

Hays County, Texas

Development Regulations Diagnostic Report

Draft: September 24, 2025





The mission of Hays County is to provide and improve services to its residents that impact their health, safety and quality of life. As one of the fastest-growing counties in the nation, Hays County is committed to adapting to this growth while maintaining a deep connection to our rich history and natural resources. We embrace forward-thinking ideas with professionalism and dedication to serving our residents.

– Hays County Mission Statement



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Our vision as Hays County is to be a leader of change and growth; we foster a spirit of creativity while upholding dependability and integrity, celebrating diversity and cultivating a strong sense of community. We will be a reliable partner and steward of our residents’ interests and needs. We will develop a welcoming place where everyone thrives and is proud to call Hays County home.

– *Hays County Vision Statement*

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Section 1) Diagnostic Introduction

1.01) Project Overview

Hays County, Texas, has begun the process of reviewing, revising, and modernizing its Development Regulations (this “project”). This report serves as a consensus-building tool to inform the public, elected officials, and appointed staff of the anticipated revisions and recommendations. It should be noted that this report does not encompass every potential issue or consideration; as the process unfolds, further analysis and adjustments are expected. This report should be viewed as a starting point rather than a definitive and exhaustive catalog of all potential revisions. Beyond substantive changes, the overall update will also address issues such as correcting typos, resolving conflicts, and updating legislative references and allowances.

1.02) Diagnostic Report Structure

This report is broken down into the following sections:

- **Demographic Snapshot**
This section provides an overview of Hays County’s demographic, legislative, and natural considerations that impact its development goals and priorities.
- **Stakeholder Engagement Strategy**
This section provides a general outline of the anticipated project engagements and meetings across the project timeline.
- **Key Concepts for Updated Regulations**
This section identifies the top concepts derived from the input received to date. Findings range from sweeping issues impacting several sections of the Development Regulations to section- and topic-specific issues.
- **Section Findings and Recommendations**
This section identifies specific findings and recommendations relevant to each section of the existing Development Regulations. Findings are illustrated in a tabular format.

1.03) Hays County Core Values

In addition to the feedback received from the stakeholder groups, this report was drafted under the influence of Hays County's core values of Transparency, Integrity, Diligence, and Empathy (TIDE). The findings and recommendations of this report are tied to one or more of the following value statements:

T

Transparency: "We are committed to openness in all aspects of our work, fostering trust and accountability within our community."

I

Integrity: "We uphold the highest ethical standards, ensuring fairness and honesty without seeking recognition or reward."

D

Diligence: "We take pride in our efficiency and reliability, striving to be a trusted partner in every interaction."

E

Empathy: "We prioritize understanding and meaningful connections, approaching every decision with compassion and perspective."

Section 2) Demographic Snapshot

2.01) Demographic Introduction and Purpose

Hays County has experienced significant and sustained population growth over the past decade, solidifying its position as one of the fastest-growing counties in Texas. This growth does not come without its challenges; as new residents settle in, the potential for straining existing infrastructure systems and the natural environment increases without necessary precautions. Home-rule municipalities across the state, including those within Hays County, are granted zoning control over land use and development, better preparing existing and future residents for the shocks and stressors related to population and economic growth.

In most cases, Texas counties are not given legislative authority to control zoning or land use. Subdivision regulations (e.g., how land is divided for sale or development) remain counties' primary land management tool. This project seeks to generate equitable outcomes for existing and future residents and property owners in the midst of unprecedented population growth, evolving regulatory authority, and rapidly changing environmental conditions and hazards.

Content within this demographic snapshot includes

- **Population and Housing Considerations**
This section provides an overview of Hays County's historic population growth and housing characteristics.
- **Regulatory Considerations**
This section provides an overview of recent state legislation that impacts the County's regulatory authority over subdivision and discusses future legislative trends.
- **Physical and Natural Considerations**
This section provides an overview of Hays County's natural and ecological features and the risks associated with hazardous natural events.

2.02) Population and Housing Considerations

According to the U.S. Census Bureau, Hays County's population increased by 53.4% between 2010 and 2020. Since then, the County has continued to experience growth, adding an estimated 39,419 residents (an increase of 16.4%) through 2023. Hays County has seen its housing stock grow from approximately 93,532 housing units in 2020 to 110,265 housing units in 2023 (an increase of 17.9%). It is anticipated that as the County's population continues to grow, so too will the demand for commercial services, housing, and infrastructure. The County's subdivisions are illustrated in Map 1.

Figure 1. Historic and Projected Population Growth Rates (ACS 1-Year)

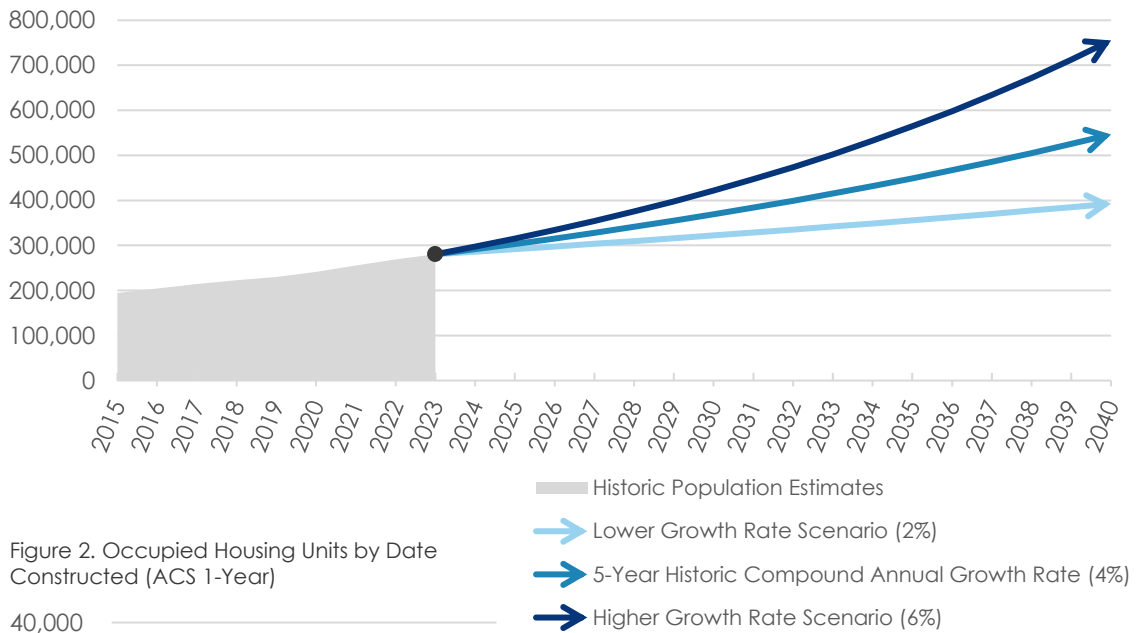


Figure 2. Occupied Housing Units by Date Constructed (ACS 1-Year)

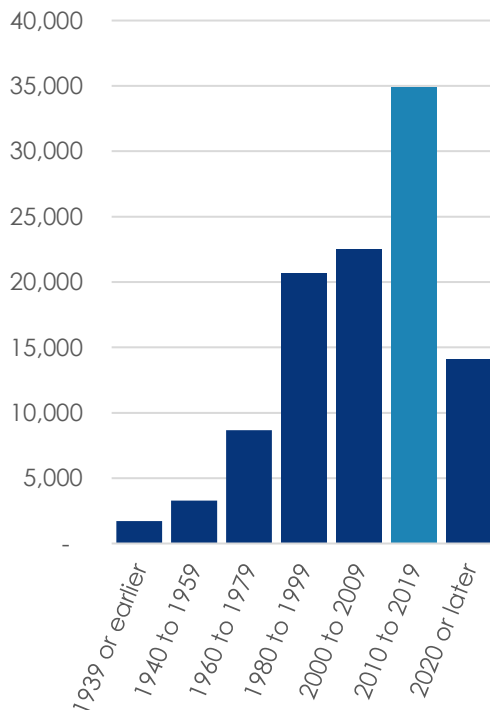
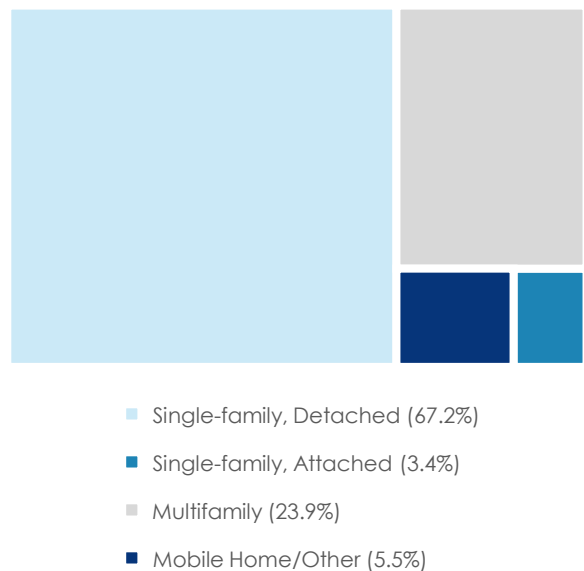
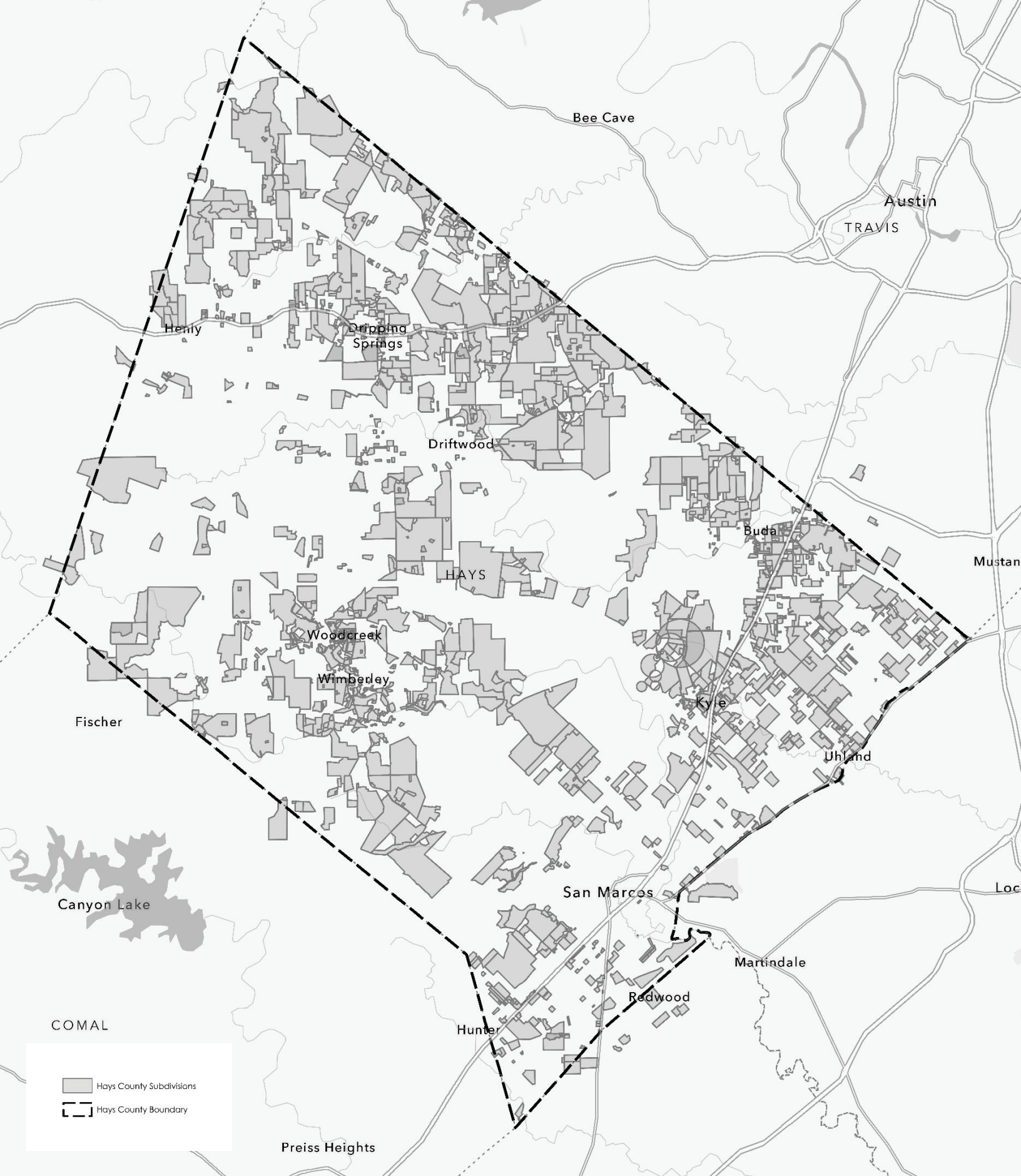


Figure 3. Occupied Housing Type (ACS 1-Year)



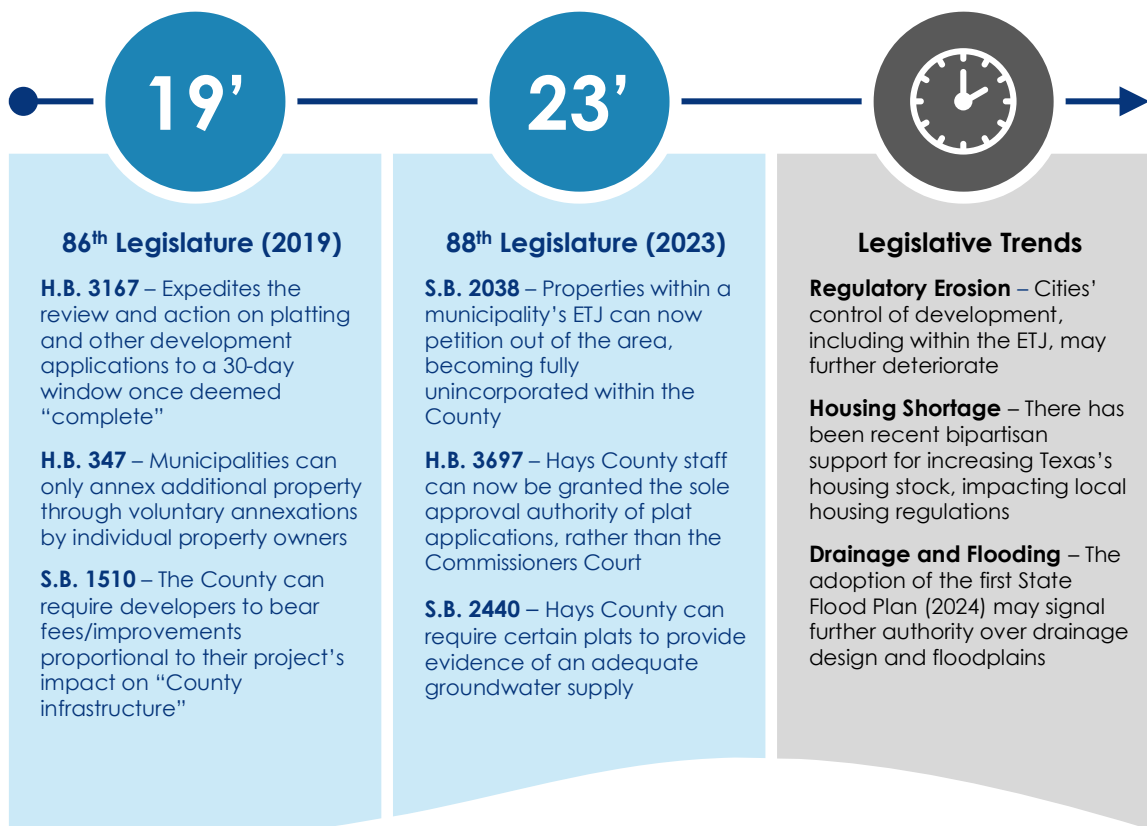


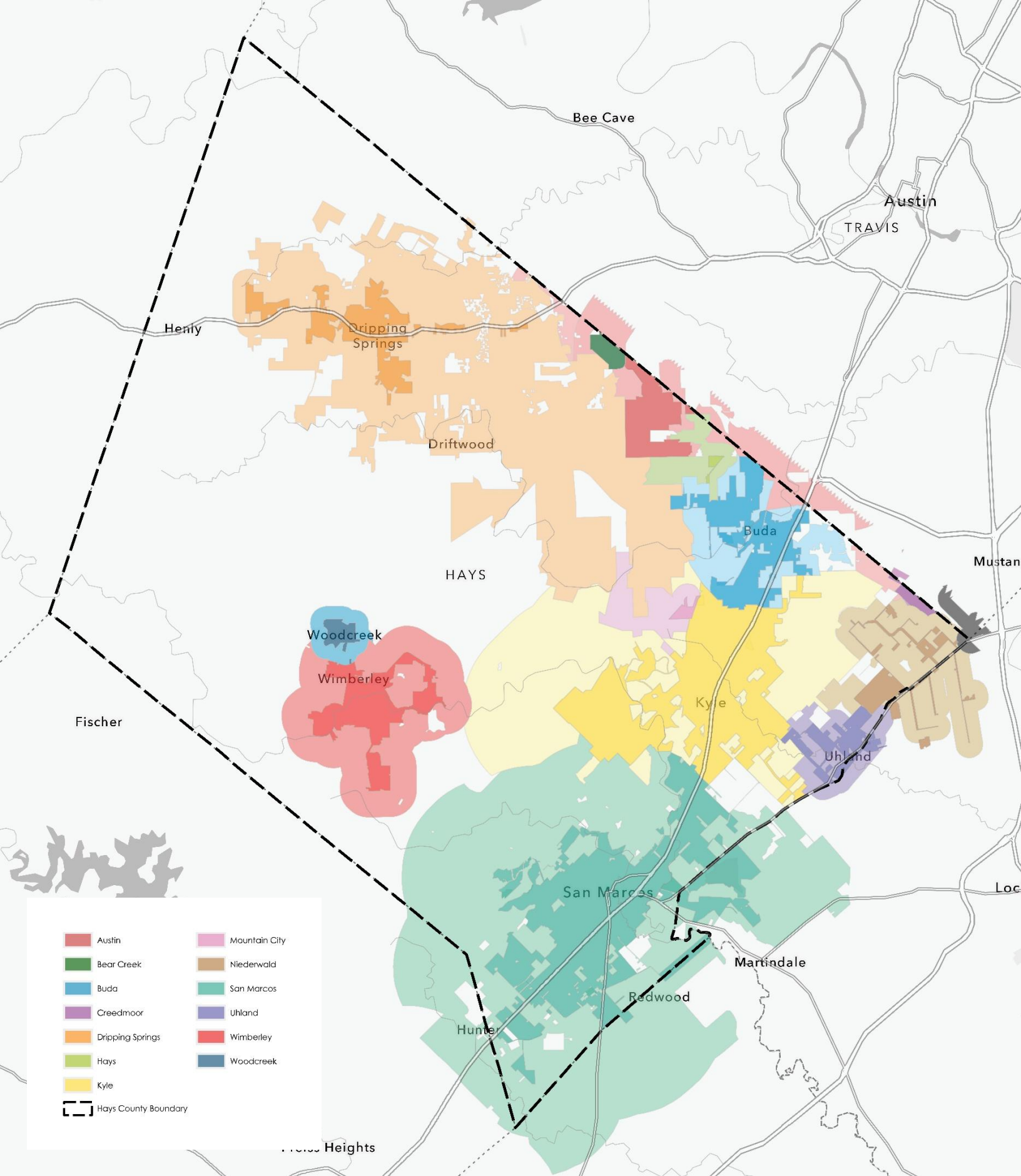
Map 1. Recorded Subdivisions (2025)

2.03) Regulatory Considerations

Counties in Texas are granted land subdivision authority by Chapter 232 of the Texas Local Government Code (TLGC). As an “urban county,” Hays County is granted further authority to “promote the health, safety, morals, or general welfare of the County,” as well as “the safe, orderly, and healthful development of the unincorporated area of the County.”

While development across the state has historically been concentrated within cities, recent trends and actions at the state legislature have impacted local authority to control land development. These trends place additional importance on the details of interlocal agreements (ILA) between Hays County and its municipalities related to land subdivision within extraterritorial jurisdictions (ETJ). ETJs are areas surrounding a city where the subject city may have subdivision authority in preparation for future annexation. An ILA is required by the state to determine whose subdivision regulations—the city, the County, or a blend thereof—are applicable within the ETJ. As the effectiveness and existence of ETJs have been affected across recent legislative sessions, the County’s ILAs should be reviewed and updated to ensure relevance and proper subdivision authority delegation. Hays County’s municipal boundaries and ETJs are illustrated in Map 2.





Map 2. Municipalities and ETJs

2.04) Physical and Natural Considerations

Hays County's natural environment remains one of its largest assets regarding residential attraction, retention, and quality of life. Natural elements like the Blanco River, Onion Creek, and Jacob's Well provide County residents with access to recreational and educational opportunities, as well as critical stormwater infrastructure. The importance of these assets is reflected through the Hays County Parks and Natural Resources Department's efforts in maintaining the Gay Ruby Dahlstrom Natural Preserve, Five-Mile Dam Park, Jacob's Well Natural Area, Sentinel Peak Preserve, and Winter's Mill Trail.

Edwards Aquifer

Under the surface, the majority of Hays County covers at least one of the Edwards Aquifer's three distinct hydrologic and geologic zones: the contributing, recharge, and transition zones. According to the Edwards Aquifer Authority (EAA), the aquifer provides natural water for approximately 2.5 million people across south-central Texas. Consequently, water quality, conservation efforts, and natural habitat preservation should remain at the forefront when considering development and subdivision regulations. The location of the Edwards Aquifer in Hays County is illustrated in Map 3.

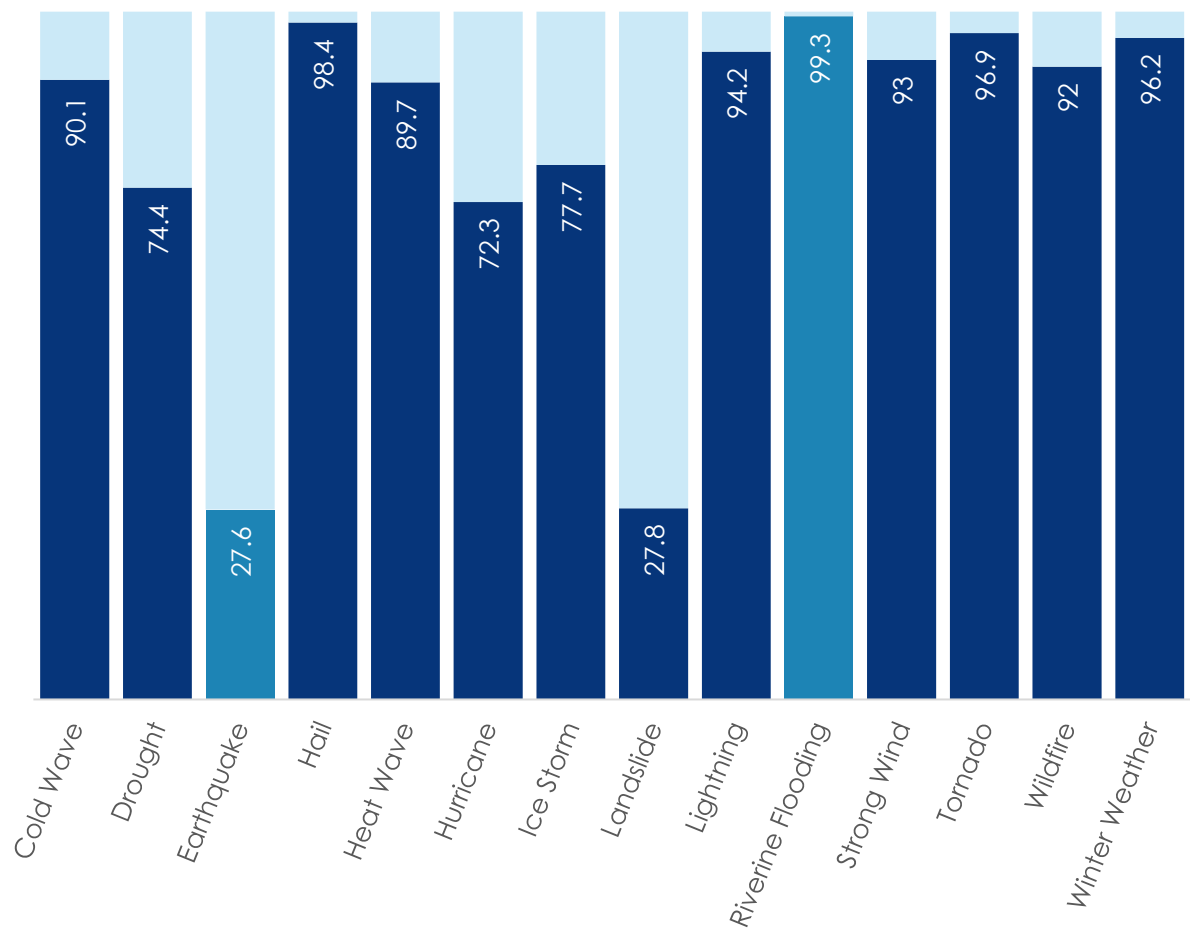
Trinity Aquifer

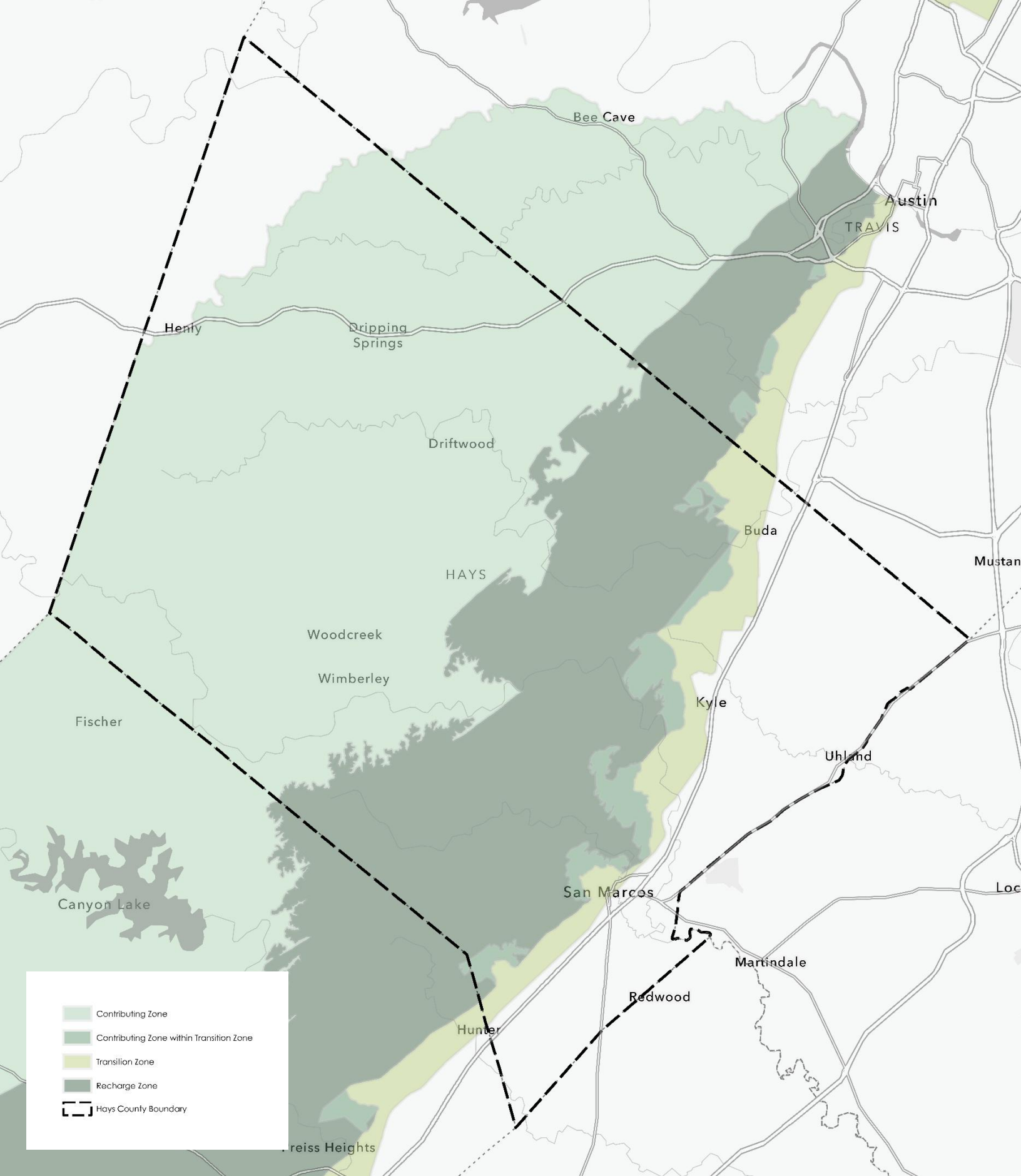
The Trinity Aquifer in Hays County is an important groundwater resource, which is the only available source of drinking water to people living in central and western Hays County, and is the source of ecologically, culturally, and economically important springs within the Blanco River Basin. Pumping has increased in recent years as a result of rapid population growth, putting increasing strain on this critical groundwater resource. (Reference: The BSEACD Trinity Aquifer Sustainability Model: A Tool for Evaluating Sustainable Yield of the Trinity Aquifer in Hays County, Texas; SEACD Report of Investigations 2023-0717).

Natural and Man-Made Risk Factors

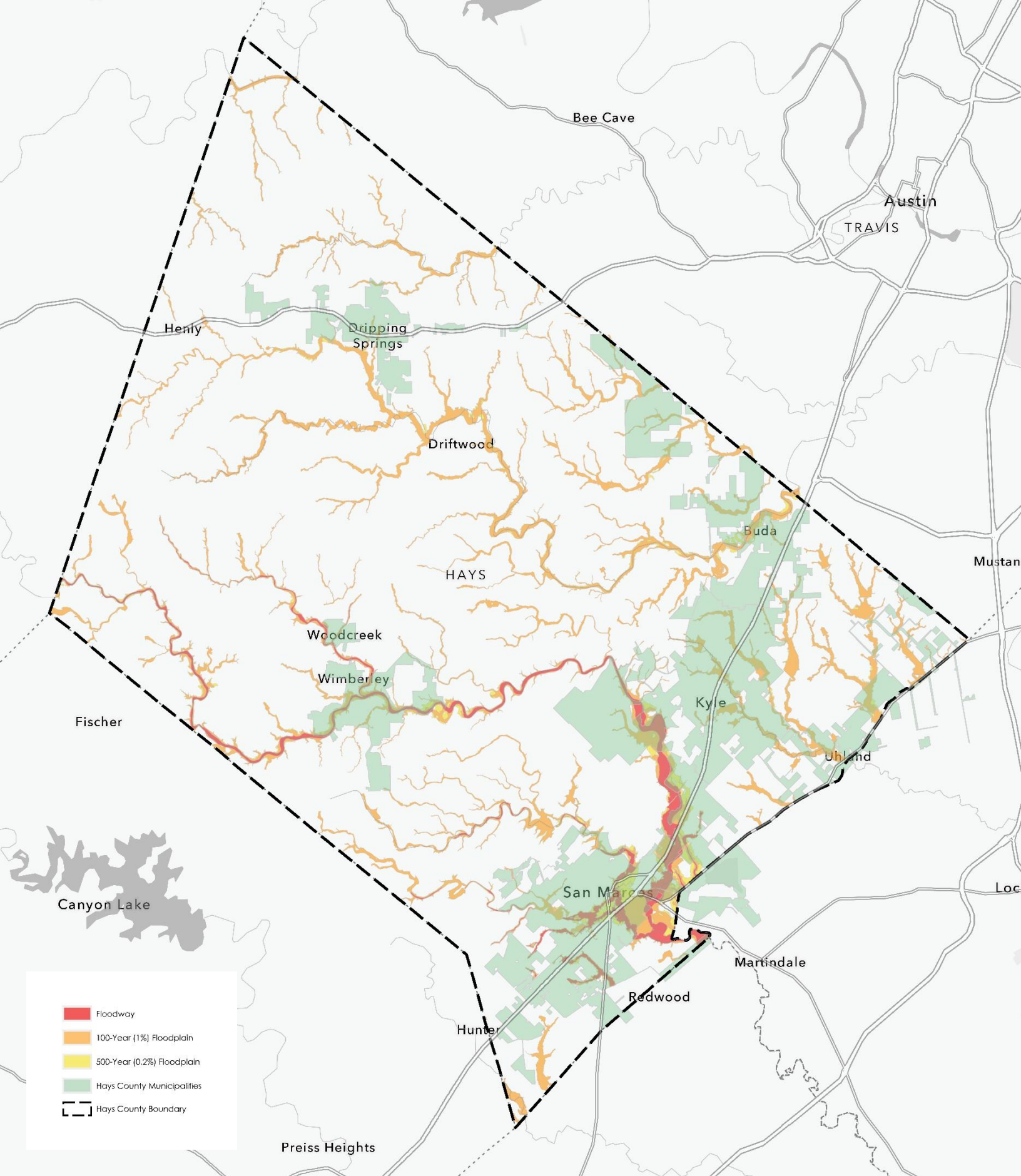
According to the Federal Emergency Management Agency's (FEMA) National Risk Index, Hays County's rating is "Relatively Moderate" compared to the rest of the country. Risk Index scores are calculated using an equation that combines scores for expected annual loss (in dollars) due to 18 conventional natural hazards, and the County's social vulnerability index and community resilience indicators. As Hays County continues to grow, stewardship of the County's natural and built environment should remain paramount when assessing new land subdivisions and development, particularly related to the developing threats of natural and man-made hazards. The County's municipal boundaries are illustrated in relation to floodplains in Map 4.

Figure 4. Hays County Risk Index Scores (FEMA 2025)





Map 3. Edwards Aquifer



Map 4. Floodplain (2016) and Municipalities

Section 3) Stakeholder Engagement Strategy

3.01) Key Project Meetings and Engagements

This project will consist of in-person and virtual meetings to identify issues, identify solutions, and present the project's findings and deliverables. The following engagements and meetings are anticipated over the duration of the project (identified by quarter), concluding with the adoption and rollout of the revised Development Regulations. Public meetings or open houses are illustrated in **blue**:

Meetings and Engagements*	2025			2026		
	Q2	Q3	Q4	Q1	Q2	Q3
Diagnostic Reporting Phase						
Stakeholder Interviews to Determine Key Issues	■					
Diagnostic Report Drafting by Project Team	■	■				
Public Meeting or Open House		■				
Commissioners Court Adopts Diagnostic Report		■				
Stakeholder Follow-Up Discussions			■			
Development Regulations Revisions Phase						
Preliminary Draft Provided to County Staff			■			
Public Meeting or Open House				■		
Second Draft Provided to County Staff				■		
Final Draft Provided to County Staff				■		
Commissioners Court Reviews Final Draft					■	
Public Meeting or Open House					■	
Commissioners Court Adopts Final Draft					■	
Post-Development Regulations Adoption Phase						
New Development Regulations Training/Rollout						■

* Subject to change; adjustments to meetings/engagements and scheduling may be warranted as the project progresses.

3.02) Meeting and Engagement Programming

Initial Stakeholder Meetings

This report's findings are derived from a series of stakeholder interviews and the project team's review and use of the existing Development Regulations. Interviews held at the onset of this process took place both in person and virtually. Recommendations regarding the existing regulations were provided by the following groups and representatives:

- Hays County Staff and Commissioners Court
- The City of Dripping Springs, Texas
- The City of Kyle, Texas
- The City of San Marcos, Texas
- The City of Umland, Texas
- The City of Wimberley, Texas
- Developers and Surveyors active in Hays County
- Local Nonprofits and Advocacy Groups
- The Guadalupe-Blanco River Authority (GBRA)

Additional Stakeholder Interviews or Focus Groups

Additional stakeholder interviews or focus groups may be coordinated as needed during the diagnostic reporting process and the drafting of the Development Regulations.

Public Meetings or Open Houses

Public meetings or open houses will take place at a location familiar to the public, such as a library, school, religious facility, or other public building. They are designed to function as standalone events and attract interested Hays County residents and stakeholders. These events may be structured with a defined agenda, come-and-go, or a combination thereof. The presentations given may be live or pre-recorded.

Programming may consist of a series of informational boards, activities, polling exercises, preference surveys, and presentations by the project team to attendees. Feedback will be obtained from community members through the use of polling, dot exercises, writing on adhesive notes, or through written documentation of verbal communication with attendees.

Section 4) Key Concepts for Updated Regulations

4.01) Water Availability

Key Issue

Groundwater in the County has been overdrawn and is not allowing for recharge, particularly in the western part of Hays County. Although entities such as the Barton Springs/Edwards Aquifer Conservation District and the Hays Trinity Groundwater Conservation District have oversight in many areas of Hays County, the Texas Water Code does not allow the County or other quasi-governmental organizations to directly regulate the use of groundwater. State statutes were changed in 2023 to require a groundwater study when new wells are proposed and grant counties the ability to grant a variance to the requirement for a groundwater study. Although this study cannot prove the availability of water over a certain amount of time, the data included in the report can provide the County with information regarding the availability and projected drawdown of available groundwater.

Recommended Solution(s)

1. Revise the Subdivision Regulations to reflect the updated statute while preserving existing metrics that are working well, and require availability studies for new potable wells.
2. Establish standards and required findings, such as minimal water usage or reliance on non-potable water, for variances.
3. Support variance approval only in exceptional conditions, with a potentially faster path for uses that don't require potable water, such as agricultural, industrial, and data centers.

4.02) Floodplain Management and Environmental Protection

Key Issue

Unchecked development in flood-prone areas and watersheds threatens public safety, water quality, and ecological resilience in sensitive zones like Jacob's Well, Cypress Creek, and the Blanco River. Poor drainage standards lead to localized flooding, infrastructure strain and inconsistent enforcement of floodplain setbacks and stormwater mitigation. Development with large amounts of impervious surfaces in riparian zones and floodplains risks exacerbating erosion, sedimentation, and flood damage.

Recommended Solution(s)

1. Codify minimum riparian buffer standards and restrict 100-year floodplain development.
2. Implement comprehensive drainage criteria, including the requirement that reports include the 2-, 10-, 25-, and 100-year storm events (2-year for water quality, 25- and 100-year for flood conveyance) using the best available data.
3. Develop incentives and codify or implement conservation subdivisions, "One Water" strategies, and rainwater harvesting.

4.03) Water Quality and Erosion Control

Key Issue

Runoff and development threaten sensitive aquifer recharge zones, rivers, and streams. Multiple stakeholders flagged uncontrolled soil erosion and non-point source pollution from development and construction activities as long-term threats to water quality, especially over the recharge zone.

Recommended Solution(s)

4. Use Texas Water Code Section 26.177 as inspiration to guide water pollution abatement standards through voluntary compliance, incentivize through regional detention, on-site sanitary sewer facility (OSSF) regulations or similar regulations allowing the County to mandate minimum area or design standards, and encourage its application through cities in the ETJ.
5. Incentivize the use of best management practices (BMP) and impervious coverage limits through the platting and development permitting process.
6. Require erosion control for plats, and potentially for land clearance pre-platting or outside of the subdivision process and enforce drainage standards.
7. Mandate that Stormwater Pollution Prevention Plan (SWPPP) inspection reports are provided to the County's Construction Inspection team weekly for review during the construction process.

4.04) Wastewater Infrastructure and On-Site Sewage Facilities

Key Issue

Stakeholders noted that Hays County's restrictive septic rules are both a strength and a burden. OSSF failures or mismanaged systems pose a threat in rural areas, where they threaten water quality and preservation areas. However, the requirement criteria frequently lead to variance requests due to the inability to technically comply.

Recommended Solution(s)

1. Under Texas Health and Safety Code Chapter 366, Hays County can enforce stricter standards.
2. Require reserve areas, pre-approval of lot suitability, and larger minimum lot sizes in sensitive areas.
3. Follow models used by the Lower Colorado River Authority (LCRA) and Comal County, such as requiring Texas Commission on Environmental Quality (TCEQ) approval of Contributing Zone Plans over the Contributing Zone of the Edwards Aquifer, modifying minimum land area or reserve area for non-residential uses, and increasing setbacks between surface application areas and property lines.

4.05) Variances and Regulatory Consistency

Key Issue

Both developers and staff expressed challenges with managing the 30-day statutory review and action deadlines. Both groups also noted inconsistent standards between cities and the County. Interviewees described missed deadlines, inconsistent feedback, and conflict between overlapping jurisdictions (e.g., ETJ platting). While variances are available and are granted in many cases where regulations are unclear in definition or application, Development Regulation users see these as administered in an unpredictable, inconsistent, or *ad hoc* manner, without clear guidelines.

Recommended Solution(s)

1. Develop uniform criteria and a public-facing variance approval checklist.
2. Eliminate groundwater-related variances and require a sustainability demonstration.
3. Define and regulate flag lots and shared drives; align with Fire Code for safety
4. Use minor plat pathways for small-scale, low-impact subdivisions.
5. Maximize efficient regulatory approval pathways available under the 2023 revisions to TLGC Chapter 232 for fully compliant subdivisions.

4.06) Transportation Infrastructure

Key Issue

Growth is outpacing road capacity and exposing a lack of tools for coordinating the construction of adequate roadway facilities. Substandard road construction, inconsistent driveway spacing, and inadequate plat dedication are undermining safety and mobility, particularly in the County's extraterritorial jurisdiction areas. Single-access developments are creating emergency access risks and inefficient traffic patterns.

Recommended Solution(s)

1. Require full right-of-way dedication with plats and clarify design standards.
2. Consider revising the "urbanized local roadway" right-of-way width to 50 feet to align with modern best practices and design criteria.
3. Mandate full-service secondary access points for subdivisions of 30 or more lots to prevent subdivisions from being served by singular-point or emergency-only accesses.
4. Codify driveway spacing, offsets, and rear access lanes on narrow lots.
5. Include regulations for on-street parking along County roads.
6. Update standards (such as Table 7.2.1.02) for roadway widths and cul-de-sac radii to comply with Fire Code updates.
7. Implement rough proportionality standards related to roadway and other infrastructure improvements authorized by TLGC Section 232.110; tie proportionality standards to supporting studies (e.g., traffic impact analyses, drainage studies) and ensure that findings are adaptable to changing application details (e.g., frequency of vehicle trips).

4.07) Processes, Timelines, and Interdepartmental Coordination

Key Issue

There is confusion within the submittal process around preliminary plan versus plat distinctions. The structure of the Subdivision Regulation does not ideally facilitate team coordination among county departments. There is also evidence of a lack of clarity around digital submittal requirements (ArcGIS versus Civil3D).

Recommended Solution(s)

1. Establish a centralized Development Coordination Team for interdepartmental review to facilitate touchpoints with other departments, agencies, and cities when there is jurisdictional overlap.
2. Clarify what triggers a 10-day statutory review, a 30-day statutory review, and a discretionary review.
3. Update digital submittal standards and GIS compatibility requirements.
4. Publish a standardized application checklist as required by TLGC Section 232.0025.
5. Use pre-application meetings.
6. Align ILA rules with city standards, like Austin-Travis County Title 30. Consider shared review systems to streamline interjurisdictional reviews.

4.08) Development Agreements and Strategic Planning

Key Issue

The County utilizes a sophisticated system of Development Agreements and regulatory incentives to achieve certain outcomes not otherwise clearly available to counties through State statute. While this cooperative approach to land use control is valid in the absence of more coercive tools, its complexities and nuances tend to favor larger and savvier developers over smaller developers. Outdated Development Agreements can also inadvertently bind the County to outdated regulations and standards.

Recommended Solution(s)

1. Clearly outline the intended purposes and outcomes of Development Agreements as well as their applicability and relationship to development incentives.
2. Use and build on the County's model Development Agreement template and require its use.
3. Traditional zoning combines ministerial and discretionary approval processes depending on the potential impact of the regulation imposed. If Hays County's approach is to replicate zoning or other traditional land use tools, indicate within the regulations the tools and options that comprise an administrative track (using development incentives to achieve stronger standards voluntarily) and what constitutes a discretionary track (using development agreements), whether in concert with incentives or through negotiation at the Commissioners Court level.

4.09) Urbanizing Areas and ETJ Coordination

Key Issue

Growth in rapidly urbanizing corridors such as Buda, Kyle, and Uhland requires better alignment between jurisdictions and higher development quality expectations. In areas with significant ETJ opt-outs to circumvent stricter city rules or those with inadequate city services, such as Wimberley and Dripping Springs, regulations contained in ILAs often create disjointed regulations across abutting areas.

Recommended Solution(s)

1. Strengthen County regulations to match or exceed typical ETJ standards.
2. Standardize sidewalks, trail dedications, and drainage across the County and cities to reduce disjointed regulations or gaps in otherwise similar geographic areas; clarify the maintenance responsibility of these improvements (e.g., Hays County, the municipalities, or other authorized agency).
3. Rewrite the ILAs to clearly define the platting authority and standards hierarchy and to reflect the reality of frequent ETJ opt-outs and greater County responsibility for long-term infrastructure maintenance in the ETJ.

4.10) Condominium Development

Key Issue

Condominium schemes and developments often claim exemptions from or bypass the traditional platting process. Without adequate review processes for condominium developments, key shared life safety and public utility elements may be missed or left without adequate maintenance.

Recommended Solution(s)

1. Update regulations to clearly define and distinguish between a subdivision plat and a condominium plat.
2. Clearly outline the conditions under which a condominium plat and declaration should be provided to the County for verification that shared facilities are being created and will be community-owned and maintained.
3. Clearly distinguish between residential types such as “single-family” and “multi-family” for the purposes of permitting and inspecting a condominium development.

Section 5) Section Findings and Recommendations

5.01) Hays County Development Regulations

Chapter 701 – Development Regulations in General	
Ref.	Assessment
General and Structure/Table of Contents	
General	Change the development regulations from a paragraph format to a “700.1.01.A.i.a” format for reading comprehension and severability. Break paragraphs into subsections.
General	Make all references to the development regulations refer to the entire document (e.g., “these regulations”).
Structure/Table of Contents	Relocate definitions to the end of the subdivision regulations.
Structure/Table of Contents	Reorganize Chapter 701 to follow the development process and workflow.
Structure/Table of Contents	Create a section for minor or short-form plats without the need for infrastructure extension.
Structure/Table of Contents	Consider combining Chapters 705 (Subdivision and Platting of Property) and 711 (Site Development Review and Development) into a “Platting and Development” chapter.
Structure/Table of Contents	Consider combining Chapters 715 (Water and Wastewater Availability) 721 (Roadway Standards) and Chapter 725 (Storm Water Management Standards) into a “Streets, Access and Infrastructure Design” chapter.
Structure/Table of Contents	Consider creating an “Exceptions and Modifications” chapter and relocating Chapter 725, Sub-Chapter 5 (Storm Water Management Standards, Incentives for Lots Larger Than Five Acres) and related sections (such as variances, special exceptions, and alternative compliance) to it.
Structure/Table of Contents	Expand Chapter 735 (Flood Damage Prevention) to accommodate additional regulations and higher standards to reduce flood damage risk and potentially support the FEMA Community Rating System.
Structure/Table of Contents	Consider combining Chapters 744 (Manufactured Home Rental Communities) and 755 (Land Use and Location Restrictions) into a “Land Use Regulations” chapter that also encompasses other regulated county land uses (e.g., condominiums).
Structure/Table of Contents	Consider combining Chapter 751 (Use of County Properties or Facilities) into the larger “Land Use Regulations” chapter.
Structure/Table of Contents	Relocate Chapter 755, Sub-Chapter 6 (Land Use and Location Restrictions, Gated Community Access Control Regulations) into the “Streets, Access and Infrastructure Design” chapter.
Structure/Table of Contents	Consider relocating Chapter 761 (Economic Incentives for Development Activities) from the development regulations and to a standalone order.
Structure/Table of Contents	Consolidate Chapter 765, Sub-Chapter 2 (Conservation Development, Definitions Specific to this Chapter) into the definitions chapter at the end of the development regulations.
Structure/Table of Contents	Consider relocating Chapter 771 (Development Agreements) out of the development regulations and into a standalone order.
Structure/Table of Contents	Relocate Chapter 799 (Reference Documents) to Chapter 701 (Development Regulations in General) at the beginning of the development regulations document.

Chapter 701 – Development Regulations in General	
Ref.	Assessment
Sub-Chapter 1 – Preamble and Purpose	
§701.1.04 (Adoption by Reference)	Clarify which authorities' "other rules" are adopted, and combine this section with Chapter 799 (Reference Documents) to include references to specify the rules and documents included.
Sub-Chapter 2 - Applicability	
§701.2.02 (Legal Authority)	Consider including references to the enabling provisions in Texas Administrative Code Title 30, Occupations Code Chapter 1201, Property Code Chapters 5, 11-13, and 82, Water Code Chapter 52, and other relevant state law citations to make the County's authority to regulate development more explicit.
§701.2.04 (Development Authorizations within ETJ of a Municipality)	Revise to recognize and defer to ILAs.
§701.2.04.B (Development Authorizations within ETJ of a Municipality)	Remove the requirement to make a list of municipalities with ETJ available to the public and substitute a reference to all adopted ILAs.
§701.2.04.B(2) and (3) (Development Authorizations within ETJ of a Municipality)	Related to the above recommendation, update the current requirement for a certificate of municipality approval to account for/reference any relevant ILA(s). Enable approval authority to be memorialized by approval authority signatures on plat documents. Ensure this is structured for consistency with TLGC Chapter 242.
§701.2.05 (Affect of Regulations on Prior Development Authorizations)	Change "Affect" to "Effect" since "effect" describes the outcome or consequence of an action.
§701.2.05.B (Affect of Regulations on Prior Development Authorizations)	Create a more robust vested rights petition and determination process that includes a defined process for evaluating, modifying, extending, and approving or denying an application under previous regulations.
§701.2.06 (Affect of Regulations on Pending or Previously Filed Applications)	Change "Affect" to "Effect" since "effect" describes the outcome or consequence of an action.
§701.2.06.A(3) (Affect of Regulations on Pending or Previously Filed Applications)	Clarify whether the intent of this provision is to establish the Court as the only entity authorized to deny a vested application.
§701.2.07 (Affect of Regulations on Previously Unregulated Activities)	Change "Affect" to "Effect" since "effect" describes the outcome or consequence of an action.
§701.2.07 (Affect of Regulations on Previously Unregulated Activities)	Strengthen this section with penalties for noncompliance, maximizing authority and tools under state law (e.g., withholding other approvals).

Chapter 701 – Development Regulations in General

Ref.	Assessment
Sub-Chapter 3 - Definitions	
§701, Sub-Chapter 3 (Definitions)	Relocate definitions to the end of the updated development regulations document.
§701.3.01 through .02 (Language Construction and Meaning)	Including notes that definitions may vary by Chapter creates ambiguity in deciding whether a term's meaning differs in each unique context. Consolidate definitions and word any section that uses a term in deference to the formal definition. If multiple definitions are needed (such as multiple types of plans or easements), each variation of the word should have a specific definition.
§701.3.02.C ("Application")	Include a reference to TLGC Chapter 245.
§701.3.02.H ("Contiguous Properties")	Create a new definition defining "aquatic feature," used in the second-to-last line.
§701.3.02.I ("Contributing Zone of the Edwards Aquifer")	Rename to "Edwards Aquifer Contributing Zone" to align with other defined terms. Additionally, the last sentence of this definition is a regulatory requirement that should be relocated to general provisions or to a checklist.
§701.3.02.M ("Development")	Consider specifying activities such as grading, elective tree removal, clearing and grubbing, property division, and driveway construction in the definition.
§701.3.02.O ("Development Authorization")	Rewrite this definition. Its primary intent should be to define when the official authorizing act occurs for the purpose of establishing permit validity, vesting, expiration, etc. The definition doesn't need to include every type of permit if the definition of permit and specific process sections (e.g., platting, land use, infrastructure) are inclusive of each activity authorized by the County.
§701.3.02.Q ("Dwelling Unit")	Revise to add manufactured homes not within manufactured home rental communities.
§701.3.02 (Definitions)	Add a general definition for "Easement" and consolidate any related definitions into one place.
§701.3.02.R ("Edwards Aquifer Recharge Zone")	Rewrite to align with other aquifer-related definitions, similar to the Contributing Zone definition.
§701.3.02.U ("Final Plat")	Create a definition for "Plat" and group any types under that term. Since there is no preliminary plat, "Final" may not be needed.
§701.3.02 (Definitions)	Create a definition for "Flag Lot."
§701.3.02.V ("Groundwater Conservation District")	Define Groundwater Conservation Districts generally, since they are State districts, and the County can't control when they might change. More specifics may be added in the checklists and manuals that are simpler to amend.
§701.3.02.X ("Lot")	The definition for "Lot" should be revised to be more specific and include a reference to TLGC Chapter 232. The current definition implies that a tract constitutes a lot regardless of size, even if it's a remainder. This has the effect of confusing the terms "lot" and "tract" in function and purpose. Lots should be generally limited to an unexempted division of land for the purpose of creating a building site, or an element for private ownership with common use (like a Homeowners Association).
§701.3.02.Y ("Manufactured Home Rental Community")	Ensure this definition matches the definition in TLGC Section 232.007.
§701.3.02.AA ("On-Site Sewage Facility Reules")	Ensure the existing/updated order is incorporated by reference or integrate with the larger development regulations document.
§701.3.02.DD ("Permittee")	Confirm that the County regularly uses this term. If the County prefers to use "applicant", eliminate this term and make the document uniform throughout.

Chapter 701 – Development Regulations in General	
Ref.	Assessment
§ 701.3.02 (Definitions)	As above, create a general definition for "Plat" with sub-types described below for ease of reference.
§ 701.3.02.KK and .LL ("Private Well" and "Public Water Well")	Make these definitions consistent with each other, such as specifying "water" well, or not.
§ 701.3.02 (Definitions)	Create definitions for public and private roads.
§ 701.3.02.NN ("Record Documents")	It is unclear whether this definition refers to documents that have already been filed, or those that will be filed. If the intent is to identify all documents that will be needed in association with an application, this could be renamed "legal documents" and use "record documents" to refer to those already recorded, or call such documents "documents of record". Standardize usage throughout the development regulations.
§ 701.3.02.OO ("Regulated Roadways")	Distinguish between roads that are only proposed for dedication and those that have actually been accepted for ownership and maintenance by the County. The current definition doesn't clearly distinguish when the County accepts improvements, and could result in the County having to maintain roads it hasn't accepted.
§ 701.3.02.RR ("Shared Access Driveway")	No change is recommended for this definition; however, ensure the development regulations require a plat in cases where shared access driveways are necessary for emergency access.
§ 701.3.02.SS ("Single Family Residence")	Clarify the types of dwelling units and synchronize definitions. "Single Family Residence" accounts for individual manufactured homes, but "Dwelling Unit" doesn't appear to. Create a definition of "family" if the term "Single Family Residence" is used.
§ 701.3.02 (Definitions)	Create a definition for "Family" as used in the residential definitions.
§ 701.3.02.TT ("Subdivision")	Update to align with the current language of TLGC Section 232.001. Review subsection (2) under H.B. 3697 (2023) to ensure the rules for laying out streets conform to the latest state law updates. Additionally, these provisions contain some regulatory material that should be relocated to provisions or the applicability section, along with other platting exceptions.
§ 701.3.02.YY ("Working Day")	Revise this definition to refer to a business day, since a calendar day is defined separately.
Sub-Chapter 4 – Delegation of Authority; Appeals and Public Records	
§ 701.4.04 (Public Records)	Update this provision to allow the County to charge "reasonable fees" to reproduce the regulations.
Sub-Chapter 5 – Outstanding Tax Liabilities	
§ 701.5.01 (Property Requirements)	Clarify: Does the use of "Permittee" imply that future outstanding tax liability after a permit is issued will somehow invalidate or suspend the permit?
§ 701.5.03 (Suspension of Processing)	Clarify the applicability of the shot clock to this timeline. If an application is submitted and then suspended, does the applicant have to reapply, or does it freeze in place for 45 days?
Sub-Chapter 6 - Fees	
Chapter 701, Sub-Chapter 6 (Fees)(and Fee Schedule)	Consider adding language to enable third-party reviews.
§ 701.6.03 (Waiver or Deferral of Fees)	Create criteria limiting the reasons waivers may be requested.
§ 701.6.05. (Refunds of Fees)	Establish a process to require refund requests originated by the applicant, particularly in cases where the applicant terminates the permit.

Chapter 701 – Development Regulations in General

Ref.	Assessment
Sub-Chapter 7 – General Application and Approval Procedures	
§701.7.01.-7.05. ("Application Forms" through "Supplemental Requirements Based on Type of Applicant or Permittee")	Generalize the details in these sections and ensure the development regulations enable the adoption of detailed checklists.
§701.7.05.A(3) (Supplemental Requirements Based on Type of Applicant or Permittee)	Change "Application" in the second-to-last line to "Applicant."
§701.7.07 and .08 ("Admin Review" and "Technical Review")	Create flowcharts and/or other graphics illustrating the processes in these sections. Update provisions to conform to current TLGC Chapter 245, including statutory expiration date.
§701.7.08 (Technical Review)	Direct the process toward the general appeals process to remove the ability for applicants to petition directly for technical review and limit the politicization of the development process. These reviews should be handled more generally through a process that also applies to other types of administrative functions and approvals, and lets staff get to the end of the process before an appeal is possible.
§701.7.10 (Expiration of Application and Suspension by Agreement)	Update this section to provide for 45 calendar days, per TLGC Section 245.002. Make the Director or designee the authorized approval authority for extensions.
§701.7.11 (Action on Applications Following Technical Review)	Establish a submittal calendar to align with Commissioners Court meetings. Per the staff interviews, whether an application needs Commissioners Court or administrative approval often depends on when it is submitted.
§701.7.12 (Applications Forwarded to Commissioners Court)	Do not require staff to give a recommendation; allow preferences related to recommendations to change over time based on the Court's preference.
§701.7.13 (Notice of Action on Application)	Clarify the process following the administrative completeness determination and ensure that it meets the requirements of the process outlined in TLGC Sections 232.0025–0028.
Sub-Chapter 8 – Administrative Authorization and Variances	
§701, Sub-Chapter 8 (Administrative Authorization and Variances)	The preferred method to list application types (if the administrative/Court division is maintained) is to list the administrative approvals first and state that anything not able to be approved administratively requires Court approval. Establish clear appeals processes.
§701.8.02 (Criteria for Variance)	Stakeholders identified the variance process as a major issue. This section should be relocated to a new location with other tools, such as special exceptions and alternative compliance. This will help discourage requests for variances as a routine procedure. If the County is not using the standards outlined in Section 8.02 when evaluating variances, additional training and guidance on the purpose of variances may be needed during the drafting process.
§701.8.04. and 8.05. ("Discretion to Grant Variances" and "Acknowledged Administrative Variances")	Due to this delegation of approval authority, these may function like an alternative compliance process. Rename since staff should not approve variances.

Chapter 701 – Development Regulations in General	
Ref.	Assessment
§701.8.05(E) (Acknowledged Administrative Variances)	Evaluate maximum variations authorized to ensure that desirable conservation isn't being discouraged.
§701.8.05(E)(6) (Acknowledged Administrative Variances)	Edit to limit the number of driveways that can use a shared driveway. Relocate out of the conservation areas subsection.
Sub-Chapter 9 – General Public Notice Requirements	
§701.9.01 (Communication with Precinct Commissioner)	Rename this to "Pre-Application Meeting" to better convey the purpose and benefit to the applicant. Section 9.01 should be separated from notice requirements and placed within the general application processing section currently in Sub-Chapter 7.
§701.9.02 (Notice Required)	Do not specify who is responsible for sending notices, as processes may change over time. State simply that "notice is required under the following circumstances..." with responsibility for providing notice to be determined through the application checklist.
§701.9.04 (Posted Notice)	Remove these requirements from the development regulations and post in a separate guidebook.
Sub-Chapter 10 – Public Participation	
§701.10.03 (Applicant Sponsored Public Meetings Requirement)	Applicant-sponsored public meetings are an unusual requirement and likely not defensible if a denial of application completeness or development authorization were to occur for failure to hold a public meeting, resulting in a legal challenge being filed under TLGC 232. Recommend removing this language from the development regulations.
§701.10.04(B) (Requirements for Applicant Sponsored Public Meetings)	Formalizing the process for public input on a technical application invites political pressure on the County to deny projects that are unpopular when the County has no legal standing to do so. Recommend avoiding processes seeking input on plans where the decision of the County cannot be influenced by such.
§701.10.07 (Public Access to Applications Tracking)	Continuous tracking should not be required of the County in the development regulations since it is an administrative burden. However, this is a best practice that should be maintained.
Sub-Chapter 11 – Development Authorizations	
§701.11.05 (Form of Development Authorization)	Similar to other lists in Chapter 701, the specificity of the required content in the authorizing document doesn't allow for easy amendments or changes to the list. Recommend enabling the County to post requirements in a separate form.
§701.11.05.D and .E (Form of Development Authorization)	The last line of Section 11.05.D and Section 11.05.E repeat each other; revise.
§701.11.07 (Dedication to the Public)	This section is detailed and appropriate; however, it should be relocated to another part of the development regulations. The section would be better aligned with general provisions, processes, platting, or public improvements.
§701.11.07(C) (Dedication to the Public)	Verify that the County's legal staff finds the designation on a plat to be sufficient dedication without formal acceptance. Recommend removing or revising this provision.
§701.11.07(D) (Dedication to the Public)	Revise; a subdivision should not be exempted from platting if it is dedicating public easements, unless specific provisions are made for dedication by separate instrument.
§701, Sub-Chapter 13 (Enforcement and Penalties)	Relocate this section to the general provisions.
§701.13.05 (Enforcement of Covenants and Representations)	Existing text implies that the Court may be obligated to enforce private covenants. Consider including stronger language to specify that covenants adopted for the benefit of private property owners are the sole responsibility of those property owners to enforce.

Chapter 701 – Development Regulations in General	
Ref.	Assessment
§701.13.07 (Enforcement Actions)	Recommend consulting with the County Commissioners and legal team on potential issues or changes to this section.
Sub-Chapter 14 – Conflicts of Interest	
§701, Sub-Chapter 14 (Conflicts of Interest)	Confirm whether this section duplicates other sections of the County code. Remove entirely or cross-reference if duplicative.
Sub-Chapter 15 – Termination and Modification of Development Authorizations	
§701.15.02(B) (Suspension, Termination or Revocation by County)	Based on the context of Section 701.9.08, this reads as if the County is directing the permittee to provide notice to himself. Revise Section 9.08 to clarify.
§701.15.03 (Modification of Development Authorization)	Clarify whether a modification constitutes a new application under processing deadlines. Include references to the shot clock provisions in TLGC. Create a detailed modification procedures section to clarify how (or if) certain deadlines apply when a modification is requested.
Sub-Chapter 16 – Coordination with “911” Addressing System	
§701.16.03 (Approval Required)	Ensure this section recognizes and leverages 911 addressing as a key source of County authority and deploys that authority strategically in the development regulations. Address the following questions: Does 911 coordination have to occur before a plat is approved? Can 911 conditionally approve, or can approval of later permits, like construction permits or plat recording, be conditioned on 911 approval?

Chapter 705 – Subdivision and Platting of Property	
Ref.	Assessment
Sub-Chapter 1 – Applicability	
Chapter 705 (Subdivision and Platting of Property)	Include a description and process for minor and short-form plats (without public infrastructure). Consider relocating similar or related permits and processes and consolidating in this section, including dedication and acceptance of right-of-way, variances, and special exceptions, and 911 addressing. Relocate information regarding Construction of Improvements to the appropriate separate chapter or section and reference in platting.
§705.1.02 (Legal Authority)	TLGC Chapter 352, as cited, doesn't specifically mention platting. To develop the authority further, consider adding a reference to Texas Property Code Chapter 82.
§705.1.04 (Approval Required Prior to Furnishing Utility Service)	Define the meaning of "provide utility services" to clarify whether this means a utility can't issue a meter to a property or establish a domestic connection, or whether it is intended to prevent the installation of any utilities in the subdivision.
Sub-Chapter 2 – General Subdivision Requirements	
§705.2.01 (General Requirements)	Relocate provisions relating to condominium developments to a standalone section within this chapter or the land use chapter. The new section should contain specific criteria for review and approval of a subdivision that is proposed or may be proposed as a condominium development.
§705.2.02 (Subdivision Approval Process)	Include the exclusions in Sections (A) and (B) for Minor Plats. Expand or restate the description of "approved" plats to include plats that are approved but not recorded.

Chapter 705 – Subdivision and Platting of Property	
Ref.	Assessment
Sub-Chapter 3 - Exemptions	
§705.3.01(C) (Exempted Subdivisions)	The creation of a minor plat process will eliminate the need to exclude small subdivisions from platting and cut down on the creation of future flag lots.
§705.3.02.A(3) and .B(2) (Registration)	Consider requiring the initial affidavit to support and provide evidence for the reason for the platting exemption, along with an acknowledgement of future liability to plat if further division occurs or if the information relied on is invalidated.
Sub-Chapter 4 – Application Procedures	
§705.4.03 and 4.05 ("Additional Application Items" and "Supplemental Information")	Consolidate this list with the items in Section 701.7 into a standalone checklist.
§705.4.04 (Communication with Precinct Commissioner)	Resolve any contradictions between this section and others regarding the requirement for pre-application meetings.
§705.4.06 (Application Review Periods)	Rather than specifying the specific date, authorize the Director to create a submittal calendar under TLGC Section 232.0012.
§705.4.06.B (Application Review Periods)	Reword this section to acknowledge the initial 30-day shot clock and to not implicitly prohibit additional extensions beyond the initial 30 days.
§705.4.07 (Technical Review Procedure)	Clarify whether this section is applicable to complete applications only or to any application. Subsection (A) suggests that the application is technically deficient, but starts off saying "the application is not complete". Subsection (E) implies that a technically deficient but complete application will expire after 30 days if comments haven't been addressed, which doesn't comply with TLGC 232.0025 outside of a formal decision to approve or deny by the County or Court.
Sub-Chapter 5 – General Requirements for Subdivisions	
§705.5.01.A (General Information)	Use alternative language for "deceptively similar to" in this section.
§705.5.02 and 5.03. ("Water, Wastewater and Utilities Information" and "Roadway and Right-of-Way Information")	Subdivision submittals must show compliance with roadway and drainage specifications, provide a PE-sealed Roadway Design Report, and list utilities and OSSF compliance.
§705.5.01 through 5.04. ("General Information" through "Flood Plain and Storm Water Management Information")	Consolidate the material from these lists in a standalone checklist. Separate the regulatory items from the checklist items and maintain regulations in this section.
§705.5.04.A (Flood Plain and Storm Water Management Information)	Are two-foot contours required on both preliminary plans and final plats? If they are required on final plats, specify whether they should depict the as-built grade, the proposed grade, or the existing grade.
§705.5.04.G (Flood Plain and Storm Water Management Information)	Specify how and by whom the County determines whether stormwater structures will be accepted for County maintenance. Clarify maintenance and inspection responsibilities and procedures for stormwater facilities.

Chapter 705 – Subdivision and Platting of Property	
Ref.	Assessment
Table 705.05.01 (Minimum Lot Sizes)	Consider ways to further incentivize rainwater capture through lot size, such as minimum frontage revisions and increasing the minimum size for non-public water systems.
§ 705.5.06 (Parkland and Open Space Requirements)	Relocate this section to the section pertaining to public improvements. Add references to state statutes authorizing parkland dedication for counties.
§ 705.5.08 (Sidewalks)	Relocate sidewalk standards to the general infrastructure standards section, with others like street standards.
Sub-Chapter 6 – Preliminary Plan	
§ 705.6.01 and 6.02 ("General Information" and "Number of Copies")	Revise the standards for preliminary plans to be more general. The submittal requirements for the preliminary plan are currently the same as for a plat. Section 6.02 also requires signed and sealed final drawings, which is confusing for a document that is intended as a concept to be further refined through subsequent steps of the development process.
Sub-Chapter 7 – Approval of Preliminary Plan	
§ 705.7.04 (Expiration)	Clarify and revise the plan and plat expiry language in this section and in Section 705.9.03. TLGC Section 245.005 does not support a twelve-month expiration period for a new project as currently written. There is a contradiction between this twelve-month expiry and the condition allowing expiry only if there is a lack of project activity in the two years after the preliminary plan is approved. The two-year period would seem to obviate the twelve-month period.
Sub-Chapter 8 – Final Plat	
§ 705.8.01 through 8.05 ("General Information" through "Number of Copies")	Combine the listed items in this section with similar lists and document specifications in standalone checklists.
§ 705.8.01 through 8.05 ("General Information" through "Number of Copies")	<p>These sections contain several required notes and statements that must be shown on the face of the plat. The following sections also contain requirements for statements or plat notes that don't appear in the Plat Note and Certification Standards:</p> <ul style="list-style-type: none"> • Section 705.8.03(F) • Section 705.8.04(D) • Section 705.8.05(A) • Section 705.8.04(A) • Section 705.8.04(B) • Section 725.3.02
§ 705.8.03.H (Roadway and Right-of-Way Information)	Add language clarifying the distinction between reserving right-of-way and dedicating right-of-way.
§ 705.8.06 (Number of Copies)	Remove to reflect digital submittal or defer to staff checklist or internal documents.
Sub-Chapter 9 – Approval of Final Plat	
§ 705.9.03 (Expiration)	Clarify and revise the plan and plat expiry language in this section and in Section 705.7.04. In this section, the main concern is that TLGC Chapter 245 does not support the fact that a recorded plat can expire, as currently written in Section (A)(2).
§ 705.9.03.B (Expiration)	Update to state that plats for which the County has already accepted dedications on a subdivision do not expire.
Sub-Chapter 10 – Record Plat	
§ 705.10.03 (Record Plat)	Standardize all references to plat sizes in the development regulations and list the largest and smallest sizes the County Clerk will accept in this section.

Chapter 705 – Subdivision and Platting of Property	
Ref.	Assessment
Sub-Chapter 11 – Plat Revisions	
§705.11.01 (Cancellation)	Revise the reference to state law in this and other sections across the development regulations to reference or quote in a uniform way.
§705.11.03.C (Replats)	Remove the list of individual requirements for documents within each plat type and consolidate within the general requirements section under platting or within a standalone checklist.
§705.11.04.A (Amended Plats)	Correct the reference to TLGC Chapter 212 in this section and update to cite Section 232.011, which specifies the criteria under which a plat may be amended.
§705.11.04.A(2) (Amended Plats)	Revise this language. By definition, an amended plat that affects more than one plat is a replat.
§705.11.05 (Criteria for Approval)	While having approval criteria is generally good, Sub-Chapter 11 is organized in such a way that the criteria would apply to all of the preceding plat types; however, subdivision cancellation specifically limits the Court's ability to evaluate these criteria except in certain cases. Each of the plat types in Sub-Chapter 11 is specifically regulated under TLGC, so they each merit having their own specific criteria.
Sub-Chapter 12 – Public Notice	
§705.12.01 and 12.02 ("Applicant Sponsored Public Meeting" and "Notice Required")	As noted in Section 701.10, add these meetings as a recommended best practice. State law does not require these meetings and notices.
§705.12.02 (Notice Required)	Amend to eliminate the case-by-case waiver of notice requirements.
§705.12.03 (Posted Notice)	Consolidate the information in this section with the notice requirements contained within Sub-Chapters 9 and 10.
Chapter 711 – Site Development Review and Development Authorizations	
Ref.	Assessment
Sub-Chapter 2 – Site Development Review Applications	
§711.2.01 (General Requirements and Application Procedures)	Clarify on the interaction between this section and the referenced requirements and procedures of Chapter 701. There are potential conflicts as the applicability of each Chapter's provisions is not detailed. Recommend that all application and review requirements be consolidated into a separate section for processes.
Sub-Chapter 3 – Permits and Development Authorizations in General	
§711.3.02 (Types of Development Authorizations)	Consolidate each use-based section into a single overall section (which may include other development types such as condominiums).
Sub-Chapter 4 – General Application Procedures	
§711.4.01 (General Requirements and Application Procedures)	Clarify on the interaction between this section and the referenced requirements and procedures of Chapter 701. There are potential conflicts as the applicability of each Chapter's provisions is not detailed. requirements be consolidated into a separate section for processes.

Chapter 715 – Water and Wastewater Availability	
Ref.	Assessment
Sub-Chapter 1 – Applicability	
§715.1.03 (Approval Required)	Consider revising to require certification for “subdivisions and Condominium and Rental Community Developments” before any utility furnishes water or wastewater service.
§715.1.04 (Water System Classifications and Requirements)	Reformat the information in this section into tables and relocate definitions into the definitions chapter.
Sub-Chapter 2 – Administrative Procedures	
§715.2.02.B (Preparation of Water and Wastewater Service Plan)	Update the groundwater study standards to comply with TLGC Section 232.0032, which requires the study unless the Commissioners Court issues a waiver per Section (a-1).
Sub-Chapter 3 – Water Availability	
§715.3.01 (Applicability)	While exempt from requirements to certify water availability, it requires a will-server commitment from one of the Commissioners Court-established classifications for water supply sources for any subdivision of ten (10) lots or less in which all lots are larger than ten (10) acres.
§715.3.03 (Notification for All Developments Utilizing Local Groundwater)	Consider revising to require demonstration of water availability for “subdivisions and Condominium and Rental Community Developments.”
§715.3.04 (Procedures for Department Coordination with the Applicable Groundwater Conservation District)	Consider making plat approval conditional upon Groundwater Conservation District review and comment rather than an automatic waiver.
§715.3.05 and 3.06 (“Water Availability Demonstrations...” and “Additional Requirements for Subdivisions...”)	Update the groundwater study standards to comply with TLGC Section 232.0032, which requires the study unless the Commissioners Court issues a waiver per Section (a-1).
§715.3.06 (“Water Availability Demonstrations...”)	Review Texas Water Code Section 35.019 to ensure Priority Groundwater Management Area (PGMA) specific requirements are aligned with the listed additional requirements for individual-well subdivisions, including Groundwater Conservation District documentation.
§715.3.07 (Water Availability Demonstrations Utilizing a new TCEQ public water supply system)	Consider creating language to link plat recording with demonstration of authority to construct a new system or (preferably) to have construction completed on the system prior to recording the plat so that plat approval expires in the event the system isn’t constructed (demonstrating adequate public facilities prior to recording).
§715.3.07.C (Water Availability Demonstrations Utilizing a new TCEQ public water supply system)	Amend to remove the Commissioners Court’s responsibility in disputes between applicants and the water service provider(s).

Chapter 715 – Water and Wastewater Availability

Ref.	Assessment
§715.3.08 (Water Availability Demonstration Utilizing an existing TCEQ-permitted public water supply)	Clarify when a letter certifying water availability is required. Consider a two-stage verification process depending on the application type. If a certification letter is not required until the final plat, water availability may not be adequately demonstrated, but if it is required with the preliminary plan, WSCs may only issue a "will serve" form letter with insufficient detail to meet the requirements of this section. Require a will serve commitment letter from the existing TCEQ-permitted public water system that affirms capacity, service type/timetable, and all associated agreements for service between applicant and provider.
Sub-Chapter 4 – Wastewater Service Availability	
§715.4.01 (Development Permits)	Clarify if the requirement is for full compliance with Chapter 715 only or all Hays County Development Regulations.
§715.4.02 (Items Common to All Wastewater Availability Demonstrations)	List common elements every wastewater availability demonstration must address (e.g., facilities, phased flows, backup service, maps/CCN areas, schedules, disposal/reuse permitting, owners/operators).
§715.4.03 (Water Availability Demonstrations Utilizing a new TCEQ-permitted wastewater system)	Shorten section title (e.g., "Water Availability Using Existing Permitted System") Mirror the standards of Section 715.3.07 related to service by MUDs and other special-purpose districts. Clarify when a letter certifying wastewater availability is required. Depending on the application type, consider a two-stage verification process.
§715.4.04 (Wastewater Availability Demonstrations Utilizing an Existing TCEQ-Permitted Wastewater System)	Shorten section title (e.g., "Wastewater Availability Using Existing Permitted System") Require a will-service commitment letter from the existing TCEQ-permitted public wastewater system that affirms capacity, service type/timetable, and all associated agreements for service between applicant and provider.

Chapter 721 – Roadway Standards

Ref.	Assessment
Sub-Chapter 2 – Roadway Classifications	
§721.2.01 (Basis for Classification)	Clarify on which roadways/types qualify as "roadways shall also be classified under [Texas Transportation Code] TTC Chapter 251". Establish standards for what regulations control in the event of a conflict.
§721.2.01 (Basis for Classification)	Include a table illustrating the standards of this section (and other sections referencing the same material) to make use of the development regulations easier.
§721.2.02 through 2.08 ("Country Lane" through "Major Arterial")	Replace written descriptions with graphic cross-sections. Written descriptions of each roadway type are largely redundant and don't provide information such as right-of-way width and medians. Ensure written description of roadway typology is fully annotated and dimensioned in a typical cross-section for each roadway functional classification.
Sub-Chapter 3 – Public Roadways	
§721.3.01 (Dedication to Public)	Centralize all dedication information and requirements in one section, per the recommendation on Section 701.11.07. Sub-Chapter 3 (or similar) is the preferred location for dedication standards. Revise to specify the method for the Court to accept dedication.
Sub-Chapter 4 – Private Roadways	
§721, Sub-Chapter 4 (Private Roadways)	Define "Private Roadways" in the definitions section.

Chapter 721 – Roadway Standards	
Ref.	Assessment
§ 721.4.01 (General Requirements for Private Roadways)	Reference standards and specifications suitable for “all-weather” improvement of a Regulated Private Roadway.
§ 721.4.02 (Criteria for Determining Private Roadway Status)	Consider allowing private roadways in smaller subdivisions or smaller lot subdivisions.
§ 721.4.04 (Additional Requirements for Private Roadways to be Maintained by an Association)	Require submittal of the association’s capital improvement plan upon which roadway maintenance assessment fees are based.
Sub-Chapter 5 – Standards for Regulated Roadways	
§ 721.5.02 (Design Requirements)	Clarify the minimum content requirements of a Roadway Design Report.
§ 721.5.04. (Design and Construction Standards)	Cite County’s required minimum municipal flexible pavement design and life cycle cost analysis system (MFPS) values for each roadway functional classification to define the nexus between average daily traffic (ADT) and vehicle loads.
§ 721.5.04.A (Design and Construction Standards)	Distinguish between the meaning and requirements of an ADT estimate and a Traffic Impact Assessment/Analysis. Recommend expanding the scope of estimates/analyses to consider the wider buildout of the surrounding area, or alternatives to proportionally pay for regionalized TIA/corridor studies. Recommend consolidating or cross-referencing to connect to the TIA standards in Sub-Chapter 6.
§ 721.5.04.C (Design and Construction Standards)	Relocate the provisions relating to signage, speed bumps, and crosswalks to individual subsections of Section 5.04.
§ 721.5.04.D (Design and Construction Standards)	Revisit the 5-acre incentive to determine whether housing market forces still make the incentive viable. Recommend reducing the five-acre threshold to 3 or 2 acres or varying the incentive based on location within the County.
§ 721.5.04.E (Design and Construction Standards)	Clarify whether the bike lane incentive reduces the classification of the roadway or simply applies a reduction in ADT. Create standards for determining the amount of adjustment. This section could benefit from clearer criteria guiding the application of the incentive. Additionally, this section could also prioritize construction of beneficial or preferred bike infrastructure, such as buffered or protected lanes and trails that connect to regional system (e.g., Great Springs) by applying a larger ADT reduction.
§ 721.5.05.B (Access to Regulated Roadways)	Create a definition for “Flag Lot” so the Commissioners Court does not have to make this determination on a case-by-case basis.
§ 721.5.05.C (Access to Regulated Roadways)	Clarify the responsibility to construct driveways in cases where a builder is the property owner and the lot is sold to a buyer.
§ 721.5.07 (Shared Access Driveways)	Resolve the contradictions between this section and the definition of “Shared Access Driveway” in Chapter 701. Include provisions for the minimum throat length required before a conflict point, such as an intersecting driveway or parking space. Recommend creating diagrams to show the orientation and layout of driveways. Additionally, the phrase “excessive use not permitted” is overly vague and should be defined further.
§ 721.5.07 (Shared Access Driveways)	This section pertains only to residential shared access driveways (SAD), but this should also apply to commercial driveways.
§ 721.5.07.A through .E (Shared Access Driveways)	Limiting development to one single-family residence may be overly restrictive and eliminate an opportunity to regulate more intense forms of residential land use. Use conditional SAD regulations to help address multifamily and stealth condos.

Chapter 721 – Roadway Standards

Ref.	Assessment
§721.5.07.C (Shared Access Driveways)	The current 500-foot separation between SADs is too high. Recommend a graduated minimum separation based on the length of the SAD, the acreage having access to it, the number of alternative ingress/egress points, roadway classification, etc.
§721.5.09 (Speed Limits on Regulated Roadways)	The benefits of having speed limit-related provisions within the development regulations are unclear. It is recommended that speed limits be linked to design considerations within adopted technical manuals and state guidance in TTC.
§721.5.10 (Construction Quality Assurance for Regulated Roadways)	Relocate this section to be near the subdivision and inspection procedures. The flow of the sections in Chapter 721 make it difficult to locate specific information for an unfamiliar reader.
§721.5.10 (Construction Quality Assurance for Regulated Roadways)	Correct "submit document" to "submit documents."
§721.5.10.E (Construction Quality Assurance for Regulated Roadways)	Generalize the re-test fees as presented in this section to apply to other types of reviews and inspections.
Table 721.02 (Roadway Design Requirements)	Consider removing from the development regulations.

Sub-Chapter 6 – Transportation Planning

§721, Sub-Chapter 6 (Transportation Planning)	Consider relocating Sub-Chapter 6 immediately before the current Sub-Chapter 5.
§721.6.02 (Mail Kiosks)	Specify whether stacking must be provided outside the street.
§721.6.03 (Traffic Impact Analysis)	Review this section for consistent use of the terms "TIA" and "Traffic Impact Study". Align with best practices for scoping and conducting a traffic impact analysis.
§721.6.03.A(2) (Traffic Impact Analysis)	<p>The criteria in this section may be overly specific and drive variance requests. Revise to address the following considerations:</p> <ul style="list-style-type: none"> • How does the TIA account for the buildout of the surrounding area? • What is the process for including considerations not agreed to in the preapplication meeting (e.g., the opening of a school or a city-installed traffic signal that changes traffic patterns)?
§721.6.04 (Access for Certain New Subdivisions)	Specify that subdivision entrances under this section must connect to a regulated roadway. per day) and revise criteria to focus on finding of property-based hardships such as topography or stream crossings that would make additional access points infeasible along with health and safety considerations.

Chapter 725 – Storm Water Management Standards

Ref.	Assessment
Sub-Chapter 1 – Applicability	
§725.1.01 (Applicability)	<p>The expanded definitions provided in Chapter 701 above should address condominiums and other MH uses as well.</p> <p>Develop standards for design, operation, and maintenance of private stormwater facilities.</p>

Chapter 725 – Storm Water Management Standards

Ref.	Assessment
§ 725.1.03 (Approval Required)	Ensure that the approvals mentioned in this section are connected clearly to the overall plat and plan sequences.
Sub-Chapter 2 – Public Facilities	
§ 725.2.02 (Publicly Maintained and Dedicated Facilities)	Include a reference to the storm water construction standards in this section if they removed to a standalone document.
§ 725.2.02 (Publicly Maintained and Dedicated Facilities)	Change "existing watercourses may be dedicated" to "shall be dedicated." Incorporate standards/references to standards for the dedication dimensions, using adopted Buda, Kyle and San Marcos standards for guidance. Consider expanding the scope to incorporate recharge features particular to the karst environment.
§ 725.2.03 (Construction of Public Storm Water Management Facilities)	Centralize the process sections, such as the interim authorization, in one place. Consider adding a table showing triggers for mandatory development agreements.
Sub-Chapter 3 – Design Criteria	
§ 725.3.01 (Design of Storm Water Management Facilities)	Consider removing "or other commonly accepted engineering practices" as an alternative to the Hays County Standards Specifications: Drainage, or name specific alternatives. The county engineer should be specifically empowered to consider alternatives.
§ 725.3.01 (Design of Storm Water Management Facilities)	Recommend making the methodology or information used to estimate "fully developed" conditions specific, or naming a specific plan/method "as amended."
§ 725.3.02 (Control of Runoff Rate and Volume)	Reference the plat submittal checklist when specifying that runoff rate/volume compliance is required to be submitted.
§ 725.3.03.A (Sizing of Storm Water Management Facilities)	Recommend specifying that storm water management facilities are sized to accommodate a 5-, 10-, 25- and 100-year event over the entire lot, not just "portions of lots not within a building setback line".
Table 731.03 (Design Storm Frequency Based on Roadway Classification)	Consider consolidating this table with the roadway classifications table and referencing it here.
§ 725.3.03.C (Sizing of Storm Water Management Facilities)	Reference the design standards for culvert sizing here.
§ 725.3.05.B (Maximum Headwater Elevation for Roadway Crossings)	Include a reference to criteria warranting the inclusion of a gate/warning device.
§ 725.3.07 (Identification of Special Flood Hazard Areas)	Recommend making the identified regulatory floodplains section more specific and including a reference to a specific flood map.
§ 725.3.07.C (Identification of Special Flood Hazard Areas)	Add the Chapter 735 "Flood Damage Prevention" title to this subsection. Clarify the last sentence. Review exceptions and consider whether other types of exceptions should be allowed.

Chapter 731 – Construction and Acceptance of Maintenance for Public Infrastructure	
Ref.	Assessment
Sub-Chapter 1 – Applicability	
§731.1.02 (Legal Authority)	Indicate the responsible official or department for this Chapter.
§731.1.04.A (Submittal Requirements for Public Infrastructure)	Consider moving the required format for plan sets out of the development regulations and house only in a standalone checklist with proper authorizing language in the Chapter.
Sub-Chapter 2 – Construction	
§731.2.02.A (Interim Authorization for Construction)	<p>Since a “development authorization” includes a preliminary plat, recommend that public infrastructure not commence prior to preliminary plat approval.</p> <p>Clarify that a permit must also be obtained prior to commencement of any construction that will alter the quantity or quality of stormwater runoff and requires stormwater management improvements before discharge to the County right-of-way.</p>
§731.2.03 (Construction Occurring After Issuance of Development Authorization)	<p>Specify that construction should take place after approval of a preliminary plat and that the preferred scenario is for construction to be complete before the recording of the final plat. Consider the level of construction completion necessary before fiscal surety alternatives will be considered.</p> <p>Clarify the required term of Performance Assurance financial mechanisms (or reference Section 731.4.03).</p>
§731.2.05 (Temporary Construction Erosion Controls)	Remove “may require” from the second sentence and replace it with “shall submit an erosion control plan to the County Engineer”.
§731.2.06 (Development Authorizations within Approved Subdivisions)	Specify whether “development authorization” in this case applies to driveway culverts.
§731.2.08 (Interim Inspections)	Change “a minimum of 48 hours is required” to “minimum 48 hours advance notice is required” and specify whether the advance notice applies only to business days or change to “two (2) business days”.
§731.2.10.B (As-built Submittals)	<p>Remove technical drawing specs for as-builts from the development regulations and house them in a standalone checklist. Enable digital data requirements to support county GIS and asset management.</p> <p>Align with best practices for electronic deliverables (i.e., BIM/CAD and GIS drawing standards).</p>
Sub-Chapter 3 – Acceptance of Public Infrastructure for Maintenance	
§731.3.02.F(3) (County Acceptance of Maintenance)	Section (E)(1) states or implies that no repairs are accepted by the County, but it would be preferred in Section (F)(3) to specify that the county will only accept infrastructure without maintenance assurance if the developer has actually maintained it in a defect-free and acceptable condition subject to assessment by the County Engineer or designee.
Sub-Chapter 4 – Financial Assurance	
§731.4.02 (Acceptable Mechanisms)	Specify that listed and alternative forms of fiscal assurance must be reviewed by the County Attorney before approval.

Chapter 735 – Flood Damage Prevention	
Ref.	Assessment
Sub-Chapter 1 – Applicability	
§ 735. General Observation	Consider higher floodplain development standards (e.g., increased free board, full no adverse impact compliance, watershed-wide stormwater management plans). Consider opportunities to improve the County's FEMA Community Rating System (CRS) classification, which will result in greater flood insurance discounts for residents and demonstrate the County's commitment to enhanced floodplain management.
§ 735.1.02 (Legal Authority)	TWC Section 16.315 and Section 16.318 provide the basis for "reasonable and appropriate" land use restrictions in flood hazard areas. Verify the applicability of TWC Chapters 26 and 35. Although a portion of Hays County is in a Priority Groundwater Management Area, these two chapters largely appear to deal with water availability and water quality.
§ 735.1.05 (Approval Required Prior to Development)	Recommend designating a Floodplain Administrator and detailing here.
Sub-Chapter 4 – Definitions Specific to This Chapter	
§ 735.2.01. (General Definitions)	Ensure definitions align with FEMA National Flood Insurance Program (NFIP) terminology and interpretations (e.g., "100-year floodplain" vs. "base flood" level).
Sub-Chapter 4 – Administration	
§ 735.4.06.K (Permit Procedures)	Review for consistency with FEMA and TWDB model Floodplain Development Permit application content requirements.
§ 735.4.06.K (Variance Procedures)	Revise "community" to specify "The County".

Chapter 744 – Manufactured Home Rental Communities	
Ref.	Assessment
Sub-Chapter 1 – Applicability	
§ 744.1.02 (Legal Authority)	TLGC Chapter 232 does not allow counties to regulate MHRCs as a subdivision, meaning the regulations of Ch. 744 are strictly as authorized in TLGC Chapter 232, specifically Section 232.007(2)(c). TLGC Section 232.007(2)(C) requires a public hearing prior to adopting minimum infrastructure standards for MHRCs.
Sub-Chapter 3 – Application Procedures	
§ 744.3.05(C)(3) (Supplemental Information)	Specify that the storm water management plan must show the 100-year floodplain.
Sub-Chapter 5 – Requirement Prior to Occupancy	
§ 744.5.	Specify that utilities may not provide service to a MHRC until the County issues a letter of acceptance or compliance per TLGC Section 232.007(h).
Sub-Chapter 6 – Public Notice	
§ 744.6.01. (Notice Required)	As noted elsewhere, the justification for requiring notice is uncertain due to the ministerial nature of the MHRC approval process in TLGC Section 232.007. Denial of an MHRC for anything other than technical noncompliance could be used as the basis for a fair housing claim against the county.

Chapter 755 – Land Use and Location Restrictions	
Ref.	Assessment
Sub-Chapters 1-5	
§755.1.03 (Compliance Required)	Encompasses the first five sub-chapters, which may exceed the County's authority under TLGC. Outside of SOBs (TLGC Chapter 243), the limits of County regulation under state statute tends to be restricted to aesthetic concerns. The ability of the County to require a public hearing and permits prior to implementing the listed uses needs to be further established.
Sub-Chapter 6 – Gated Community Access Control Regulations	
§755.6.	Consider relocating these standards to the section or chapter regulation streets and access. Include reference to enabling statute in TLGC 352, Subchapter E and amend for compliance as needed.

Chapter 761 – Economic Incentives for Development Activities	
Ref.	Assessment
Sub-Chapter 1 – Applicability	
§761.1.04 (Qualifying Activities)	In a later part of this section, acceptance is staged after inspection, but it is not clear if there is a special process for applications using incentives. Clarify the process.
§761.1.04 (Qualifying Activities)	Recommend reviewing and considering other activities to be included on the list, such as conservation easements. Consider reviewing based on the impact of the cost of improvements.
Sub-Chapter 2 – Application of Economic Incentives by County	
§761, Sub-Chapter 2.A (Application of Economic Incentives by County)	Review and adjust based on any updates to the fee-in-lieu option.
Sub-Chapter 3 – Application and Approval Procedures	
§761.3.01 (Filing with Application for Development Authorization)	Ensure that checklists contain the details of required submittal information.
§761.3.04 (Inspection)	Specify the timing and process entailed in this section further. Reference the general process sections as applicable.
Sub-Chapter 4 – Rebate Procedures	
§761.4.02 (Structural Improvements Completed in Conjunction with the Initial Development)	Reference the inspection and acceptance timing section.
Sub-Chapter 5 – Incentives for Water Quality Protection Features	
§761.5.02.C (Water Quality Protection Design Requirements)	Consider additional best-practice manuals or references for inclusion in this section's list of resources.
§761.5.02.D (Water Quality Protection Design Requirements)	Include specific items from the list in this section in a standalone checklist or checklist(s).
§761.5.03.A (Stream Offsets/Buffer Zones)	Connect this to the dedication requirements mentioned in Chapter 725 specifying that natural waterways should be required. This included table is a good template.

Chapter 765 – Conservation Development	
Ref.	Assessment
Sub-Chapter 1 – Applicability	
§765. (General Observation)	Align with best practices to further incentivize the design and construction of Conservation Development within the County.
§765.1.02 (Legal Authority)	Consider making the references to the TLGC more specific.
§765.1.03 (Designation of Conservation Development Not Required)	Consider combining the conservation development provisions in this Chapter with Chapter 761 (Economic Incentives for Development Activities).
Sub-Chapter 2 – Definitions Specific to This Chapter	
§765, Sub-Chapter 2 (Definitions Specific to This Chapter)	Relocate definitions to a separate definitions section. Create a definition for “rimrock.”
§765.2.B	Clarify the applicability of the term “commercial development” to manufactured housing uses. The definition in Chapter 701 is recommended to be expanded to encompass non-rental manufactured housing uses, but need clarification on how they are grouped with commercial or residential uses (assuming they vary).
§765.2.G	Correct “cave” to “caves.”
Sub-Chapter 3 – Application Procedures	
§765.3.05 (Supplemental Information)	Relocate the items in this section to a standalone checklist.
Sub-Chapter 5 – Conservation Development Design	
§765.5.01 (Conservation Space)	Recommend revising space standards based on the County's experience with the current standards. How do these space minimums/dimensions work? Has the County had success with them so far? Consider additional flexibility.
Sub-Chapter 8 – Conservation Development Agreement	
§765.8.01 (Agreement Required)	Recommend including a section or a table in the general provisions/processes section of the development regulations that summarizes the cases and triggers for development agreements.
Sub-Chapter 9 – Off-site Transfers for Conservation Development	
§765, Sub-Chapter 9 (Off-site Transfers for Conservation Development)	Consider expanding to a County-wide program of Development Rights Transfers. Recommend including provisions regarding “receiving” sites, not just originating sites. Setting up standards for using transfer rights originating in conservation easements on undeveloped land could help preserve additional space/features.

5.02) Hays County OSSF Order

Section 5 – On-Site Sewage Facility Regulations and Enforcement	
Ref.	Assessment
General	
General	Clarify that Section 10 comprises the "Rules" specific to Hays County.
Section 10 – Amendments	
General	Rename Section "Hays County Rules" to reflect content.
D	Revise Table 10-1 to simply state "Public Water Supply System," which correlates with Definition 10.A.4.
E	Consider requiring all OSSF components and land application areas to be sited outside of any regulatory special flood hazard area.
J	Require that a site plan identify the property's FEMA flood hazard classification and delineate the boundaries of any regulatory special flood area that encroaches on it.
M	For additional resilience, consider requiring a backup/emergency power supply for control panels and pumping systems.

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