

Revisions to Comal County Subdivision Rules and Regulations

Approved by Order of the Comal County Commissioners Court on December 21, 2000.

This Order takes effect January 1, 2001.

1. **Section A, Regulations, Subsection IV. PLATS, Subsection A. Preliminary Plats, Paragraph 6.**

Revise item “x” to read as follows:

A person seeking approval of a plat which creates one or more lots or is seeking approval of a revision plat that results in an increase in the total amount of lots shall:

- i) if no Public Water System is proposed or exists; and the proposed lots will be served by individual groundwater wells and not utilizing groundwater regulated by the Edwards Aquifer Authority,

Submit a Certification of Groundwater Availability For Platting Form pursuant to Title 30 Texas Administrative Code, Chapters 230, Sections 230.2 through and including 230.11, with the following additional requirements;

All supporting information, data, and calculations necessary to meet the requirements of Sections 230.2 through and including 230.11 shall be attached to the Certification of Groundwater Availability For Platting Form.

§230.3 (c), Form Required, the first sentence is revised as follows;

This chapter and the following form shall be used and completed if the county requires plat applicants to certify that adequate groundwater is available to provide water to the land to be subdivided.

Submit documentation from a Hydrogeologist indicating his/her concurrence with the findings presented within the above Certification of Groundwater Availability For Platting Form.

- ii) if no Public Water System is proposed or exists; and the proposed lots will be served by individual groundwater wells utilizing groundwater regulated by the Edwards Aquifer Authority,

Provide an analysis prepared by a registered engineer determining the projected water use of the final expected number of residences, businesses, or other dwellings in the platted area.

Submit documentation from the Edwards Aquifer Authority indicating a permit allocation of groundwater rights to the proposed platted area in an amount

adequate to meet the water needs as identified in the above engineering analysis. The permit allocation cannot involve leased water rights.

- iii) if the proposed lots are to be served by a new Public Water System utilizing groundwater wells and not using groundwater regulated by the Edwards Aquifer Authority,

Submit a Certification of Groundwater Availability For Platting Form pursuant to Title 30 Texas Administrative Code, Chapters 230, Sections 230.2 through and including 230.11, with the following additional requirements;

All supporting information, data, and calculations necessary to meet the requirements of Sections 230.2 through and including 230.11 shall be attached to the Certification of Groundwater Availability For Platting Form.

§230.3 (c), Form Required, the first sentence is revised as follows;

This chapter and the following form shall be used and completed if the county requires plat applicants to certify that adequate groundwater is available to provide water to the land to be subdivided.

Submit documentation from a Hydrogeologist indicating his/her concurrence with the findings presented within the above Certification of Groundwater Availability For Platting Form.

Submit a copy of the final approval letter and all supporting documentation from the executive director of the Texas Natural Resource Conservation Commission (TNRCC), pursuant to TNRCC Rule 30 TAC Chapter 290.41(c)(3)(A), for each new well and provide a copy of the TNRCC approval letter and supporting documentation for the engineering plans and specifications for the Water Production and Water Distribution Facilities.

Provide a surety, in a form acceptable to the County, in an amount determined by the County Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

- iv) if the proposed lots are to be served by a new Public Water System utilizing groundwater wells using groundwater regulated by the Edwards Aquifer Authority,

Provide an analysis prepared by a registered engineer determining the projected water use of the final expected number of residences, businesses, or other dwellings in the platted area.

Submit documentation from the Edwards Aquifer Authority indicating a permit allocation of groundwater rights to the proposed platted area in an amount adequate to meet the water needs as identified in the above engineering analysis. The permit allocation cannot involve leased water rights.

Submit a copy of the final approval letter and all supporting documentation from the executive director of the Texas Natural Resource Conservation Commission (TNRCC), pursuant to TNRCC Rule 30 TAC Chapter 290.41(c)(3)(A), for each new well and provide a copy of the TNRCC approval letter and supporting documentation for the engineering plans and specifications for the Water Production and Water Distribution Facilities.

Provide a surety, in a form acceptable to the County, in an amount determined by the County Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

- v) if the proposed lots are to be served by a new Public Water System utilizing surface water,

Provide a copy of the TNRCC approval letter and supporting documentation for the engineering plans and specifications for any required Water Production and Water Distribution Facilities, pursuant to TNRCC Rule 30 TAC Chapter 290.

Provide an analysis prepared by a registered engineer determining the projected water use of the final expected number of residences, businesses, or other dwellings in the platted area.

Submit a copy of an executed contract, agreement, or commitment letter from the TNRCC or the Guadalupe Blanco River Authority stating surface water, in an amount adequate to meet the water needs as identified in the above engineering analysis, has been committed to the platted area for a period of 20 years or greater. Said document shall identify the amount of surface water committed, the point of diversion, and the term of the commitment.

Provide a surety, in a form acceptable to the County, in an amount determined by the County Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

- vi) if the proposed lots are to be served by an existing public water system utilizing groundwater and currently providing service to less than 1000 connections,

Provide documentation from the existing Public Water System indicating that the existing system has agreed to provide water service to the platted area.

Provide a copy of the latest TNRCC Public Water Sanitary Survey of the existing Public Water System indicating no alleged violations pertaining to water quality or water production capability.

Provide an engineering analysis of the existing Public Water System showing that the existing system has an adequate Water Supply and adequate Water Production Facilities to serve the final expected number of residences, businesses, or other dwellings in the existing service area in addition to the needs

of the final expected number of residences, businesses, or other dwellings in the proposed platted area.

If the existing public water system uses groundwater regulated by the Edwards Aquifer Authority, submit documentation from the Edwards Aquifer Authority indicating the permit allocation of groundwater rights necessary to meet the needs identified to the preceding paragraph. The permit allocation cannot involve leased water rights.

If an expansion to an existing Public Water System is necessary due to the addition of the platted area or due to existing deficiencies in the system, as identified above, submit a copy of the final approval letter and all supporting documentation from the executive director of the Texas Natural Resource Conservation Commission (TNRCC), pursuant to TNRCC rule 30 TAC Chapter 290.41(c)(3)(A), for any new well, and provide a copy of the TNRCC approval letter and supporting documentation for the engineering plans and specifications for the required Water Production and Water Distribution Facilities.

Provide a surety, in a form acceptable to the County, in an amount determined by the County Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

- vii) if the proposed lots are to be served by an existing Public Water System utilizing surface water or an existing Public Water System currently providing interconnected water service to 1000 connections or more,

Provide documentation from the existing Public Water System (Utility) indicating that the Utility has agreed to provide water service to the platted area.

Provide documentation from the Utility indicating that the Utility has had a Water Availability Report approved by the Comal County Commissioners Court within the last 36 months.

A Water Availability Report is defined as a document prepared by the Utility to reveal their ability to meet the needs of their existing users and show their preparedness to meet the needs of future water users as their system expands. The report shall include, but is not necessarily limited to, the following:

1. Copy of the latest TNRCC Public Water Sanitary Survey of the Utility's existing water system indicating no alleged violations pertaining to water quality or water production capability.
2. A map or maps of the Utility's service area showing:
 - a) the Utility's current service area as define by their existing Certificate of Convenience and Necessity and the projected service area in 20 years.
 - b) a schematic of the Utility's existing distribution system with line sizes identified.
 - c) locations of water wells and/or surface water plants with capacities.
 - d) locations of pump stations and elevated storage tanks with capacities.

3. An analysis of the population and land use development projections for the Utility's estimated service area in 20 years.
4. Copies of documents and/or an engineering analysis showing that the Utility has adequate groundwater rights, surface water rights, existing groundwater production capability, or other proofs of water rights or reservations in an amount sufficient to supply the anticipated water use of the expected population and land use within the projected service area in 20 years.
5. In areas where groundwater withdrawal is not regulated by the Edwards Aquifer Authority, if applicable, provide a report prepared by a registered engineer certifying that adequate groundwater is available from the source aquifer(s) to supply the Utility's anticipated groundwater needs for 20 years.

2. **Section A, Regulations, Subsection 1, Authority and Purpose;**

Add the following:

5. **Plat Requirement**

- a) The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:
 - (1) a subdivision of the tract, including an addition;
 - (2) lots; or
 - (3) streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- b) A division of a tract under Subsection (a) 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 a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

6. **Exemptions to the Plat Requirement**

The following exemptions may allow a division of property without the preparation of a subdivision plat. Under these exemptions, a property owner may not be required to prepare a subdivision plat for their division of their property, but the division of property must still meet the minimum lot size requirements set forth in the Comal County On-Site Sewage Facility Order.

- a) The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if
 - (1) the land is to used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of section 1-d-1, Article VIII, Texas Constitution; and
 - (2) the owner does not lay out a part of the tract described by above in 5. a(3); and

- (3) if the tract described ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements apply.
- b) The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into four or fewer parts to have a plat of the subdivision prepared if:
 - (1) each of the lots is sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined by Chapter 573, Government Code;
 - (2) the owner does not lay out a part of the tract described by 5. a(3); and
 - (3) if any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree consanguinity or affinity, the platting requirements apply.
- c) The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 - (1) all of the lots in the subdivision are more than 10 acres in area; and
 - (2) the owner does not lay out a part of the tract described in 5. a(3).
- d) The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described in 5. a(3) to have a plat of the subdivision prepared if all of the lots are sold to veterans through the Veteran's Land Board Program.
- e) The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 - (1) the owner does not lay out a part of the tract described in 5. a(3); and
 - (2) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations.
- f) The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:
 - (1) the owner does not lay out any part of the tract described in 5. a(3); and
 - (2) all parts are transferred to persons who owned undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

- g) The County shall not require the owner of an unplatted or platted tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:
 - (1) the owner does not lay out any part of the tract described in 5. a(3); and
 - (2) the subdivision is the result of the owner dividing a tract by granting a security interest in property to secure an indebtedness.
- h) The County shall not require the owner of an unplatted tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:
 - (1) the owner does not lay out any part of the tract described in 5. a(3); and
 - (2) the subdivision is the result of the owner dividing a tract to convey property to an adjacent property owner.
- i) The County shall not require the owner of a tract of land located outside the limits of a municipality to have a plat or revision plat of the subdivision prepared if:
 - (1) said tract was created prior to January 1, 2001, as evidenced by a document recorded in the Comal County Clerk's records before January 1, 2001; or
 - (2) said tract was the result of a division of land that resulted from the acquisition of public right-of-way by Comal County or the State of Texas.

3. Section A, Regulations, Subsection II, Definition of Terms

Delete definition for "Subdivision"

Add the following definitions:

Public Water System - A system, approved by the Texas Natural Resource Conservation Commission, for the provision to the public of water for human consumption through pipes or other constructed conveyances.

Water Production Facility – A collection of pumps, treatment equipment, tanks and other devices designed to extract water from a source, provide necessary treatment to purify and disinfect, pressurize, pump, and store potable water.

Water Distribution Facility – a system or network of pipes and valves designed to deliver potable water to users.

Water Supply – a source of water

Hydrogeologist – An individual with at least 5 years of progressively more responsible professional experience, following receipt of a baccalaureate degree, during which full competence has been demonstrated in the application of scientific or engineering principles and

methods to the execution of work involving:

- (1) the understanding of the occurrence, movement, and composition of ground water in relation to the geologic environment,
- (2) the development, management, or regulation of ground water, or
- (3) the teaching and research of ground water subjects at the university level.

Revisions to Comal County Subdivision Rules and Regulations

Approved by Order of the Comal County Commissioners Court on April 16, 2001.
This Order takes effect April 16, 2001.

1. **Section A, Regulations, Subsection IV. Plats, A. Accompanying Data for Submission for Preliminary Plat Approval, Paragraph 10:**

Delete paragraph and replace with the following:

10. Engineering Design of Storm Water Drainage and Management Plan

a. 100-year Storm Event Inundation Analysis

Provide an engineering analysis showing those areas within the platted area that are subject to storm water inundation during the 100-year storm event. This analysis should be in the form of engineering calculations and an overall plan view of the subdivision showing the areas of 100-year inundation with the areas shaded or crosshatched. The analysis shall be based on the anticipated fully developed condition of the platted area, including any proposed building, paving, clearing, drainage, roadway, excavation, fill or other significant environmental modifications affecting peak flow rates of storm water runoff. The analysis shall only consider watersheds greater than 10 acres.

The analysis shall take into consideration all contributing watersheds to the extent that they affect or cause inundated areas within the platted area. A contributing watershed is a drainage area that drains storm water runoff to the platted area. Existing unplatted areas within contributing watersheds shall be analyzed considering their existing state of development. Existing platted areas within contributing watersheds shall be analyzed considering their fully built intended use and accounting for the effects of any existing drainage improvements.

The 100-year Storm Event Inundation Analysis shall be prepared, sealed, and signed by a professional engineer, currently registered in the State of Texas, and shall be reviewed and accepted by the County Engineer.

The subdivision plat shall have building set-backs containing all areas identified as being inundated by the 100-year storm event. A note shall be placed on the plat stating the following:

A drainage study has been completed for this plat and is available for review at the Comal County Engineer's Office. Areas identified by the study as being inundated during certain storm events have been placed within building set-backs. The construction of buildings within building set-backs requires Commissioners Court approval.

b. Downstream Impact Analysis

Provide an engineering analysis stating that the effect of modifying the platted area to the anticipated fully developed condition, including any

proposed building, paving, clearing, drainage, roadway, excavation, fill or other significant environmental modifications, will not increase the peak 100-year storm water discharge rate from the platted area to any contiguous property.

The analysis shall consider all contributing watersheds outside of the platted area to the extent that they affect the impact analysis. A contributing watershed is a drainage area that drains storm water runoff into the platted area. Existing unplatted areas within contributing watersheds shall be analyzed considering their existing state of development. Existing platted areas within contributing watersheds shall be analyzed considering their fully built intended use and accounting for the effects of any existing drainage improvements.

The Downstream Impact Analysis shall be prepared, sealed, and signed by a professional engineer, currently registered in the State of Texas, and shall be reviewed and accepted by the County Engineer.

c. Plans and Specifications for Storm Water Drainage Improvements

Provide plans and specifications for all storm water drainage improvements proposed within the platted area. Storm Water Drainage Improvements are manmade facilities such as detentions ponds, channels, storm sewer piping systems, culverts, catch basins, inlets, roadways, ditches, or other related facilities, which are constructed to control or modify natural storm water drainage.

Plans and Specifications for Storm Water Drainage Improvements shall be prepared, sealed, and signed by a professional engineer, currently registered in the State of Texas, and shall be reviewed and accepted by the County Engineer.

d. Drainage Easements and Rights-of-Way

Storm Water Drainage Improvements shall be placed within private drainage easements or public rights-of-way adequately configured to properly accommodate facility operation, maintenance, and access. Storm Water Drainage Improvements that are intended to be maintained by the County shall be placed within rights-of-way and shall be dedicated to the public for their intended use.

e. Surety for Drainage Improvements

Provide a surety, in the same form required for proposed roadway improvements, in an amount equal to the estimated construction cost estimate for all proposed Storm Water Drainage Improvements not located within proposed road rights-of-way. The estimate of the proposed Storm Water Drainage Improvements shall be prepared by an engineer and approved by the County Engineer. For Storm Water Drainage Improvements dedicated to the public, the Surety for Drainage Improvements shall not be released until the County has accepted the Storm Water Drainage Improvements. For Storm Water Drainage Improvements intended to remain private, the Surety for Drainage Improvements shall not be released until the County has approved the proper construction of said improvements and a maintenance entity has been established with the responsibility of future maintenance of all of the Storm Water Drainage Improvements not located within public road rights-of-way.

2. **Section A, Regulations, Subsection VI. Road Construction, Drainage:**

Delete entire section and replace with the following:

Storm Water Drainage Improvements within the Road Right-of-Way

- a. Provide an engineering analysis determining the 10-year storm water flow rate at all locations, except as noted below in paragraph b., where storm water drainage is planned to cross a proposed roadway. Prepare plans and specifications for proposed drainage improvements showing that the proposed improvements will pass the 10-year storm water flow rate through the drainage improvements without over-topping the roadway surface. The engineering analysis, design, plans, and specifications shall be prepared, sealed, and signed by a professional engineer, currently registered in the State of Texas, and shall be reviewed and accepted by the County Engineer.
- b. Provide an engineering analysis determining the 25-year storm water flow rate at all locations where storm water drainage is within a FEMA Special Flood Hazard Area and is planned to cross a proposed roadway. Prepare plans and specifications for proposed drainage improvements showing that the proposed improvements will pass the 25-year storm water flow rate through the drainage improvements without over-topping the roadway surface. In addition, provide an engineering analysis determining the 100-year storm water flow rate and show that the effect of the proposed drainage and roadway improvements will not inundate areas outside of the FEMA Special Flood Hazard Area. The engineering analysis, design, plans, and specifications shall be prepared, sealed, and signed by a professional engineer, currently registered in the State of Texas, and shall be reviewed and accepted by the County Engineer.