

Kerr County Water Availability Requirements

1.00 An Order establishing **Kerr County Water Availability Requirements** for property located in Kerr County outside the city limits of an incorporated or chartered municipality.

BE IT ORDERED and ADOPTED by the Commissioners Court of Kerr County, Texas:

1.01. General:

Kerr County has been designated as a county within a Priority Groundwater Management Area by the State of Texas. Therefore, pursuant to Chapter 35, Section 35.019, Texas Water Code, the Kerr County Commissioners Court has the authority to require any person seeking plat approval to show:

(1) Compliance with Water Availability Requirements adopted by the Commissioners Court; and

(2) That an adequate supply of water of sufficient quantity and quality is available to supply the number of lots proposed for the platted area.

1.02. Water Availability Requirements:

All subdivisions in Kerr County where preliminary plat approval is granted after the approval date of these Water Availability Requirements shall comply with the provisions set forth herein. Failure to satisfy the Water Availability Requirements shall result in the denial of approval of the final plat.

A. Minimum Countywide Acreage and Lot Size Requirements.

A subdivision that meets the minimum acreage requirements as set forth in Section 1.03 below shall be deemed to have satisfied these Water Availability Requirements.

Kerr County minimum countywide acreage requirements are based on current county and regional data that is available. The minimum countywide acreage requirements are based on an average family or household in rural areas based on census data and an average daily consumption that is reasonable for this county based on accepted regional criteria. The minimum countywide acreage requirement standard is further based on the State of Texas population and demand analysis; sustainability of the Edwards –Trinity Aquifer and the Trinity Aquifer and maintaining adequate spring flow to maintain the base flow of the Guadalupe River and its tributaries.

The data and information considered in developing the minimum countywide acreage requirements included but was not limited to:

Texas Water Development Board State (TWDB), State Water Plan of Texas;
The Plateau Water Planning Group – Region J, approved and proposed Regional Water Plan;
TWDB Groundwater Availability Model for the Trinity Aquifer;
TWDB Groundwater Availability Model for the Edwards - Trinity Aquifer;
Headwaters Groundwater Conservation District, Rules and Regulations;
Kerr County OSSF Rules and Regulations

Complying with these requirements does not insure the developer or prospective lot owner that adequate groundwater is available under any subdivision or lot.

Kerr County Water Availability Requirements do not include other requirements that may be placed on water usage by other entities. Headwaters Groundwater Conservation District (HGCD) may set pumping limitations on certain aquifers within Kerr County and such limitations may limit the amount of groundwater available in subdivisions or individual subdivision lots.

Community water systems will be subject to additional monitoring and testing by HGCD and TCEQ. For this reason there is a lesser acreage requirement for subdivisions that utilize community water systems.

The High Density Development Areas are located in areas where surface water is currently being used to meet a portion of the water demand or in areas where there is a reasonable likelihood that surface water or other sources of water than ground water will be available in the future. For these reasons a lesser acreage requirement for subdivisions in these areas is appropriate.

B. Monitor Well Requirements

Lack of data on the aquifers within Kerr County is a limiting factor in determining water availability on a more localized basis throughout Kerr County and is a factor in developing and adopting countywide acreage and lot size requirements. In an effort to improve ground water models and water availability requirements the following shall be required:

All subdivisions where the total acreage in the subdivision is more than seventy-five acres shall be required to provide a monitor well location within the central portion of the subdivision. Such well location shall be a minimum of fifty feet by fifty feet in size and shall be located adjacent to the road right-of-way in an area that is suitable for drilling a monitor well. Headwaters Groundwater Conservation District (HGCD) shall be deeded in fee simple ownership to such location. HGCD shall drill such monitor well within two years of the date of final plat approval and shall be responsible for the maintenance of such monitor well location lot. HGCD may waive this requirement by providing the developer with a letter stating that a monitor well location is not required for subject subdivision.

1.03. Acreage Requirements to meet Water Availability:

The requirements set forth in Section 1.03.A. and Section 1.03.B. both must be complied with to satisfy the requirements of Kerr County Water Availability.

A. Total Number of Lots Permitted in a Subdivision to Meet Water Availability Requirements: This section is applicable where groundwater is the source of potable water. If surface water is the source of potable water for the entire subdivision, then this “Section A” is not applicable:

1. The total number of lots permitted in any subdivision that uses individual water wells as the source of potable water shall not exceed the total acreage in the subdivision divided by five (5) acres.

2. The total number of lots permitted in any subdivision that uses a community, public or shared water system that uses groundwater as the source of potable water shall not exceed the total acreage in the subdivision divided by three (3) acres unless the subdivision is located within an area designated by the Commissioners Court as a High Density Development Area as defined in 1.03.C. No individual wells shall be permitted on any lot or any other location in the subdivision developed under this paragraph.

3. The total number of lots permitted in any subdivision in an area designated as a High Density Development Area as defined in 1.03.C. shall not exceed the total acreage in the subdivision divided by two (2) . No individual wells shall be permitted on any lot or any other location in the subdivision developed under this paragraph.

Total acreage in a subdivision is defined as the total gross acreage within the subdivision boundary and includes all lots, roads, drainages structures, parks, utility and other easements, and all other acreage in the subdivision.

B. The Minimum Lot Size Requirement to Meet Water Availability Requirements, the Current Order for Rules of Kerr County, Texas for On-site Sewage Facilities, if applicable; TCEQ Rules and Regulations, if applicable; and Rules and Regulations of HGCD, if applicable:

1. Five (5) acres for lots where an individual water well is planned to be the source of potable water and an on-site sewage facility is located.

2. One (1) acre for lots served by community, public or shared water system; and served by OSSF if such OSSF can be installed in compliance with the current Order for Rules of Kerr County, Texas for On-site Sewage Facilities or served by a community sewage collection system. Lesser acreage requirements may be approved by the Commissioner’s Court on a case by case basis based on the development plan. No individual wells shall be permitted on any lot or any other location in the

subdivision developed under this paragraph. Note the balance of the acreage in the subdivision not used for lots may be used for roads, drainage structures, parks, utility or other easements, or any other use other than lots.

3. One-quarter (1/4) acre for lots to be served by a community, public or shared water system and a community sewage collection system; and the subdivision is located in a designated High Density Development Area. Lesser acreage requirements may be approved by the Commissioner's Court on a case by case basis based on the development plan. No individual wells shall be permitted on any lot or any other location in the subdivision developed under this paragraph. Note the balance of the acreage in the subdivision not used for lots may be used for roads, drainage structures, parks, utility or other easements, or any other use other than lots.

C. High Density Development Areas: To be classified as a High Density Development Area the subdivision shall have a community, public or shared water system. Kerr County has designated areas of Kerr County as set forth below as High Density Development Areas.

1. Center Point Area – defined as an area within a one and one-half (1 1/2) mile radius of the intersection of FM 1350 (China Street) and FM 480.

2. Comfort Area – defined as an area within a one (1) mile radius of the intersection of State Highway 27 and Hermann Sons Road.

A water utility and a waste water disposal plan must be submitted and approved by a licensed engineer. Such plan shall include an analysis of water availability and quality and shall meet all TCEQ Rules and Regulations, if applicable; and Rules and Regulations of HGCD, if applicable:

1.04. Public or Community Water Systems:

(1) Systems with more than Fifteen (15) Connections.

If the person requesting plat approval proposes to utilize a new public or community water system, such system shall be developed in accordance with Subchapter C., Chapter 341, Texas Health and Safety Code and as defined by current rules and regulations of the Texas Commission on Environmental Quality (TCEQ) 30 TAC Chapter 290. If the public or community water system will have more than fifteen (15) connections, the developer shall submit to the Commissioner's Court a letter or other document from TCEQ approving the plans and specifications of the proposed water system and a letter or other document stating that the proposed water system has sufficient capacity to serve the proposed connections.

(2) Systems with Fifteen (15) or Less Connections.

If the public or community water system will have fifteen (15) or less connections, the developer shall submit to the Commissioner's Court a letter or other document from an engineer licensed in the State of Texas knowledgeable in designing public or community water systems, approving the plans and specifications of the proposed water system and a letter or other document stating that the proposed water

system has sufficient capacity to serve the proposed connections.

1.05. Plat Certification:

A. All subdivision final plats shall contain the following certification:

“Kerr County Commissioner’s Court does not certify that complying with Kerr County Water Availability Requirements insures the developer or prospective lot owner that adequate groundwater is available under any subdivision or lot.”

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

“Individual water wells shall not be permitted on any lot in this subdivision.”

C. All subdivision final plats shall contain the following certification

“ (name) Subdivision approved (date) shall be limited to a maximum of (number) lots pursuant to Kerr County Water Availability Requirements”

1.06. No Warranties

Approval of any plat based upon meeting the Water Availability Requirement shall not constitute a warranty by the Commissioners Court as to the quantity or quality of groundwater available.