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* As per Commissioners Court, any mention of “fees” in the body of these Regulations is subject to change.

ARTICLE I

1. PREAMBLE AND PURPOSE.

- 1.1 These Subdivision and Development Regulations have been adopted by an Order of the Medina County Commissioners Court to promote public safety and the general welfare of the County, and to provide a framework for the orderly, safe, efficient, healthful, and moral development of the unincorporated parts of Medina County.
- 1.2 These Regulations are intended to govern the subdivision and development of land in the unincorporated areas of Medina County, and they apply to all unincorporated areas of the County, except where by specific written agreement with a city the County has modified these Regulations within extraterritorial jurisdiction of that city, or delegated its responsibility for subdivision oversight to that city.
- 1.3 These Regulations are intended to allow for the orderly and healthful development of land within the County while allowing landowners the reasonable and rightful use of their land.
- 1.4 These Subdivision Regulations have been adopted based on the following findings:
 - 1.4.1 Medina County's location near San Antonio puts it on the edge of one of the nation's largest urban areas, the effects of which have been seen in the significant subdivision of land and rapid population growth in the County over the past several years; and
 - 1.4.2 Rapid population growth and land development, without proper regulation and management, have caused economic, health and environmental problems in other communities, and would be likely to cause similar problems in Medina County; and
 - 1.4.3 Various academic studies, reports, and news articles have chronicled the particular need for careful regulation of subdivision and development activity in suburban and "urban ring" counties such as Medina County; and
 - 1.4.4 These problems mentioned in 1.4.2 and 1.4.3 (above) would be likely to further strain County infrastructure, devalue existing property, impose an unwarranted tax burden on the citizens of the County, threaten the natural resources, natural beauty and historic character of the County, undermine efficient traffic management, and impede road maintenance, 9-1-1 addressing, emergency response, adequate water and utility availability, the healthful disposal of waste water, the control of disease, floodplain management, and generally to have an adverse affect on the public health, safety, and general welfare in Medina County; and

- 1.4.5 The State of Texas has authorized the Commissioners Courts of Texas Counties, including Medina County, to regulate the subdivision of land pursuant to Local Government code, §232.001 et. Seq.; and
- 1.4.6 The State has further recognized the special pressures on growing counties in urban areas, including Medina County, by enacting bracketed legislation in the 77th and 78th sessions of the Legislature, duly signed by the governor, authorizing additional powers for certain urban counties (including Medina County) to regulate infrastructure planning and to adopt rules with respect to subdivision platting that are designed to promote the health, safety, morals and/or general welfare of the County, as well as to promote the safe, orderly, and healthful development of the unincorporated areas of the County; and
- 1.4.7 The Commissioners Court of Medina County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Medina County and these Regulations are a necessary component of such regulation; and
- 1.4.8 The Commissioners Court of Medina County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Medina County, and
- 1.4.9 The Commissioners Court of Medina County has been granted the authority and responsibility under the Federal Emergency Management Act to administer flood plain development regulations within the County and to regulate associated development; and
- 1.4.10 The Commissioners Court of Medina County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these regulations to abate or prevent the potential pollution, nuisances or injury to public health; and
- 1.4.11 These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to the Texas Local Government Code, Texas Rev. Stat. Ann. Art. 2352 (general control over all roads, highways and bridges), Texas Rev. Stat. Ann. Art. 6702-1 (authority to adopt and implement a system for the laying out, opening, altering and discontinuing of roads), Texas Rev. State. Ann. Art. 6625A (regulations of roads and streets and other facilities to control drainage and storm water runoff within real estate subdivision developments), Texas Rev. Stat. Ann. Art. 4477-8 (county solid waste disposal systems), Texas Rev. Stat. Ann. Art. 1443, 1443a and 1436b (regulation of oil and gas utility lines within county right-of-way), Texas Rev. Stat. Ann. Art. 4477-7e (authority to adopt standards for on-site sewerage facilities), Texas Rev. Stat. Ann. Art. 4477-9a regulation of public highways for litter control), Texas Local Government Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extra-territorial jurisdiction of

municipalities), Texas Health and Safety Code Ann. Section 366.032 and 368.011 (authority to adopt rules relating to on-site sewerage facilities), Texas Health and Safety Code Section 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Texas Water Code Ann. Section 16.311, et. seq. (authority to set standards for construction within flood plain and to guide development of future development to minimize damage caused by floods), Texas Water Code Ann. Section 54.2271 (regulation of municipal utility districts), Texas Water Code 26.032 (authority to adopt rules to prevent pollution or injury to public health arising from use of on-site sewerage facilities), and Texas Water Code Section 26.171 and 26.174 (regulation of water quality by counties), and Texas Water Code Section 35.019 (certification of water availability); and

- 1.4.12 The Commissioners Court of Medina County has considered the potential burden on present and future landowners and taxpayers of substandard development or poor quality road construction; and
- 1.4.13 The Commissioners Court of Medina County recognizes the importance of an interconnected road system throughout Medina County to provide efficient access by emergency vehicles and school transportation vehicles, and the responsible role of the Commissioners Court to ensure an appropriate level of road connectivity through the subdivision process; and
- 1.4.14 Significant portions of Medina County are subject to the Edwards Aquifer Rules of the Texas Commission on Environmental Quality and, where feasible, reference is made to these Rules and these Regulations in order to provide property owners with a consistent framework for development throughout Medina County;
- 1.4.15 The Commissioners Court has considered the potential burden to private property rights, to property owners, and to taxpayers, of these Rules and Regulations, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads and infrastructure planning, flooding, and immoral and unhealthful development that might reasonably be expected to occur in the absence of these Regulations; and, finally
- 1.4.16 The Commissioners Court has determined that these Regulations should apply broadly but the Court, in Article IV of these Regulations, has provided for exceptions consistent with state law.

- 1.5 The Commissioners Court of Medina County, having received a report from a committee of citizens appointed to review the need for rules, having consulted with professionals in the field of engineering and land planning, and following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to protect the public health, morals and resources of Medina County, to safeguard the private property rights of Medina County, and to accomplish the purposes and goals enumerated in the findings above.

ARTICLE II

2. DEFINITIONS.

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

- 2.1 Acre. A unit of area equal to 43,560 square feet. When calculating the acreage of any Lot the gross square footage within the Lot shall be used.
- 2.2 Applicant. An Owner or its authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.
- 2.3 Application. A county-provided form completed by an applicant and accompanied by multiple prints of plans or plats and by support documents as required by these regulations.
- 2.4 Aquifer. A geologic formation, group of formations, or part of a formation that contains water in its voids or pores and may be used as a source of water supply.
- 2.5 Aquifer Test. A test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. For the purposes of this chapter, bail and slug tests are not considered to be aquifer tests.
- 2.6 Performance Guarantee. A guarantee of performance including but not limited to cash deposit, surety bond or letter of credit, in an amount and form acceptable to the County.
- 2.7 Commissioners Court. The Commissioners Court of Medina County.
- 2.8 County. The county government of Medina County, Texas.
- 2.9 County Clerk. The County Clerk of Medina County.
- 2.10 County Commissioner. Anyone of present Commissioners of Medina County wherever this term is used wherein, it may include his or her designated representative.
- 2.11 Department. The Medina County Environmental Health Department. The current address of the department is 709 Avenue Y, Hondo, Texas 78861.

- 2.12 Development. All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces, and golf courses and other recreational facilities.
- 2.13 Designated Agent. A person designated by the Medina County Commissioner's Court to implement, or review compliance, with certain parts of these Rules.
- 2.14 Determination or Letter of Determination. The finding that an action meets or does not meet the definition of Subdivision, or the documentation of that finding.
- 2.15 Director. The Director of the Medina County Health Department and any successor thereto.
- 2.16 Drinking Water Standards. See Requirements Applicable to Public Water Systems.
- 2.17 Edwards Aquifer Recharge Zone. Any area identified as such by the Edwards Aquifer Rules including also the contributing zone from the northern edge of Recharge Zone North to the Medina/Bandera county line. In the event an Applicant cannot determine with specificity the location of the boundary of the Edwards Aquifer Recharge Zone, the Applicant may submit appropriate maps and other evidence as may be requested by the Commissioner for assistance in such determination from the Commissioners Court, Any determination by Commissioners Court will affect only these Regulations and will not in any manner be binding upon the TCEQ and Edwards Aquifer Authority. Commissioners Court may require the Applicant to obtain a determination from the TCEQ or Edwards Aquifer Authority and any determination by the TCEQ or Edwards Aquifer Authority regarding the location of the Recharge Zone will control for purposes of these Regulations.
- 2.18 Edwards Aquifer Rules. The Regulations promulgated by the TCEQ relating to the Edwards Aquifer, currently set forth in Title 30 Texas Administrative Code, Chapter 213 (30 TAC 213), as amended from time to time.
- 2.19 ETJ. The extraterritorial jurisdiction of a municipality as determined in accordance with Chapter 42 of the Local Government Code.
- 2.20 Final Plat. A scaled drawing of a proposed Subdivision of land with survey data, notes, dedications, certifications and acceptances as required by these Regulations, prepared to be placed on record in the official records of Medina County.
- 2.21 Flag Lot. A lot having the minimum required frontage on a public right of way with the largest portion of the lot area connected to the public right of way by a narrow strip of land, or "flag pole," which is included in the lot.

- 2.22 Full Build-out. The final expected number of residences, businesses, or other dwellings in the proposed subdivision.
- 2.23 Groundwater. As defined by regulations of the TCEQ at Title 30, Texas Administrative Code.
- 2.24 Letter of Determination. See Determination.
- 2.25 Interlocal Agreement. An Agreement between two or more Governmental Entities.
- 2.26 Licensed Professional Engineer. An Engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.
- 2.27 Lot. Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract and excluding proposed public right of way.
- 2.28 Order. The order of the Commissioners Court authorizing and implementing these Rules.
- 2.29 Original Tract. The original tract of land owned by an Owner prior to the proposed subdivision.
- 2.30 Owner. The Owner of land being subdivided.
- 2.31 Permitted Street. As defined in Section 8.1.
- 2.32 Preliminary Plan. A scaled drawing of a proposed Subdivision of Land showing the general dimensions and boundaries of each Lot, the layout of the proposed streets, drainage improvements, utility infrastructure, if any, easements, and other information required by these regulations, whose purpose is to demonstrate that the proposed subdivision is feasible and can comply with the objectives and requirements of this Order.
- 2.33 Precinct Commissioner. The member of the Commissioners Court who is elected or appointed to represent the Medina County precinct in which the land proposed for development and subject to this Order is located.
- 2.34 Public Water System. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which, includes all uses described under the State's definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and

used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. [30 TAC 290.38(47)]

- 2.35 Qualified Expert. A hydrologist or registered professional engineer.
- 2.36 Regulations. When capitalized, the Medina County Subdivision and Development Regulations and the related Orders.
- 2.37 Requirements Applicable to Public Water Systems. The requirements in TCEQ rules covering public water systems in Title 30, Texas Administrative Code, Chapter 290, (relating to Rules and Regulations for Public Water Systems).
- 2.38 Rules. When capitalized, the Medina County Subdivision and Development Regulations and the related Orders.
- 2.39 Sketch Plan. A map showing a potential subdivision of land not required to be drawn with precision, to serve as the basis for comments by the County to a landowner or potential applicant regarding general compliance with these regulations.
- 2.40 Subdivision. The division of a tract of land situated wholly or partly within Medina County and outside the corporate limits of any municipality into two (2) or more parts, and calling for or related to the laying out of any of the following: (i) roads or streets, (ii) alleys, (iii) squares, (iv) parks, (v) public utility easements, (vi) public rights of way, (vii) drainage improvements, (viii) other parts of the tract intended to be dedicated to public use, or accepted for maintenance by the County, (ix) or parts of the tract on or adjacent to such streets, alleys, squares, parks, public utility easements, public rights-of-way, drainage improvements or other parts.
- 2.40.1 A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed or other executor contract to convey, or in a lease (other than agricultural, hunting, oil and gas lease), or by using any other method of a conveyance of an interest in land.
- 2.40.2 A division of land shall be considered as relating to the laying out of streets, whether public or private, if:

- 2.36.2.1 The division occurs prior to the later to occur: Two (2) years from the date of the completion of construction of any street onto which the Lot has frontage or, in the case of public streets, the expiration of the performance or maintenance bond for any such streets;
- 2.36.2.2 The division of land creates one or more Lots without practical, physical vehicular access onto a permitted street or with less than fifty (50') feet of direct frontage onto a permitted street or calls for driveways onto permitted streets that are spaced fewer than fifty (50') feet apart;
- 2.36.2.3 The division of land will affect drainage on, in or adjacent to a public street or any county drainage ditch, culvert or other drainage facility; or
- 2.36.2.4 Other circumstances exist which, in the determination of Commissioners Court, cause such division of land to be related to the laying out of streets or related to drainage for any street or road to which any lot has access.

2.36.3 It is the intent of the Commissioners Court of Medina County that the term “subdivision” be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

- 2.41 Surface Water. As defined by the TCEQ at Title 30, Texas Administrative Code.
- 2.42 Surveyor. A Registered Professional Land Surveyor certified by the Texas Board of Professional Land Surveying.
- 2.43 TAC. Texas Administrative Code.
- 2.44 TCEQ. Texas Commission on Environmental Quality, (formerly Texas Natural Resource Conservation Commission - TNRCC).
- 2.45 TCEQ Regulated Development. Any development or construction activity that would constitute a Regulated Activity under the Edwards Aquifer Rules (see 30 TAC 213.3), but without regard to the aquifer over which the activity is conducted.

ARTICLE III

3. GENERAL SUBDIVISION REQUIREMENTS.

- 3.1 General Requirements. Any Owner who subdivides a tract of land shall:
 - 3.1.1 Comply in all respects with these regulations, and

- 3.1.2 Prepare and submit to the Commissioners Court an application for approval or registration of the proposed subdivision in accordance with the terms and procedures set forth in these regulations.
- 3.1.3 Some subdivision actions are excepted from platting by these Regulations. See Article IV.
- 3.2 Subdivision Approval Process. No subdivision shall be permitted until the Owner has satisfied each of the following steps in the order indicated:
 - 3.2.1 Approval of Preliminary Plan by the Commissioners Court; and
 - 3.2.2 Approval of Final Plat by the Commissioners Court; and
 - 3.2.3 Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.
- 3.3 Communication with Precinct Commissioner. A potential Applicant is encouraged meet with the Precinct Commissioner to discuss development ideas, understand County road plans in the area, and discuss County rules and submittal procedures with the Commissioner before the Applicant goes to the time and expense of more detailed engineering design and submittal preparation. Only a Designated Agent of the Commissioners Court may approve inspections or submittals under these Regulations. See Article V, Sketch Plan.
- 3.4 Application Materials. Each application for Preliminary Plan or Final Plat shall include the following:
 - 3.4.1 Eight (8) 18"x 24" copies of the Preliminary Plan or eight (8) 18"x 24" copies of the Final Plat provided that the County may require up to four (4) additional copies of the Preliminary Plan or Final Plat; and
 - 3.4.2 An original receipt for the applicable application fee; and
 - 3.4.3 A tax certificate showing that all taxes currently due with respect to the original tract have been paid; and
 - 3.4.4 A completed application form in the current form promulgated by the County; and
 - 3.4.5 For all except Minor Subdivisions, a digital copy of the final plat in a format acceptable to the office of the County Judge.
 - 3.4.6 All other documents or reports required pursuant to these regulations and any associated bonds or letters of credit.
- 3.5 Record Plat. Two (2) duplicate original prints on 18" x 24" 4-mil mylar shall be presented to the county clerk for recording as the Record Plat. All writing and drawings of the Record Plat must be large enough to be easily legible following recording.
- 3.6 Point of Submittal*. The Applicant shall submit the subdivision application and related materials to the office of the Medina County Judge. The submittal shall include the application fees. In the event that the office of the County Judge is

not available during normal business hours, the Applicant may deliver the submittal to the office of the County Clerk to be date stamped and forwarded internally to the office of the County Judge, but it is incumbent on the Applicant to follow up to ensure that the submittal is received by the office of the County Judge.

3.7 Application Review Periods.

- 3.7.1 *Sketch Plan. The County Commissioner shall provide written comments to the person who submitted the application within ten (10) business days of the submittal of a Sketch Plan to the office of the County Judge. See Article V.
- 3.7.2 *Completeness Check. Within ten (10) business days of its receipt of an application for subdivision approval, the County shall determine whether the application is complete in accordance with Section 3.4. If an application is determined to be incomplete, the County will give written notice of that determination to the potential applicant, and the notice shall state the deficiencies in the submittal.
- 3.7.3 Acceptance by the County of a completed plat application shall not be construed as approval of the application or related documents.
- 3.7.4 Except as provided by Section Sec. 3.7.6 the Commissioners Court shall take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the County.
- 3.7.5 If the Commissioners Court disapprove a plat application, the Applicant shall be given a complete list of the reasons for the disapproval.
- 3.7.6 The 60-day period under Section 3.7.4: (1) may be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Commissioners Court; (2) applies only to a decision wholly within the control of the Commissioners Court.
 - 3.7.7 The Commissioners Court shall make the determination under Section 3.7.6 of whether the 60-day period will be extended not later than the 30th day after the date, a completed plat application is received by the County.

3.8 Technical Review Procedure*. This Section has been deleted.

3.9 Application Fees. The Applicant shall pay a nonrefundable fee in the amount set forth in Schedule 1 of these Regulations together with each Application for a Preliminary Plan and Final Plat approval. Commissioners Court may amend Schedule 1 from time to time without amending or affecting the remainder of these Regulations.

3.10 Subdivisions within ETJ of a Municipality. Whenever an Original Tract lies within the extraterritorial jurisdiction (ETJ) of a municipality and is subject to the subdivision regulations of such municipality, the subdivision shall comply with

the standards and approval procedures established by the interlocal agreement between Medina County and the City regarding subdivisions in the ETJ. As required by the Texas Property Code, the County Clerk will not accept a record Plat for recordation unless it has been approved in accordance with such interlocal agreement.

3.11 Wastewater and Development Permits. The Department shall issue no On-Site Sewage Facility Permit or development permit on any parcel of land unless that property is in compliance with all the requirements of these Regulations and the Medina County Rules for On-Site Sewerage, except that:

3.11.1 A division of land occurring before June 1, 1984 shall be considered grandfathered; and

3.11.2 A complete application for subdivision approval received by the Department prior to the effective date of these Regulations shall be considered solely on the basis of the Regulations in effect at the time the Department receives the complete application.

ARTICLE IV

4. EXCEPTIONS.

4.1 Excepted Subdivisions. Consistent with the objectives of these Regulations as stated in Section 2.38, the term “subdivision” shall be interpreted to include all divisions of land to the fullest extent permitted under the laws of the State of Texas. However, the Texas Local Government Code, Chapter 232 defines a limited number of acts of division of land, which are excepted from county regulation as subdivisions. Accordingly, the following subdivisions shall be excepted from Section 3.2 and shall not be required to obtain plat approval under these Regulations, provided the Owner or Owner’s Agent complies with 4.2 and 4.3 below: Any subdivision located outside the limits of a municipality in which the owner does not lay out a part of the land as streets, alleys, squares, parks, or other areas 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, or parks; and in which one or more of the following conditions exists:

4.1.1 The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as so defined, the platting requirements of this Order shall apply;

4.1.2 The land is divided into four or fewer parts and each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined

under Chapter 573, Government Code, provided that the division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this Order apply;

- 4.1.3 All the lots are more than ten (10) acres in area;
- 4.1.4 All the lots are sold to veterans through the Veterans' Land Board program;
- 4.1.5 The land belongs to the state or any state agency, board, or commission or the permanent school fund or any other dedicated funds of the state
- 4.1.6 The land belongs to a political subdivision of the state; and
 - 4.1.6.1 The land is situated in a floodplain; and
 - 4.1.6.2 The lots are sold to adjoining landowners;
- 4.1.7 One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter;
- 4.1.8 All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.
- 4.1.9 In addition to the statutory exceptions in subparts 4.1.1 through 4.1.8, an Owner may convey one parcel out of the Owner's original tract. Unless the Commissioners Court finds that the parcel to be conveyed cannot feasibly be resubdivided in compliance with these Regulations, that parcel shall have frontage on a public street. When frontage on a public street is not required, an access easement benefiting the new parcel shall be recorded simultaneously with the deed that conveys the parcel.

4.2 Registration. An Owner whose division of land is excepted from the platting requirements of these regulations shall register the division with the County Clerk and submit the following to the County Clerk:

- 4.2.1 A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto; and
- 4.2.2 A survey or sketch (which may be on tax parcel maps or other form approved by Commissioners Court) showing the boundaries of the Lots, adjacent roads and adjacent property owners; and
- 4.2.3 An executed registration form in the form promulgated by the Department which shall require the Owner to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the county.

4.3 Certificate of Exception. On request of the Owner, the Commissioners Court shall issue a certificate for presentation to the County Clerk certifying that the division of land is excepted from any platting requirements.

ARTICLE V

5. SKETCH PLAN

- 5.1 *An Applicant or Potential Applicant for subdivision approval is encouraged to submit a Sketch Plan for comment by the County Commissioner in whose precinct the property lies. If the proposed use or development constitutes a subdivision, the Commissioner will provide the Applicant with a general sense of whether the Sketch Plan is in general conformance with the underlying principles of these Rules and with local and state regulations. There are no requirements established by these Rules for the content of a Sketch Plan, and no submittal fees. The Commissioner within ten (10) business days will provide written comments on the Sketch Plan at a level of detail corresponding to the detail that the Applicant chooses to present. The Sketch Plan should show the entire area of every tract that is wholly or partly included in the proposed subdivision in order to demonstrate that the Plan furthers the efficient and orderly development of the land. The Applicant is encouraged to also designate the classification of roads, the nature of water and wastewater service, approximate location of known floodplain areas, and the range of lot sizes intended.
- 5.2 An applicant is encouraged to consult the Precinct Commissioner during the development of a Sketch Plan. It is important to note that an individual Precinct Commissioner can only give his or her interpretation of County policy, and an opinion on likely action by the Commissioners Court. Precinct Commissioners, as individuals, do not have the authority to approve or disapprove an application, in whole or in part; only the Commissioners Court, meeting as a body, may grant approvals under these Regulations, or variances or amendments to these Regulations.
- 5.3 Applicants who wish to may go straight to the Preliminary Plan stage, or a Sketch Plan may be submitted concurrently with a Preliminary Plan. Applicants are encouraged to take advantage of the Sketch Plan process to identify regulatory issues before committing to the greater expense of developing a Preliminary Plan and Application. Applicants should be aware that county rules and regulations might be subject to change between the time they submit a Sketch Plan and they submit a formal Application for Preliminary Plan approval.

ARTICLE VI

6. PRELIMINARY PLAN

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

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

6.2.1 General Information.

- 6.2.1.1 Name of the proposed Subdivision, which shall not be the same or deceptively similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision, and
- 6.2.1.2 The boundary lines and total acreage of the original tract and the Subdivision; and
- 6.2.1.3 A note or table stating the total number of Lots within the proposed subdivision and the average size of Lots within each of the following size categories: 10 acres or larger, 5 acres and smaller than 10 acres, 2 acres and smaller than 5 acres, 1 acre and smaller than 2 acres, and smaller than 1 acre, allocated by construction phases, if applicable; and calculation(s) of average lot size or related quantities as required to demonstrate compliance with Article IX.
- 6.2.1.4 Approximate acreage and dimensions of each Lot; and
- 6.2.1.5 The location of any, schools or other public use facilities and any proposed parks, squares, common areas, greenbelts, preserves, landscape easements, conservation areas or conservation easements, with identification of the entity proposed to own and maintain each; and
- 6.2.1.6 Names of adjoining subdivisions and Owners of tracts contiguous to the proposed subdivision; and
- 6.2.1.7 Name and address of the Surveyor and Engineer; and
- 6.2.1.8 Name and address of the Owner, and Developer or Applicant if not the Owner; and
- 6.2.1.9 Area Map showing general location of Subdivision in relation to major roads, towns, cities, rivers or topographic features; and
- 6.2.1.10 North arrow, scale and date. The scale shall not exceed 200' per inch (1" = 200'); and
- 6.2.1.11 Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction of any city; and
- 6.2.1.12 The location of school district boundaries and a statement clearly indicating in which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district then the plat shall clearly state the number of acres within the Lot that lies within each school district.

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

6.2.3 Street and Right-of-Way Information.

- 6.2.3.1 Location, length and right-of-way widths of all proposed streets, allocated by construction phases, if applicable, and a depiction of how all proposed streets shall connect with previously dedicated streets or platted or planned streets within the vicinity of the Subdivision in accordance with Section 8.3.2 of these Rules regarding street connectivity; and
- 6.2.3.2 Location, size and proposed use of all proposed access easements; and
- 6.2.3.3 A statement indicating whether the Applicant shall seek County maintenance of the roads or approval of a homeowner's association for road maintenance or designation of roads as private roads; and
- 6.2.3.4 The number of feet of frontage of each Lot onto a Permitted Street, which shall be not less than sixty (60) feet; and
- 6.2.3.5 A designation of the classification of each road or street to be constructed or, for any existing street abutting the subdivision, the classification, pavement width and right-of-way width of the street wherever it is adjacent to the subdivision; and
- 6.2.3.6 Proposed location of all depth gauges, as required under Article 12, at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface, and any proposed gates or warning devices. Note: Commissioners Court may require gates or warning devices at such locations.

6.2.4 Water, Wastewater and Utilities Information.

- 6.2.4.1 Designation of the entities supplying electric, phone and gas utilities to Lots; and
- 6.2.4.2 In schematic presentation, the location of all proposed public water lines, public sewer lines; utilities easements including water well sanitary easements, if applicable; water storage reservoirs; water or sewage treatment facilities, holding tanks, and pumping facilities; fire protection facilities; and any other infrastructure proposed to serve multiple lots; and
- 6.2.4.3 Designation of the water and sewer utility providers for the Subdivision, if any, and the source of the water intended to serve each Lot within the subdivided area (i.e. surface water from a specified stream or river, ground water from a specified aquifer, etc.); and

- 6.2.4.4 The author, date and title of the Water Availability Report submitted in support of the Application.
 - 6.2.4.5 Certification that all Lots have been designed in compliance with the Rules of Medina County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Medina County On-Site Sewage Rules and any request for a variance under the Rules of Medina County for On-Site Sewage Facilities.
- 6.2.5 Phasing.
- 6.2.5.1 For a subdivision which the Applicant proposes to construct in phases:
 - 6.2.5.1.1 The boundaries of the respective phase areas;
 - 6.2.5.1.2 The projected date of completion of construction of each phase.
- 6.3 Street Design. A proposed Preliminary Plan shall satisfy the requirements of Article VIII relating to design of streets and shall contain a written certification from a Registered Professional Engineer that the location and dimensions of streets as set forth and laid out on the Preliminary Plan are in accordance with these Regulations.
- 6.4 Drainage. A proposed Preliminary Plan shall satisfy the requirements of Article XII relating to Drainage and shall contain a written certification from a Registered Professional Engineer stating that the location and approximate sizes of the drainage structure set forth in the Preliminary Plan are in accordance with the Department's Drainage Design Criteria.
- 6.5 On-Site Sewage, Facilities (OSSF). A proposed Preliminary Plan shall satisfy the requirements of the rules of Medina County for OSSF.
- 6.6 Approval of Preliminary Plan. Commissioners Court shall approve a Preliminary Plan if it satisfies each of the requirements set forth in Article VI, and all other provisions of these regulations.
- 6.7 Construction Activities. Approval of a Preliminary Plan does not authorize any construction or Development activities, except as permitted or for common infrastructure facilities, but merely authorizes the Applicant to proceed with the preparation of a Final Plat.
- 6.8 "NO CONVEYANCE OF LOTS". Conveyance of lots depicted on a Preliminary Plan shall not be permitted until the final plat has been approved by the Medina County Commissioners Court, and the record plat filed with the County Clerk.

- 6.9 Expiration of Approval. Approval of a Preliminary Plan shall expire and be of no further force and effect in the event a complete application for Final Plat of the Subdivision is not filed within twelve (12) months following the date of Commissioners Court approval of the Preliminary Plan. For Preliminary Plans on projects that are phased, or that will be developed sequentially, the approval of a Final Plat for a phase of the project shall extend the expiration date for the remaining portion of the original Preliminary Plan for a period of 12 months after the date of approval of the Final Plat. Approval of each subsequent Final Plat within 12 months of the date of approval of the preceding Final Plat shall extend the expiration date for the portion of the original Preliminary Plan for which no Final Plats have been approved for an additional 12 months from the date of approval of such Final Plat.
- 6.9.1 Each 12-month extension period for the expiration of the original Preliminary Plan runs from the date of the latest Final Plat approval.
- 6.9.2 Extension periods are not cumulative.
- 6.9.3 If a Final Plat is not filed and approved during the 12-month extension period, the original Preliminary Plan and any unapproved Final Plat applications or expired Final Plats lapse.
- 6.10 Extension of Approval. Upon written request and justification, the Commissioners Court may by order grant a six-month extension of approval of a preliminary plan at the sole discretion of the Court, provided that such request and justification are submitted prior to the expiration of the initial approval of the preliminary plan. No more than two such extensions may be granted. If initial approval or extension expires prior to the applicant's submittal of a complete application for final plat approval, the applicant shall be required to submit a new application for preliminary plan approval with full payment of fees.

ARTICLE VII

7. FINAL PLAT.

A proposed Final Plat shall comply with the conditions of approval of the Preliminary Plan, shall generally conform to the Preliminary Plan and shall include the following:

7.1 General Information.

- 7.1.1 Bearings and dimensions of the boundary of the Subdivision and all lots, parks, greenbelts, easements, and conservation areas. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated; and

- 7.1.1.1 Description of monumentation used to mark all boundary, lot and block corners, and all points of curvature and tangency on street right-of-way; and
- 7.1.1.2 Location of original survey line. The subdivision shall be located with respect to an original survey of which it is part; and
- 7.1.1.3 Lot and block numbers of each lot; and
- 7.1.1.4 Acreage of all lots, calculated to the nearest one-hundredth of an acre.
- 7.1.1.5 Each Subdivision, or unit thereof, shall have two (2) corners on the perimeter identified by coordinates that relate to the State Plane Coordinates shall be reported as NAD 1929 or NAD 1983, shall be South Central Zone, and shall be accurate to two (2) decimal places. Similarly, latitude and longitude shall be reported in degrees, minutes, and seconds, with seconds having an accuracy to two (2) decimal places.

7.1.2 Flood Plain and Drainage Information.

- 7.1.2.1 For subdivisions containing 100-year flood plain, benchmarks and finished floor elevations of each lot in accordance with Federal Emergency Management Agency; and
- 7.1.2.2 For each subdivision or unit thereof, at least one monument containing latitude and longitude and 1988 NGVD datum coordinates shall be established and identified.

7.1.3 Street and Right-of-Way Information.

- 7.1.3.1 Total length of all streets, to the nearest one-tenth mile, and a declaration as to which category of streets will be constructed, or private streets maintained by an approved homeowners association; and
- 7.1.3.2 Total area of all rights of way to be dedicated to the public; and
- 7.1.3.3 The items required under Article X regarding County Maintained Streets and Property Association Maintained Streets, as applicable; and
- 7.1.3.4 The following statement shall appear prominently on the Preliminary and Final Plat: "In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless a Driveway Permit

has been issued by the Precinct Commissioner of Medina County or his or her designated representative, or Texas Department of Transportation for driveways entering onto state roads, and the driveway shall be designed and constructed in accordance with the Medina County Road Standards or TX DOT Standards, as applicable; and

7.1.3.5 The minimum driveway culvert size for each Lot, which not be less than 18”.

7.1.4 Water, Wastewater and Utilities Information.

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

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

7.1.4.3 The following statement shall appear prominently on the Preliminary and Final Plat: “No structure in this subdivision shall be occupied until connected to a public water system or an individual water system. Due to declining water supply, prospective property owners are cautioned by Medina County to question the seller concerning ground water availability. Rain water collection is encouraged and in some areas may offer the best renewable water resource.”

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

7.1.5 Other Plat Notes and Certifications.

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

7.2 Standard for Approval. Commissioners Court shall approve a Final Plat if it satisfies each of the Requirements set forth in Articles VI through X unless the approval would be contrary to the safe, orderly, moral, or healthful development in the County.

- 7.3 Requirements for County Maintained Streets. *Prior to the filing of an application for final plat approval, an applicant seeking to construct streets or drainage improvements that will be accepted by the County for maintenance, shall submit the following:
- 7.3.1 Construction Plans for all street and drainage improvements within the subdivision and signage plans for all streets; and
 - 7.3.2 A certification under the seal of a Professional Engineer that the construction plans and pavement designs are in compliance with these Regulations; and
 - 7.3.3 The anticipated cost, per linear foot, of each street; and
 - 7.3.4 The total estimated construction cost of all of the streets and drainage improvements proposed to be constructed within the subdivision.
- 7.4 Additional Requirements for Streets to be Maintained by a Property Owners Association. In addition to the requirements of Section 7.3, concurrently with the filing of an application for Final Plat approval for a subdivision in which streets are to be maintained by a Property Owner Association, the Applicant shall submit to the office of the County Judge a copy of covenants creating the homeowner association and providing for assessment and collection of fees from all homeowners to provide for maintenance of streets, drainage and common areas.
- 7.5 Final Plat. Prior to the expiration of approval of the Preliminary Plan, the Applicant shall present a Final Plat meeting the requirements of these Regulations to Commissioner's Court for final approval and delivery to the County Judge for execution, or the application shall be deemed to have expired. The Final Plat shall contain, or be submitted with, the following:
- 7.5.1 All revisions necessary to comply with any conditions of approval of the Preliminary Plan stipulated by Commissioner's Court; and
 - 7.5.2 Any Water Pollution Abatement Plan approved by the Texas Commission On Environmental Quality, if the property lies within the Edwards Aquifer Recharge Zone, or evidence that none is required as of the date of the Final Plat (Commissioners Court may require a letter from the TCEQ evidencing that no water pollution abatement plan has been issued or is yet required for the division); and
 - 7.5.3 All items required in Section 3.4 above, including filing fees and tax certifications; and
 - 7.5.4 By submitting a Final Plat, the Owner acknowledges that he or she is aware of and will comply with all Orders of Medina County regarding construction and development in effect at the time the Subdivision application was deemed complete, including:

- 7.5.4.1 Order regulating the access or private construction vehicles from construction sites onto publicly maintained roadways, requiring the Owner to take certain steps to limit and clean all mud or other debris carried onto the public roadways by such construction vehicles, and imposing fines for non-compliance; and
- 7.5.4.2 Order requiring all construction within County right-of-way including driveways, drainage improvements, and the cutting of any existing roads for installation of utilities to be inspected prior to completion, prohibiting cutting of certain roadways within three (3) years of construction thereof, and imposing fines for non-compliance; and
- 7.5.4.3 Order concerning construction standards for mailboxes installed within the right-of-way of streets and highways, and requiring all such mailboxes to be made of collapsible materials, as defined in the ordinance.

ARTICLE VIII

8. STREET DESIGN AND CONSTRUCTION.

- 8.1 Permitted Streets. All streets, whether maintained by the county or property owners association shall be constructed in accordance with these Regulations (including Schedule 2 attached hereto) and shall be classified as one of the three following types of streets (referred to collectively as “Permitted Streets”):
 - 8.1.1 Publicly dedicated street, paved and to be maintained by the County and constructed pursuant to Section 8.3.
 - 8.1.2 Privately maintained paved street.
 - 8.1.3 Privately maintained unpaved street.
- 8.2 Dedication to Public. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right-of-way easement in the property to the county for public use. No dedication shall be effective until the Final Plat is recorded. However, County acceptance for maintenance of street and drainage improvements within dedicated right-of-way requires separate action, evidenced by written acceptance signed by a Designated Agent of the Commissioners Court.
- 8.3 Design of Public Improvements. All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets, and to permit continuity of improvements to adjacent properties.

- 8.3.1 Design Criteria and Construction Standards for Streets. The classification and construction standards for all streets shall be determined according to the Average Daily Traffic anticipated of the streets. Commissioner's Court shall promulgate rules for calculating Average Daily Traffic (ADT), provided that all calculations of ADT shall be based on the maximum number of Lots that may be permitted in the subdivision in accordance with Article IX, unless the number of Lots is limited by approved plat note, in which case ADT shall be calculated based on the maximum number of Lots permitted under such plat note.
- 8.3.2 Street Continuity. Consistent with the objective of Sec. 1.4.13 to provide an interconnected network of streets throughout the county, subdivision planning and design shall provide for reasonable connection of streets to adjoining subdivisions or undeveloped tracts.
- 8.3.2.1 When the Medina County Road Plan shows a street within a tract proposed for subdivision, the street shall be aligned in general conformance with the Road Plan, shall have right of way and pavement width consistent with the Road Plan classification of the street, and shall be continuous within the subdivision.
- 8.3.2.2 Where there is a discrepancy between the Road Plan alignment of a street and an existing or platted streets within an adjoining tract or subdivision, the Commissioners Court shall determine which street the subdivider's street shall connect to.
- 8.3.2.3 Required connection to existing streets.
- 8.3.2.3.1 For purposes of this article, a street stub is an improved street extended to a dead-end at the boundary of an adjoining unplatted tract or undeveloped tract. If the length of a street stub is no greater than the depth of the two adjoining Lots and those Lots have access to an intersecting street, a street stub is not required to include a cul-de-sac or other provision for vehicle turnaround. A street stub shall be clearly marked with a "No Outlet" sign placed by the developer in accordance with the Medina County Road Standards.
- 8.3.2.3.2 Where existing street stubs adjoin the boundary of a proposed subdivision, the subdivision streets shall connect to those street stubs.
- 8.3.2.4 Spacing of street extensions to unplatted tracts.
- 8.3.2.4.1 Where a proposed subdivision adjoins an unplatted tract, the subdivision shall provide

street stubs to the boundary at intervals appropriate to lot density in accordance with the following table:

<i>Average Lot Frontage Of Subdivision Boundary Lots</i>	<i>Maximum Distance Between Street Stubs</i>
Greater than 800 feet	2,640 feet
200 to 800 feet	1,600 feet
Less than 200 feet	1,200 feet

Distance between street stubs shall be measured between their right of way boundaries.

8.3.2.4.2 The Commissioners Court may grant a variance from the street stub spacing requirement of this article where it finds that the extension of a street stub is not practical due to topographic features, drainage features, bridge or culvert requirements, difference in land use or lot widths between adjoining subdivisions, or other justification presented by the Applicant and cited by the Court.

8.4 Street Boundaries. The fronting boundary lines of all Lots shall be contiguous with the boundary of the adjoining public street right-of-way.

8.5 Privately Maintained Paved Streets. All private streets shall be designed and constructed in accordance with the standards specified in Section 7.3 of the Medina County Road Design and Construction Specifications for paved, publicly dedicated streets. Private streets shall be permitted only within a Subdivision satisfying each of the following criteria:

8.5.1 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 Medina County shall have no obligation to repair or accept maintenance of the roads shown on this subdivision unit, unless Owner or the Property Owners Association has improved the roadways to the current standards required by Medina County, and the roads have been accepted for maintenance by formal, written action of the County Commissioners Court, and the roadway with all required right-of-way, has been dedicated by the Owners thereof, and accepted by the County. Owners of property within this Subdivision shall look solely to the

Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision”.

8.5.2 Restrictive covenants establishing a Property Owners Association, shall be placed on record concurrently with the recording of the Final Plat.

8.6 Privately Maintained Unpaved Streets. As an incentive to preserving the rural character of portions of Medina County, a subdivision in which Average Lot size is twenty-five (25) acres or larger may use privately maintained unpaved streets. All unpaved streets shall be designed and constructed in accordance with the Medina County Road Design and Construction Specifications. Unpaved streets shall be permitted within a subdivision only if each of the following criteria are satisfied:

8.6.1 Average Lot size of all Lots with frontage or access onto the street shall be twenty-five (25) acres, and minimum Lot size shall be ten (10) acres.

8.6.2 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 Medina 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 Property Owners Association has improved the roadways to the then current standards required by Medina County and the roads have been accepted for maintenance by formal, written action of the County Commissioners Court and the roadway, with all required right of way, has been dedicated by the owners thereof, and accepted by the County, as a public street. Owner and all future owners of property within this Subdivision shall look solely to the Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision”.

8.6.3 Restrictive covenants establishing a property owners association, created pursuant to an instrument substantially the same as set forth in Appendix C, shall be placed of record concurrently with the recording of the Record Plat.

8.6.4 Restrictive covenants shall be imposed on all Lots with frontage or access onto the unpaved road prohibiting any development regulated by Medina County and the future resubdivision of any tract into Lots smaller than twenty-five acres unless the road is first constructed to the County’s standards then in effect for paved roads and accepted for maintenance by the County.

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

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

8.9 Fiscal Surety. ** This section has been deleted.

ARTICLE IX

9. LOT AND BLOCK STANDARDS.

9.1 Blocks. Reserved. (However, see Section 8.3.2, Street Continuity, as it can affect street and block layout.)

9.2 OSSF Rules. The area of each Lot must be sufficient to comply with the Medina County Rules for On Site Sewage Facilities as applicable.

9.3 Edwards Aquifer Recharge Zone. This area is defined by the Edwards Aquifer Authority and subject to its substandard regulations as well as the regulations contained herein. In the event of any overlap or conflict of such regulations, the most restrictive shall be applicable. This recharge zone is an important and ecologically sensitive resource for the entire region.

9.4 Minimum Average Lot Size. The average Lot size (area) of each subdivision shall be not less than the minimum average stated in the following table, based on the geological zone in which the subdivision is located and whether a public water system and collective sewer service are provided to every Lot:

Outside Edwards Recharge Zone

Minimum average lot area

Without public water and public sewer	3 acres
With either public water or public sewer	1 ½ acres *
With public water and public sewer	30,000 sq. ft.
High Density	See Section 9.5

Within Edwards Recharge Zone

Minimum average lot area

Without public water and public sewer	5 acres
With either public water or public sewer	2 acres
With public water and public sewer	1 acres
High Density	See Section 9.5

Note: See the additional rules for lots in this Article.

9.4.1 Calculation of Average. Average Lot Area shall be calculated as:

$$\frac{\text{Area of all Lots in Plat} + \text{Net Conservation Area}}{\text{Number of Lots in Plat}}$$

For purposes of calculating Average Lot Area:

“Area of all Lots in Plat” shall exclude Conservation Areas and the right-of-way of public streets and private streets.

“Net Conservation Area” shall not exceed “Area of all Lots in plat.” However, apart from Calculation of Average, these Rules impose no limit on the extent of Conservation Areas that may be created in a subdivision.

“Number of Lots in Plat” shall not include any Lot, which is restricted to use as a Conservation Area per Section 9.4.

See illustrations in Appendix D.

No lot in any subdivision unit submitted for approval shall be less than eighty percent (80%) of the requisite “minimum average lot area” for the subdivision unit. **

9.4.2 Incentive to Create Conservation Areas. In order to encourage the protection of water quality, the reduction of water demand, and the preservation of open space, Medina County allows the calculation of minimum lot size to include a percentage of the land area that the developers set aside for conservation areas identified in Section 9.4.3.

9.4.3 Net Conservation Area. Only the net area of a Conservation Area shall be included in the calculation of Average Lot Area. Net Conservation Area shall be determined by multiplying the acres within each type of Conservation Area by the corresponding percentage in the following table:

Type of Conservation Area	Net Conservation Area
100-year Floodplain	25%
Stream Corridor	50%
Critical Environmental Feature Setback **	100%
Open Space / Conservation Easement / Private Park	50%
Public Park	20%

- Edwards Outcrop and Trinity Outcrop only. See Sec. 9.8.5.

9.5 High Density Development-Townhouse/Condominium/Apartment Subdivision***. High Density Development subdivisions shall be approved only when both a state approved central water system and a county and state approved sewage disposal system will be available to each lot and such residential development does not overly burden existing and proposed streets and other public facilities. Such use subdivisions shall comply with the following regulations and all other subdivision regulations of the County, not in conflict with this section.*

High Density Developments (except apartments) contemplated by these regulations will generally have certain characteristics which distinguish them from general or

traditional single home residential lot subdivisions. Among such characteristics are the following:

- 1) Shared Ownership such as driveways, parking areas, common grounds, recreational areas, and the like
- 2) Shared Amenities such as maintenance, storage facilities, management, services, memberships and the like.
- 3) Shared Governance such as homeowners association, rules and regulations, maintenance agreements and fees, and the like.

While not every High Density Development (Town House / Condominium*) will necessarily contain all of the foregoing characteristics, application for approval as a High Density Development will be reviewed with these criteria as a guide.

Homeowners association rules, maintenance agreements, deed restrictions, or the like governing such High Density Developments shall be submitted for review by Commissioners Court prior to final approval of such subdivision plat.

NO CONSTRUCTION WORK SHALL BEGIN ON THE PROPOSED SUBDIVISION UNTIL APPROVAL OF THE PRELIMINARY PLAT BY COMMISSIONERS' COURT

9.5.1 Townhouse Subdivisions.

- a. Only one single-family residential townhouse shall be constructed on each lot in Townhouse subdivision
- b. Front building setback lines shall be a minimum of twenty (20) feet.
- c. Side setback line is not required for interior lots. Corner lots shall have a minimum of fifteen (15) foot side setback adjacent to the street.
- d. Rear minimum building setback line shall be a minimum of ten (10) feet.
- e. Width of lot. Interior lots shall have a minimum width of twenty-five (25) feet. Corner lots shall have a minimum width of thirty-five (35) feet.
- f. Lot area shall have a minimum of 2500 square feet.
- g. Off Street Parking. There shall be a least two (2) off-street parking spaces for each 1,250 square feet lot.

9.5.2 Garden Home Subdivisions.

* This Section has been deleted.

9.5.3 Condominiums.

- a. Condominiums shall be treated as high density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements)

- b. Condominiums shall be approved over non-Edwards Aquifer Recharge Zone areas only when both state approved central water system and a county and state approved sewage disposal system is available and does not overly burden existing and proposed streets and other public facilities.
- c. Only one condominium regime shall be established per lot or tract as recorded by the Master Deed and Declaration as found in the Real Property Records of Medina County.

9.5.4 Apartments.

- a. Apartments shall be treated as high-density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements).
- b. Apartments shall be approved over non-Edwards Aquifer Recharge Zone areas only when both state approved central water system and a county and state approve sewage disposal system is available and does not overly burden existing and proposed /streets and other public facilities.
- c. There shall be no more than 20 apartment units per acre.
- d. Only one apartment project shall be established per lot or tract.

9.6 Conservation Areas.

- 9.6.1 Designated and Restricted. The boundary and type of each Conservation Area shall be shown on the plat. Plat notes and covenants, as acceptable to the Commissioners Court, shall state the purpose and restrictions on use of each Conservation Area.
- 9.6.2 Conservation Areas shall not overlap. No land area may be included in more than one Conservation Area. Each Conservation Area should comprise a Lot whose use is restricted by plat note or covenant to the purpose of the Conservation Area. Accordingly, no Conservation Area, except a critical environmental feature setback, shall be included in the calculation of Net Conservation Area if it is within a Lot that is not designated and restricted as a Conservation Area.
- 9.6.3 Ownership. Conservation Areas other than critical environmental feature setbacks shall be conveyed in fee to a property owner association concurrently with the recording of the plat, except that the Commissioners Court may approve another entity as grantee to own and manage a Conservation Area in accordance with the objective of the Conservation Area.
- 9.6.4 County Acceptance of Parks. Parkland may be dedicated by the plat to the County at the sole discretion of the Commissioners Court. In exercising its discretion, the Court may consider factors such as: a Medina County parks and open space plan; projected population in the region; whether the land is contiguous to other dedicated park or open space; the topographic and vegetative features of the land; whether the land contains critical environmental features; the nature and extent of any improvements

proposed by the subdivider; and costs and provisions for maintenance of park land and improvements.

9.6.5 **Environmental Feature Setbacks.** A critical environmental feature setback Conservation Area may be created in any subdivision but may be included in average lot area calculation only if located within the Edwards Aquifer Recharge Zone or the Trinity Outcrop. A critical environmental feature setback Conservation Area shall consist of a minimum 25-foot setback for construction or soil disturbance. A critical environmental feature lying outside of a 100-year floodplain shall be protected by an earth berm to divert runoff around the feature. A critical environmental feature shall be any Sensitive Feature as currently defined by the Texas Commission on Environmental Quality in 30 Texas Administrative Code §213.3.

9.7 **Geological Assessment.** With any preliminary plan for a subdivision within the Edwards Aquifer Recharge Zone or the Trinity Outcrop, the Applicant shall provide a Geological Assessment of the area within a plat, prepared by a qualified expert, to identify critical environmental features. The Commissioners Court may waive this requirement if: (a.) the plat creates stream corridor Conservation Areas along all classified streams (see Sec. 9.7); or (b.) in a subdivision containing no 100-year floodplain, the Commissioners Court finds that, consistent with available data, the subdivision contains no critical environmental feature. For purposes of this section 9.6, the 100-year floodplain shall be determined from the current Flood Insurance Rate Map (FEMA).

9.8 **Classified Streams.** All natural or built watercourses or impoundments shall be classified as minor, intermediate or major based upon the land area that drains to the stream segment (drainage area), in accordance with the table in Sec. 9.7

9.9 **Stream Corridor Conservation Areas.** Stream Corridor Conservation Areas may be created along classified streams and, in order to be included in average Lot area calculation, shall consist of setbacks from stream centerline for all construction and soil disturbance within the 100-year floodplain or within the distance corresponding to the stream classification in the following table, whichever is greater:

Stream Classification	Drainage Area	Stream Corridor Setback
Minor	64 - 319 Acres	50 feet
Intermediate	320 - 640 Acres	100 feet
Major	Over 640 Acres	200 feet

Drainage area measurements shall be based on the USGS 7.5-minute quadrangle map.

9.10 **Geological Zone Boundaries.** The boundaries of the geological zones shall be the boundaries depicted on the most recent edition of the “Major Aquifers of Texas” map produced by the Texas Water Development Board. See Appendix A.

- 9.11 Boundary Clarification. In case of dispute about which geological zone a subdivision or portion of a subdivision lies in, the higher minimum average Lot size shall apply to the subdivision; provided, however, that an Applicant may present a geological assessment prepared by a qualified expert to establish more precisely the geological zone boundary. If the Commissioners Court find such geological assessment acceptable, the minimum average lot size may be calculated separately for the portion of the subdivision within each respective zone. Any Lot lying partially within two zones shall be included in the average lot size calculation for the zone containing the larger portion of that Lot.
- 9.12 Rainwater Catchment Incentive. In a subdivision in which all Lots are restricted by plat note and restrictive covenant to water supply solely by rainwater catchment – drilling of wells and connection to a public water supply system being prohibited, minimum average lot area shall be seventy percent (70%) of the minimum otherwise under these regulations applicable to the geological zone in Sec. 9.3.1. An applicant may designate sections or phases of a subdivision for the Rainwater Catchment Incentive rather than the entire subdivision
- 9.13 Flag Lots. Flag lots shall generally not be permitted, except if approved by Commissioner’s Court as consistent with the intent and spirit of these regulations. The Commissioner shall advise Commissioners Court if a proposed Lot constitutes a “Flag Lot”, and Commissioner’s Court shall, in reviewing all the circumstances, make the final determination. In no event shall any private Lot extend into a dedicated public roadway
- 9.14 Slope. Each residential Lot should include a practical buildable area having at least 3,000 square feet, exclusive of the area required for on-site sewage facilities.*

ARTICLE X

10. ACCEPTANCE OF ROAD MAINTENANCE AND DEVELOPMENT PERMITS.

- 10.1 Owner’s Maintenance Responsibility. The Owner shall remain responsible for all maintenance and repair of streets within a subdivision until Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. Commissioners Court decision to approve a Final Plat or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.
- 10.2 County Acceptance of Maintenance. The county shall accept a road or street for maintenance when the following conditions have been satisfied:
- 10.2.1 The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Final Plat for the Road or street has been

recorded and the associated right-of-way has been dedicated to the public pursuant to these Regulations; and

- 10.2.2 The Owner has submitted a written request to Commissioners Court. If the Owner is no longer available, i.e. has ceased to transact any business, or in the case of an individual, has died, any person owning property with frontage or access onto the street may submit the written request; and
- 10.2.3 The County Commissioner has performed and approved all required inspections at the completion of each phase of construction of the street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the County Commissioner and not to proceed with construction until proper inspections and tests have been obtained, as required by the County Commissioner.) Any laboratory tests and test holes shall be at the expense of the developer. In no event will any base be placed on the street until the subgrade has been approved in writing by the County Commissioner; and
- 10.2.4 The County Commissioner has inspected the street no earlier than thirty (30) days prior to Commissioners Court acceptance of the maintenance obligation and has submitted to Commissioners Court an Inspection Report stating that:
 - 10.2.4.1 The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of the inspection; and
 - 10.2.4.2 The requirements of Section 10.4 below, regarding construction of drainage structures and driveway drain pipes, have been satisfied; and
 - 10.2.4.3 The County Commissioner recommends acceptance of the street by Commissioners Court.
- 10.2.5 One of the following has occurred:
 - 10.2.5.1 The Owner has posted with the Department cash, bond or a letter of credit in a form approved by Commissioners Court (a "Maintenance Bond") to secure the proper construction and maintenance of the Roads prior to County acceptance thereof in an amount equal to 20% of the construction costs of the streets for a term of two (2) years following acceptance by the county. Before release of the Maintenance Bond or Letter of Credit, the County commissioner shall again inspect the roads or streets, and the Owner shall remedy all deficiencies prior to release of the Maintenance

Bond or Letter of Credit. If the deficiencies are not promptly remedied, the county shall make the repairs and draw on the Maintenance Bond or Letter of Credit for payment. Note: A Maintenance Bond must be posted regardless of the date the streets or roads are accepted by the county, for all streets or roads completed prior to the recording of the Final Plat.

10.2.6 County Acceptance of Streets Constructed as Private Streets. The Commissioners Court shall not accept for County maintenance any street constructed as a private street unless the street and associated drainage improvements are upgraded as necessary to comply with current standards of these Regulations.

10.2.6.1 Right-of-way. If the street right of way is not dedicated to public use by a plat of record or deed instrument(s) satisfactory to the Commissioners Court, the Commissioners Court may require that the owner(s) petitioning for County acceptance execute a right of way deed(s) to the County. Petitioners should coordinate with the County Commissioner to ensure that right of way is sufficient for any modification, reconstruction or realignment of street or drainage improvements required for the improvements to conform to these Regulations.

10.2.6.2 Design, Testing and Inspections. Petitioners should coordinate with the County Commissioner regarding the nature and extent of reconstruction, repair, upgrade, modification or realignment of existing street and drainage improvements necessary to bring them into conformance with these Regulations. The Commissioners Court may require such testing and inspection of existing improvements as the Court deems necessary, and may require that construction plans for necessary modifications be prepared by a licensed engineer at the petitioners' expense.

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

10.3 Installation of Utility Lines. All utility lines planned to be constructed under paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point at least four (4) feet

beyond the pavement and must be approved in advance by the County Commissioner, unless otherwise approved by Commissioners Court.

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

ARTICLE XI

11. WATER AND WASTEWATER SYSTEMS.

11.1 Water.

11.1.1 Design and Construction. Public water supply systems shall be designed and constructed in accordance with the rules of the TCEQ. See also Section 11.7, Fire Protection.

11.2 Wastewater.

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

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

11.3 Water Availability.

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

11.3.2 Applicability. These Water Availability Regulations apply to all applications for approval of a plat for a Subdivision wholly or partially within Medina County, Texas, pursuant to the Medina County Subdivision Rules, except as exempted hereafter.

11.3.3 Exceptions to Water Availability Regulations.

11.3.3.1 Subdivision of property where platting is not required by the Medina County Subdivision Rules;

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

11.3.4 Water Availability data shall be presented to the Commissioners Court upon submission of the Preliminary Plan. Medina County shall have the Water Availability data reviewed by a qualified expert on behalf of Medina County.

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

11.4.1 The following Water Availability data is required:

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

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

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

11.4.1.3 Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be 24 consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two hours.

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

- a. Estimated yield of wells proposed for the subdivision;

- b. Determination of transmissivity of the water-bearing formation or strata from which the ground water will be withdrawn;

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

$$\text{Minimum gallons per year} = \text{Number of connections} \times 3.5 \times 100 \times 365 \text{ days.}$$

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

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

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

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

11.5.2 For Ground Water sources, this water availability data shall be derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of Test Monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these Regulations. Groundwater Availability Data shall include:

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

- a. geological formations;
- b. location of test and monitor wells by longitude and latitude;

- c. available data on wells within 1,000 feet of the boundaries of the proposed subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in the files of the Texas Water Development Board or TCEQ or otherwise known to the qualified expert.

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

11.5.2.3 Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be 24 consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two hours.

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

11.5.2.4.1 Estimated yield of wells proposed for the subdivision;

11.5.2.4.2 Determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn;

11.5.3 For Surface Water sources, water availability data shall include:

11.5.3.1 Identification of the source(s) of surface water (name of stream or impoundment) and proof that withdrawal or diversion of surface water complies with state and federal laws.

11.5.3.2 Identification of any wholesale water provider to the system, the date of wholesale water supply contract(s) and the maximum quantity of water per year that is committed by the wholesale supplier to the public water supply system.

11.5.3.3 A description of interconnection(s) with other public water supply system(s) and the terms under which water will be provided by either system to the other.

11.5.3.4 For proposed new public water supply system, certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.

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

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

11.6.1 General System Information.

11.6.1.1 Name, address, phone number, authorized agent and TCEQ facility number.

11.6.1.2 Map of the service area of the Public Water Supply System, showing the location of the proposed subdivision.

11.6.1.3 Certification that an adequate supply of water of sufficient quantity and quality exists to supply the subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.

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

11.7 Fire Protection.

11.7.4 In any subdivision containing fifteen (15) or more Lots that are not served by a public water supply system meeting the current Insurance Services Office (ISO) Fire Suppression Rating Schedule standards adopted by the Office of the State Fire Marshall, the developer shall provide firefighting facilities. For purposes of these Regulations, firefighting facilities are defined as water storage facilities for firefighting.

11.7.4.1 Each firefighting facility shall provide a minimum 20,000 gallons of water storage with permanent provisions for refilling the total water storage volume within seventy-two (72) hours.

11.7.4.2 Firefighting facilities shall have high-flow connections meeting ISO standards for gravity flow refilling of firefighting vehicle water tanks and for connection to firefighting vehicle pumps.

11.7.4.3 Firefighting facilities shall be elevated sufficiently to provide gravity flow to a firefighting vehicle water tank.

11.7.4.4 The County Commissioner may consult with area fire department officials concerning the design and location of firefighting facilities.

11.7.4.5 Construction documents for firefighting facilities shall be submitted to the Commissioners Court with plans for subdivision street and drainage improvements.

11.7.4.6 Firefighting facilities shall be provided in accordance with the following table:

Number of Lots in Subdivision	Number of Firefighting Facilities Required
15 - 119	1
120 - 299	2
300 - 599	3
600 +	To Be Determined by Commissioners Court

ARTICLE XII

12. DRAINAGE DESIGN AND IMPROVEMENTS.

12.1 Stormwater Runoff into County Drainage Facilities. Stormwater runoff from any Development may not be released into any county drainage ditch, swale,

easement, culvert or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. The County Commissioner may require the submission of additional materials at the time of the Preliminary or Final Plat application to assure the proposed subdivision will be in compliance with this Section.

12.1.1 **Incentive for Lots Larger than Five (5) Acres.** If all Lots in a subdivision are larger than five (5) acres and restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development (as defined in Article II), then such subdivision shall be deemed to be in compliance with this Section 12.1 and no additional materials need to be submitted to demonstrate compliance to the County Commissioner.

12.2 **Sizing of Drainage Facilities.** All drainage facilities for residential (single family or duplex residences) subdivisions including ditches, drainage pipes, street curbs, gutter inlets driveway or road culverts, and storm sewers shall be designed to intercept and transport runoff from the following frequency storm.

12.2.1 **Drainage Facilities for Other Subdivisions.** For all drainage facilities serving Lots not intended for use as single family or duplex development, drainage and all drainage facilities shall be designed by a Registered Professional Engineer according to 25-year storm event calculations.

12.3 **Conveyance of 100-year Storm Frequency Flows.** In addition to 12.2 above, the drainage system shall be designed to convey all channelized or concentrated flows from a 100-year frequency storm within defined right-of-way or drainage easements, which shall no be narrower than 20' (twenty feet) in width.

12.4 **Completion of Drainage System Prior to Acceptance of Road Maintenance.** No streets will be accepted for maintenance by the County until all drainage structures, including drain pipes for all driveways constructed as of the acceptance date, have been (i) installed by the Owner or occupant (s) of the Lot(s), and (ii) inspected and approved by the County Commissioner.

12.5 **Maximum Headwater Elevation for Drainage Crossings.** All roads, culverts, underneath roads, and bridges shall be designed so that stormwater runoff from the frequency storm event designated below crossing such road or bridge shall not produce a headwater elevation at the roadway greater than 6 inches above the roadway crown elevation.

12.5.1 A permanent depth gauge shall be placed at all road crossings where the 100-year frequency flow or lesser frequency is anticipated to flow over the road surface. Commissioners Court may require installation of gates or warning devices at all or some of such locations; and

12.5.2 All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street; and

12.5.3 This Section 12.5 does not apply to driveway culverts.

12.6 Drainage Design Methodology. Computations by a registered professional engineer to support all drainage designs shall be submitted to the Department for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

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

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

12.7 Easements.

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

12.7.2 Development will be allowed within the flood plain or within a drainage easement only on a case-by-case basis, and in any event any structures constructed within the flood plain must be above the base flood elevation. No development whatsoever will be permitted in the floodway.

ARTICLE XIII

13. REVISION AND CANCELLATION.

13.1 Revision. The Owner of an existing Lot or Lots in a platted subdivision may submit an application to revise the protection of the existing plat affecting such Lots, unless prohibited by restrictive covenants or plat note files pursuant to these Regulations, by submitting the following to the Office of the County Judge:

13.3.1 Ten (10) copies of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or, if submitted by a private property owner who is not a developer in the subdivision, other materials acceptable to the County Commissioner clearly setting for the desired amendment; and

13.3.2 A statement giving the reason for the proposed revision; and

- 13.3.3 A filing fee equal to \$200.00, plus \$10.00 per affected Lot.
- 13.2 Review Period. Commissioners Court shall have the review period established in Section 3.7 and 3.8 above.
- 13.3 Public Notice. After the date the Commissioner posts the resubdivision for consideration by Commissioners Court, but before the application is considered by the Court, the applicant shall file proof that the Owner, at its expense, has delivered or published all notices required by Local Government Code, Section 232.009, including:
- 13.3.1 A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the resubdivision, including a statement of the time and place at which Commissioners Court will meet to consider the application and hear protests, if any. As required by Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the 30th day and ending on the 7th day prior to the date of the Commissioners Court hearing; and
- 13.3.2 Delivery of notice of the application to all owners within the original subdivision by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.
- 13.4 Criteria for Approval. Commissioners Court may approve an application to revise a subdivision upon a finding that:
- 13.4.1 The revision will not interfere with the established rights of any Owner of a part of the subdivided land, or each Owner whose rights may be interfered with has agreed to and signed the revised plat; and
- 13.4.2 The plat as revised conforms to the requirements of the regulations.
- 13.5 Cancellation. An application to cancel an existing plat shall be submitted and considered in accordance with Article 232.008 of the Texas Local Government code, which establishes, among other things:
- 13.5.1 The application shall be granted if it is shown that the cancellation of all or a part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation; and
- 13.5.2 Notice of the application must be published in English in the county for at least three (3) weeks before action is taken on the application; and
- 13.5.3 Upon application of the Owners of 75 percent (75%) of the property included in the subdivision, phase or identifiable part, Commissioners

Court shall authorize the cancellation upon notice and hearing as required under Local Government Code, Article 232.008, provided that if the Owners of at least 10 percent (10%) of the property affected file written objections with Commissioners Court, the grant of an order of cancellation is at the discretion go Commissioners Court; and

13.5.4 Establishing a certain private action for damages against the applicant for persons who protest unsuccessfully against a cancellation application.

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

ARTICLE XIV

14. VARIANCES.

14.1 Criteria for Variance. Commissioners Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the Rules. Factors to be considered by the Court in evaluating a request for variance shall include:

14.1.1 The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted; and

14.1.2 Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development; and

14.1.3 That the granting of the variance will not be detrimental to the public health, safety and welfare, will not retard the moral, healthful and orderly development of the county, be injurious to other property, or will not prevent the orderly subdivision of the land in the area in accordance with these Regulations; and

14.1.4 Whether there are special circumstances or conditions affecting the land or proposed development involved such that strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of his land and that failure to approve the variance would result in undue hardship to the applicant. Financial hardship, standing alone, shall not be deemed to constitute undue hardship.

14.2 Application for Variances. Any person who wishes to receive a variance should apply to Commissioners Court in writing with a list of, and a detailed justification, for each variance requested. The request shall be submitted with

payment of a non-refundable fee established by separate order of the Commissioners Court.

- 14.3 Discretion to Grant Variances. The decision of the court to grant or deny a variance is at its complete discretion, and will be final.

ARTICLE XV

15. ENFORCEMENT AND PENALTIES.

- 15.1 Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations, the Rules of Medina County for On-site Sewage Facilities, and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment, or both.
- 15.2 Enforcement Actions. At the request of Commissioners Court, the County Attorney or other prosecuting attorney for County may file an action in a Court of competent jurisdiction to:
- 15.2.1 Enjoin the violation of threatened violation of a requirement established by or adopted by Commissioners Court under these regulation; or
- 15.2.2 Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring compliance with a requirement established by or adopted by Commissioners Court under these regulations.
- 15.3 Enforcement of Plat Notes. The enforcement of plat notes or restrictions is generally the responsibility of the developer and other persons holding a property interest, whether in fee simple, or by easement, in the subdivision. Plat Notes shall reflect that the County may enforce any plat notes imposed pursuant to the Rules of Medina County for On-Site Sewage Facilities or Articles VI, VII, X or XI of Regulations, any plat note limiting development to single family residences or prohibiting further resubdivision of the tract in order to qualify for an incentive under these regulations, any plat note limiting development to single family residences or prohibiting further resubdivision of the tract in order to qualify for an incentive under these regulations, any plat note imposed in conjunction with an Average Daily Traffic calculation or any plat note affecting county right-of-way, drainage or the public health, safety and welfare. Moreover, Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction, connection or utilities, or issuing of permits if the plat notes or restrictions have been violated.

15.4 Serverability. In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgment unconstitutionality of invalidity shall not affect any remain phrases, clauses, sentences, paragraphs, section, appendices or articles of these Regulations. It is the express intent of the Commissioners Court that the sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

PASSED AND APPROVED THIS 27th DAY OF JUNE, 2005

COUNTY JUDGE

ATTEST:

COUNTY CLERK