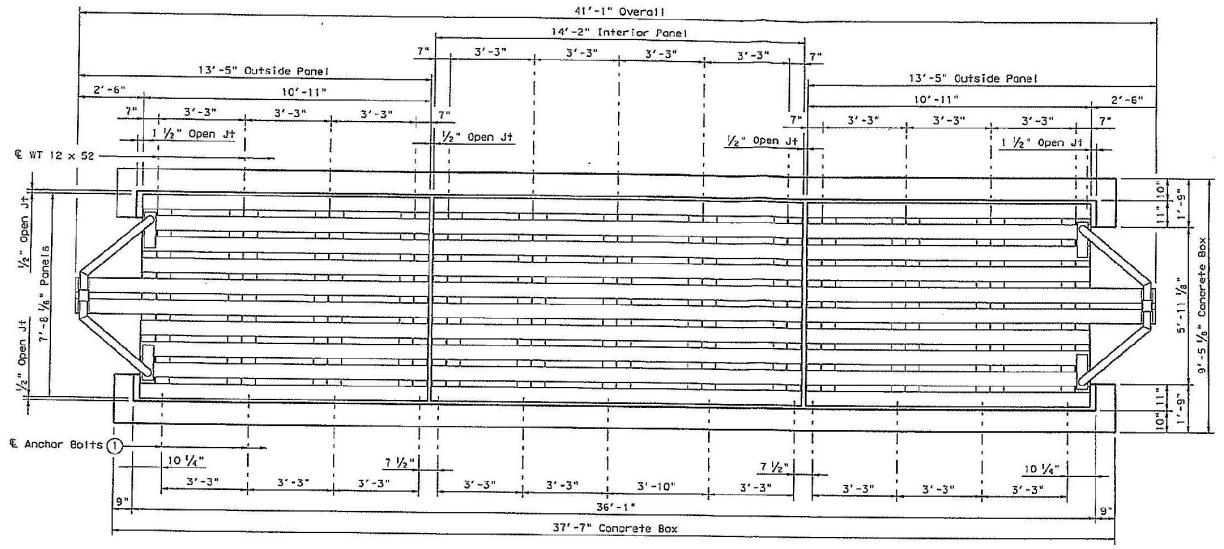
Drafts must be drawn and presented by or on [EXPIRATION DATE] by the close of business of the Issuer of this credit and must specify the date and number of this credit. Drafts will be honored within five calendar days of presentment. We hereby engage all drawers that drafts drawn and presented in accordance with this credit shall be duly honored. Partial draws are permitted, and the letter of credit shall be reduced by the amount of such partial draws as well as by any reduction letters authorized by the County. The sum of such partial draws shall on no account exceed the Stated Amount of this credit, and upon any draw or reduction letter which exhausts this credit, the original of this credit will be surrendered to us.

Except as expressly stated, this credit shall be subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce (Publication No. 500).

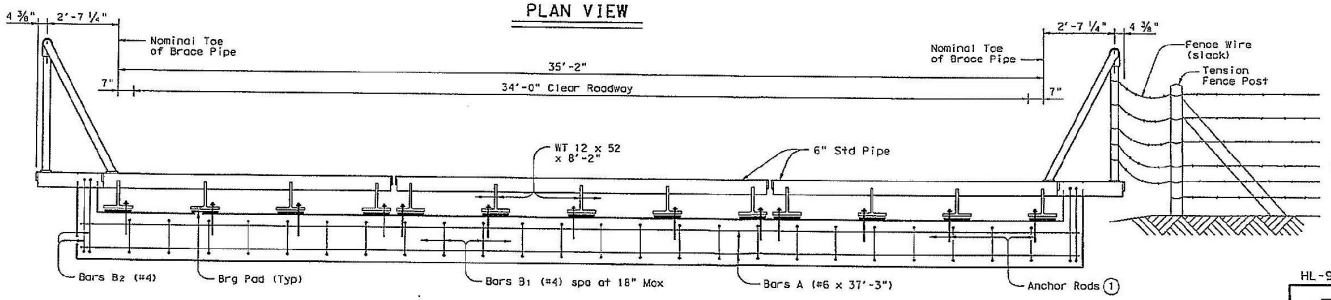
This credit is irrevocable prior to its expiration date unless both parties consent to revocation in writing.

Name of Issuer: _____
Address of Issuer: _____
Signature of Issuer's Authorized Officer
By: _____
Printed Name: _____
Title: _____
Date: _____, _____

EXHIBIT Q
DIAGRAM: CATTLEGUARD CROSSING DETAILS (1 OF 3)



PLAN VIEW



TYPICAL TRANSVERSE SECTION

(1) Contractor shall field verify anchor hole pattern within each panel prior to placing anchor rods in concrete. Anchors shall not be cast in place. Anchors shall be installed using a drill and epoxy method.

SPECIAL NOTE:
In order to prevent inadvertent deflection of a moving vehicle, the Cattle Guard shall be installed perpendicular to flow of traffic.

GENERAL NOTES:

Designed in accordance with current AASHTO Standard and Interim Specifications. All construction and materials shall be in accordance with the Standard Specifications.

If rock is encountered during excavation, depth of foundation may be varied as directed by the Engineer.

All concrete for new construction shall be Class "A". Chamfer all exposed corners. All reinforcing steel shall be Grade 60.

Steel Plates and WT's shall conform to ASTM A36. Pipe shall conform to ASTM A500 Grade B or to ASTM A53 Grade B Types E or S, standard weight.

All steel components, except reinforcing, shall be galvanized after fabrication in accordance with Item 445, "Galvanizing". 1" diameter holes shall be made, as approved by the Engineer, in the upright 3" pipes to provide for adequate venting during galvanizing. Care shall be taken in galvanizing of panels so as to ensure that deformation of panel does not occur. Anchor rods and nuts shall be in accordance with Item 449, "Anchor Bolts". Galvanizing damaged during transport or construction shall be repaired in accordance with the specifications.

Anchor rods shall conform to the requirements of ASTM A36 as specified in Item 449. Nuts shall be installed to a snug fit plus ⅓turn. After installation, burr threads to prevent back turn of nut. Tack welding of nuts will not be permitted.

Bearing Pad shall be a ⅜" thick 70 durometer Elastomeric Pad in accordance with Item 435.

Number, type, and location of delineators adjacent to Cattle Guard shall be as directed by the Engineer.

Adjacent fences shall not be attached directly to the Outside Panel end pipes. Pipe assembly is not designed for the tension of the fence wires.

STATE OF TEXAS
MARK J. BLOSCHOCK
52996
REGISTERED
PROFESSIONAL ENGINEER
5-18-07

HL-93 LOADING SHEET 1 OF 2

Texas Department of Transportation
Bridge Division

CATTLE GUARD DETAILS
(ROUND PIPE MEMBERS)
(34'-0" ROADWAY)
(NOT A STANDARD - ONE TIME USE ONLY)

FILE: CattGar34.dgn		DN: TxDOT	CK: TxDOT	DW: JBP	CK: MJB
© TxDOT MAY 2007		DISTRICT	FEDERAL AID PROJECT		SHEET
REVISIONS		SJT			
		COUNTY	CONTROL	SECT	JOB
		REAL	6157	65	001

LEVELS DISPLAYED
COMMENTS:

EXHIBIT Q
DIAGRAM: CATTLEGUARD CROSSING DETAILS (2 OF 3)

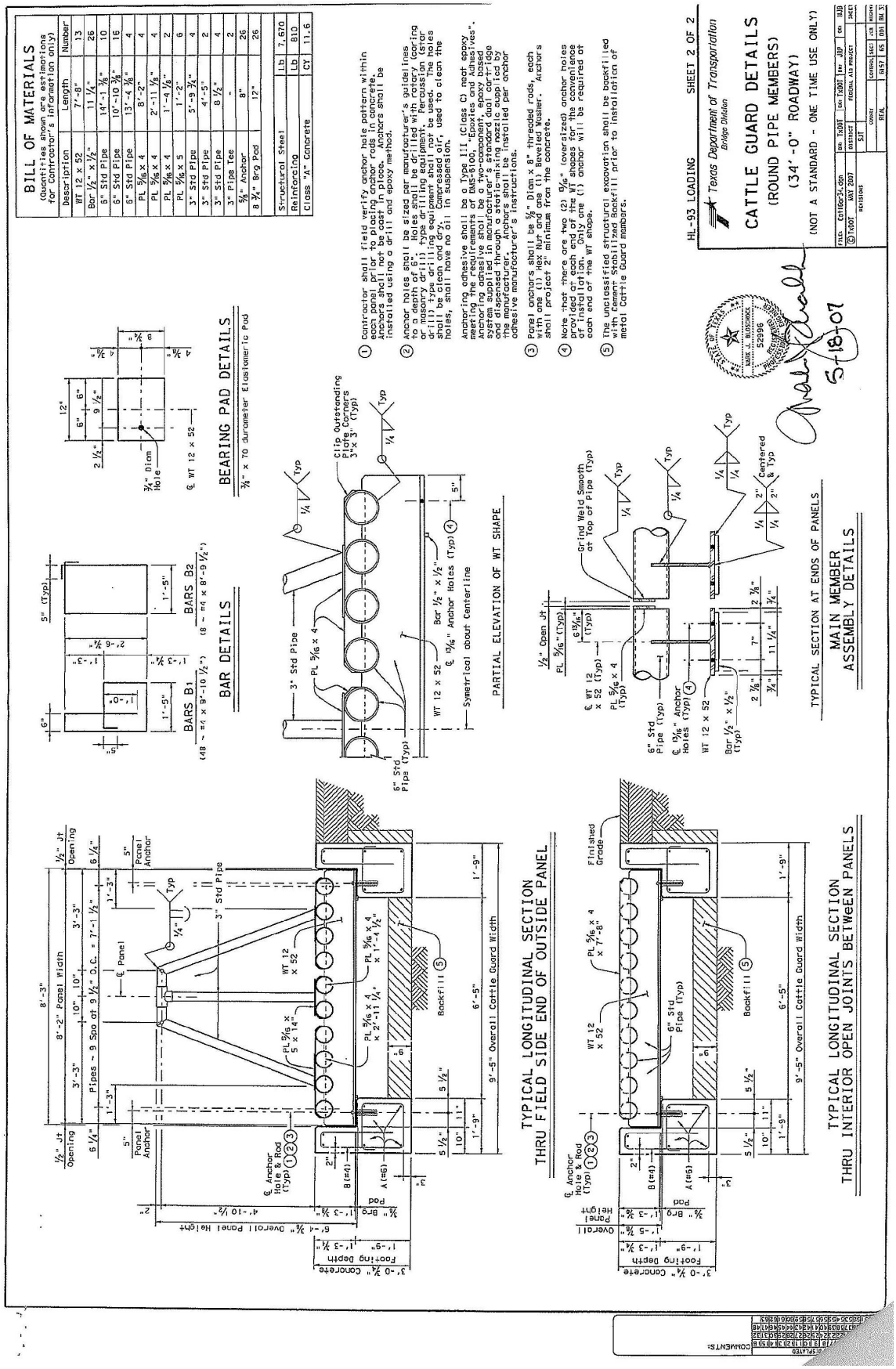
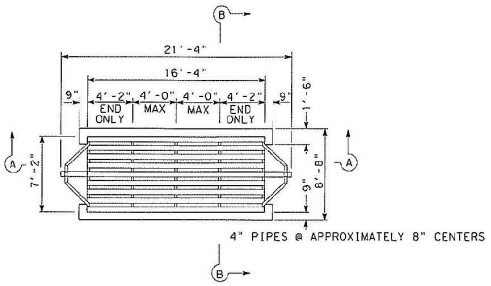
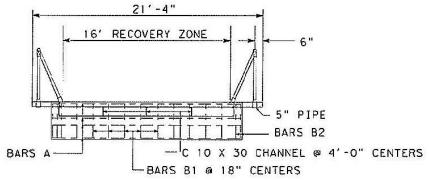

BILL OF MATERIALS
(Quantities shown are estimations for Contractor's information only)
Description | Length | Number
WT 12 x 52 | 7'-8" | 13
Bar ½" x ½" | 11 ¼" | 26
5" Std Pipe | 14'-1 ¾" | 10
6" Std Pipe | 10'-10 ⅜" | 16
6" Std Pipe | 13'-4 ⅜" | 4
PL ⅝ x 4 | 8'-2" | 4
PL ⅝ x 4 | 2'-11 ½" | 4
PL ⅝ x 4 | 1'-4 ½" | 2
PL ⅝ x 5 | 1'-2" | 6
3" Std Pipe | 5'-9 ¾" | 4
3" Std Pipe | 4'-5" | 2
3" Std Pipe | 8 ½" | 4
3" Pipe Tee | - | 2
¾" Anchor | 8" | 26
8 ¾" Brg Pad | 12" | 26
Structural Steel | Lb | 7,670
Reinforcing | Lb | 810
Class "A" Concrete | CY | 11.6
BEARING PAD DETAILS
¾" x 70 durometer Elastomeric Pad
BAR DETAILS
BARS B1
BARS B2
PARTIAL ELEVATION OF WT SHAPE
TYPICAL SECTION AT ENDS OF PANELS
MAIN MEMBER ASSEMBLY DETAILS
TYPICAL LONGITUDINAL SECTION THRU FIELD SIDE END OF OUTSIDE PANEL
TYPICAL LONGITUDINAL SECTION THRU INTERIOR OPEN JOINTS BETWEEN PANELS
HL-93 LOADING
SHEET 2 OF 2
Texas Department of Transportation
Bridge Division
CATTLE GUARD DETAILS
(ROUND PIPE MEMBERS)
(34'-0" ROADWAY)
(NOT A STANDARD - ONE TIME USE ONLY)
FILE: Cattle34-00n
DW: TxDOT
CK: TxDOT
DW: JBP
CK:
©TxDOT: MAY 2007
REVISIONS
DISTRICT
REGIONAL ASS PROJECT
SHEET
SJT
COUNTY
CONTROL
SECT
JOB
HIGHWAY
REF.
SHEET NO.
DIST
COUNTY

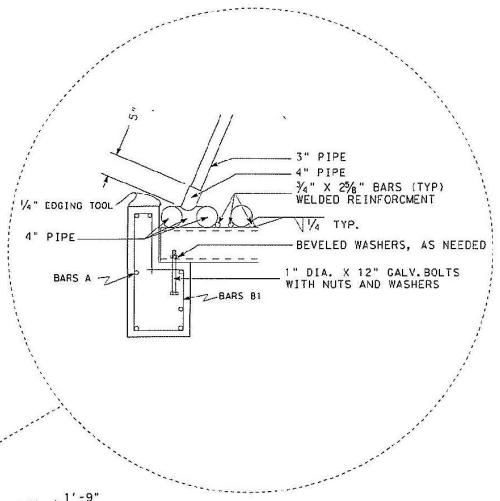
EXHIBIT Q
DIAGRAM: CATTLEGUARD CROSSING DETAILS (3 OF 3)

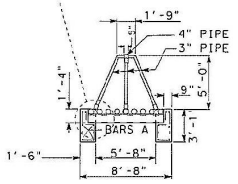


PLAN VIEW



SECTION A-A

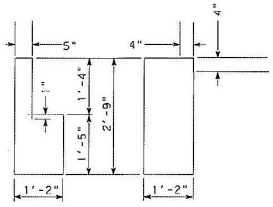




SECTION B-B

BILL OF MATERIALS

NO.	DESCRIPTION	SIZE	LENGTH
1	STEEL PIPE	4"	21'-4"
9	STEEL PIPE	4"	16'-3"
2	STEEL PIPE	3"	12'-7"
2	STEEL PIPE	3"	5'-0"
4	STEEL PIPE	6"	4"
10	STEEL PIPE	4"	5"
2	STEEL PIPE	5"	5"
100	RODS	¾"	2⅜"
5	CHANNELS	C10 X 30	7'-1"
22	REINF. STEEL (BARS B1)	#3	5'-0"
8	REINF. STEEL (BARS B2)	#3	8'-6"
14	REINF. STEEL (BARS A)	#5	17'-6"
10	BOLTS	1" DIA.	12"
	CLASS A CONCRETE	4.81 CY	



BARS B1 BARS B2

GENERAL NOTES:

QUANTITIES SHOWN ARE FOR CONTRACTORS INFORMATION ONLY.

ALL DIMENSIONS RELATION TO REINFORCING STEEL ARE TO THE CENTERLINE OF BARS.

PROVIDE PIPE IN CONVENIENT LENGTHS (10'-0" MIN.) AND BUTT WELD IN ACCORDANCE WITH ITEM 448. AS AN ALTERNATIVE, PROVIDE OPTIONAL ½" JOINT AS SHOWN.

IF ROCK IS ENCOUNTERED, DEPTH OF FOUNDATION MAY BE VARIED AS DIRECTED.
PROVIDE NEW PIPE CONFORMING TO ASTM A501 OR ASTM A53 TYPES E OR S, GRADE B, STANDARD WEIGHT.

HOT DIP GALVANZE CATTLE GUARD IN ACCORDANCE WITH ASTM A123 AND A153.

Texas Department of Transportation
Austin District Design

CATTLE GUARD DETAILS (16' RECOVERY ZONE)

AUSTIN DISTRICT STANDARD

©TxDOT 2002		DIST	FED.RD.	FEDERAL AID PROJECT #	SHEET
REVISIONS		AUS	6		
3/03 District Update		COUNTY		CONTROL	JOB	HIGHWAY
9-04 Add square						

FILE: CGD-16-04.dgm

EXHIBIT R
MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS:
ADDITIONAL REQUIREMENTS

The MHRC development plan also shall include written documentation to satisfy the following requirements:

(1) Form. The Development Plan shall contain a written drainage plan, road plan, approval of water supply specifications, and approval of waste disposal specifications as herein described.

(2) County Review. Not later than the 60th day after the date the Developer of a proposed MHRC submits a proposed development plan for approval, the County Engineer shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.

(3) No Preliminary Construction. Construction of a proposed MHRC may not begin before the date the County Engineer approves the development plan. The County Engineer or Commissioners Court may require inspection of the infrastructure during its construction and shall require a final inspection. The final inspection must be completed not later than the second business day after the date the County Engineer receives an affidavit from the Developer that construction of the infrastructure has been completed in accordance with the approved plan. If the County Engineer determines that the infrastructure complies with the plan, the Commissioners Court shall issue a Certificate of Compliance not later than the 5th business day after the date the final inspection is completed.

(4) Utility Connection. A utility may not provide utility services, including water, sewer, gas, and electric services, to an MHRC subject to a development plan or to a manufactured home in such community unless the Developer provides the utility with a copy of the Certificate of Compliance. This provision applies only to a municipality that provides utility services, a municipally owned or municipally operated utility that provides utility services, a public utility that provides utility services, a nonprofit water supply or sewer service corporation organized and operating under Chapter 67 of the Texas Water Code and that provides utility services, a county that provides utility services; and a special district or authority created by state law that provides utility services.

(5) Minimum Infrastructure Standards.

(a) Drainage. The development plan shall include provisions for adequate drainage. To satisfy this requirement, the plan shall comply with the general requirements recited in the Regulations and as set forth below:

(i) Drainage facilities shall be provided and constructed in accordance with approved plans as required in these Regulations. Drainage plans shall be prepared by a registered professional engineer experienced in hydrology analysis, and shall be signed and sealed.

(ii) Drainage facilities shall be designed to minimize any adverse impact to private property or public right of way either within or outside the proposed MHRC. The runoff flow rate shall be calculated for the 5-year storm, 10-year storm, and 100-year storm frequency, respectively. Exit velocity runoff flow rates should not be greater than 8-feet per second from any storm detention structure. The calculated post-construction runoff flow rates at the points of flow leaving the MHRC should not exceed the preconstruction runoff rate for the post-construction drainage basin(s) for each calculated storm frequency. Provisions must be made to assure that no adverse impact is made to existing drainage systems within public right of ways.

(iii) When a drainage channel or storm sewer is to be constructed, three copies of the design complete with construction plans, profiles, and specifications shall be submitted. The plans shall show construction details, calculations showing the anticipated storm water runoff, including watershed area, percentage and velocity of runoff, and time of concentration. The storm drainage plan prepared to a scale of 200 feet to 1-inch and with the same contours and scaled lot sizes as shown on the survey.

(iv) No pipe less than 18-inches in diameter or comparable flow area shall be used, including driveway crossings.

(v) All road widths and grades shall be indicated, runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at request of the County Engineer, at all points in the road at changes of grade or where the water enters another road or storm sewer or drainage ditch. Drainage easements shall be provided, as necessary.

(vi) The developer shall prepare a storm drainage plan certified by a professional engineer. Three certified copies of this storm drainage plan shall be submitted and shall contain calculations showing anticipated storm runoff including water shed area, percentage, velocity of runoff, and time of concentration. This plan shall be prepared to a scale of 200-feet to 1-inch and with the same contours and scaled space sizes as shown on the survey. All runoff calculations and/or anticipated storm runoff shall be based on the 5-year storm frequency as established by standard engineering practices.

(b) Roads. The MHRC shall have constructed roads that meet the minimum infrastructure standards contained herein to provide ingress and egress for fire and emergency vehicles. To satisfy this requirement, the roads shall comply with the paved country lane specifications set forth in the Regulations and as described below:

(i) Roads Defined. A County Road is defined as a road under control and maintenance of Kerr County. Any county road constructed in a Manufactured home rental community shall be constructed to the standards set forth in the Kerr County Subdivision Rules and Regulations. A Private Road is defined as a road not under the control and maintenance of Kerr County.

(ii) Right of Way. All public right of ways shall be reasonably cleared of all impediments including boulders, stumps, trees, or any other debris. County Engineer may approve selective clearing.

(iii) Cul-de-sacs: Cul-de-sacs right of way shall have a radius of not less than 50-feet with a surface of 40-feet. A cul-de-sac shall be constructed at the end of any road in excess of 99-feet in length.

(iv) Minimum requirements for road design and construction within Manufactured Home Rental Community shall be as follows:
A Paved Country Lane is a privately maintained road. It must be signed, "Privately Maintained Road."

Minimum Cleared ROW---------- 30'
Minimum crown of roadway---------- 4"
Minimum shoulders width---------- 2'
Minimum compacted depth of base material-- 4"
Minimum base material width---------- 20'
Minimum pavement width---------- 16'
Minimum ditch depth---------- 12"
Maximum allowable grade---------- 12%
Minimum base material ---------- Type C, Grade 2 or Caliche Grade 3

(v) Road Signage: The Developer shall present a sign placement plan and have it approved by the County Engineer prior to plan approval, and further: (1) all road signs shall be furnished and installed by owner in accordance with the Texas Manual of Uniform Traffic Control Devices ("MUTCD") issued by the Texas Department of Transportation; (2) road signage shall be placed at each private road entrance to the MHRC stating "Privately Maintained Road"; (3) signs shall be diamond shaped, minimum size 24-inch yellow backing with black letters and installed in accordance with the MUTCD; (4) reflecting road name signs shall be furnished and installed by the Developer at all intersections within or abutting to the MHRC; (5) road name signs shall be 7-inches above road surface to the bottom of the sign on an approved metal post; (6) road name signs shall be made in accordance with the guidelines set forth in the approved Kerr County 911 Road Naming Guidelines.

(c) Water Supply Specifications. The development plan shall include specifications and provisions for an adequate public or community water supply in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code and applicable provisions set forth in the Regulations.

(i) If the Developer proposes to utilize a new public or community water system, such system shall be developed in accordance with Subchapter C., Chapter 341, Texas Health and Safety Code and as defined by current rules and regulations of the Texas Natural Resource Conservation Commission 30 TAC Chapter 290. If the public or community water system will have more than 15 connections, the Developer shall present to the Commissioners Court or its designee in satisfaction of the water supply specifications a letter or other document from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division approving the business plan and the plans and specifications of the proposed water system; if the proposed water system will have fewer than 15 connections, the Developer shall present a letter from the HUWCD in satisfaction of these water supply specifications stating that the HUWCD has reviewed the plans and specifications for the proposed system along with any technical data required by the HUWCD and finds the proposed system adequate for its intended use.

(ii) If the developer proposes to utilize an existing public or community water system, the developer shall present to the Commissioners Court or its designee in satisfaction of these water supply specifications a copy of the executed agreement between the developer and the owner of such existing system for such water. If the total number of connections served by the community water system as defined above is more than 15 and a letter from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division stating that the existing water system has sufficient capacity to service the additional connections is required.

(iii) Any existing wells not owned and utilized by the public or community water system shall be plugged in accordance with the applicable rules and regulations of the HUWCD.

(iv) All public or community water systems shall contain appropriate plumbing connections to allow fire trucks to connect to the water systems to withdraw water in case of an emergency, as set forth in the Regulations.

(d) Waste Disposal Specifications. The development plan shall include provisions for the effective and authorized treatment of wastewater. To satisfy this requirement, the plan shall comply with the requirements set forth in the Regulations and as described below:

(i) Spaces Served By OSSF: All spaces to be served by OSSF shall have such OSSF installed in compliance with the Kerr County OSSF Rules and Regulations.

(ii) Spaces Served By Community Sewage Collection and Treatment Facilities: All Spaces to be served by community sewage collection and treatment Facilities shall have such system and facility plan approved by TCEQ and shall provide a letter approving such system and facility plan prior to plan approval.

(e) Survey Requirements. The Development Plan shall include a metes and bounds survey of the proposed MHRC. The survey shall be prepared by a registered professional land surveyor licensed in the State of Texas that shall include the following requirements:

(i) Street names, road names, and addresses shall be approved by the Kerr 911 according to its guidelines.

(ii) An accurate survey of the MHRC property shall be submitted for the plan, with reference to a land abstract or patent survey line and adjoining established properties or subdivisions. The approximate acreage of the MHRC shall be shown on the survey.

(iii) The survey shall show the: (1) location, dimensions, names and description of all existing or recorded roads, streets, alleys, reservations, easements or other rights-of-way within the MHRC, intersecting or contiguous with its boundaries, or forming such boundaries; (2) structures, wells (water, oil or monitor), and septic systems; (3) the location, dimensions description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other right-of-way, blocks, and spaces within the MHRC; and (4) the date of preparation, scale of survey and approximate true north arrow.

(iv) Topographical information shall be shown on the survey and shall include: (1) contour lines at 20-foot intervals based on NGVD 1929 datum, and the County Engineer may require contour lines of 5-foot intervals based upon the drainage study and proposed residential density; and (2) a delineation of all special flood hazard areas as identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

(v) The survey shall show the location of all utilities lines and utility easements.

(vi) For MHRCs that are within all or part of the 100-year floodplain, the survey must show the minimum finished floor elevations of each lot in accordance with the Kerr County Flood Damage Prevention Order.

(vii) The survey shall be on permanent reproducible mylar, 21 inches vertical and 26-inches horizontal with margins of not less than .5-inch. The survey shall be drawn at a scale of not more than 200-feet to 1-inch. Where more than one sheet is necessary to accommodate the entire MHRC, an index sheet showing the entire community at an appropriate scale shall be attached to the survey.

(viii) Six copies of the survey shall be submitted with the plan, together with one reproducible mylar copy of the original, a digital copy in DWG computer format (labeled with the MHRC name).

(ix) The survey shall contain the following certifications of approval: (1) the Developer's or Owner's Certificate of Ownership, and a written consent of all lien holders; (2) a certification by a register professional engineer for accuracy of topography and drainage; (3) a certification by the OSSF administrator of the Headwaters Underground Water Conservation District; (4) a certification by the Flood Plain Administrator for Kerr County; (5) a certification by the Kerr 911; (6) certification by the utility companies verifying easements, utility layout, and provision of services; and a certification by the Registered Professional Land Surveyor, registered in the State of Texas, to the effect that such survey represents a complete and accurate survey, and meets all of the requirements herein described.

(x) The survey shall contain the following note regarding Status of Drainage Easements: "Property owners may not utilize drainage easements for any purpose detrimental to their intended use. No objects, including but not limited to, buildings, fences, or landscaping, shall be allowed in a drainage easement except as approved by the County Engineer."

(xi) The minimum surveying requirements of the survey shall conform to the accuracy standards set by the *"Texas Board of land Surveying 1992 Act"* except that in no case shall the requirements be less than the following: (a) the raw unadjusted angular error in the field survey shall not exceed fifteen seconds when multiplied by the square root of the number of angles in the traverse; and (b) the boundary shall be adjusted, and the bearings shall be shown to the nearest 10-seconds and the lengths to the nearest .01 of a foot. Also, The survey shall contain a general location map of the MHRC showing the entire watershed (U.S.G.S. Quadrangle is satisfactory).

(xii) The survey shall contain the following note: " _____ (Developer or Owner) acknowledges and agrees that Kerr County shall have no obligations whatsoever to repair or accept maintenance of the roads

in this manufactured home rental community unless and until said developer or owner has constructed and maintained the roads in the manufactured home rental community to meet the standards required by Kerr County as set forth in Kerr County Subdivision and Manufactured Home Rental Community Regulations, and Kerr County has accepted such roads by court order issued by the Kerr County Commissioner's Court."

(xiii) The survey shall contain the following note: "Should any component of the development plan for the subject property exceed the minimum requirements of an applicable federal, state, county, and/or other law or regulation, the Developer hereby certifies and confirms that said component has been included in the plan with the Developer's full knowledge, consent, and approval in the interest of the health, safety, and welfare of the public."

EXHIBIT S
KERR COUNTY, TEXAS -- SUBDIVISION PLAT APPLICATION FORM

PROPOSED SUBDIVISION: _____
COMMISSIONER PRECINCT: _____
SCHOOL DISTRICT(S) IDENTIFIED: _____
TRACT SIZE AND LOCATION: _____
TOTAL LOTS, PARTS, OR DIVISIONS: _____
NAME OF NEAREST PUBLIC ROAD: _____
WATER AND SEWER SERVICE
PROVIDERS: _____
_____
ELECTRIC SERVICE PROVIDER: _____
GAS SERVICE PROVIDER: _____

DEVELOPER: _____
Address: _____
_____
_____
Telephone: _____
E-mail: _____

ENGINEER: _____
Address: _____
_____
_____
Telephone: _____
E-mail: _____

SURVEYOR: _____
Address: _____
_____
_____
Telephone:_____
E-mail: _____

(1) Regarding a proposed subdivision plat, the following documents are required to be submitted to Kerr County ("County") for review with this Plat Application ("Application"): all documents required for subdivision plats by the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas ("Regulations," the contents of which are incorporated by reference), said documents being described in the attached **Document List for Subdivision Plat Application**. Please attach all required documents to this Application and add additional sheets, if necessary.
(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations: County Subdivision Administrator, Kerr County, Texas, 3766 SH 27, Kerrville, Texas 78028 (telephone 830-896-9046).
(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.
(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: ____YES ____NO. If YES, identify all variance issues on the attached documents and include a written County Variance Application and all required documents.
(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.
(6) Will the subdivision be served by a public water or sewer system? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.
(7) Will the subdivision be served by a private water wells or septic/OSSF systems? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.
(8) Will the subdivision require a permit or other approval by another government or private entity? ANSWER: ____ YES; ____ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____.
(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____ YES; ____ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____.
(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please explain: _____.
(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:
I have read the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas. All documents required by the Regulations have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

_____
Developer
Printed Name: _____, Title _____ Date: _____

RECEIPT BY COUNTY:
RECEIVED BY: _____
Printed Name: _____, Title: _____, Kerr County, Texas Date_____

DOCUMENT LIST FOR SUBDIVISION PLAT APPLICATION
The following documents shall be submitted with the Subdivision Plat Application Form, as required by the Regulations:

1. **Regarding a subdivision described in § 5.01.F of the Regulations and being subject to regulation under the Model Subdivision Rules, the following documents are required:**
   (a) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees;
   (b) _____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations – but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the
   County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat;
   (c) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with all plat requirements and standards described in the Regulations.
   (d) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the requirements of § 5.01.F of the Regulations regarding the water, sewer, septic, wastewater, OSSF, greywater, and sludge facilities (public or private) proposed for the subdivision, including: (i) the Water Availability Requirements and wastewater facility requirements of the Regulations; (ii) the results of all required suitability analysis, surface and subsurface testing, or other analysis (including quantitative and qualitative analysis) required by the Regulations to be performed by any person or entity (including an engineer or surveyor) to demonstrate compliance with minimum state standards regarding said facilities; (iii) the acquisition of permits or agreements for said facilities required between the Developer and a private entity, or between the Developer and a governmental entity or agency other than the County; (iv) stamped and sealed engineering reports and supporting documents regarding said facilities, including the availability, methodology, and cost estimates of providing said facilities to the subdivision;
   (e) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 5.01.F of the Regulations regarding the: (i) minimum set-back distances required for the subdivision; (ii) required restriction of only one single family detached dwelling to be located on each lot; and (iii) detailed planning materials regarding proposals required for submittal of multi-family residential development to determine proper water and wastewater utility type and design;
   (f) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 5.01.F of the Regulations regarding the required plat formatting and other information therein stated;
   (g) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 5.01.F of the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision;
   (h) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 5.01.F of the Regulations, and including evidence that the Subdivider has complied with the: (i) Water Availability Requirements of the Regulations; (ii) requirements of the Regulations regarding water, sewer and/or OSSF facilities, roads, adequate drainage, electric utility service, and gas utility service); (iii) requirements that the water quality and connections to the lots meet, or will meet, the minimum state standards; (iv) requirements regarding sufficient sewer connections to the lots or septic tanks that meet, or will meet, the minimum requirements of state standards; (iv) requirements that electrical connections provided to the lots meet, or will meet, the minimum state standards; and (v) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards;
   (i) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the utility connection requirements and plat certification;
   (j) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the purchase contract disclosure obligation of the Developer regarding water availability and implementation;
   (k) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations regarding the County's

construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat;

(l) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal and state law requirements, including minimum state standards regarding water, sewer, septic, OSSF and related facilities; (ii) compliance with specific property description, identifying data, and proper signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with specific water and OSSF disclosure requirements; (vi) compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff pursuant to the standards described in the Regulations; (vii) compliance with specific topographical description requirements, (viii) compliance with specific road/driveway, TXDOT study, traffic impact study and/or engineering study or review [if required upon preliminary review by County], lot frontage, and floodplain management requirements; (ix) compliance with specific fire suppression system requirements; and (x) compliance with the development standards and requirements described in the Regulations;

(m) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development; and

(n) _____ documents showing payment of all plat and/or or variance application fees to the County, as required by the Regulations.

2. Regarding a subdivision not described in § 5.01.F of the Regulations and not being subject to regulation under the Model Subdivision Rules, but being subject to regulation under other provisions of the Regulations, the following documents are required:

(a) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees;

(b) _____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations – but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and Floodplain Manager/Subdivision Administrator, and (ii) the filing or recordation of the plat;

(c) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the Regulations regarding required plat formatting and other information, including without limitation: property description, identifying data, and signatures; survey data; metes and bounds descriptions; lot, block, and other part dimensions; water, sewer, and OSSF facility and service disclosures; drainage plan; topographical descriptions with contour lines; road, driveway, lot, frontage, and floodplain descriptions; fire suppression system descriptions; utility connection requirements; purchase contract disclosure; compliance with the Water Availability Requirements of the Regulations; building and set-back lines; lien subordination; and plat execution and certification;

(d) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the utility connection and plat certification requirements of the Regulations;

(e) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the purchase contract disclosure obligation of the Developer regarding water availability and implementation;

(f) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat;

(g) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal and state law requirements, including minimum state standards regarding water, sewer, septic, OSSF and related facilities; (ii) compliance with specific property description, identifying data, and proper signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with the Water Availability Requirements and wastewater requirements of the Regulations; (vi) compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff, pursuant to the standards described in the Regulations; (vii) compliance with specific topographical description requirements; (viii) compliance with specific road/driveway, TXDOT study, traffic impact study and/or engineering study or review [if required upon preliminary review by County], lot frontage, and floodplain management requirements; (ix) compliance with specific fire suppression system requirements; and (x) compliance with the development standards and requirements described in the Regulations;

(h) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the bond or other financial security requirements in the Regulations;

(i) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development; and

(j) _____ documents showing payment of all plat and/or or variance application fees to the County, as required by the Regulations.

EXHIBIT T
KERR COUNTY, TEXAS -- MANUFACTURED HOME RENTAL COMMUNITY ("MHRC") APPLICATION FORM

PROPOSED MHRC: _____
COMMISSIONER PRECINCT: _____
TRACT SIZE AND LOCATION: _____
TOTAL LOTS, PARTS, OR SPACES: _____
SCHOOL DISTRICT(S): _____
NAME OF NEAREST PUBLIC ROAD: _____
WATER AND SEWER SERVICE PROVIDERS: _____
_____
ELECTRIC SERVICE PROVIDER: _____
GAS SERVICE PROVIDER: _____

DEVELOPER: _____
Address: _____
_____
_____
Telephone:_____
E-mail: _____

ENGINEER: _____
Address:_____
_____
_____
Telephone:_____
E-mail: _____

SURVEYOR: _____
Address: _____
Telephone: _____
E-mail: _____

(1) Regarding a proposed MHRC, the following documents are required to be submitted to Kerr County ("County") for review with this MHRC application ("Application"): all documents required for the MHRC development as described by the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas ("Regulations," the contents of which are incorporated by reference), said documents being described in the attached **Document List for MHRC Application.** Please attach all required documents to this Application and add additional sheets, if necessary.
(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations: Kerr County Subdivision Administrator, 3766 SH 27, Kerrville, Texas 78028 (telephone 830-896-9046).
(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.
(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: ____YES ____NO. If YES, identify all variance issues on the attached documents and include a written County Variance Application and all required documents.
(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.
(6) Will the MHRC be served by a public water or sewer system? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.
(7) Will the MHRC be served by a private water wells or septic/OSSF systems? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.
(8) Will the MHRC require a permit or other approval by another government or private entity? ANSWER: ____ YES; ____ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____.
(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____ YES; ____ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____.
(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please explain why you have not done so: _____.
(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:
I have read the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas. All documents required by the Regulations for the proposed MHRC have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

_____
Developer
Printed Name: _____, Title: _____ Date: _____

RECEIPT BY COUNTY:
RECEIVED BY: _____
Printed Name: _____, Title: _____, Kerr County, Texas
Date: _____

DOCUMENT LIST FOR MHRC APPLICATION
The following documents shall be submitted with the MHRC Application Form, as required by the Regulations:

(a) _____ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees;

(b) _____ a proposed infrastructure development plan ("Plan") as described by the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor) designated in the Regulations -- but excluding from compliance at MRC Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County's representatives, and (ii) the filing or recordation of the Plan;

(c) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the drainage, water, and wastewater requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (i) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (ii) necessary drainage culverts and other drainage facilities for the MHRC; (iii) areas of the MHRC located in the floodplain; (iv) the provision of an adequate public or community water supply to the MHRC in accordance with the Water Availability Requirements of the Regulations and minimum state standards; (v) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341 of the Texas Health and Safety Code; and (vi) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards -- and including (1) providing and identifying the location of all sanitary sewer facilities and lines, (2) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366 of the Texas Health and Safety Code, and (3) compliance with the additional Appendix R requirements for an MHRC;

(d) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all land survey requirements of the Regulations, including: (1) an accurate description of the proposed MHRC boundaries, and any significant features located therein; (ii) the proposed location of all spaces, lots, or other parts of the MHRC; (iii) the proposed or existing utility, road, and drainage easements; and (iv) the dedications of easements and rights-of-way, if any;

(e) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the road requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC, with said roads to be constructed in compliance with the road and street standards and requirements described in these Regulations for subdivisions;

(f) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all applicable requirements of: (i) the Regulations; (ii) state and federal law; (iii) the County's active floodplain management, sewer, drainage, septic, or OSSF regulations;

(g) _____ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific restrictions described in the Regulations regarding the prohibited: (i) construction and/or occupancy of the MHRC prior to issuance by the County of the MHRC; and (ii) provision of utility services to the MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County;

(h) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed MHRC development; and

(i) _____ documents showing payment of all Plan and/or or variance application fees to the County, as required by the Regulations.

EXHIBIT U
KERR COUNTY, TEXAS -- VARIANCE APPLICATION FORM

A. VARIANCE REQUEST: The undersigned Developer hereby requests a variance from the requirements of the active Subdivision and Manufactured Home Rental Community Regulations of Kerr County, Texas ("Regulations") for the proposed development project located in Kerr County, Texas ("County") hereafter described in this Application.

B. PLEASE PROVIDE THE FOLLOWING PROJECT DEVELOPMENT INFORMATION, USING ADDITIONAL INFORMATION SHEETS IF NECESSARY:

PROJECT/VARIANCE DESCRIPTION: _____
_____.
(Insert "Subdivision" for a proposed subdivision development project, or insert "MHRC" for a proposed manufactured home rental community development project, then insert the name of your development project)

COMMERCIAL OR RESIDENTIAL: _____
COMMISSIONER PRECINCT: _____
TRACT SIZE AND LOCATION: _____
TOTAL LOTS, DIVISIONS, PARTS, OR SPACES: _____
PUBLIC ROAD ACCESS DESCRIPTION: _____
SCHOOL DISTRICT(S) _____
WATER AND SEWER SERVICE PROVIDERS: _____
_____
ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____
Address: _____
_____
Telephone: _____
E-mail: _____

ENGINEER: _____
Address: _____
_____
Telephone: _____
E-mail: _____

SURVEYOR: _____
Address: _____
_____
Telephone:_____
E-mail: _____

C. PLEASE ANSWER THE FOLLOWING QUESTIONS AND ATTACH ALL REQUESTED DOCUMENTS, USING ADDITIONAL INFORMATION SHEETS IF NECESSARY:

(1) Please attach copies of the following documents to support your variance request: (a) your submitted subdivision plat application, or submitted MHRC application with proposed infrastructure development plan, pertaining to your requested variance; (b) your maps, drawings, reports, opinions, documents, or other data which support your position regarding this variance request; (c) all other documents required by this Application or the Regulations; and (d) a list of your witnesses, if any, expected to testify before the Commissioners Court (if needed) regarding your variance request, including their names, addresses, and telephone numbers, and a brief summary of their connection to and position regarding this matter.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations: County Judge, Kerr County, Texas, Kerr County Courthouse, 700 Main Street, First Floor, Kerrville, Texas 78028 (telephone 830-792-2211).

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.

(4) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(5) Will the proposed development be served by a public water or sewer system? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(6) Will the proposed development be served by a private water wells or septic/OSSF systems? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the proposed development require a permit or other approval by another government or private entity? ANSWER: ____ YES; ____ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____.

(8) Is the proposed development located in an area of special flood hazard or floodway described by federal or state data sources, including a FEMA floodplain map? ANSWER: ____ YES; ____ NO. If YES, identify all areas of special flood hazard or floodways in which all or a part of the proposed development is located: _____.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____ YES; ____ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____.

(10) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

(11) Please state all reasons to support your variance request, as well as the specific relief you request from the County: _____.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Kerr County, Texas. All documents required by the Regulations for the requested variance have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

_____
Developer
Printed Name: _____ Title: _____
Date: _____

RECEIPT BY COUNTY:
RECEIVED BY: _____
Printed Name: _____
Title: _____, Kerr County, Texas
Date: _____

EXHIBIT V
UTILITY CONNECTION REQUIREMENTS

(a) Pursuant to §§ 232.071-.072 and 232.077 of the Texas Local Government Code, these utility connection requirements are adopted for use and application in a subdivision in the unincorporated area that creates at least one lot of 5 acres or less intended for residential purposes which must have a plat of the subdivision prepared.

(b) An entity described by subparagraph (c) may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate issued by the Commissioners Court applicable to the land issued under § 232.076, Texas Local Government Code stating that a plat has been reviewed and approved for the land.

(c) The prohibition established by paragraph (b) applies only to: (1) a municipality, and officials of the municipality, that provides water, sewer, electricity, gas, or other utility service; (2) a municipally owned or municipally operated utility that provides any of those services; (3) a public utility that provides any of those services; (4) a water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides any of those services; (5) a county that provides any of those services; and (6) a special district or authority created by or under state law that provides any of those services.

(d) The prohibition established by paragraph (b) applies only to land that an entity described by paragraph (c) first serves or first connects with services: (1) between September 1, 1989, and June 16, 1995; or (2) after the effective date of Subchapter C, Chapter 232, Texas Local Government Code, same being May, 28, 1997.

APPENDIX W
PLAT REVIEW PROCEDURE AND REQUIREMENTS

1. Approval by County Required (§ 232.002, Texas Local Government Code)

(a) The Commissioners Court must approve, by an order entered in the minutes of the Court, a plat required by, and which complies with these Regulations. The Court may refuse to approve a plat if it does not meet the requirements prescribed by or under these Regulations or if any bond required by these Regulations is not filed with the County.

(b) If no portion of the land subdivided under a plat approved under these Regulations is sold or transferred before January 1 of the 51st year after the year in which the plat was approved, the approval of the plat expires, and the owner must resubmit a plat of the subdivision for approval. A plat resubmitted for approval under these Regulations is subject to the requirements prescribed by law at the time the plat is resubmitted.

2. Approval Procedure: Applicability (§ 232.0023, Texas Local Government Code)

The plat application approval procedures under these Regulations apply regardless of whether the County has entered into an interlocal agreement, including an agreement under § 242.001(d) of the Texas Local Government Code.

3. Approval Procedure: Timely Approval of Plats and Plans (§ 232.0025, Texas Local Government Code)

(a) The Commissioners Court has issued a written list of the documentation and other information that must be submitted with a plat application, as described in the Subdivision Plat application form described in the Appendix/Exhibit S. The documentation or other information described therein relate to a requirement authorized under the aforesaid § 232.0025 or other applicable law. An application submitted to the Subdivision Administrator that contains the documents and other information on the list is considered complete.

(b) If a person submits a plat application to the Subdivision Coordinator that does not include all of the documentation or other information required by paragraph (a), the Subdivision Administrator shall, not later than the 10th business day after the date the application is received, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.

(c) An application is considered complete when all documentation or other information required by subparagraph (a) is received. Acceptance by the Subdivision Administrator of a completed plat application with the documentation or other information required by subparagraph (a) shall not be construed as approval of the documentation or other information.

(d) Except as provided by paragraph (f), the Commissioners Court or the Subdivision Administrator shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the Subdivision Administrator. An application is approved by the Commissioners Court or the Subdivision Administrator unless the application is disapproved within that period and in accordance with section 232.0026 of the Texas Local Government Code and these Regulations.

(d-1) Notwithstanding paragraph (d), if a groundwater availability certification is required under section 232.0032 of the Teas Local Government Code, the 30-day period described by that paragraph begins on the date the applicant submits the groundwater availability certification to the Subdivision Administrator.

(e) This paragraph is intentionally left blank.

(f) The 30-day period under paragraph (d): (1) may be extended for a period not to exceed 30 days – if (A) requested and agreed to in writing by the applicant and approved by the Commissioners Court or the Subdivision Administrator, or (B) Chapter 2007 of the Texas Government Code requires the County to perform a takings impact assessment in connection with the plat application; and (2) applies only to a decision wholly within the control of the Commissioners Court or the Subdivision Administrator.

(g) The Commissioners Court or the Subdivision Administrator shall make the determination under paragraph (f)(1) of whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the Subdivision Administrator.

(h) The Commissioners Court or the Subdivision Administrator may not require an applicant to waive the time limits or approval procedure contained in these Regulations.

(i) If the Commissioners Court or the Subdivision Administrator fails to approve, approve with conditions, or disapprove a plat application as required by these Regulations: (1) the Court shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid; (2) the application is granted by operation of law; and (3) the applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat application's approval.

4. Approval Procedure: Conditional Approval or Disapproval Requirements (§ 232.0026, Texas Local Government Code)

(a) If the Commissioners Court or Subdivision Administrator conditionally approves or disapproves of a plat application under these Regulations, the applicant shall be provided a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement: (1) must (A) be directly related to the requirements of Subchapter A, Chapter 232 of the Texas Local Government Code or other applicable law, and (B) include a citation to the law, including a statute or order, which is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary.

5. Approval Procedure: Applicant Response to Conditional Approval or Disapproval Conditional Approval (§ 232.0027, Texas Local Government Code)

After the conditional approval or disapproval of a plat application under § 232.0026 of the Texas Local Government Code (see paragraph 4 above), the applicant may submit to the Commissioners Court or the Subdivision Administrator that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The Commissioners Court or Subdivision Administrator may not establish a deadline for an applicant to submit the response.

6. Approval Procedure: Approval or Disapproval of Response (§ 232.0028, Texas Local Government Code)

(a) If the Commissioners Court or Subdivision Administrator receives a response under § 232.0027 of the Texas Local Government Code (see paragraph 5 above), it shall be determined whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under § 232.0027 of the Texas Local Government Code (see paragraph 5 above).

(b) If the Commissioners Court or the Subdivision Administrator conditionally approves or disapproves a plat application following the submission of a response under § 232.0027 (see paragraph 5 above), then the Court the Subdivision Administrator: (1) must comply with Section 232.0026 (see paragraph 4 above); and (2) may disapprove the application only for a specific condition or reason provided to the applicant for the original application under § 232.0026 of the Texas Local Government Code (see paragraph 4 above).

(c) If the Commissioners Court or Subdivision Administrator receives a response under § 232.0027 of the Texas Local Government Code (see paragraph 5 above), the previously conditionally approved or disapproved plat application shall be approved if the applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plat application is approved if: (1) the applicant filed a response that meets the requirements of paragraph (c) above; and (2) the Commissioners Court or Subdivision Administrator that received the response does not disapprove the application on or before the date required by paragraph (a) above and in accordance with § 232.0026 of the Texas Local Government Code (see paragraph 4 above).

7. Judicial Review of Disapproval (§ 232.0029, Texas Local Government Code)

In a legal action challenging a disapproval of a plat application under Subchapter A of Chapter 232 of the Texas Local Government Code, the County has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of said subchapter or any applicable case law. The court may not use a deferential standard.

APPENDIX X
PLAT CANCELLATION, REVISION, AND AMENDMENT REQUIREMENTS

(1) Cancellation of Subdivision (§ 232.008, Texas Local Government Code)

(a) Pursuant to § 232.008 of the Texas Local Government Code, the following plat cancellation standards and procedures are adopted.

(b) A person owning real property in the unincorporated area of the County that has been subdivided into lots and blocks or into small subdivisions may apply to the Commissioners Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or 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, the Court by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision or the part of it that is canceled. The Court shall enter the order in its minutes. After the cancellation instrument is filed and recorded in the deed records of the County, the County Tax Assessor-Collector shall assess the property as if it had never been subdivided.

(c) The Commissioners Court shall publish notice of an application for cancellation. The notice must be published in a newspaper, published in the English language, in the county for at least three weeks before the date on which action is taken on the application. The Court shall take action on an application at a regular term. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.

(d) If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by these provisions, the owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing the tract for a preceding year, the County Tax Assessor-Collector shall back assess the tract on an acreage basis.

(e) On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the owners of 75 percent of the property included in the subdivision, phase, or identifiable part, the Commissioners Court by order shall authorize the cancellation in the manner and after notice and a hearing as provided by paragraphs (b) and (c). However, if the owners of at least 10 percent of the property affected by the proposed cancellation file written objections to the cancellation with the Court, the grant of an order of cancellation is at the discretion of the Court.

(f) To maintain an action to enjoin the cancellation or closing of a roadway or easement in a subdivision, a person must own a lot or part of the subdivision that: (1) abuts directly on the part of the roadway or easement to be canceled or closed; or (2) is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to: (A) the nearest remaining public highway, county road, or access road to the public highway or county road; or (B) any uncanceled common amenity of the subdivision.

(g) A person who appears before the Commissioners Court to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision. The person must bring the action within one year after the date of the entry of the Court's order granting the cancellation.

(h) Regardless of the date land is subdivided or a plat is filed for a subdivision, the Commissioners Court may deny a cancellation under these provisions if the Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development as defined by § 232.0085 of the Texas Local Government Code.

(2) Cancellation of Certain Subdivision Plats if Existing Plat Obsolete (§ 232.0083, Texas Local Government Code)

(a) Pursuant to § 232.0083 of the Texas Local Government Code, the following plat cancellation standards and procedures are adopted regarding obsolete plats, and these provisions apply only to a subdivision for which: (1) a

plat has been filed for 75 years or more; (2) the most recent plat describes at least a portion of the property as acreage tracts; (3) a previous plat described at least a portion of the property as lots and blocks; and (4) the County Tax Assessor-Collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.

(b) A person owning real property in the subdivision may apply to the Commissioners Court for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

(c) After notice and hearing, the Commissioners Court may order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under paragraph (b) if the court finds that: (1) the cancellation and reestablishment do not interfere with the established rights of: (A) any owner of a part of the subdivision; or (B) a utility company with a right to use a public easement in the subdivision; or (2) each owner or utility whose rights may be interfered with has agreed to the cancellation and reestablishment.

(d) The Commissioners Court shall publish notice of an application for the cancellation and reestablishment. The notice must be published at least three weeks before the date on which action is taken on the application and must direct any person who is interested in the property and who wishes to protest the proposed cancellation and reestablishment to appear at the time specified in the notice. The notice must be published in a newspaper that has general circulation in the county.

(e) If the Commissioners Court authorizes the cancellation and reestablishment, the Court by order shall authorize the person making the application under this section to record an instrument showing the cancellation and reestablishment. The Court shall enter the order in its minutes.

(3) Revision of Plat (§ 232.009, Texas Local Government Code)

(a) Pursuant to § 232.009 of the Texas Local Government Code, the following plat revision standards and procedures are adopted.

(b) A person who owns real property in a tract that has been subdivided and that is subject to the subdivision controls of the County may apply in writing to the Commissioners Court for permission to revise the subdivision plat that applies to the property and that is filed for record with the County Clerk.

(c) Except as provided by paragraph (c-1), after the application is filed with the Commissioners Court, the Court shall publish a notice of the application in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting. Except as provided by paragraph (f), if all or part of the subdivided tract has been sold to non-developer owners, the Court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

(c-1) If the Commissioners Court determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under paragraph (c) do not apply to the application and the Commissioners Court shall: (1) provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the Kerr Central Appraisal District; and (2) post notice of the application continuously on the County's internet website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

(d) During a regular term of the Commissioners Court, the Court shall adopt an order to permit the revision of the subdivision plat if it is shown to the court that: (1) the revision will not interfere with the established rights of any owner of a part of the subdivided land; or (2) each owner whose rights may be interfered with has agreed to the revision.

(e) If the Commissioners Court permits a person to revise a subdivision plat, the person may make the revision by filing for record with the County Clerk a revised plat or part of a plat that indicates the changes made to the original plat.

(f) The Commissioners Court is not required to give notice by mail under paragraph (c) if the plat revision only combines existing tracts.

(g) A fee for filing an application for plat revision is required and described in the **Appendix/Exhibit F**.

(4) Amendment of Plat (§ 232.011, Texas Local Government Code)

(a) Pursuant to § 232.011 of the Texas Local Government Code, the following plat amendment standards and procedures are adopted. The Commissioners Court may approve and issue an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes: (1) to correct an error in a course or distance shown on the preceding plat; (2) to add a course or distance that was omitted on the preceding plat; (3) to correct an error in a real property description shown on the preceding plat; (4) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat; (5) to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or (6) to correct an error in courses and distances of lot lines between two adjacent lots if (A) both lot owners join in the application for amending the plat, (B) neither lot is abolished, (C) the amendment does not attempt to remove recorded covenants or restrictions, and (D) the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.

(b) The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat.

(c) Notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.