

RESOLUTION NO. 20090402-029

WHEREAS, the City of Austin desires to comply with Texas Local Government Code Chapter 242 and enter into a revised and restated agreement on subdivision platting in the extraterritorial jurisdiction between the City of Austin and Hays County ("Agreement"), regarding the regulation of subdivisions in the portion of Austin's extraterritorial jurisdiction ("ETJ") that is located within Hays County; and

WHEREAS, the City staff and Hays County staff have proposed an agreement similar to a previous agreement between the parties, under which the City would continue to regulate subdivisions in its ETJ within Hays County, with certain conditions; **NOW THEREFORE**,

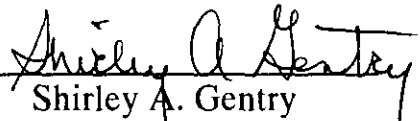
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The Council authorizes the City Manager to execute a revised and restated agreement for subdivision regulation in the City of Austin ETJ within Hays County, in substantially the form as attached as Exhibit 1.

BE IT FURTHER RESOLVED:

The Council certifies that, if approved by Hays County, an agreement in substantially the form attached, between the City and the County complies with the requirements of Texas Local Government Code Chapter 242.

ADOPTED: April 2, 2009

ATTEST: 
Shirley A. Gentry
City Clerk

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN HAYS COUNTY AND THE CITY OF AUSTIN
FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL
JURISDICTION OF THE CITY OF AUSTIN**

THIS INTERLOCAL COOPERATION AGREEMENT (this “Agreement”) is made and entered into by and between Hays County, Texas, a political subdivision of the State of Texas (hereinafter referred to as “COUNTY”), by and through its County Judge, Elizabeth Sumter, and the City of AUSTIN, a municipal corporation of the State of Texas (hereinafter referred to as “CITY”), by and through its City Manager, Marc Ott.

WHEREAS, the CITY has duly identified its corporate limits and the areas of its extraterritorial jurisdiction (hereinafter referred to as “ETJ” or the “CITY’s ETJ”) within the COUNTY; and

WHEREAS, the CITY has adopted and is enforcing subdivision regulations pursuant to TEX. LOCAL GOV’T CODE Subchapter A of Chapter 212 and other statutes applicable to municipalities; and

WHEREAS, the COUNTY has adopted and is enforcing subdivision regulations pursuant to TEX. LOCAL GOV’T CODE sections 232.001-232.005 and other statutes applicable to counties; and

WHEREAS, the COUNTY and the CITY, pursuant to TEX. LOCAL GOV’T CODE Section 242.001, both enforced their subdivision regulations in the CITY’s ETJ and, in those situations where the CITY’s regulation conflicted with the COUNTY’s regulation, the more stringent provisions have prevailed; and

WHEREAS, the Texas Legislature revised TEX. LOCAL GOV’T CODE Chapter 242 to limit subdivision regulation within the ETJ to one entity; and

WHEREAS, under TEX. LOCAL GOV'T CODE Chapter 242, the COUNTY and the CITY entered into a written agreement effective January 24, 2004, and the parties wish to renew the Agreement on substantially similar terms; and

WHEREAS, to the extent that the CITY's execution of this Agreement and related agreements with other counties in other areas of the CITY's ETJ, or the CITY's adoption, administration or enforcement of ordinances, rules, regulations or plans in reasonable furtherance of this Agreement or the related agreements results in requirements or restrictions that are not identical throughout the CITY's entire ETJ, the parties jointly acknowledge that the actions of the CITY are "reasonably taken to fulfill an obligation mandated by state law" within the meaning of TEX. GOV'T CODE Section 2007.003(b)(4), and are therefore not subject to TEX. GOV'T CODE Chapter 2007; and

WHEREAS, both the COUNTY and the CITY desire to enter into an Interlocal Cooperation Agreement, pursuant to TEX. GOV'T CODE Section 791.011(a), whereby the COUNTY and the CITY shall agree upon the terms of said written agreement;

NOW, THEREFORE, the COUNTY and the CITY mutually agree as follows:

I. TERM OF AGREEMENT AND CERTIFICATION

- A. The COUNTY and the CITY mutually agree that the term of this Agreement shall be from the date it is formally and duly executed by both the COUNTY and the CITY until December 31, 2008. This Agreement shall automatically renew annually on the anniversary date, unless earlier terminated by mutual agreement of the parties.
- B. Notwithstanding the foregoing, this Agreement may be terminated by either party by giving thirty (30) days' written notice of intent to terminate this Agreement to the other party. Any notice of intent to terminate must be

delivered by deposit in the United States mail, certified, return receipt requested, to the other party at the addresses set out herein. Upon termination of this Agreement, neither party shall have any obligations to the other party under this Agreement, except with respect to payment for services already rendered under this Agreement, but not yet paid.

- C. The COUNTY and the CITY mutually certify that this Agreement complies with the requirements of Texas Local Government Code, Chapter 242.

II. COUNTY RESPONSIBILITIES

- A. The COUNTY assigns and delegates to the CITY the COUNTY's authority to approve subdivision plats and to issue related permits within the ETJ of the CITY, pursuant to TEX.. LOCAL GOV'T CODE Section 242.001(d), so that the CITY has exclusive jurisdiction to regulate subdivision plats and approve related permits in the CITY's ETJ. The County further agrees to the enforcement of the Capitol Area Metropolitan Planning Organization (CAMPO) Plan, as amended from time to time, within the ETJ of the City.

III. CITY RESPONSIBILITIES

- A. The CITY shall enforce its subdivision regulations, including review and approval processes and design and construction standards, within its ETJ.
- B. The CITY shall enforce in the ETJ the COUNTY's interim subdivision regulations attached hereto and referenced parenthetically and incorporated as Attachment "A"(Article II, Article III Sections 3.12 and 3.13, Article V Sections 5.1 (b) and (d) and Section 5.3, Article VII Sections 7.4, 7.5, 7.6, 7.7, 7.8, and 7.9, Article VIII, Article IX, Article X, Table 7.3, and Appendices III and IV), unless the CITY has existing ordinances establishing

substantially similar, or more stringent, standards for the subject areas of such COUNTY subdivision regulations. All City subdivision regulations not in conflict with Attachment A, and City regulations establishing more stringent standards for the subject areas in Attachment A, may be enforced. If either party wishes to propose revisions in the future to subdivision regulations that apply in the ETJ, the party will notify the other party of the proposed change. The parties will cooperate in determining the need for the change and its effect on this Agreement, and will adopt any change agreed to by official action of their respective governing bodies.

- C. The CITY agrees to require developers to dedicate public right-of-way pursuant to the CAMPO Plan as currently revised or amended, subject to applicable constitutional and statutory limitations. For subdivisions in which it appears to the CITY that a requirement for dedication of right-of-way pursuant to such CAMPO Plan may exceed an applicable constitutional or statutory limitation, the CITY will notify the COUNTY, and the parties will cooperate to determine the extent of right-of-way dedication to be required, or an alternative method of securing the needed right-of-way. When enforcing subdivision regulations in the City's ETJ, the City shall facilitate the County's road maintenance program by requiring a road standard no less than the standards set out in Attachment A.
- D. The COUNTY expressly delegates to the CITY the authority, in accordance with the COUNTY's subdivision regulations, to require the preparation of a subdivision plat for the division of any property into two or more lots if any

lot in the subdivision is 10 acres or less in size.

- E. The CITY shall deliver two copies of all recorded plats for subdivisions within the CITY's ETJ to the COUNTY within 10 working days of the recording of the subdivision plat. The CITY shall also provide to the COUNTY a digital file of each subdivision plat, including at least two ground control GPS points in a format approved by the COUNTY.
- F. The CITY shall confer with the Hays County 911 Addressing Division concerning street names prior to final plat approval.
- G. The CITY shall allow COUNTY inspectors access to road construction sites of subdivisions within the ETJ and the CITY shall timely submit copies of all road design materials and road construction test results to the COUNTY during road construction. COUNTY inspectors shall have inspection and approval authority over the road construction, stormwater drainage construction, and water and wastewater facility construction within the right-of-way and easements. However, COUNTY inspectors may, from time to time, collaborate with CITY inspectors and delegate to CITY inspectors specific inspections duties related to road construction, stormwater drainage construction, and/or water and wastewater facility construction with the right-of-way and easements. The COUNTY may request that the CITY issue a stop-work notice if the applicable construction standards are not being met.
- H. Prior to acceptance of new streets or other improvements in a subdivision, the CITY shall require of the applicant/developer a Certificate of Deposit, a Letter of Credit, or a warranty or cash bond as required by the Subdivision

Regulations of Hays County, payable to Hays County, which shall be binding and in effect for two (2) years from the date of acceptance of the streets and improvements. The CITY shall require the applicant/developer to be responsible for maintenance of the streets and improvements as also required by the Hay County Subdivision Regulations. The CITY shall require the applicant/developer to post a utility bond or other improvements bond, payable to the CITY, if required by the subdivision regulations of the CITY. The CITY shall not be liable for failure to require any such utility bond.

- I. The CITY shall collect and forward to the COUNTY all COUNTY subdivision fees as presently authorized or amended by the COUNTY, for services to be performed by COUNTY. The CITY shall have the right to charge applicants/developers reasonable fees, sufficient to cover the full cost of services provided by the CITY under this Agreement and otherwise in the administration of regulations that apply to subdivisions in the CITY's ETJ.
- J. If a fee, Certificate of Deposit, Letter of Credit, warranty or bond is to be forwarded to Hays County in accordance with this Agreement, the City shall promptly forward the fee, Certificate of Deposit, Letter of Credit, warranty or bond to Ms. Sandy Irvin (or her successor), Hays County Environmental Health Department, 1251 Civic Center Loop, San Marcos, Texas 78666.
- K. In addition to the City's fees and in consideration of the County's performance under this Agreement, the City shall collect \$600 per application (\$500 for filing and \$100 for approval) and a \$320.00 per-lot fee for every subdivision subject to this Agreement. Subject to other taxes, fees, fines and

penalties permitted by law, said \$600 application fee and \$320 per-lot fee shall be forwarded to the County and shall constitute full and complete compensation for County services under this Agreement, including application approval, plat review and approval, and construction review and inspection. Other than the fees mentioned in this paragraph, the City shall not be required to collect and forward any other fees under this Agreement.

- L. As an attachment to this Agreement, the CITY shall provide a current map defining the legal boundaries of its corporate limits and areas of ETJ. The CITY shall notify the COUNTY of any changes to the CITY's ETJ within 10 days of the effective date of the change, and the area covered by this agreement shall be deemed by the parties to be amended accordingly. Notice may be provided by letter or email to mark.kennedy@co.hays.tx.us. A change in the area covered by this Agreement shall not, however, affect any rights accrued under TEX. LOCAL GOV'T CODE Chapter 245 prior to the effective date of the change.
- M. The CITY shall submit for review by the COUNTY facility planning reports supporting the proposed subdivision as required in 30 TAC Chapter 285.
- N. The CITY shall review floodplain drainage analyses of FEMA regulated floodplains that are submitted in connection with proposed subdivision plats for compliance with the Hays County Flood Damage Prevention Order.
- O. The CITY shall provide the County with a copy of any complete subdivision application for its review, and shall consider all written comments and recommendations, if any, received from the COUNTY within 21 days of

receipt of the application, and shall integrate all such written comments and recommendations into any comments that are provided to applicant/developer.

IV. GENERAL PROVISIONS

A. General Administration: Administering this Agreement and the contact person for the COUNTY shall be the Hays County Director of Resource Protection, Transportation and Planning, or his/her representative. Administering this Agreement and the contact person and representative for the CITY shall be the CITY Manager , or his/her designee. The City hereby designates the City's Assistant City Manager with authority over the City's subdivision planning staff as the designee for purposes of this Agreement.

B. Alteration, Amendment or Modification: This Agreement may not be altered, amended, or modified except in a subsequent writing signed by all parties to this Agreement. No official, agent, employee, or representative of either the COUNTY or the CITY has the authority to alter, amend, or modify the terms of this Agreement, except in accordance with express authority as may be respectively granted by either the Hays County Commissioners Court or the CITY of Austin City Council.

C. Notice: All notices sent pursuant to this Agreement shall be in writing and must be sent by registered or certified mail, postage prepaid, return receipt requested.

(a) Notices sent pursuant to this Agreement shall be sent to the Hays County Subdivision Coordinator's Office at the following address:

Ms. Sandy Irvin (or her successors)
Hays County Environmental Health Department

1251 Civic Center Loop
San Marcos, Texas 78666

(b) Notices sent pursuant to this Agreement may be delivered or sent to the CITY at the following address:

Ms. Sue Edwards, or successor
Assistant City Manager
City of Austin
P.O. Box 1546
Austin, TX 78767

(c) To be effective, a copy of any notices sent to the COUNTY shall be sent to the Special Counsel's Office at the following address:

Mark Driscoll Kennedy
A.D.A. -- Special Counsel
Hays County, Texas
111 E. San Antonio, Suite 204
San Marcos, TX 78666

(d) To be effective, a copy of any notice sent to the CITY shall be sent to the CITY Attorney at the following address:

Deborah Thomas, Ass't City Attorney (or successor in office)
City Attorney's Office
P.O. Box 1546
Austin, TX 78767

(e) When notices sent pursuant to this Agreement are mailed by registered or certified mail, notice shall be deemed effective three (3) days after deposit in a U.S. mail box or at a U.S. post office.

D. Severability: If any provision of this Agreement is found to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Agreement.

E. Breach: The failure of either party to comply with the terms and conditions of this Agreement shall constitute a breach of this Agreement. However, the

parties agree to work together to resolve disputes arising under this agreement, including a breach, and neither party shall be liable to the other party for any errors or omissions in the review or approval of an application or in the inspection of infrastructure installations. In the event of an alleged breach or other dispute, notice shall be provided to the other party as provided in Section IV.C, and the parties shall cooperate in an attempt to resolve such breach or dispute for a period of at least 60 days, prior to sending notice of termination under Section I.B, or taking any other remedial action.

F. Non-Waiver: The waiver by either party of a breach of this Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or a different provision. Nothing in this Agreement is intended by either party to constitute a waiver of any immunity from suit or liability to which it is entitled under applicable law.

G. Entire Agreement; Third Parties: This Agreement constitutes the entire agreement between the COUNTY and the CITY. No other agreement, statement, or promise relating to the subject matter of this Agreement and which is not contained in this Agreement or incorporated by reference in this Agreement shall be valid or binding. This Agreement is not intended to confer any rights on any third parties, and it shall not be construed as conferring any rights on any third parties.

H. Terms used in Document: As used in this document, the terms “Interlocal Cooperation Agreement”, “Interlocal Agreement”, “Agreement”, and “Contract” are synonymous.

I. Non-Defined Terms: If not specifically defined in this Agreement, words and phrases used in this Agreement shall have their ordinary meaning as defined by common usage.

EXECUTED THIS _____ day of _____, 2009.

HAYS COUNTY

By: _____
HONORABLE LIZ SUMTER
HAYS COUNTY JUDGE

ATTEST:

LINDA C. FRITSCH, HAYS COUNTY CLERK

DATE: _____

EXECUTED THIS _____ day of _____, 2009.

CITY OF AUSTIN

By: _____
_____, CITY MANAGER

Attachment A to the
Interlocal Cooperation Agreement
Between Hays County and the City of Austin
For Subdivision Regulation within the Extraterritorial
Jurisdiction of the City of Austin

HAYS COUNTY
SUBDIVISION AND DEVELOPMENT
REGULATIONS

ARTICLE II

2. Definitions. All capitalized terms used in these Regulations shall have the meaning ascribed to them in this Article II.

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, provided any area within a private roadway easement or an easement for a Shared Access Driveway shall be excluded.

2.2 Applicant - An Owner or its authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.

2.3 Commissioners Court - The Commissioners Court of Hays County.

2.4 County - Hays County, Texas.

2.5 County Clerk - The County Clerk of Hays County.

2.6 Department - The Hays County Environmental Health Department. The current address of the Department is: 1251 Civic Center Loop, San Marcos, Texas, 78666.

2.7 Development - All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces.

2.8 Director - The Director of the Hays County Environmental Health Department and any successor thereto.

2.9 Edwards Aquifer Recharge Zone - Any area identified as such by the Edwards Aquifer Rules. 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 Department for assistance in such determination from the Department. Any determination by the Department will affect only these Regulations and will not in any manner be binding upon the TCEQ. The Department may require the Applicant to obtain a determination from the TCEQ and any determination by the TCEQ regarding the location of the Recharge Zone will control for purposes of these Regulations. The intent of these Regulations is to coordinate applicable state and local regulations such that the definition of the Edwards Aquifer Recharge Zone under these Regulations shall be identical with the definition found within the Edwards Aquifer Rules.

2.10 Edwards Aquifer Rules - The Regulations promulgated by the Texas Commission on Environmental Quality relating to the Edwards Aquifer, currently set forth in Title 30 Texas Administrative Code Chapter 213, as amended from time to time.

2.11 Final Plat - A map of a proposed Subdivision of land prepared in a form suitable for filing of record with all necessary survey drawings, notes, information, affidavits, dedications and acceptances as required by these Regulations.

2.12 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.

2.13 Original Tract - The original tract of land owned by an Owner prior to the proposed Subdivision.

2.14 Owner - The owner of the land subject to the proposed Subdivision.

2.15 Permitted Street - As defined in Section 7.1 or as approved by the Hays County Commissioners Court for purposes of subdivision, access, or development.

2.16 Phased Development Agreement – An agreement proposed by the Developer for the timely and orderly development process of a large-scale subdivision. This agreement is subject to the review and approval of the Hays County Commissioners Court.

2.17 Preliminary Plan - A map of 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.

2.18 Regulations - The Hays County Subdivision and Development Regulations.

2.19 Road Department - The Hays County Road Department.

2.20 Road Director - The Director of the Hays County Road Department.

2.21 Subdivision - The division of a tract of land situated within Hays County and outside the corporate limits of any municipality into two or more to lay out: (i) a subdivision of the tract, including an addition; (ii) lots; or (iii) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(a) 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 executory contract to convey, or in a lease (other than agricultural and hunting leases), or by using any other method of a conveyance of an interest in land.

(b) A division of land shall be considered as relating to the laying out of streets, whether public or private, if:

(1) The division occurs prior to the later to occur of: 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 street;
- (2) The division of land creates one or more Lots without practical, physical vehicular access onto a Permitted Street or with less than fifty feet (50') of direct frontage onto a Permitted Street or calls for driveways onto Permitted Streets that are spaced fewer than fifty feet (50') apart;
 - (3) The division of land will affect drainage on, in or adjacent to a public street or any county drainage ditch, swale, culvert or other drainage facility; or
 - (4) Other circumstances exist which, in the determination of the Director or the Road Director, 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. It is the intent of the Commissioners Court of Hays 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.

2.22 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. If a Lot larger than five acres is restricted by plat note prohibiting (i) further resubdivision of the Lot into lots five acres in size or smaller and (ii) any Development other than the construction of a single-family residence or duplex and associated customary out buildings, such as a barn or garage apartment, then such Development on the Lot shall be considered excluded from the term "TCEQ Regulated Development" for purposes of these Regulations.

ARTICLE III

3. General Subdivision Requirements.

3.1 General Requirements. Any Owner who subdivides a tract of land shall:

- (a) Comply in all respects with these regulations; and,
- (b) 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.

3.2 Subdivision Approval Process. No Subdivision shall be permitted until the Owner has satisfied each of the following steps in the order indicated:

- (a) Approval of Preliminary Plan by the Commissioners Court.
- (b) Approval of Final Plat by the Commissioners Court.
- (c) Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.

3.3 Transmittal Materials. All submissions to the Commissioners Court pursuant to these Regulations, including amendments or supplemental materials, shall be delivered to the Department and shall be accompanied by a letter of transmittal indicating:

3.12 Water Availability Requirements. While these rules are intended to preserve and protect the water resources of Hays County, the Commissioners Court of Hays County does not make any warranty - express, implied or otherwise - that subdivisions that comply with these rules will be able to meet the water needs of those purchasing lots within the subdivision.

Applicability: This section shall apply to all individuals seeking plat approval from the Hays County Commissioners Court.

Exemptions:

- (a) All subdivisions of five lots or less in which all lots average at least 2 acres each.
- (b) All subdivisions of ten lots or less in which all lots are larger than ten acres.
- (c) All subdivisions in which all lots are restricted by plat note to be served only by rainwater collection or surface water sources.
- (d) All subdivisions of property for the purpose of conveyance to family members up to the second order of sanguinity in which all lots average at least 2 acres, and in which each lot is to be used only for their personal single family residence

Requirements:

1. Subdivisions to be served by individual private water wells:
 - Applicants requesting plat approval shall construct at least two wells (one test well and one monitor well). Use of existing wells will be permitted if the wells fully meet these regulations. Well analyses shall be performed by a Texas licensed professional engineer or Texas licensed professional geoscientist, qualified to perform the hydrogeological testing, geophysical well logging and aquifer pump testing. The following information shall be provided to Commissioners Court for each well tested.
 - (a) Identify the hydrogeologic formation by well driller's log and approved geophysical logging methods. Provide a map and list of all known wells within 1,000 feet of the proposed subdivision boundaries (or a distance where measurable drawdown effects from the proposed subdivision well are expected). Each well is to be located by latitude and longitude.
 - (b) The Certification of Groundwater Availability For Platting Form as required by the TCEQ rules on Groundwater Availability Certification for Platting at 30 Tex. Admin. Code Section 230.3. The Department shall require an applicant to submit any engineering calculations, studies or other data

supporting the statements contained in the Certification of Groundwater Availability For Platting Form.

- Individuals marketing these subdivision lots shall provide each purchaser with a summary of all the above referenced data.

2. Subdivisions to be served by a new TCEQ public water supply system:

Applicants proposing to serve a subdivision through a new public water supply system shall submit an engineering report sealed by a Texas licensed professional engineer describing how the proposed subdivision will be provided with water service. The water engineering report shall at a minimum contain the following information:

- (a) A description of how water service will be provided to serve all platted lots, including identification of all water treatment, storage, pumping, transmission and distribution facilities and if any of the facilities will be placed in county rights-of-way. If the project is to be phased, the description must address all water facilities proposed to be utilized throughout full build-out of the subdivision.
- (b) An estimate of the amount of water demand throughout all phases of development supported by engineering calculations based on the anticipated timetable for full build-out, including a statement describing the level of fire protection afforded to the proposed phase(s) of the subdivision.
- (c) A statement as to whether there are plans for alternative or backup water service; if so, an identification of the alternative or backup water source.
- (d) A map showing the proposed location of all water facilities throughout all phases of development as well as the proposed water service area, including any TCEQ-approved service area boundaries of a water service provider operating under a Certificate of Convenience and Necessity (CCN) within the boundaries of the proposed subdivision.
- (e) An estimated timetable for completion of all facilities.
- (f) Based on the information available at the time the application is submitted, the anticipated owner(s) and operator(s) of all water facilities throughout all phases of development shall be identified and included in the application.
- (g) For subdivisions subject to the TCEQ Chapter 213 Edwards Aquifer rules, a statement acknowledging that all applicable requirements of such rules will be met.
- (h) If water service is to be provided by a municipal utility district or other special purpose district that has not been created as of the filing of the

Preliminary Plan, a detailed description of the proposed district boundaries, a timetable for creation of the district, and identification of the proposed organization of the district.

- (i) Prior to the approval of the final plat the applicant shall supply a letter to the Department from the utility provider certifying that they have the authority to provide water service; that there will be sufficient capacity to serve all phases of the proposed development; and that all required agreements have been executed.

3. Subdivisions to be served by an existing TCEQ-permitted public water supply:

If wholesale or retail water service is to be provided by an existing water utility or other existing water service provider, an applicant shall submit a written statement from the existing provider containing the following:

- (a) A description of the authority of the existing provider to serve the proposed phase of development.
- (b) A statement as to whether the existing provider has available capacity to serve the proposed phase of subdivision, including a statement describing the level of fire protection afforded to the proposed phase(s) of the subdivision.
- (c) A description of the type of water service to be provided (wholesale or retail) and a timetable for the providing of such service to the proposed development.
- (d) A statement as to whether there are plans for alternative or backup water service; if so, an identification of the alternative or backup water source.
- (e) Identification of any anticipated water supply or service agreements that will need to be executed prior to the provision of service.
- (f) A description of any anticipated new water facility improvements that the existing provider will be required to construct to serve the subdivision and a timetable for completion of the improvements and if it is anticipated that county rights-of-way will be utilized to locate any water improvements.
- (g) A description of how water service will be provided to serve all platted lots, including identification of all water treatment, storage, pumping, transmission and distribution facilities and if any of the facilities will be placed in county rights-of-way. If the project is to be phased, the description must address all water facilities proposed to be utilized throughout full build-out of the subdivision.
- (h) An estimated timetable for completion of all facilities.

- (i) A map showing the proposed location of all water facilities throughout all phases of development as well as the proposed water service area, including any TCEQ-approved service area boundaries of a water service provider operating under a Certificate of Convenience and Necessity (CCN) within the boundaries of the proposed subdivision.
- (j) For subdivisions that are regulated by the Edwards Aquifer Authority or the TCEQ Chapter 213 Edwards Aquifer rules, a statement acknowledging that all applicable requirements of such rules are met.
- (k) Prior to the approval of the final plat the applicant shall supply a letter to the Department from the utility provider certifying that they have the authority to provide water service; that there will be sufficient capacity to serve all phases of the proposed development; and that all required agreements have been executed.

3.13 Wastewater Service Availability Requirements.

Applicability: This section shall apply to all individuals seeking plat approval from the Hays County Commissioners Court, no exemptions, as set forth in Article IV, from these requirements shall be allowed.

1. Subdivisions to be served by a new TCEQ-permitted wastewater system:

Applicants proposing to serve a subdivision through a new wastewater system shall submit an engineering report sealed by a Texas licensed professional engineer describing how the proposed subdivision will be provided with wastewater service. The wastewater engineering report shall at a minimum contain the following information:

- (a) A description of how wastewater service will be provided to serve all platted lots, including identification of all wastewater collection, treatment, storage, pumping and conveyance facilities and if it is anticipated that any county rights-of-way will be used to locate any wastewater facilities. If the project is to be phased, the description must address all wastewater facilities proposed to be utilized throughout full build-out of the subdivision.
- (b) An estimate of the amount of wastewater that will be treated and managed throughout all phases of development supported by engineering calculations based on the anticipated timetable for full build-out.
- (c) A statement as to whether there are plans for alternative or backup wastewater service; if so, an identification of the alternative or backup wastewater source.
- (d) A map showing the location of all wastewater facilities throughout all phases of development as well as the proposed wastewater service area, including any TCEQ-approved service area boundaries of a wastewater service

provider operating under a Certificate of Convenience and Necessity (CCN) within the boundaries of the proposed subdivision.

- (e) Include an estimated timetable for completion of facilities.
- (f) Identification of the proposed method of wastewater effluent disposal or re-use and a listing of any TCEQ permits that will be needed to implement the proposed wastewater disposal or re-use.
- (g) Based on the information available at the time the application is submitted, the anticipated owner(s) and operator(s) of all wastewater facilities throughout all phases of development shall be identified and included in the application.
- (h) For subdivisions subject to the TCEQ Chapter 213 Edwards Aquifer rules, a statement acknowledging that all applicable requirements of such rules will be met.
- (i) If wastewater service is to be provided by a municipal utility district or other special purpose district that has not been created as of the filing of the Preliminary Plan, a detailed description of the proposed district boundaries, a timetable for creation of the district, and identification of the proposed organization of the district.
- (j) Prior to the approval of the final plat the applicant shall supply a letter to the Department from the utility provider certifying that they have the authority to provide wastewater service; that there will be sufficient capacity to serve all phases of the proposed development; and that all required agreements have been executed.

2. Subdivisions to be served by an existing TCEQ-permitted wastewater system:

Applicants proposing to serve a subdivision through an existing wastewater system shall submit an engineering report sealed by a Texas licensed professional engineer describing how the proposed subdivision will be provided with wastewater service. The wastewater engineering report shall at a minimum contain the following information:

- (a) A description of the authority of the existing provider to serve the proposed phase of development.
- (b) A statement as to whether the existing provider has available capacity to serve the proposed phase of subdivision.
- (c) A description of the type of wastewater service to be provided (wholesale or retail) and a timetable for the providing of such service to the proposed development.

- (d) A statement as to whether there are plans for alternative or backup wastewater service; if so, an identification of the alternative or backup wastewater source.
- (e) Identification of any anticipated wastewater service agreements that will need to be executed prior to the provision of service.
- (f) A description of how wastewater service will be provided to serve all platted lots, including identification of all wastewater collection, treatment, storage, pumping and conveyance facilities and if it is anticipated that any county rights-of-way will be used to locate any wastewater facilities. If the project is to be phased, the description must address all wastewater facilities proposed to be utilized throughout full build-out of the subdivision.
- (g) An estimated timetable for completion of the improvements.
- (h) A map showing the location of all wastewater facilities throughout all phases of development as well as the proposed wastewater service area, including any TCEQ-approved service area boundaries of a wastewater service provider operating under a Certificate of Convenience and Necessity (CCN) within the boundaries of the proposed subdivision.
- (i) For subdivisions that are regulated by the Edwards Aquifer Authority or the TCEQ Chapter 213 Edwards Aquifer rules, a statement acknowledging that all applicable requirements of such rules will be met.
- (j) Prior to the approval of the final plat the applicant shall supply a letter to the Department from the utility provider certifying that they have the authority to provide water service; that there will be sufficient capacity to serve all phases of the proposed development; and that all required agreements have been executed.

3. Subdivisions to be served by On-Site Sewage Facilities:

Applicants proposing to serve a subdivision by On-Site Sewage Facilities shall submit a Facility Planning Report prepared by a Texas licensed professional engineer or registered sanitarian describing how the proposed subdivision will be provided with wastewater service. The Facility Planning Report shall at a minimum contain the information required by section 5.1(d)(4) and must meet the requirements of Article IX.

3.14 Notification of Affected Political Subdivisions

Applicability: This section shall apply to all individuals seeking plat approval from the Hays County Commissioners Court, no exemptions, as set forth in Article IV, from these requirements shall be allowed.

1. For a proposed subdivision, as part of its technical review of a completed application the Department shall identify all political subdivisions affected by the proposed subdivision for which it has available records. The list of affected political subdivisions shall at a minimum

include any political subdivision within whose boundaries the proposed subdivision is located. If the proposed subdivision is not located within the boundaries of an emergency services or management district, a school district, a water utility district, or a wastewater utility district, the nearest such district shall be included in the list of affected political subdivisions.

2. Within ten days of the filing of the Preliminary Plan and the Department's providing the applicant with a list of affected political subdivisions, the applicant shall provide written notice of the proposed subdivision to each of the affected political subdivisions. Within ten days of providing such notice, the applicant shall provide copies of the notification and proof of notice delivery to the Department. The written notice must include, at the minimum, the following information:

- A map clearly showing the boundaries and general location of the proposed subdivision, and major roadways in the vicinity.
- A general description of the nature of the proposed subdivision, including identification of the applicant for the subdivision plat.
- The anticipated timetable for build-out of the subdivision and any anticipated subsequent phases of development, including an estimated population for each phase and at full buildout.
- A statement of how water, wastewater, emergency services, and electric service will be provided, including identification of all such proposed utility providers.

ARTICLE IV

4. Exemptions

4.1 Exempted Subdivisions.

- a) Exemptions are allowed as defined by Local Government Code 232.0015.
- b) Exemptions must have direct access (fee simple) to a permitted road.

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

- (a) A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto;

- (b) A survey or sketch (which may be on tax parcel maps or other form approved by the Department) showing the boundaries of the Lots, adjacent roads and adjacent property owners;
- (c) 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.
- (d) An affidavit stating that the owner/subdivider of the land acknowledges that any change to the exemption will require the platting of the property through the Hays County Commissioners Court.

ARTICLE V

5. Preliminary Plan.

5.1 Information. A proposed Preliminary Plan shall include the following:

- (a) General Information.
 - (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.
 - (2) The boundary lines and total acreage of the Original Tract and the Subdivision.
 - (3) A note stating the total number of Lots within the proposed subdivision and the average size of Lots, and the total number of Lots within the following size categories: 10 acres or larger, larger than 5.0 acres and smaller than 10 acres, 2.00 acres or larger up to 5.00 acres, larger than 1.00 acre and smaller than 2.0 acres and smaller than 1.00 acre.
 - (4) Approximate acreage and dimensions of each Lot.
 - (5) The location of any proposed parks, squares, greenbelts, schools or other public use facilities.
 - (6) Names of adjoining subdivisions or owners of property contiguous to the proposed Subdivision.
 - (7) Name and address of the surveyor and/or engineer.
 - (8) Name and address of the Owner, and developer or applicant if not the Owner.

- (9) Area map showing general location of Subdivision in relation to major roads, towns, cities or topographic features.
- (10) North arrow, scale and date. The scale shall not exceed 1" = 200'.
- (11) Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction of any city.
- (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.

(b) Flood Plain and Drainage Information.

- (1) Elevation contours at no greater than ten-foot (10') intervals, based on NGVD '29 datum.
- (2) All Special Flood Hazard Areas identified by the most current flood Insurance Rate Maps published by the Federal Emergency Management Agency.
- (3) For each Lot containing 100-year floodplain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a method satisfactory to the Director.
- (4) For each subdivision containing 100-year floodplain, at least one benchmark showing NGVD '29 elevation, as well as latitude and longitude.
- (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 floodplain boundaries, ravines, bridges and culverts.
- (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.
- (7) General depiction of the boundary lines of the Edwards Aquifer Recharge Zone, or the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer (as defined in the Rules of Hays County for On-Site Sewage Facilities), 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 or the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer.

- (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 such features in accordance with the terms of these Regulations.

(c) Street and Right of Way Information.

- (1) Location, length and right-of-way widths of all proposed streets and a depiction of how all proposed streets shall connect with previously dedicated, platted or planned streets within the vicinity of the Subdivision.
- (2) Location, size and proposed use of all proposed access easements, or Shared Access Driveways, if any.
- (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.
- (4) The number of feet of frontage of each Lot onto a Permitted Street.
- (5) A report calculating the Average Daily Traffic of all roadways prepared in accordance with Section 7.3 below, unless exempted pursuant to Section 7.3(b).
- (6) A designation of the classification of each road or street to be constructed or existing streets abutting any Lot (Country Lane, Local Street, Minor Collector, Major Collector, Minor Arterial or Major Arterial), as determined in accordance with Section 7.3 below.
- (7) Proposed location of all depth gauges, as required under Article 10, 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: the Commissioners Court may require gates or warning devices at such locations.

(d) Water, Wastewater and Utilities Information.

- (1) Designation of the entity supplying electric, phone and gas utilities to Lots, or a statement that such utility is not available.
- (2) The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.
- (3) The water engineering report required by Section 3.12, Subsection 2 and the wastewater engineering report required by Section 3.13, Subsection 1.
- (4) Certification that all Lots have been designed in compliance with the Rules of Hays County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Hays County On-Site Sewage Rules and any request for a variance under the Rules of Hays County for On-Site Sewage Facilities.

5.2 Street Design. A proposed Preliminary Plan shall satisfy the requirements of Article VII 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. This information is not the sealed Construction of Roads and Drainage Improvements plans that are required after approval of preliminary plan.

5.3 Drainage. A proposed preliminary plan shall satisfy the requirements of Article X 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.

ARTICLE VII

7.2 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 Record Plat is recorded. In no event shall any private lot extend into a dedicated roadway.

7.3 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.

- (a) 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 for the streets. The standards for paved streets are summarized on Table 7.3a. The Director shall promulgate rules for calculating Average Daily Traffic, provided that all calculations of Average Daily Traffic shall be based on the maximum number of lots that would be permitted in the Subdivision under the Rules of Hays County for On-Site Sewage Facilities, unless the number of future lots is limited by approved plat note, in which case Average Daily Traffic shall be calculated

based on the maximum number of lots permitted under such restrictive covenants.

- (b) Incentive for Lots Larger than Five Acres. As an incentive to developers to create lots larger than five acres and to reduce their associated development costs, Country Lane Streets may be constructed, without calculation of the Average Daily Traffic, if all Lots with frontage or access onto the street are (i) larger than five acres in size, (ii) restricted by a plat note limiting development to one single family residence per Lot and prohibiting TCEQ Regulated Development, and (iii) the application is approved by the Road Director.
- (c) Incentives for Bicycle Paths and Lanes. If portions of a Local Street or Minor Collector are set aside and appropriately designated for the use of bicycles (or a separate bike path is constructed parallel to the street), then the amount of right of way dedicated to such bicycle use shall be credited against the width of required shoulders and the Road Director may reduce the estimated Average Daily Traffic per Lot in determining the design criteria for the street served by the bicycle path/lane, in an amount determined appropriate by the Road Director.
- (d) Clearance of Right of Way. Upon request by the Owner, the Road Director shall, to the extent it is safe and prudent to do so, permit preservation of trees of greater than 10" in diameter, measured one foot from the ground (or the replanting of trees by the Owner), within rights of way of streets classified as Country Lanes, Local Streets and Minor Collectors, with greater preservation of trees permitted along streets with the lower design speed. The Owner shall be responsible for affixing reflectors or other safety devices to any trees preserved within the right of way.

7.4 Access to Permitted Streets, Flag Lots. Except with respect to Lots served by Shared Access Driveways, each Lot shall have the minimum direct frontage onto a Permitted Street set forth below and Driveways shall be spaced no closer than the minimum space intervals set forth below, depending on the classification of road onto which the Lot has frontage and the driveway has access:

<u>Road Classification</u>	<u>Minimum Lot Frontage</u>	<u>Direct Minimum Driveway Spacing</u>
Country Lane	30'	50'
Local Street	50'	50'
Minor Collector	100'	75'
Major Collector	150'	120'
Minor Arterial	150'	120'
Major Arterial	150'	120'

- (a) Incentive for Qualifying Lots. Qualifying Lots will be exempt from the minimum lot frontage and driveway spacing requirements specified above if approved by the Road Director and Commissioners Court with due regard to

safety concerns. A Qualifying Lot is any Lot that (i) is restricted by plat note to development of a single family residence, (ii) has direct access onto a Permitted Street and (iii) satisfies the minimum Lot size requirements set forth in the Rules of Hays County for On-Site Sewage Facilities.

- (b) Flag Lots. Flag lots shall generally not be permitted, except if approved by the Commissioners Court as consistent with the intent and spirit of these Regulations. The Director shall advise the Commissioners Court if a proposed Lot constitutes a "flag lot" and the Commissioners Court shall, in reviewing all the circumstances, make the final determination.

7.5 Commercial Driveways. Driveways serving commercial development shall be spaced at the minimum intervals of one hundred fifty feet (150') as set forth in Table 7.3a. Joint-use driveways may be utilized in situations that limit the number of driveway access permits that are issued by either the State of Texas or Hays County to a public road, or where safety concerns provide a satisfactory explanation for its use.

7.6 Shared Access Driveways. Up to one (1) Lot without independent access to a Permitted Street may obtain access to a Permitted Street by means of a Shared Access Driveway if approved by the Commissioners Court. An additional two (2) Lots having independent access to a Permitted Street may also share the use of the Shared Access Driveway. Shared Access Driveways are intended as a means to provide flexibility in the development process, preserve the rural character of the land and avoid excessive infrastructure costs when such costs would provide little or no social benefit. Shared Access Driveways are not intended to serve as a substitute for interior roads. Excessive use of Shared Access Driveways will not be permitted. Any application proposing shared access driveways shall also satisfy the following requirements:

- (a) A plat note must be conspicuously displayed on the plat stating:
 - i. All lots served by a Shared Access Driveway are restricted to one singlefamily residence per lot and if any other Development of a Dwelling Unit occurs on any of the Lots obtaining access through the Shared Access Driveway, then such new Dwelling Unit must be constructed on a separately platted lot with direct frontage onto and physical access to a Permitted Street prior to construction of the Dwelling Unit. A duplex will not be considered a single family residence for purposed of this subparagraph.
 - ii. The homeowners of the Single Family Residences obtaining access through the Shared Access Driveway shall be solely responsible for all maintenance of the driveway, including maintaining any drainage structures associated with the driveway. The driveway must be maintained at all times in a condition that will permit unencumbered vehicular access by emergency vehicles.
- (b) Each of the Lots sharing the use of the Shared Access Driveway shall hold equal, indivisible and unrestricted rights in the Shared Access Driveway,

which rights shall be established by recorded easement and the easement shall run with the land of each of the benefited Lots. The easement instrument shall clearly state each Lot's pro rata responsibility with respect to future maintenance or repairs of the Shared Access Driveway. (Shared Access Driveway Agreement)

- (c) The Shared Access Driveway shall be no longer than one quarter mile in length and must have a minimum distance of (a) 200 feet from any other driveway entering onto the Permitted Street and (b) 500 feet from any other Shared Access Driveway.
- (d) The postal address of each of the Lots shall be based on the Permitted Street on which the Shared Access Driveway gains access and the mailboxes for each of the Lots shall be located together along the right of way of the Permitted Street.
- (e) Up to three (3) Lots not having independent access to a Permitted Street may share a Shared Access Driveway with up to two (2) Lots having independent access to a Permitted Street if all other requirements of this Section 7.6 are met and all Lots using or adjacent to the driveway are larger than five acres in size and restricted by Plat note limiting development to one single family residence per Lot and prohibiting **TCEQ** Regulated Development (as defined in Article II).

7.7 Publicly Maintained and Dedicated Paved Streets. Paved streets dedicated to the public shall be required in all Subdivisions except those satisfying the criteria for private streets, as set forth below. All such paved streets shall be designed and constructed in accordance with the specifications set forth in the Hays County Road Design and Construction Specifications (aka, Appendices III & IV). The boundary lines of all Lots fronting onto a publicly dedicated right of way shall be contiguous with the boundary of the right of way.

7.8 Privately Maintained Paved Streets. All private streets shall be designed and constructed in accordance with the standards specified in the Hays County Road Design and Construction Specifications (Appendices III & IV) for paved, publicly dedicated streets. Private streets shall be permitted only within a Subdivision satisfying each of the following criteria:

- (a) All Lots within the Subdivision shall have an average size greater than 5 acres in size or the Commissioners Court shall have entered into an approved Development Agreement with the Owner regarding the development of a master-planned community of no fewer than fifty (50) residential lots;
- (b) 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 they Hays County shall have no obligation whatsoever to repair or

accept maintenance of the roads shown on this subdivision until and unless [Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Hays 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 _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision; and

- (c) Restrictive covenants establishing a homeowners association, shall be placed on record concurrently with the recording of the Record Plat.

7.9 Permit Required for Construction in Right of Way. No driveway or utility construction, mail boxes, landscaping or any other encroachment into public right-of-way or easements shall be allowed without first obtaining a permit from the Road Department.

ARTICLE VIII

8. Acceptance of Road Maintenance and Development Permits.

8.1 Owner's Maintenance Responsibility. The Owner shall remain responsible for all maintenance and repair of streets within a subdivision until the Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. The Commissioners Court's decision to approve a Final Plat or dedication of the right of way for a street shall not be deemed to constitute acceptance of the streets for maintenance.

8.2 County Acceptance of Maintenance. The County shall accept a road or street for maintenance when the following conditions have been satisfied:

- (a) The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Record 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;
- (b) The Owner has submitted a written request to the Department. 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;
- (c) The design engineer has submitted a concurrence letter of substantial completion and compliance, and a set of as-built plans incorporating all changes made during construction, signed and sealed by the engineer of record;

- (d) The Hays County Road Director has performed and approved all required inspections and tests 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 Hays County Road Director and not to proceed with construction until proper inspections and tests have been obtained, as required by the Hays County Road Director). 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 Road Director;
- (e) The Hays County Road Director has inspected the street no earlier than 30 days prior to the Commissioners Court's acceptance of the maintenance obligation and has submitted to the Commissioners Court an Inspection Report stating that:
 - (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;
 - (2) the requirements of Section 10.4 below, regarding construction of drainage structures and driveway drain pipes, has been satisfied; and
 - (3) the Hays County Road Director recommends acceptance of the street by the Commissioners Court.
- (f) One of the following has occurred:
 - (i) Two (2) years has expired from the date that all streets, drainage (including drain pipes) and other public improvements in the subdivision were first completed and inspected by the Road Department, or
 - (ii) The Owner has posted with the Department cash, bond or a letter of credit in a form approved by the Department (a "Maintenance Bond") to secure the proper construction and maintenance of the roads prior to County acceptance thereof in an amount equal to 10% of the construction costs of the streets and drainage improvements for a term of two (2) years following acceptance by the County. The Maintenance Bond will also secure the Owner's compliance with Section 6.6.(d) above. Before release of the Maintenance Bond, the Road Director shall again inspect the roads or streets and the Owner shall remedy all deficiencies prior to release of the Maintenance Bond. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the Maintenance Bond 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 Record Plat.

8.3 Performance Bond. This section applies if the Owner desires to submit for approval a Final Plat prior to completion of construction of all Permitted Streets and inspection by the Road Director. The Owner shall continue to be responsible for all other requirements set forth in Section 8.2 above.

- (a) With the permission of the Commissioners Court, the Owner shall post a good and sufficient surety bond or letter of credit in an amount equal to 100% of the estimated construction costs of the roads and drainage improvements. The Commissioners Court must individually approve each application to post such a performance bond and the performance bond shall remain in effect until the roads and all associated drainage improvements have been accepted by the County for maintenance pursuant to Section 8.2 above. (also Ref. Section 10.4)
- (b) Before release of the performance bond, the Road Department shall inspect the roads and the Owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs.
- (c) If the roads and drainage improvements are meant for public maintenance, at the time of the release of the construction security, a maintenance bond in the amount of 10% of the actual cost shall be posted with the County for a period of two (2) years.

8.4 Installation of Utility Lines. All utility lines planned to be constructed under a 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 4 feet beyond the edge of pavement and must be approved in advance by the Road Director, unless otherwise approved by the Commissioners Court.

8.5 Temporary Construction Erosion Controls. All construction of roads or streets, whether public or private, shall comply with the Temporary Construction Erosion Controls Manual attached to these Regulations as Appendix IV.

8.6 Construction of Roads Prior to Final Plat. Upon approval of a Preliminary Plan, an Owner may apply to the Road Director to commence construction of roads, streets, utilities and drainage structures within the right of way. This application will be granted upon the Road Director's review and approval of the Construction Plans and other materials required in Sections 6.4 or 6.5, as applicable. An Owner wishing to construct road, street or other improvements prior to the approval of a Final Plat shall be required to post a Performance Bond upon approval of the Final Plat satisfying the requirements of Section 8.2(e)(ii) and 8.3(a) above.

8.7 Development Permits. No Development Permit for a Lot shall be issued until the subgrade of the Permitted Street serving the Lot has been completed and, if applicable, installation of all underground utilities.

ARTICLE IX

9. Water and Wastewater Standards.

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

ARTICLE X

10. Drainage and Flood Control.

10.1 Stormwater Runoff Discharges. Stormwater runoff from any proposed development may not be released onto adjacent property owners or 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. Discharge calculations shall be based on fully developed conditions. The Director 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.

- (a) Incentive for Lots Larger Than Five Acres. If all Lots in a subdivision are larger than five acres and restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development (as defined in Article II), then such subdivision shall be deemed to be in compliance with this Section 10.1 and no additional materials need be submitted to demonstrate compliance to the Director.

10.2 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, based upon the classification of Permitted Street affected by the drainage structure, as set forth below.

<u>Classification of Street</u> <u>Affected by Drainage</u>	<u>Structure Storm Frequency</u>
Country Lane	5 year
Local Street	10 year
Minor Collector	15 year
Major Collector	25 year
Minor Arterial	25 year
Major Arterial	25 year

- (a) Incentive for Lots Larger than Five Acres. Notwithstanding the preceding requirements, all drainage structures affecting Local Streets or Minor Collectors may be designed based on a five-year storm frequency if all Lots in the subdivision are restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated

Development (as defined in Article II) and the design of such drainage structures is approved by the Director. All drainage construction will, however, be subject to the remainder of this Article 10.

- (b) 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.

10.3 Conveyance of 100-Year Storm Frequency Flows. In addition to 10.2 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 not be narrower than twenty feet (20') in width.

10.4 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 Road Department.

10.5 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, based upon the classification of Permitted Street affected by the drainage structure:

<u>Classification of Street</u> <u>Affected by Drainage</u>	<u>Structure Storm Frequency</u>
Country Lane	25 year
Local Street	25 year
Minor Collector	25 year
Major Collector	100 year
Minor Arterial	100 year
Major Arterial	100 year

- (a) Incentive for Lots Larger than Five Acres. Notwithstanding the preceding requirements, all Country Lanes, Local Streets or Minor Collectors, and culverts underneath such roads, may be designed based on a ten-year storm frequency if all Lots in the subdivision are restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development (as defined in Article II) and the design of such drainage structures is approved by the Director. All drainage construction will, however, be subject to the remainder of this Article 10. This incentive shall not apply to bridges.
- (b) 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. The Commissioners Court may require installation of gates or warning devices at all or some of such locations.

- (c) 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.

- (d) This Section 10.5 does not apply to driveway culverts.

10.6 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.

- (a) All computations of flood plains, culverts, channels, etc. shall be based on fully developed upstream conditions.
- (b) 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.

10.7 Easements.

- (a) All flood plains and concentrated flows for the 100 year storm frequency shall be contained within a dedicated drainage easement or right-of-way, however, studied floodplains may be defined with base flood elevations and established regulatory floodway boundaries without the use of drainage easements.
- (b) 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 floor elevation. No development whatsoever will be permitted in the floodway.

ARTICLE XI

11. Revision and Cancellation.

11.1 Revision. The Owner of an existing lot or lots in a platted subdivision may submit an application to revise the portion of the existing plat affecting such Lots, unless prohibited by restrictive covenants or plat notes filed pursuant to these Regulations, by submitting the following to the Department:

- (a) Sixteen copies of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or, if submitted by a private homeowner

who is not a developer in the subdivision, other materials acceptable to the Director clearly setting forth the desired amendment;

- (b) A statement giving the reason for the proposed revision;
- (c) A filing fee equal to \$200.00, plus \$10.00 per affected lot.
- (d) Any revision for the purposes of adjusting lot lines, or the consolidation of lots may with the approval of the Precinct Commissioner be subject to Final approval only.

11.2 Review Period. The Department shall have the review period established in Sections 3.7 and 3.8 above.

11.3 Public Notice. After the date the Department posts the resubdivision for consideration by the Commissioners Court, but before the application is considered by the Court, the County shall have delivered or published all notices required by Local Government Code Section 232.009, including:

- (a) 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 the 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
- (b) Delivery of notice of the application to all owners within the original subdivision by certified or registered mail, return receipt requested.
- (c) Any revision for the purposes of lot-line adjustments or the consolidation of lots shall be exempt from the notification requirements.

APPENDIX III
SPECIFICATIONS FOR PAVING AND DRAINAGE IMPROVEMENTS

**SPECIFICATIONS
FOR
PAVING AND DRAINAGE IMPROVEMENTS
HAYS COUNTY, TEXAS**

EXCAVATION AND SUBGRADE PREPARATION

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

1.02 CONSTRUCTION METHODS After the site of the work has been properly cleared, the excavation and grading may proceed in conformity with the plans and specifications, and as directed by the Road Director. When required by the plans and specifications, selected materials from the excavation shall be utilized to improve the road-bed, in which case the work shall be performed in such manner and sequence that suitable materials may be selected, removed separately and deposited in the roadway within the limits and to the required elevations. If unsuitable subgrade material is encountered, this material shall be excavated to a depth as required by the Road Director and suitable material from the project used to construct the roadbed. Care shall be exercised so as not to disturb the natural ground below the compacted subgrade limits except for the construction of structures, or when so ordered by the Road Director. The finished grades, slopes and edges of the excavation shall be backfilled where necessary, using select materials thoroughly compacted and dressed off uniformly in a neat and workmanlike manner. The Contractor shall at all times make ample provisions for completely and readily draining the subgrades and excavation.

1.03 EMBANKMENT Embankments or fills shall be constructed at the locations and to the lines and grades indicated on the drawings, or as established. Materials placed in fills shall be free from all vegetable matter, trash and frozen materials, and stone having a maximum dimension greater than six inches. Fills shall be formed of excavated materials placed in successive layers of such widths and lengths as are suited to the sprinkling and compaction method utilized. Embankments shall be constructed in layers not exceeding six inches in thickness after compaction. The Contractor shall add moisture to or shall dry by aeration, each layer as may be necessary to meet the requirements of this specification for compaction. The addition of moisture to or drying by aeration of, each layer, shall be accompanied with thorough mixing so as to bring all material in each layer to a uniform moisture content. Compaction shall be accomplished with tamping rollers, discs, and pneumatic rollers of approved design. Tamping rollers shall be used except for the final rolling of the completed fill which shall be accomplished by rubber-tired rollers. The rollers, unless otherwise directed, shall be operated at a speed between two and three miles per hour. All soft areas that develop under construction operations shall be scarified, aerated or moistened as required, and compacted to the full depth required to obtain the specified density for each layer. Portions of embankments which are too near adjacent walls, pavements or other fixed objects to permit use of the above specified rolling equipment for compacting, and other portions which the roller cannot reach for any reason, shall be thoroughly compacted by tamping in two-inch layers with mechanical tampers or other equipment as approved by the Road Director. The degree of compaction for such portions of the embankments shall be equivalent to that obtained by sprinkling and rolling as specified for other respective portions of the embankment. Any damage to adjacent walls, pavements or other fixed objects, shall be replaced or repaired at the expense of the Contractor. All road subgrade and embankments shall be compacted to a minimum density of ninety-five percent (95%) AASHTO T-99, Method D.

1.04 MAINTENANCE OF THE FINISHED SUBGRADE The finished subgrade shall be maintained to the proper grade, cross section and density by the Contractor until subbase or base material is placed thereon. All such maintenance, including recompacting necessary as a result of precipitation or excessive drying out, shall be the responsibility of the Contractor. All construction traffic shall be uniformly distributed over the subgrade.

1.05 INSPECTION Prior to the installation of the base material, the compacted subgrade shall be inspected by the Road Director. The owner or his agent shall notify the Road Director or his agent twenty-four (24) hours prior to the time when the inspection is needed.

FLEXIBLE BASE

2.01 DESCRIPTION This item shall consist of a foundation course for the asphaltic concrete or other paving, and shall be composed of crushed limestone material constructed as herein specified in one or more courses in conformity with the typical sections shown on the plans and to the lines and grades established.

2.02 MATERIALS The flexible base shall be constructed of crushed limestone material from an approved source. The material shall consist of durable stone particles mixed with an approved binding material, meeting the following requirements:

Retained on 1 3/4" sieve	5% to 10%
Retained on #4 sieve	30% to 75%
Retained on #40 sieve	60% to 85%

The material passing the #40 sieve shall be known as "soil binder" and shall meet the following requirements:

Liquid limit shall not exceed 40

Plasticity index shall not exceed 12

The base material proposed to be used shall be tested by an approved soils testing laboratory and the results of the test shall be submitted to the Road Director prior to use of the material.

2.03 CONSTRUCTION METHODS The base material shall be placed on the prepared subgrade in uniform courses with the compacted thickness to be no more than 7 inches nor less than 3 inches. Material deposited on the subgrade shall be spread and shaped the same day unless otherwise directed by the Road Director. The course shall then be sprinkled as required and rolled as directed until a uniform compaction is secured. Through this entire operation, the shape of the course shall be maintained by blading and the surface, upon completion, shall be smooth and in conformance with the typical sections shown on the plans and to the established lines and grades. All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, and reshaping and recompacting by sprinkling and rolling. Material excavated in preparation of the subgrade may be utilized in the construction of adjacent shoulders and slopes or otherwise disposed of as directed, and any additional material required for the completion of the shoulders and slopes shall be secured from approved sources designated by the Road Director. Each course of base shall be compacted to a minimum density of 100 percent (100%), according to TxDot Test Method Tex-113-E. After final compaction, a field density test shall be required at intervals no less than 300 feet, at locations representative of the entire road base. Intermediate points will be tested if required by the Road Director. The cost of these tests shall be borne by the Subdivider.

2.04 THICKNESS CONTROL The thickness of the compacted flexible base may vary from a maximum of 1/2 inches less than specified to a maximum of 1 inch more than specified. Deviations not within this tolerance shall be corrected.

2.05 MINIMUM STANDARDS FOR PRIVATE ROADS BASE REQUIREMENT

Roads that are intended to be privately maintained may be constructed of compacted flexible base material with a minimum width as shown on Table 7.3. The base course shall have a thickness of not less than six inches (6") after compaction for streets constructed on subgrade material with a Plasticity Index less than thirty (30). The base course shall have a thickness of not less than eight inches (8") after compaction for streets constructed on subgrade material with a Plasticity Index greater than thirty (30), but less than forty-five (45). In the event that the Plasticity Index of the subgrade exceeds forty-five (45), the flexible base course shall not be less than 10 inches (10" thick after compaction.

2.06 INSPECTION Prior to the installation of the paving, the compacted base material shall be inspected by the Road Director. The Owner or his agent shall notify the Road Director or his agent twenty-four (24) hours prior to the time when the inspection is needed.

TWO COURSE SURFACE TREATMENT

3.01 DESCRIPTION This item shall consist of a wearing surface composed of two applications of asphaltic material, each covered with aggregate constructed on the prepared base course as herein specified and in accordance with the details shown on the plans. All specifications in this item shall be in conformance with the Texas Highway Department Standard Specifications for Construction of Highways, Streets, and Bridges, herein referred to as TxDot 1993 Highway Standards.

Two course surface treatment shall not be applied when the air temperature is below 60oF, or when it is anticipated that the air temperature will fall below 50oF within the (10) days following application. Air temperature shall be taken in the shade and away from artificial heat. Asphaltic material shall not be placed when general weather conditions, in the opinion of the Road Director, are not suitable.

3.02 MATERIALS

Aggregate:

Aggregates are to be composed of sound and durable particles of gravel, crushed gravel, crushed stone, crushed slag, or natural limestone rock asphalt. These materials shall contain not more than one percent (1%) by weight of organic matter other than native bitumen, clays, loam or pebbles coated therewith and shall not contain more than five percent (5%) by weight of any combination of slate, shale, or soft particles of sandstone when tested in accordance with Test Method TEX-217-F. The per cent of wear on natural limestone rock asphalt as determined by Test Method TEX-410-A shall be made on that portion of the material retained on the No. 4 sieve, having naturally impregnated asphalt content of less than one percent (1%).

When tested by Test Method TEX-200-F the percent by weight shall be as follows:

CLASS B:	TYPE B
Grade 3	Retained on 3/4" sieves 0
	Retained on 5/8" sieves 0-2
	Retained on 1/2" sieves 20-25
	Retained on 3/8" sieves 85-100
	Retained on 1/4" sieves 95-100
	Retained on No. 10 sieves 99-100

Application Rate - Min 1 cy covers 80 sy, (1:80), max 1 cy covers 100 sy, (1:100).

Grade 4	Retained on 5/8" sieves 0
	Retained on 1/2" sieves 0-2
	Retained on 3/8" sieves 20-35
	Retained on No. 4 sieves 95-100
	Retained on No. 10 sieves 99-100

Application Rate-Min. 1 cy covers 90 sy, (1:90), max 1 cy covers 110 sy, (1:110).

Asphaltic Materials:

Asphaltic materials shall be AC-5 Asphaltic Cement or HFRS-2 High Float Anionic Emulsion as specified by item 300 of TxDot 1993 Standard Specifications. Application temperature for AC-5 shall be between 275oF - 325oF and for HFRS-2 shall be between 110oF - 150oF. Rate of application shall be 0.35 - 0.45 gallons per square yard for the first course and 0.25-0.35 gallons per square yard for the second course. HFRS-2, if used, shall be applied at the upper end of these application rates.

3.03 CONSTRUCTION METHODS The area to be treated shall be cleaned of dirt, dust, or other deleterious matter by sweeping or other approved methods. If it is found necessary by the Road Director, the surface shall be lightly sprinkled just prior to the first application of asphaltic material.

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

Asphaltic material for each course may be applied for the full width of the surface treatment in one application, unless the width exceeds twenty-six feet (26'). No traffic or hauling will be permitted over the freshly applied asphaltic material until immediate covering is assured.

Aggregate, of the type and grade shown on the plans for the first course, shall be immediately and uniformly applied and spread by an approved self-propelled continuous feed aggregate spreader, unless otherwise shown on the plans or authorized by the Road Director in writing. The aggregate shall be applied at the approximate rates indicated on the plans and as directed by the Road Director. The Contractor shall be responsible for the maintenance of the surface of the first course until the second course is applied.

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

In lieu of the rolling equipment specified, the Contractor may, upon written permission from the Road Director, operate other compacting equipment that will produce equivalent relative compaction in the same period of time as the specified equipment. If the substituted compaction equipment fails to produce the desired compaction within the same period as would be expected of the specified equipment, as determined by the Road Director, its use shall be discontinued.

Rollers shall be maintained in good repair and operating condition and shall be approved by the Road Director.

The second course shall consist of asphaltic material and aggregate of the type and grade indicated on the plans for the second course. The asphaltic material and aggregate for this second course shall be applied and covered in the manner specified for the first application. The surface shall then be broomed, bladed or raked as required by the Road Director and thoroughly rolled as specified for the first course. Asphaltic materials and aggregates for both courses shall be applied at the approximate rates indicated on the plans and as directed by the Road Director. The Contractor shall be responsible for the maintenance of the surface until the work is accepted by the Road Director.

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

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

The Road Director will select the temperature of application based on the temperature-viscosity relationship that will permit application of the asphalt within the limits recommended in the Item, "Asphalt's Oils, Emulsions." The recommended range for the viscosity of the asphalt is 50 seconds to 60 seconds, Saybolt Furol. The Contractor shall apply the asphalt at a temperature within 15oF of the temperature selected.

HOT ASPHALTIC CONCRETE PAVEMENT

4.01 DESCRIPTION This item shall consist of a surface course to be composed of a compacted mixture of aggregate and asphaltic material to be constructed on the previously completed base as herein specified, and in accordance with the details shown on the plans. All specifications in this item are in accordance with the TxDot 1993 Standard Specifications for Construction of Highways, Streets, Bridges, herein referred to as TxDot 1993 Standard Specifications.

4.02 MATERIALS Pavement shall meet the requirements of the TxDot 1993 Standard Specifications for item 340, Hot Mix Asphaltic Concrete Pavement (Class A), Type "D" as follows:

Type "D" (Fine Graded Surface Course):

	Per Cent by Weight
Passing 1/2" Sieve	100
Passing 3/8" Sieve	95 to 100
Passing 3/8" sieve, Retained on No. 4 Sieve	20 to 50
TOTAL REMAINING ON NO. 10 SIEVE	50 to 70
Passing No. 10 sieve, Retained on No. 40 Sieve	0 to 30
Passing No. 40 sieve, retained on No. 80 Sieve	4 to 25
Passing No. 80 sieve, retained on No. 200 Sieve	3 to 25
Passing No. 200 Sieve	1 to 8

The asphaltic material shall form from 4.0 to 8.0 per cent of the mixture by weight unless specified otherwise on the plans.

Asphalt for the pavement mixture shall be asphalt cement (AC-5 or AC-10) which shall meet the requirements of the TxDot 1993 Standard Specifications, for item 300.

The asphalt materials for tack coat shall meet the requirements for cut back asphalt, RC-250. Asphalt for prime coat shall be MC-30 or SS-1. All asphalt materials shall meet the requirements of TxDot 1993 Standard Specifications, Item 300.

The Coarse and Fine Aggregates shall meet the requirements of the TxDot 1993 Standard Specifications, Section 340.2.

4.03 CONSTRUCTION METHODS Before the asphaltic concrete is placed, the surface on which the mixture is to be placed shall be thoroughly cleaned and the prime coat of MC-30 or tack coat of RC-2, or both, applied as directed with approved sprayer at the rate of 0.10 gallons minimum per square yard of surface.

The asphaltic concrete mixture, heated and prepared as specified, shall be hauled to the project in tight vehicles previously cleaned of all foreign material. The mixture shall be at a temperature of 200oF to 235oF when laid. The Road Director will determine the lowest temperature and a variance of 30oF upward will be allowed. It shall be spread into place with an approved mechanical finishing machine to the compacted depth shown on plans. Minimum thickness standard for Hot Mix Asphaltic Cement, if selected, to be not less than one and one-half inches (1 1/2") after compaction.

The finishing machine shall be of the screeding and/or tamping type.

While still hot, as soon as it will bear the roller without undue displacement or hair cracking, the surface shall first be compressed thoroughly and uniformly with acceptable power-driven three wheel or tandem rollers weighing from 8 to 10 tons. Subsequent compression shall be obtained by starting at the sides and rolling longitudinally toward the center of the pavement, over-lapping on successive trips by at least one-half (1/2)

of the width of the rear wheels. Alternate trips of the roller shall be slightly different in lengths. Rolling shall be continued until no further compression can be obtained and all roller marks are eliminated. To prevent adhesions of the surfacing mixture to the roller, the wheels shall be kept properly moistened with water, but excess of water will not be permitted. The final rolling shall be done with a tandem roller. A double coverage with an approved pneumatic roller shall be used on the asphaltic concrete surface after flat wheel and tandem rolling has been completed.

Along curbs, headers and similar structures, and at all places not accessible to the roller, the mixture shall be compacted thoroughly with a lightly oiled hand tamp.

The completed surface, when tested with a ten (10) foot straight-edge laid parallel to the centerline of the roadway, shall have a maximum ordinate measured from the face of the straight-edge not to exceed one-eighth (1/8) inch at any point.

Approved templates shall be furnished by the Contractor for checking subgrade and finished sections. The templates shall be of such strength and rigidity that if the support is transferred to the center there will not be a deflection of more than one-eighth inch (1/8").

4.04 EQUIPMENT Mixing plants that will not continuously produce a mixture meeting all the requirements of this specification will not be accepted.

Mixing plants may be either the weight-batching type or the continuous mixing type. Both types of plants shall be equipped with satisfactory conveyors, power units, aggregates handling equipment, hot aggregate screens and bins and dust collectors and shall consist of the following essential pieces of equipment.

The Cold Aggregates Bin and the Proportioning Device, Dryer, Screens, Aggregate Weight Box and Batching Scales, Mixer, Asphalt Storage and Heating Devices, Asphalt Measuring Devices, and Truck Scales if used, shall be of the type to adequately supply materials within the tolerances set out in these specifications.

The aggregate shall be separated into at least three bins for Type 3 as specified herein. Bin No. 1 will contain aggregates of which 90 to 100 per cent by weight will pass the No. 10 sieve. Bin No.2 will contain aggregates of which at least 85 per cent by weight will be of such size as to pass the 1/4 inch sieve and be retained on the No. 10 sieve. Bin No.3 will contain aggregates of which 85 per cent by weight will be such size as to pass the 1/2 inch sieve and be retained on the No. 4 sieve.

4.05 TESTING The Contractor, at his expense, shall employ a commercial testing laboratory approved by the Road Director to conduct the required material checks and design the mix. During the production of the plant mix, the Contractor will provide, at his expense, continuous inspection and testing at the plant by a commercial testing laboratory approved by the Road Director. Minimum in place density should reach 90 percent (90%).

DRAINAGE FACILITIES

5.01 DESCRIPTION This item shall govern the furnishing of all drainage culvert pipe, concrete headwalls, and reflector post as shown on the Plans and herein specified, and installing the same as designated on the Plans or by the Road Director in conformity with the lines and grades given.

5.02 MATERIALS The culvert pipe shall be of size, length, and gauge as shown on the plans. Corrugated galvanized metal pipe shall be as specified by item 460 of the TxDot 1993 Standard Specifications. Reinforced concrete pipe shall be as specified by Item 464 of the same. All pipe shall be new and unused and shall not have been damaged by handling or shipping.

Reflector posts shall be 1 1/2 inch schedule 20, galvanized steel posts equipped with 3 inch amber reflectors. The length of the post shall be adequate to place the reflector assembly 48 inches above the centerline elevation of the street and anchor the post approximately 48 inches into the ground.

Concrete headwalls and/or rip-rap shall be constructed of 3000 psi, five sack, concrete meeting the requirements of Item 421 of TxDot 1993 Standard Specifications reinforced with deformed bars or wire mesh meeting the requirements of Item 440 of same. All headwalls and/or rip-rap shall be of the dimensions and in the locations shown on the plans.

5.03 CONSTRUCTION METHODS Culvert pipe shall be installed to the lines and grades shown on the Plan or as specified by the Road Director. The pipe shall be bedded along its complete length and the backfill around the pipe shall be compacted. The installation of all culvert pipes shall be in general conformance with the appropriate sections of the TxDot 1993 Standard Specifications. All culvert pipes located at street intersections shall be provided with reflector posts. The reflector post shall be equipped with one reflector facing in each direction of traffic flow. Reflector posts shall be provided on the ends of the concrete headwalls or rip-rap as shown on the Plans. The concrete headwalls or rip-rap shall be of the dimensions and at the locations shown on the plans. The headwalls shall be formed on their exposed surfaces, which shall be grouted and broom finished upon removal of the forms.

CHANNEL EXCAVATION

6.01 DESCRIPTION Channel Excavation shall consist of required excavation for all channels, the removal and proper utilization or disposal of all excavated materials, and constructing, shaping and finishing of all earthwork involved in conformity with the required lines, grades and typical cross sections and in accordance with the specifications and requirements herein outlined.

6.02 CLASSIFICATION All Channel Excavation will be Unclassified. Unclassified Channel Excavation shall include all materials encountered regardless of their nature or the manner in which they are removed.

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

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

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

All channels and that area adjacent to them which has been disturbed by construction equipment shall be seeded with Bermuda grass at the rate of eight pounds per acre (8 lb/ac). Seeding shall conform to item 164 of the TxDot 1993 Standard Specifications.

MISCELLANEOUS

7.01 SIGNAGE Street name signs, traffic control signs, speed limit signs, etc., shall all conform to the requirements of the TxDot 1993 Standard Specifications and the "Uniform Manual of Traffic Control Devices".

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

7.02 COMPLETION CERTIFICATE At the time a final inspection and release of performance security is requested, the design engineer shall prove a complete set of "as-built" construction drawings and shall certify that all road and drainage construction has been completed in substantial accordance with previously approved plans and specifications, except as noted. No performance security will be released without this exhibit.

Average Daily Traffic (one-way trips)**	Not more than 100	101-1000	1001-2500	2501-5000	5001-15000	More than 15000
Functional Classification	Country Lane	Local Street	Minor Collector	Major Collector	Minor Arterial	Major Arterial
Design Speed	25 mph	25 mph	35 mph	45 mph	55 mph	
Number of Lanes	2	2	2	2	4	
ROW Width	50'	60'	60'	70'	100'	All elements including geometric layout and cross-section shall be approved
Width of Traveled way	18'	20'	22'	24'	48'	
Width of Shoulders	2'	4'	5'	6'	8'	
Minimum Centerline Radius	200'	300'	375'	675'	975'	
Minimum Tangent Length between Reverse Curves or Compound Curves	50'	100'	150'	300'	500'	
Minimum Radius for Edge of Pavement at Intersections	25'	25'	25'	25'	25'	by the Road Director
Intersection Street Angle	80-100	80-100	80-100	80-100	80-100	on a case-by-case basis.
Maximum Grade:	11%	11%	10%	9%	8%	
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'	125'	
Minimum Stopping Sight Distance	175'	175'	250'	350'	550'	
Minimum Intersection Sight Distance	250'	250'	350'	450'	550'	
Ditch Foreslope Grade	4:01	4:01	5:01	5:01	6:01	
Ditch Backslope Grade	3:01	3:01	4:01	4:01	4:01	
Minimum Cul-de-sac ROW Radius	65'	70'	70'	70'	70'	
Minimum Cul-de-sac Pavement Radius	35'	45'	45'	45'		
Notes:						
1) Any deviation from these standards must be the subject of an approved variance.						
2) Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined on a case-by-case basis by the Road Director.						
3) Occasional short runs between intersections may exceed the amounts shown, but maximum grades through intersections may not exceed the amounts shown.						
4) The entire side ditch shall be contained entirely within the road right-of-way or a dedicated drainage easement. Guardrails shall be designed in accordance with current TXDOT standards.						
5) No cul-de-sac shall have a cross slope that exceeds 6 percent.						
6) Revegetation of disturbed areas within new road rights of way is required.						
7) Required wherever ditch depth exceeds 8'-0" from edge of shoulder to bottom of ditch on Country Lanes and Local streets, 6'-0" from edge of shoulder to bottom of ditch on Minor Collectors, and 4'-0" from edge of shoulder to bottom of ditch on Major Collectors and Minor Arterials.						
Individual driveway entrances, if not shown on the approved constructions plans, must be approved by the Road Director. Maximum spacing between commercial driveways or curb cuts is 150ft. Safety-end treatment required on all driveways. (Minimum 6:1 slope)						
8) All design standards may be modified on a case-by-case basis as each project merits depending upon topography and other pertinent features. This is to include possible wider ROWs when designed back-slopes will not fit within standard ROW						
9) Utility construction and design, if intended to be underground, shall comply with USDOT utility guide. The design and installation of utilities needs to be coordinated with the Hays County Road Dept.						
10) No road and drainage construction may begin until a set of construction and drainage plans have been approved by the County Road Department.						
10) Seventy-Two (72) hours before construction is to begin a preconstruction meeting is required to be held. Contact the County Road Department for scheduling information.						

APPENDIX IV
TEMPORARY EROSION CONTROL STANDARDS

Appendix IV

Temporary Erosion Control

Curb Inlets

One or more filter cloth bags containing washed sand or pea gravel can be placed in the gutter leading to the curb inlet or surrounding the inlet to act as small dikes. They will create small detention areas behind each dike that will act as sediment traps. Water will be slowed, temporarily detained, and then finally will flow around the bags into the inlet after dropping much of its sediment load. The bags must be secured to prevent them washing into the inlet by nailing them to the pavement or providing a welded wire grid in front of the opening.

Area Inlets

Surround the inlet with reinforced silt fencing or reinforced rock berms. Sediment will be trapped mainly by detention/sedimentation with some filtration.

Detention Pond Outlets

Reinforced rock berms or reinforced silt fencing should be placed around the outlet on the inside of the pond to enhance sedimentation, especially during low flow events and when the pond is not fully revegetated. Temporary controls preferably should be placed inside the pond outlet rather than outside. If placed outside, a semicircular rock berm or reinforced rock berm should be placed immediately below the outlet headwall.

TABLE 7.3

Average Daily Traffic (one-way trips)**	Not more than 100	101-1000	1001-2500	2501-5000	5001-15000	More than 15000
Functional Classification	Country Lane	Local Street	Minor Collector	Major Collector	Minor Arterial	Major Arterial
Design Speed	25 mph	25 mph	35 mph	45 mph	55mph	
Number of Lanes	2	2	2	2	4	
ROW Width	50'	60'	60'	70'	100'	<i>All elements including geometric layout and cross-section</i>
Width of Traveled way	18'	20'	22'	24'	48'	
Width of Shoulders	2'	4'	5'	6'	8'	
Minimum Centerline Radius	200'	300'	375'	675'	975'	
Minimum Tangent Length between Reverse Curves or Compound Curves	50'	100'	150'	300'	500'	<i>shall be approved</i>
Minimum Radius for Edge of Pavement at Intersections	25'	25'	25'	25'	25'	<i>by the</i>
Intersection Street Angle		80-100	80-100	80-100	80-100	<i>Road Director</i>
Maximum Grade:	11%	11%	10%	9%	8%	<i>on a case-by-case</i>
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'	125'	<i>basis.</i>
Minimum Stopping Sight Distance	175'	175'	250'	350'	550'	
Minimum Intersection Sight Distance	250'	250'	350'	450'	550'	
Ditch Foreslope Grade	4:01	4:01	5:01	5:01	6:01	
Ditch Backslope Grade	3:01	3:01	4:01	4:01	4:01	
Minimum Cul-de-sac ROW Radius	60'	65'	65'	65'	65'	
Minimum Cul-de-sac Pavement Radius	35'	45'	45'	45'		
Notes:						
1) Any deviation from these standards must be the subject of an approved variance.						
2) Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined on a case-by-case basis by the Road Director.						
3) Occasional short runs between intersections may exceed the amounts shown, but maximum grades through intersections may not exceed the amounts shown.						
4) The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails will be required.						
5) No cul-de-sac shall have a cross slope that exceeds 6 percent.						
6) Revegetation of disturbed areas within new road rights of way is required where the ditch depth exceeds 8' - 0" from the edge of shoulder to bottom of ditch on Country Lanes and Local Streets, 6'-0" from edge of shoulder to bottom of ditch on Minor Collectors, and 4'-0" from edge of shoulder to bottom of ditch on Major Collectors and Minor Arterials.						
Individual driveway entrances, if not shown on the approved constructions plans, must be approved by the Road Director. Maximum spacing between commercial driveways or curb cuts is 150 ft.						
Safety-end treatments required on all driveways. (Minimum 6:1 slope)						
7) All design standards may be modified on a case-by-case basis as each project merits depending upon topography and other pertinent features. This is to include possible wider ROWs when designed backslopes will not fit within standard ROW.						
8) Utility construction & design, if intended to be underground, will need to be coordinated with the County Road Dept. If placement of utilities is to be in County ROW, an additional 10' of ROW will be required.						
9) No road and drainage construction may begin until a set of construction and drainage plans have been approved by the County Road Department.						
10) Seventy-Two (72) hours before construction is to begin a preconstruction meeting is required to be held. Contact the County Road Department for scheduling information.						