

Young County, Texas



Subdivision Rules and Regulations

Amended January 22, 2007

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SECTION I

INTRODUCTION

The purpose of this Court Order is to provide for the safety, health and well being of the general public by requiring that adequate streets, drainage facilities and sewage facilities are provided in all Subdivisions, and to provide facilities which can be maintained without imposing a burden to the taxpayers.

All departments and agencies of Young County stand ready to assist individuals, builders, and Developers in achieving overall performance standards as outlined in the following chapters.

These Subdivision Rules and Regulations are in no way intended to restrict residential or commercial development in Young County. Rather, it is hoped that through public and private sector cooperation, Young County can achieve and maintain a quality and standard of life which reflects the highest traditions and standards of its citizens

SECTION II ENFORCEMENT

- A. The Commissioners Court of Young County shall have the authority to refuse to approve and authorize any map or plat of any Subdivision, unless such map or plat meets the requirements as set forth in these Subdivision Rules and Regulations; and there is submitted at the time of approval of such map or plat financial security as may be required by these Subdivision Rules and Regulations.
- B. At the request of the Commissioners Court of Young County, the County Attorney or other prosecuting attorney representing the County may file an action in a court of competent jurisdiction to:
 - 1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under Chapter 232 of the Texas Local Government Code; or,
 - 2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by the Commissioners Court under Chapter 232 of the Texas Local Government Code.
- C. A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Commissioners Court under Chapter 232 of the Texas Local Government Code. An offense under this subsection is a Class B Misdemeanor.
- D. A requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session 1951 (Article 2372k Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply for subdivision of land is enforceable under Subsection B of this Section. A knowing or intentional violation of the requirement is an offense under Subsection C of this Section.
- E. The Commissioners Court may from time to time amend these Subdivision Rules and Regulations, in accordance with appropriate procedures provided by law. It is the responsibility of the Developer to obtain the most current Subdivision Rules and Regulations as adopted by the Young County Commissioners Court.

SECTION III

DEFINITIONS

- A. For the purposes of this Court Order certain terms or words herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense;

The singular includes the plural;

The word "person" includes individuals, corporations, partnerships, limited liability companies and all other business entities;

The term "shall" is always mandatory.

The term "may" is permissive.

- B. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

1. **Abandonment:** The legal process by which land dedicated to public use may revert to private use.
2. **Administrative Officers:** Any office referred to in this Court Order by title, *e.g.*, County Judge, County Commissioners, County Attorney, County Engineer, *etc.*..., shall be the person so retained in this position by the County, or their duly authorized representative.
3. **Alley:** A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise on a street.
4. **Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency) Management Agency) guidelines and as shown in the current effective Flood Insurance Study.
5. **Base Flood Plain:** That area subject to inundation by flood, having a one (1 %) percent probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Flood Insurance Study for Young County provided by the Federal Emergency Management Agency.
6. **Block:** A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams, or corporate boundary lines.
7. **Building:** Any structure built for support, shelter, or enclosure of persons, animals, or movable property of any kind.

8. **Building Setback Line:** The line within a lot or tract defining the minimum horizontal distance between a building or other structure and the adjacent street line.
9. **Commissioners Court:** The duly elected governing body of Young County, Texas.
10. **Construction Plans:** See Engineering Plans.
11. **County:** Young County, Texas, together with all its governing and operating bodies.
12. **County Attorney:** "County Attorney" shall apply only to such individual or firm qualified to represent clients in a court of law and to advise clients on legal matters and having been specifically designated by the Commissioners Court.
13. **County Commissioner:** The officially elected, appointed or authorized County Commissioner of a particular precinct of Young County, Texas, or the County Commissioner's duly authorized representative.
14. **County Engineer:** "County Engineer" shall apply only to such Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated by the Commissioners Court.
15. **County Road:** A public road or street which has been either dedicated to public use and accepted for same by the County or acquired by the County through prescription or otherwise or is a road or street that was constructed by and is maintained by the County.
16. **Court:** See Commissioners Court
17. **Cul-de-sac:** A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.
18. **Dead-End-Street:** A street, other than a cul-de-sac, with only one outlet.
19. **Developer:** See "Subdivider."
20. **Easement:** An area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. Public utilities shall at all times have the right of ingress and egress upon an Easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
21. **Engineer:** A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of Engineering and who is specifically qualified to design and prepare construction plans and specifications for Subdivision development.

22. **Engineering Plans:** A set of drawings and/or specification, including paving, water, wastewater, drainage, or other required plans, submitted to the County for review in conjunction with a Subdivision or a development.
23. **Extraterritorial Jurisdiction:** The unincorporated area of the County that is contiguous to the corporate boundaries of a municipality, more specifically described in Section 42.021 of the Texas Local Government Code, as same may exist or be amended in the future.
24. **FEMA:** Federal Emergency Management Agency
25. **FIA:** Federal Insurance Administration.
26. **Final Acceptance:** Acceptance by the Young County Commissioners Court of all public infrastructure improvements constructed by the Subdivider in conjunction with the development of land.
27. **Final Plat:** (Also Record Plat or Filing Plat). The one official and authentic map of any given Subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor with the Subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. Angular measurements and bearings shall be accurate to the nearest minute. Distances shall be accurate to the nearest tenth of a foot. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Young County, Texas.
28. **Flood Hazard Boundary Map (FHBM):** An official report provided by the (FIA) where the areas of special flood hazards have been designated.
29. **Flood Insurance Rate Map (FIRM):** An official map on which the FIA has delineated both the areas of special flood hazards and the risk premium zones applicable to flood insurance.
30. **Flood Insurance Study:** The official report provided by the FIA containing flood profiles, the water surface elevation of the base flood and the flood hazard boundary map.
31. **Flood Plain:** The area subject to be inundated by water from the base flood.
32. **Floodway:** A drainage area designated on a plat to accommodate the design flood for existing creeks and open drainage ways.
33. **Floodway Easement:** A drainage area dedicated to the County for control and maintenance of a flood plain.
34. **Freeboard:** The vertical distance between the designated water surface level and the top of an open conduit left to allow for wave action, floating debris or any other condition or emergency without overtopping the structure.
35. **Homeowners (Property Owners):** A formal nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a specific residential area is automatically a member and (b) each lot or property interest is automatically subject to a charge for a proportionate share

of the expense for the organization's activities, such as the maintenance of common property, and (c) the charge if unpaid, becomes a lien against the nonpaying member's property.

36. **Infrastructure:** All roads, alleys, storm drainage, water, and wastewater facilities, utilities, and other facilities as required by the County.
37. **Installer:** An individual who holds a valid certificate and is compensated by another to perform services, construct, install, alter, or repair an OSSF.
38. **Land Planner:** Persons other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and shall be a member of the A. I. P.
39. **Lines, Building:** See Building Setback Line
40. **Lot:** An undivided tract or parcel of land having frontage on a public road and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved Subdivision plat which has been properly filed of record.
41. **Off-site:** Located outside the boundary of a development.
42. **On-site:** Located within the boundary of a development.
43. **On-site Sewage Facility (OSSF):** One or more systems of treatment devices and disposal facilities that produce not more than 5,000 gallons of waste each day; and are used only for disposal of sewage produced on the site where the system is located.
44. **Owner:** See Subdivider.
45. **Pavement Width:** The portion of a road available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs. Otherwise, it is the portion between the edges of the pavement.
46. **Precinct Commissioner:** The County Commissioner in whose precinct a Subdivision is being planned or built.
47. **Preliminary Plat:** The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities, road layout and direction of curb flow, and other pertinent features with notation sufficient to substantially identify the general scope and detail of proposed development.
48. **Private Sewage Facility:** All systems and methods, other than organized disposal systems, used for the disposal of sewage and operated under a valid permit issued by the County.

49. **Registered Public Land Surveyor:** A person duly authorized under the provisions and statutes of the Texas Surveyors Registration Act to practice the profession of surveying.
50. **Replating:** The resubdivision of any part or all of any block or blocks of a previously platted Subdivision, addition, lot or tract.
51. **Right-of-Way:** That portion of a Subdivision dedicated for public roads with the adjacent lot lines being the boundaries of the right-of-way.
52. **Road, County:** See County Road.
53. **Road Width:** See Pavement Width.
54. **Sewage Disposal Plan:** A technical report prepared by either a Registered Professional Engineer, a Registered Sanitarian, or a person who is certified to prepare a sewage Disposal plan in accordance with TCEQ requirements. The Plan shall describe the circumstances involved with sewage disposal on a land or tract that has been or proposed to be subdivided.
55. **Site Evaluator:** An individual who holds a valid certificate and visits a site and conducts a pre-construction site evaluation which includes performing soil analysis, a site survey, and other criteria necessary to determine the suitability of a site for a specific OSSF.
56. **Subdivider:** Any person or any agent thereof dividing or proposing to divide land so as to constitute a Subdivision as that term is defined herein. In any event, the term "Subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.
57. **Subdivision :** "Subdivision" or "Re-subdivision" of land (also "Addition"), as used in this Court Order, shall be held and construed to include any division of an existing tract of land in two or more parts to lay out:
 - a. A subdivision of the tract of land, including an addition;
 - b. Lots; or,
 - c. Streets, alleys, squares, parks, or other parts of the tract of land intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

The foregoing terms shall include a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executor contract to convey, or by using any other method.

The foregoing terms shall not be construed to include the division of an existing tract of land which meets one or more of the exemptions to plat

requirements specifically set forth in Section 232.0015 of the *Texas Local Government Code* as it currently exists or may be amended or re-codified from time to time.

- 58. **Surveyor:** See Registered Public Land Surveyor.
- 59. **TCEQ:** Texas Commission on Environmental Quality
- 60. **Utility Easement:** See Easement

SECTION IV

ENFORCEMENT AREA

The provision of this Court Order shall apply to all of the unincorporated area of Young County, Texas, other than the extraterritorial jurisdiction ("ETJ") of a municipality who has entered into a resolution with the Young Commissioner's Court granting full authority to the municipality for regulating subdivisions within the municipality's ETJ.

SECTION V
PLATTING PROCEDURE

A. Preliminary Plats:

1. The submission of a Preliminary Plat is necessary to:
 - a. eliminate the duplication of Subdivision names and street names.
 - b. assure proper alignments of streets and drainage facilities.
 - c. assure that the provisions of any applicable flood plain regulations will be complied with, and that no lot will have a drainage problem.
 - d. assure that the provisions of any applicable sewage regulations will be applied for.
 - e. assure that all necessary permits or plan approvals have or will be applied for.
2. Two (2) "blue line copies" or "reproductions" of the Preliminary Plat shall be submitted prior to or concurrent with the submission of any Preliminary Plat to a city exercising its extraterritorial authority. In the event the Subdivision falls within the jurisdiction of both the County and the city, the more stringent of the regulations shall prevail.
3. Preliminary Plats shall be approved by the Commissioners Court before a Final Plat can be submitted. No Preliminary Plat will be approved by the County prior to approval of the plat by a city exercising its extraterritorial authority.
4. Preliminary Plats shall be drawn on a 24" x 36" sheet at a scale of 1"=200' except in those instances where a city exercising its extraterritorial authority requires a different sheet size and/or scale, or upon prior approval of the Young County Commissioners Court.
5. Preliminary Plats shall show, or be accompanied by the following information:
 - a. the name, address and telephone number of the Developer, Surveyor and/or Engineer.
 - b. the proposed name of the Subdivision, and the names, locations, width and dimensions of all proposed and existing streets within the Subdivision.
 - c. the location of the existing boundary lines in sufficient detail to accurately locate the Subdivision.
 - d. the description, location, width and dimensions of proposed and existing utility and pipeline Easements within and adjacent to the Subdivision.

- e. the name, location and dimensions of all adjacent Subdivisions and streets. Where there are no adjacent Subdivisions, the Preliminary Plat shall show:
 - (1) the name of all adjacent property owners with the volume and page of recordation.
 - (2) the location and distance to the nearest Subdivisions, and how the streets in the proposed Subdivision may connect with those in the nearest Subdivisions or other roads in the area.
 - f. existing and proposed contour lines at the following intervals:
 - (1) when the land has less than a five percent (5%) slope, the contour interval shall not be greater than two feet (2").
 - (2) when the land has more than a five percent (5%) slope, the contour interval shall not be greater than five feet (5').
 - g. the exact location, dimensions, description and flow line of all existing and proposed drainage structures.
 - h. the location of the 100-year flood plain and all lots, or any part of a lot, that lie within the 100-year flood plain.
 - i. the existing drainage areas upstream of the proposed Subdivision, along with the drainage calculations of the amount of water coming into, across, and leaving the Subdivision in sufficient detail to show any changes in the 100-year flood evaluation across the proposed Subdivision, and on the property both upstream and downstream from the proposed Subdivision.
 - j. the date the plat was prepared.
 - k. a north arrow and the scale of the plat.
 - l. a location or vicinity map showing the location of the proposed Subdivision within the County and to the nearest incorporated areas with a north arrow and scale of the vicinity map.
 - m. preliminary water and sewer plans if applicable.
 - n. execution of a Takings Impact Assessment (TIA) Waiver. (A signed waiver of the T.I.A. or County will complete the T.I.A.)
6. All information listed in item "5" above is considered to be the minimum amount of information needed to assure compliance with this Court Order. Any deviations from items "1" through "5" shall have the written approval of the Commissioners Court prior to submittal of the Preliminary Plat.
7. If the proposed Subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan of the entire Subdivision shall be submitted with the Preliminary Plat of the portion first to be subdivided.

8. The Commissioners Court will review the Preliminary Plat and:
- a. send written comments to the Developer stating the conditions of approval, if any, if the Subdivision is outside the extraterritorial authority of a city.
 - b. send written comments to the city and Developer stating the conditions of approval, if any, if the Subdivision is in the extraterritorial authority of a city.
9. Approval of the Preliminary Plat does not constitute acceptance of the Subdivision, but is merely an authorization to proceed with the preparation of the final plat for record. The approval of the Preliminary Plat will remain in effect for one (1) year.
10. If approved, the following certificate shall be placed on the Preliminary Plat:

"The Commissioners Court of Young County, Texas on the date set forth below voted affirmatively to recommend conditional approval of this Preliminary Plat, subject to conditions enumerated in minutes of this date.

Approved this _____ day of _____, 20____.

County Judge

Commissioner Precinct One

Commissioner Precinct Two

Commissioner Precinct Three

Commissioner Precinct Four

Attest:

County Clerk

B. Final Plats:

1. The submission of Final Plats is necessary to:
 - a. assure proper identification and location of all streets, lots and Easements.
 - b. assure that the streets will be properly constructed and maintained.
 - c. assure that the sewer systems have been approved by the Young County Commissioners Court.
 - d. assure that all proper dedications have been made for streets, easements and public spaces.
 - e. assure that all necessary permits have been obtained or applied for.

A Final Plat is required unless the Subdivision meets the requirements for exceptions detailed in SB 710.

2. For Subdivisions outside of the extraterritorial authority of any city, the Developer shall submit to the Young County Commissioners Court the original on Mylar and two (2) blue line copies of the final plat, at least ten (10) days prior to the date scheduled for consideration by the Commissioners Court.
3. For Subdivisions located, wholly or in part, within the extraterritorial authority of any city, the Developer shall submit to the Young County Commissioners Court two (2) blue line copies of the final plat, prior to or concurrent with the submission of the final plat to a city exercising its extraterritorial authority. No final plat will be presented to the Commissioners Court before the plat has been approved by a city exercising its extraterritorial authority.
4. Final plats shall be drawn on a 18" x 24" Mylar sheet at a scale of 1"=200' except in those instances where a city exercising its extraterritorial authority requires a different sheet size and/or scale, or upon approval of the Commissioners Court.
5. The following statements shall be noted on the face of the final plat:
 - a. "Blocking the flow of water or construction improvements in drainage easements, and filling or obstruction of the flood way is prohibited."
 - b. "The existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots."
 - c. "Young County will not be responsible for the maintenance and operation of said drainage ways for or the control of erosion."
 - d. "Young County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions."

6. In addition to the requirements for Preliminary Plats, Final Plats shall show or be accompanied by the following information:
- a. the name of the Subdivision, the names of the streets, the date that the plat was prepared, a north arrow and a graphic scale.
 - b. sufficient data to reproduce, on the ground, the bearing and length of all streets, blocks, lots and easements. Curves on streets, blocks and Easements shall include the radius, length and central angle of the curve. Curves on lots shall show the radius and length of the curve.
 - c. the accurate location of adjacent Subdivision streets, blocks, lots and Easements, or the property owner if the adjacent land is undeveloped.
 - d. the number of all lots and blocks arranged in a systematic order, and clearly shown on the plat in distinct and legible figures.
 - e. the 100-year flood plain as identified on the most current Young County Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency.
 - f. a legal description of the Subdivision located with respect to an original corner of the original survey of which it is a part, and the number of acres being subdivided. All blocks, corners and angles shall be marked in accordance with minimum standards set forth by the Texas Board of Professional Land Surveyors. All corners shall be marked with caps stamped with the surveyor and/or company name.
 - g. a dedication, by the Developer, of all street, roadways, alleys, easements, parks, conservation easements, and other land intended for public use, and the Developer's certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn to by the Developer before a Notary Public in the following format:

State of Texas	§	Owners acknowledgment and
County of Young	§	Dedication

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

and designated herein as the *(Name of Subdivision)* to Young County, Texas, and whose name is subscribed hereto, hereby Dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

Owner

Date: _____

- h. the following statement shall appear on any plat containing private streets, drives, emergency access easements, recreation areas and open spaces:

NOTE: All private roads (drives and streets) will be designated in a manner that indicates their private status.

"YOUNG COUNTY, TEXAS, SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES; AND THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES, AND THE OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS YOUNG COUNTY, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATION OF THE OWNERS SET FORTH IN THIS PARAGRAPH. BEFORE ANY SUCH ROADWAY WILL BE MAINTAINED BY THE COUNTY, IT MUST BE DEDICATED (WITH ALL REQUIRED RIGHT OF WAY) BY ITS OWNERS AND ACCEPTED FOR MAINTENANCE BY FORMAL, WRITTEN ACTION OF THE YOUNG COUNTY COMMISSIONERS COURT. APPROVAL OF A PLAT DOES NOT CONSTITUTE AN AGREEMENT FOR MAINTENCE OF ROADWAYS APPEARING ON THE PLAT."

- i the seal and signature of the surveyor responsible for surveying the Subdivision and/or the preparation of the plat in the following format:

"Certification by a Registered Professional Land Surveyor means that plat represents a survey made by the surveyor and that all the monuments shown thereon actually exist, and that their location, size and material description are correctly shown.

"State of Texas § Certificate of Surveyor
County of Young §

"I, the undersigned, a Registered Professional Land Surveyor in the state of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal)

Registered Professional Land Surveyor

Date: _____"

- j. a space for the approval of the Commissioners Court in the following format:

The Commissioners Court of Young County, Texas on the date set forth below voted affirmatively to adopt this plat and approve it for filing of record.

Adopted and approved this _____ day of _____, 20____.

County Judge

Commissioner Precinct One

Commissioner Precinct Two

Commissioner Precinct Three

Commissioner Precinct Four

Attest:

County Clerk

- k. a space for the approval of a city exercising its extraterritorial authority.
- g. All information listed in item "6" above is considered to be the minimum amount of information needed to assure compliance with this Court Order.

Any deviations shall have the written approval of the Commissioners Court prior to submittal of the Final Plat.

- h. The Commissioners Court will review the Final Plat for its conformance, and place the Subdivision on the Commissioners Court Agenda and recommend either approval or denial.
- i. The final plat shall be accompanied by:
 - 1. a surety bond for construction of streets.
 - 2. a statement of approval of plans from all conservation districts, municipal utility districts or drainage districts.
 - 3. a certificate from each Tax Collector of a political subdivision in which the property is located stating that all taxes are paid and not delinquent.
 - 4. a certificate stating the Subdivision's water supply and sewerage system plans have approval from the appropriate State agency or designated authority.
 - 5. two (2) sets of construction plans.
- 7. After the Final Plat has been approved and signed by the Commissioners Court, the Final Plat will be returned to the Developer for recording with the County Clerk. The Final Plat must be recorded within six (6) months of approval by the Commissioners Court. A single six (6) month extension may be granted by the Commissioners Court.
- 8. The plat shall contain the following statement under the County's signature block:

"Construction not completed within two (2) years of the recording date shall be subject to current County standards and regulations. The County may require the Subdivision be replatted."
- 9. The Commissioners Court may refuse to approve a plat if it does not meet the requirements prescribed by these rules or if any bond required under these rules is not filed with the County.
- 10. Prior to the consideration and/or the approval of any plat submitted to the Commissioners Court all applicable fees shall be paid by the Developer to the County Treasurer and a receipt or receipts shall be included with the submittal. The following fees have been established by the County to defray costs associated with but not limited to the review, inspection, maintenance and filing of all plats and documents associated with the development of a Subdivision or any part thereof. These fees shall become effective with the passage of this Court Order and will effect all Subdivisions not finally approved by the Commissioners Court prior to such passage.

a.	Preliminary Plat	\$ 400.00
b.	Final Plat (with roads) 10 lots or less	1,000.00
	add \$50.00 per lot in excess of 10 lots	
c.	Final Plat (with no roads)	300.00
d.	Plat Revision	300.00
e.	Plat Revision Notices (per notice fee)	4.00
f.	Plat Cancellation	200.00

C. Construction Plans:

All construction plans, drawings and calculations shall be sealed by a Registered Professional Engineer licensed to practice in the state of Texas.

1. Two (2) sets of all construction plans must be submitted to and approved by the Commissioners Court, unless a waiver is granted prior to the start of any Construction plans. The construction plans shall consist of:
 - a. street plans.
 - b. drainage plans, including outfall channels, storm sewers and inlets design.
 - c. plans for water system, if any.
 - d. plans for sewage treatment and sewer system, if applicable.
 - e. plans for adjustment of utility lines and pipelines.
 - f. location and description of all Easements.
2. Street construction plans shall show:
 - a. the plan of the street, in no larger than 1"=50' scale, showing the location of the proposed surface, ditches and drainage structures within the street right-of-way.
 - b. the profile of the street in no larger than a 1"=50' scale horizontal and a 1"=5' scale vertical
 - c. the street grades and elevations.
 - d. vertical and horizontal curve information.
 - e. the ditch grades, design flow of water, design depth of water and design velocity of water.
 - f. typical street sections.
 - g. the seal and signature of the engineer responsible for the design on all sheets.

3. Drainage construction plans shall show:
 - a. the plan of the drainage ditches in no larger than a 1"=50' scale.
 - b. the profile of the drainage ditches in no larger than a 1"=50' scale horizontal and a 1"=5' scale vertical.
 - c. the ditch grades, design flow of water, design depth of water and design velocity of water.
 - d. a plan and profile of all culverts under any street with the design flow of water, head- water and tailwater depths and the tailwater velocity.
 - e. the size of all driveway culverts to carry the design flow of water at each lot in the Subdivision when the culvert is installed at the designed ditch grade.
 - f. typical ditch sections.
 - g. the seal and signature of the engineer responsible for the design on all sheets.
 - h. the size of each lot shall be indicated on the final plan in square feet and in acres.
4. Water construction plans shall show:
 - a. the location and size of all proposed water lines in relation to the right-of-way or easements in which the lines are to be located.
 - b. the location of all appurtenances proposed to be installed.
 - c. the minimum depth to which the water lines are to be installed.
 - d. the seal and signature of the engineer responsible for the design on all sheets.
5. Sewer construction plans shall show:
 - a. the plan of the sewer line in no larger than a 1"=50' scale, showing the location and the size of all proposed sewer lines in relation to the right-of-way or easements in which the lines are to be located.
 - b. the profile of the sewer line in no larger than a 1"=50' scale horizontal, and a 1"=5', scale vertical.
 - c. the location of all appurtenances proposed to be installed.
 - d. the sewer line grades and elevations at all junction points.
 - e. the seal and signature of the engineer responsible for the design on all sheets.
6. All construction plans shall be submitted with the Final Plat.
7. The County will review the construction plans for their conformance, and return one (1) set of the construction plans to the Developer stating:
 - a. that the plans have been approved, or

- b. the changes that will need to be made before the plans will be approved.
8. If any changes are required, the Developer shall have the necessary changes made and submit two (2) copies of the corrected plans to the Commissioners Court. If all necessary changes have been made, the County will return one (1) Set of the corrected plans to the Developer stating that the plans have been approved.

D. Water and Septic Requirements

1. The Developer must submit a plan for providing utility service within the proposed Subdivision. The proposed water supply should be clearly indicated, *i.e.*, municipal water, rural water supply corporation, privately owned water system, individual well, *etc...*, including location of fire hydrants, if any. All water supplies must be approved by the TCEQ.
2. A Developer who proposes the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes in accordance with the applicable provisions of the Texas Administrative Code and obtain approval of engineering planning materials for such systems in accordance with the applicable provisions of the Texas Administrative Code or other applicable state law.
3. Developers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the authorized agent of the owner of the existing permitted facility.
4. Developers who propose to utilize on-site sewage disposal shall comply with all On-Site Sewage Regulations of Young County and the State of Texas.
5. In addition to the unsatisfactory on-site disposal systems listed in the applicable provisions of the Texas Administrative Code and other state law, pit privies and portable toilets are not acceptable waste disposal systems for a Subdivision.
6. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the Subdivision is not an acceptable method for provision of water, except on an emergency basis. Absence of a water system meeting these standards of these rules due to the negligence of the Developer does not constitute an emergency.
7. The plan for sewage disposal should be clearly indicated, *i.e.*, municipal sewer service, privately owned/organized sewage disposal system, private sewage facilities, *etc...* If it is the Developer's intent that each lot purchaser shall provide private sewage facilities, those facilities must meet the requirements of the County's OSSF regulations.

SECTION VI

SUBDIVISION REQUIREMENTS

A. Roads or Streets

1. Residential streets shall have a minimum width of right-of-way of sixty feet (60') unless more is needed for drainage purposes. The base course of the roadway section shall be a minimum of twenty feet (20') feet Type A Grade 2 flexible base compacted to ninety-five percent (95%) standard proctor density at a depth of six inches (6"). The subgrade shall be stabilized to a depth of six inches (6") and compacted to ninety-five percent (95%) proctor density.
2. All roads or streets more than one hundred feet (100') in length shall either be connected at both ends to a dedicated street, or be provided with a turnaround having a minimum radius of forty feet (40') and a minimum right-of-way of sixty feet (60').
3. All roads or streets shall have a minimum grade of four-tenths percent (0.4%). Grades of more than ten percent (10%) shall only be allowed upon approval of the County.
4. A proposed Subdivision that adjoins or encompasses an existing public street, that does not conform to minimum right-of-way requirements of these Subdivision Rules and Regulations, shall provide for the dedication of additional right-of-way along either or both sides of said street so that the minimum right-of-way required by these regulation can be established. If the proposed Subdivision abuts only one side of said street, then a minimum of half of the right-of-way shall be dedicated by such Subdivision.
5. Where any portion of a road or street has been dedicated in an adjoining Subdivision, adjacent to and along the common property line of the two Subdivisions, enough width o of right-of-way must be dedicated in the new Subdivision to provide the minimum width specified herein.
6. A *cul-de-sac* shall have a maximum length of 600 linear feet. (Measured along the centerline).
7. All roads or streets preferably shall intersect at a ninety degree angle. Where this is not possible, the intersection, on the side of the acute angle, shall be rounded with a curve or a cut-back, but in no case, shall the curve have less than a twenty-five foot (25') radius.
8. New roads or streets, which are a continuation of an existing road or street, shall be a continuation, without off-set, of the existing road or street.
9. Where roads or streets in an adjoining Subdivision end at the property line of the new Subdivision, the said roads or streets shall be continued throughout the new Subdivision. Where there are no adjacent connections platted, the roads in the new Subdivision shall be a reasonable projection of the roads or streets in the nearest Subdivisions.

10. No decorative squares, trees, "islands", ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the right-of-way of a road dedicated to the public without written permission of the Commissioners Court. If landscaping and/or irrigation is proposed within the right-of-way, the owners shall create a body (municipal utility district, home owners association, neighborhood association, etc.), that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper finding for maintenance.

11. **Street Names and Signs.**

- a. Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.
- b. New private streets and roads in Subdivisions shall be named so as to provide continuity of names with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Young County. Street names shall be reasonable and not similar to existing names of streets and roads in Young County. All street names shall be approved by the Young County Commissioners Court with the assistance of Young County's 911 Rural Addressing Department.
- c. All road numbers on public streets shall be designated by Young County's 911 Rural Addressing Department and approved by the Commissioners Court.
- d. The Developer shall install street or road name signs at all intersections in the Subdivision. The proper installation of these signs is a part of the required construction standards of Young County. Final approval of construction will not be given by the Young County Commissioners Court until all signs are installed.
- e. Street and road name signs shall be of the same standard and quality as those most recently installed by Young County on county roads.
- f. Street and road name signs assembly will be placed on a post and located two feet (2') behind the curb on curbed roadways, or six feet (6') to ten feet (10') beyond the edge of the pavement on non-curbed roadways. Signs should be placed as-near-as possible to the tangent point of the edge of the less important roadway with the radius of the curve at the intersection.

12. All roads or streets must include adequate provisions for ingress and egress access for fire and emergency vehicles.

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

B. Drainage and Utility Easements

1. Utility easements shall be a minimum of ten feet (10') in width, and normally located along a property or lot line. It shall be the duty of the Developer to insure that all Easements are of the proper width and location to serve the using utility companies.
2. Utility lines crossing a road shall be installed a minimum of twenty-four inches (24") below the ditch line or a minimum of thirty-six inches (36") below the crown line of the road, whichever is greater. All lines carrying liquid products must be encased in metal or PVC schedule 40 a minimum length of five feet (5') from ditch line to ditch line.
3. If new roads are constructed over existing petroleum pipe line crossings, the pipe lines must meet the following requirements:
 - a. encased pipe must be at least three feet (3') below the deepest proposed ditch grade.
 - b. non-cased pipe (of extra wall thickness meeting Federal Regulations) must be at least four feet (4') below the deepest proposed ditch.
4. No road will be accepted for maintenance by Young County which contains a petroleum pipe line within the right-of-way, other than crossing pipe lines.

C. Drainage Maintenance

1. The area identified as Drainage Easement will be subtracted from the raw lot size in determination of acceptable lot size for construction.
2. Drainage Easements shall generally be located along the existing Drainage Way, and shall meet the following standards:
 - a. open channels with top widths from zero feet (0') to fifty feet (50') require top width plus twenty-five feet (25').
 - b. open channels with top widths greater than fifty feet (50') require top width plus twenty-five feet (25') each side.
 - c. enclosed pipes require twenty feet (20') minimum width.
 - d. All Easements shall be so designed to allow maintenance equipment to enter the Easement and be able to perform the necessary work.
3. The County does not provide maintenance for drainage.

D. Lot Sizes and Building Setbacks

1. Based on the presence of a on-site sewage facility, the "net" minimum lot size on which development activity will be allowed shall be one and one-half (1 & ½) acres. This "net" minimum lot size shall not include any right-of-way, Drainage Easement, utility easement, or Flood Plain area.
2. In the absence of an on-site sewage facility, the County will determine minimum lot size independently.
3. Side lot line should normally be at a ninety degree angle to the street.

4. All straight lines shall clearly show the length of the line, and the plat shall show enough information to readily determine the bearing of all lot lines.
5. All curved lot lines shall clearly show the length of the arc and radius of the curve, or show enough information on the plat to readily determine the radius of the curve.
6. Building and set-back lines shall be fifty feet (50') from the edge of the right-of-way on all state and federal roads, and twenty-five feet (25') on all other roads. Building and set-back lines shall be shown on both the preliminary and final plats. If the above set-back lines differ from those adopted by a municipality with extraterritorial jurisdiction, the set-backs of the municipality shall apply.

E. Flood Plains

1. Subdivisions that are located in a Flood Plain as shown on the current Flood Insurance Rate Map (FIRM) for Young County will have the following requirements:
 - a. permanent type bench marks shall be set in appropriate locations with the description and elevation shown on the plat. The elevation of the benchmark shall be tied to a bench mark shown on the FIRM panel.
 - b. a note on the plat stating, "A flood permit will be required from Young County for any construction in the Flood Plain."
 - c. all Subdivision proposals shall be consistent with Young County's Flood Plain Regulations.
 - d. contours at one foot (1') intervals shall be shown on the plat.
 - e. the finished floor elevation must be shown for each lot located in the Flood Plain.
 - f. the Flood Plain area of each lot shall be subtracted from the overall lot size to determine minimum lot size.
 - g. the provision of and maintenance of drainage for the purpose of flood damage reduction on individual private lots is not the responsibility of the County.

SECTION VII
MAILBOX CONSTRUCTION STANDARDS

- A. Mailboxes shall be set a minimum of three feet (3') from the edge of the roadway driving surface or one foot (1') behind curbs. When placement of the mailbox outside the three foot (3') minimum is not possible, a mailbox of "breakaway design" should be used.
- B. All mailboxes within the County right-of-way shall meet the current TXDOT standards.
- C. Mailboxes in Subdivisions must meet Post Office requirements, and must be placed in a manner that does not interfere with the traffic's line of vision.

SECTION VIII

CULVERTS

The culvert design shall be sized by a Registered Professional and a map or list containing the size of each pipe shall be attached to the plat. The Developer will be held responsible for notifying builders and lot owners of this requirement and ensuring the property sized culvert is installed.

SECTION IX

STORM WATER MANAGEMENT

A. Storm Water Discharge Permit

1. In accordance with the *Federal Water Pollution Control Act*, 33 U.S.C. Paragraph 125 1-1387 (1990), also known as the *Clean Water Act*, as amended in 1987 and codified as 40 C.F.R. Part 122, the Developer shall be required to obtain a storm water discharge permit for construction activity from the United States Environmental Protection Agency (EPA).
2. Under current regulation, construction activities including clearing, grading and excavation, must be permitted for storm water discharge unless the operations result in the disturbance of less than five acres total land area or areas which are not part of a larger common plan of development. Notice of Intent (NOI) for storm water discharges associated with industrial activity under the National Pollution Discharge Elimination System (NPDES) General Permit with the EPA shall be submitted by the Developer at least two (2) days prior to commencement of construction. During construction a copy of the Storm Water Pollution Prevention Plan shall be available on site in accordance with EPA requirements.

B. Storm Water Runoff

1. A Subdivision Plat shall not be approved which does not make adequate provision for storm water runoff. Drainage plans shall be prepared, in accordance with standard engineering practice, and filed with the Preliminary Plat and Final Plat. A Subdivision Final Plat will not be allowed if it will result in an increase in the rate of flow of storm water and would thereby endanger downstream properties or the residents of the Subdivision.
2. Drainage Plans shall show the extent of all contributing watersheds that impact the Subdivision. The Subdivision engineer shall calculate the potential runoff based on a 100-year return frequency storm. Both to peak flows and volumes of runoff will be calculated for all definable drainage courses.
3. Drainage structures, where required, shall be designed to accommodate the runoff from a ten year return frequency storm, and to pass a 100-year return frequency storm without damage.
4. Drainage structures shall be designed to minimize maintenance requirements. Paved swales or culverts may be required where surface water crosses a roadway or intersection. The permitted rates of flow of storm water within swales adjoining roadways shall not endanger the public, nor shall the velocity of runoff cause scouring or other similar destructive erosion of the swale surface.

5. The engineer for a Subdivision shall study the effect of the storm water runoff from the Subdivision on properties downstream of the Subdivision. Where it is anticipated that the additional runoff incident to the development of the Subdivision will overload an existing downstream drainage facility, the Commissioners Court may withhold approval of the Final Plat until the Developer makes provisions to improve the off-site drainage facility. If downstream drainage facilities are not available or are incapable of accommodating the increase storm water runoff, the Commissioners Court may require storm retention basins to prevent an increase in storm water runoff.
6. A Subdivision in an area which is subject to flooding may be approved by the Commissioners Court, provided that the Developer fills the affected area to an elevation sufficient to place the elevation of roads and finished floor elevation of buildings in the Subdivision to a minimum of twelve inches (12") above the elevation of the expected water surface following a 100 year return frequency flood event. The Commissioners Court may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, deny approval of a Final Plat, unless appropriate modifications are made to the proposed Drainage Plan to ensure that the buildings placed in the Subdivision are adequately elevated above flood levels, as described in this paragraph.
7. The Drainage Plan shall provide that low-lying lands along natural drainage courses subject to flooding or overflowing during storm periods, shall be reserved and retained in their natural state as drainage ways, and shall not be included as lots for sale in the Subdivision.
8. Where there are existing spreader dams, tanks, other soil erosion or flood control structures on property to be included in a Subdivision, and where removal of such structures would result in flooding or damage to downstream or adjacent property, or to the Subdivision, the Drainage Plan shall provide that such structures shall not be removed or altered without other adequate provision having been made for mitigation of such potential flooding or damage. Determination of what constitutes adequate mitigation shall be made by the Commissioners Court.

SECTION X
CONSTRUCTION AND MAINTENANCE BONDS

A. Construction Bond

1. All construction shall be complete within two (2) years after approval of the Final Plat in a timely manner, and in accordance with the terms and specifications contained in this Court Order, the Developer shall file a Construction Bond, executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Young County, Texas, or his successors in office.
2. The bond amount shall be equal to forty percent (40%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structure and all other construction.
3. The construction bond shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the Subdivision have been completed to the satisfaction of the County Engineer, and the construction bond has been released by a Court Order from the Commissioners Court.
4. In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the owner, fail to meet the requirements of the foregoing specifications, and the said attention in writing by the County Engineer, the unfinished improvements shall be completed at the cost and expense of obligees as provided.

B. Maintenance Bond

1. To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the County Engineer, a maintenance bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Young County, Texas, or his successor in office, shall be substituted for the construction bond at the time of release of said construction bond.
2. The maintenance bond amount shall be equal to forty percent (40%) of the estimated cost of roads, streets, street signs, underground utilities, required drainage structures and all other construction.
3. The conditions of the maintenance bond shall be that the owner shall guarantee to maintain, to the satisfaction of the County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specification with construction security released by Court Order from the Commissioners Court, in a good state of repair for a period of two (2) years from the date of official release of construction security.
4. Periodic inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction for which maintenance

security is held, will be made by the County Engineer during the period of liability covered by the maintenance bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the owner will be so advised in writing and, if after a reasonable time, he fails or refuses to repair said items, they shall be maintained at the cost and expense of obligees as in said orders provided.

5. The release of any bond shall be by order of the Commissioners Court. To request a release the Developer who posted the bond in question shall present a written request to release said bond. The request shall contain a statement by the engineer responsible for the design of said work stating that he has made an inspection of such improvements and recommends their acceptance by the County. Attached to his letter shall be one (1) set of "as built" drawings showing the work to be accepted for use by the County. The written request of bond release shall be received by the County at least fourteen (14) days prior to the next regularly scheduled meeting of the Commissioners Court.

C. Final Inspection

1. The Developer, upon completion of drainage, roads, streets and other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The Precinct Commissioner or his designee will inspect the completed work for compliance. The Developer will be notified in writing of any work not found in compliance with the Subdivision Regulations.
2. If substantial patching is required during the two (2) year maintenance period, roads or streets must be resurfaced.

D. Irrevocable Letter of Credit (In Lieu of Bond)

1. An Irrevocable Letter of Credit may be submitted in lieu of bonds, for the purpose of insuring a Developer's promise to construct and maintain the roads and drainage of facilities in a Subdivision.
2. Irrevocable Letters of Credit in lieu of bonds are required under the same conditions as Construction and Maintenance Bonds.

E. Other Security

Any type of security for construction and maintenance other than bonds and Irrevocable Letters of Credit shall be by written request to the County, and subject to approval by the Commissioners Court and the County Attorney's office

SECTION XI

VARIANCES AND EXCEPTIONS

A. **Variances and Exceptions May be Sought**

In specific cases where literal interpretation of any section of these Subdivision Rules and Regulations would work an undue economic hardship, variances may be sought, provided the overall performance standards are met. It should not be inferred, however, that specific requirements may be ignored. Enforcement authority and penalties for violations are outlined and the Commissioners Court will press their legal rights to gain total compliance.

B. **Evidence Required**

The Commissioners Court shall not approve variances or exceptions unless it shall make finding based upon evidence presented to it in each specific case that:

1. The granting of the variance or exception will not be detrimental to the public health, safety or welfare, or injurious to other property;
2. The conditions upon which the variance request is based are unique to the property for which the relief is sought and not applicable generally to other property; and,
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the Developer would result, as distinguished from a mere inconvenience, if the strict letter of these Subdivision Rules and Regulations is carried out.

C. **Authority**

Authority to make final approval of all variances and exceptions is vested to the Young County Commissioners Court. Requests for variances shall be filed at the time of application and may be taken up at only posted meetings of the Young County Commissioners Court while the application is pending.

SECTION XII
INTERPRETATION, CONFLICT, SEVERABILITY,
SAVINGS AND AMENDMENTS

A. Interpretation

In their interpretation and application, the provisions of these Subdivision Rules and Regulations shall be held to be minimum requirements for the promotion of public health, safety, and general welfare. These Subdivision Rules and Regulations shall be construed broadly to promote the purposes for which they are adopted. If any questions arise as to the interpretation of the language in any sections, the Commissioners Court will resolve all differences.

B. Public Provisions

These Subdivision Rules and Regulations are not intended to interfere with, abrogate, or annul any other Young County regulation, state statute, or other provision of law except as provided in these Subdivision Rules and Regulations. Where any provision of these Subdivision Rules and Regulations or any other rule or regulation or other provision of law are in conflict the provision which is more restrictive or imposes a higher standard shall control.

C. Private Provisions

These Subdivision Rules and Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that if the provisions of these Subdivision Rules and Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulation shall governed.

D. Severability

If any part or provision of these Subdivision Rules and Regulations, or the application of these Subdivision Rules and Regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Subdivision Rules and Regulations or application of them to other persons or circumstances.

E. Saving Provision

These Subdivision Rules and Regulations shall not be construed as abating any action now pending under or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation or as waiving the right of the State or Country under any section

or provision existing at the time of adoption of these Subdivision Rules and Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Subdivision Rules and Regulations.

F. Amendments

For the purpose of protecting the public health, safety and general welfare or for any other valid purpose, the Commissioners Court may, from time to time, amend these Subdivision Rules and Regulations at a public meeting following public notice in the manner prescribed by law.

Adopted this 22nd day of January 2007.

Stanley H. Peavy, III, County Judge

John Hawkins, Commissioner
Precinct One

John C. Bullock, Commissioner
Precinct Two

R. L. Spivey, Commissioner
Precinct Three

Jimmy Wiley, Commissioner
Precinct Four

Attest:

Shirley Choate, County Clerk

TEXAS STATUTES AND CODES ANNOTATED BY LEXISNEXIS(R)

*** This document reflects immediately effective legislation ***

*** enacted through 2007 Ch. 89, approved May 14, 2007 ***

*** Annotations current through Jan. 2, 2007 ***

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

SUBTITLE B. COUNTY REGULATORY AUTHORITY

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

SUBCHAPTER A. SUBDIVISION PLATTING REQUIREMENTS IN GENERAL

GO TO TEXAS CODE ARCHIVE DIRECTORY

Tex. Local Gov't Code § 232.0015 (2007)

§ 232.0015. Exceptions to Plat Requirement

(a) To determine whether specific divisions of land are required to be platted, a county may define and classify the divisions. A county need not require platting for every division of land otherwise within the scope of this subchapter.

(b) Except as provided by Section 232.0013, this subchapter does not apply to a subdivision of land to which Subchapter B applies.

(c) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

(1) the owner does not lay out a part of the tract described by Section 232.001(a)(3); and

(2) the land is to be used primarily for agricultural use, as defined by *Section 1-d, Article VIII, Texas Constitution*, or for farm, ranch, wildlife management, or timber production use within the meaning of *Section 1-d-1, Article VIII, Texas Constitution*.

(d) If a tract described by Subsection (c) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.

(e) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3) to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter apply.

(f) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

(1) all of the lots of the subdivision are more than 10 acres in area;
and

(2) the owner does not lay out a part of the tract described by Section 232.001(a)(3).

(g) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3) to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.

(h) The provisions of this subchapter shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described by Section 232.001(a)(3).

(i) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

- (1) the owner of the land is a political subdivision of the state;
- (2) the land is situated in a floodplain; and
- (3) the lots are sold to adjoining landowners.

(j) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:

- (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3); and
- (2) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter.

(k) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

- (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3); and
- (2) all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

NOTES:

DISPOSITION OF CIVIL STATUTES

See the note following the text of Texas *Local Government Code* section 1.001.

HISTORY: Stats. 1995 74th Leg. Sess. Ch. 979; Stats. 1999 76th Leg. Sess. Ch. 129, effective September 1, 1999; Stats. 2003 78th Leg. Sess. Ch. 523, effective June 20 1, 2003.