

**Trinity County**  
Subdivision Regulations

Updated, Approved and Accepted by  
Trinity County Commissioners Court

On  
November 12, 2024

**INTRODUCTION**

The purposes of these Subdivision Regulations are to provide for the safety, health and well-being of the general public by requiring that adequate roads and streets, storm drainage, water, sewage, and electrical facilities be installed in all residential subdivisions and to provide guidelines for the construction and installation of such roads and streets and facilities in a manner that will allow for the efficient maintenance and upkeep without imposing an extraordinary burden on the taxpayers of Trinity County, Texas.

In specific cases where a literal interpretation of any section would create an undue economic hardship on the builder or developer, variances may be sought, provided the overall performance standards are met. It should not be inferred, however, that specific requirements might be ignored. Enforcement authority and penalties for violations are outlined and the Commissioners Court will pursue its legal rights to gain compliance.

In any case where questions arise as to the interpretation of the language in any section(s) of these regulations, then such question(s) will be directed to the County Commissioner having jurisdiction, for resolution. If a resolution is not forthcoming the Applicant can appear before the Trinity County Commissioners Court for a final resolution.

Applications for any subdivision approval shall be processed on a case-by-case basis and a given application may name only one (1) Subdivision as the subject for approval. The Commissioners Court may amend this Subdivision Rules Regulations Order to make non-substantive changes from time-to-time following notice and the vote of a simple majority of the Commissioners Court, and may adopt new, substantive requirements pursuant to this Order following public notice, hearing and compliance with requirement of law.

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**Chapter 1**  
**GENERAL AND ADMINISTRATIVE PROVISIONS**

REGULATING THE FILING FOR RECORD OF SUBDIVISION PLATS AND OTHER REQUIREMENTS PERTINENT THERETO AND ESTABLISHING CONSTRUCTION STANDARDS FOR ALL SUBDIVISIONS SITUATED OUTSIDE THE BOUNDARIES OF ANY INCORPORATED CITY IN TRINITY COUNTY, TEXAS.

**THE STATE OF TEXAS, COUNTY OF TRINITY, IN THE COMMISSIONERS COURT OF TRINITY COUNTY, TEXAS, Updated November 12, 2024:**

**WHEREAS:** The Commissioners Court finds it is in the best interest of Trinity County to establish and update its standards and specifications for the development of subdivisions of land, as defined by Chapter 232, Texas Local Government Code, including for the provision of utilities, the construction of roads and drainage, the provision of drinking water, the disposal of waste-water, and development within the flood-prone areas; and,

**WHEREAS:** These regulations are enacted to implement the powers granted to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code, Chapter 232 (granting counties authority to adopt and enforce subdivision regulations and to require plat approval); Texas Local Government Code, Chapter 233, Subchapter B, (granting counties authority to establish building set-back lines on the public roads); Texas Local Government Code, Chapter 242 (governing the power of counties to regulate subdivisions within the extraterritorial jurisdiction of municipalities); Texas Transportation Code, Chapter 251 (granting counties general control over all roads, highways and bridges); Texas Health and Safety Code, Chapter 364 (authorizing counties to cooperate with other entities for the safe and economical collection, transportation, and disposal of solid waste); Texas Health and Safety Code, Chapter 366 (granting counties authority to adopt standards for on-site sewerage facilities); Texas Water Code, Chapter 16 (granting counties authority to set standards for the provision of water, sewage, and waste-water disposal, and construction within floodplains and to guide development of future development to minimize damage caused by floods); and Texas Water Code, Chapter 26 (governing water quality control). These statutes, listed here as illustrative and not exclusive grants of authority, empower the County to enact certain subdivision rules and regulations and to provide for their administration, enforcement, and amendment; and,

**WHEREAS:** The Commissioners Court is empowered to formulate these regulations by the foregoing authorities, and the Commissioners Court has favorably received and voted on these regulations in order to preserve and protect the resources, public health and private property interests of the citizens of Trinity County; and,

**WHEREAS:** Following public notice, investigation, and public hearing, the Commissioners Court declares these regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

**NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF TRINITY COUNTY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE ADOPTED:**

## **1.1. Authority**

- a. Notwithstanding any provision to the contrary, these regulations apply to any subdivision of land in Trinity County which divides the tract into two or more parts to lay out:
  1. A subdivision of the tract, including additional;
  2. Lots; or
  3. Roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts.
- b. A division of a tract to which these regulations apply includes any division regardless of whether it is made by using the metes and bounds description, or any description of less than the whole tract, in a deed of conveyance, executory contract, or by using any other method to transfer title.
- c. A division of a tract to which these regulations apply includes any division to lay out lots within the tract, regardless of whether there is a change of ownership of any part of the tract.

## **1.2. Plat and Application Required**

- a. A developer must present an application in compliance with these regulations to the Commissioners Court for approval, unless the subdivision is exempt by state law, these regulations, or by an act of the Commissioners Court in response to a request for a discretionary exemption.
- b. Unless otherwise exempt, no subdivided land may be sold or conveyed until the developer:
  1. Has received approval of an application; and,
  2. Has filed for record an approved plat of the subdivision with the Trinity County Clerk's Office.
- c. A utility may not provide utility services, including water, sewer, gas, and electric services, to property within a subdivision, unless the developer or owner provides the utility with a copy of a certificate of approval or a certificate of exemption from the Commissioners Court to confirm compliance with these regulations.
- d. If a subdivision is located within the extraterritorial jurisdiction of a municipality, the developer is responsible for complying with the applicable regulations of the municipality, and the provisions of any applicable inter-local agreements between the County and the municipality. Generally, in cases where the County and a

municipality have regulations that differ, the more stringent regulations will control.

### **1.3. General exceptions to these regulations**

- a. Pursuant to Section 232.0015, Texas Local Government Code, if a proposed division of land is described by one or more of the following exemptions, the requirements of these regulations are not applicable to that division of land.
- b. A division of a tract of land into agricultural tracts is exempt if:
  1. The owner does not lay out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts of the tract; 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.
  3. If a tract described by this exemption ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the requirements of these regulations will apply.
- c. A division of a tract of land into family tracts is exempt if:
  1. The division divides the tract into four or fewer parts; and,
  2. The division does not lay out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts; and,
  3. Each of the parts 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 of the Texas Government Code.
  4. If, within two years of the division, any part of the subdivided tract 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 requirements of these regulations apply.
- d. A division of a tract of land into rural home tracts is exempt if:
  1. All of the divided tracts are more than ten (10) acres in area; and,

2. The owner does not lay out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts.
- e. A division of a tract of land into veterans' tracts is exempt if:
1. The owner does not lay out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts; and,
  2. All the lots are sold to veterans through the Veterans' Land Board program.
- f. A division of a tract of land into public tracts is exempt if:
1. The land is owned by 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,
  2. The subdivision lays out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts.
- g. A division of a tract of land into public floodplain tracts is exempt if:
1. The owner of the land is a political subdivision of the state; and,
  2. The land is situated in a floodplain; and,
  3. All of the divided tracts are sold to adjoining landowners.
- h. A division of a tract of land into a tract for future development is exempt if:
1. The owner does not lay out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts; 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 these regulations.
- i. A division of a tract of land into partitioned tracts is exempt if:



1. The owners do not lay out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other parts; and,
2. All parts of the subdivided tract are transferred to the persons who owned an undivided interest in the original tract.
3. Any further subdivision of a partitioned tract must comply with these regulations.

#### **1.4. Development Class**

- a. Any subdivision of land in the County established after the effective date of these regulations will be classified as either a MAJOR development, RURAL (with ROAD) development or a MINOR development.
- b. A MAJOR development is any subdivision of a tract of land that involves more than ten (10) lots or tracts, or more than ten (10) total acres, and/or lays out a part of the tract as roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to such internal roads/streets, alleys, squares, parks, or other parts.
- c. A MINOR development is any subdivision of a tract of land that involves not more than ten (10) lots or tracts, and not more than ten (10) total acres, with each lot or tract having direct frontage or side-access to an existing, publicly maintained road or highway, and the developer does not propose to lay out, as a portion of the subdivision, any other internal roads/streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the roads/streets, alleys, squares, parks, or other such parts.
- d. A RURAL (w/ROAD) development is any subdivision of a tract of land which lays out all of divided tracts which are more than ten (10) acres in area and that lays out a part of the tract as street or road intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to such internal street or road. ELECTRIC SERVICE MUST BE PROVIDED FOR A RURAL (w/ROAD) DEVELOPMENT.
- e. All requirements in these regulations, except Chapter 2, are applicable to RURAL (w/ROAD) developments. The following note shall be shown on the plat of RURAL (w/ROAD) developments.

THE TRINITY COUNTY COMMISSIONERS COURT MAKES NO REPRESENTATION OF WARRANTY, EITHER EXPRESS OR IMPLIED, THAT THIS SUBDIVISION COMPLIES WITH THE MINIMUM STANDARDS FOR WATER AND SEWAGE SERVICE CONTAINED IN THE COUNTY'S SUBDIVISION REGULATIONS OR THAT IT WILL MEET THE CURRENT AND/OR FUTURE WATER

AND SEWAGE NEEDS OF PURCHASERS OF PROPERTY WITHIN  
THE SUBDIVISION.

- f. A property owner or developer may request the issuance of a certificate of exemption from the Commissioners Court for any subdivision of land covered by the exemptions in these regulations.
- g. Lots of ten acres or less are presumed to be for residential purposes, unless the land is restricted to nonresidential uses on the Plat and all instruments of conveyance.

**1.5. Subdivision names**

The name of a subdivision may not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within the County and may not be so similar in spelling or pronunciation to the name of any existing subdivision in the County as to cause confusion, unless the subdivision is contiguous to an existing subdivision and is an additional phase of that development.

**1.6. Conflict of laws**

- a. These regulations supersede any prior regulations of subdivisions adopted by the Commissioners Court.
- b. If any other rule or regulation adopted under the authority of proper legal jurisdiction, is in conflict with these regulations, the most stringent rules will apply.
- c. These regulations will not be interpreted to permit actions which would otherwise be prohibited by another valid County regulation which has not been superseded by these regulations.

**1.7. Severability**

If any part or provision of these regulations, or any application of these regulations, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment will be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment will have been rendered and will not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these regulations without any such invalidated part, provision, or application.

**1.8. Agents**

Whenever an act is required by any person or entity under these regulations, that act may be performed by an agent of that person or entity.

## 1.9. Effective date

- a. These regulations apply to all subdivisions which are made subsequent to the effective date of these regulations.
- b. Any subdivision existing prior to the effective date of these regulations, whether or not a plat of the subdivision has been filed in the records of the County, and for which the owner or owners of lots within said subdivision wish to modify, expand, alter or otherwise change in any way the actual layout of the subdivision, must comply with these regulations.

## 1.10. Definitions

- a. The following words and terms, when used in these regulations, have the following meanings, unless the context clearly indicates otherwise.
  1. **Application**—A plat application for subdivision approval under these regulations, which must include a complete plat, a survey, and all other materials and information detailing infrastructure (including utilities, drainage structures, and roads) to be constructed within a subdivision, to be submitted by a developer as their application as required by these regulations, and as published in the application checklist as required by the Commissioners Court, which may be amended and republished from time to time, and is attached to these regulations as Appendix A.
  2. **Commissioners Court**--The Commissioners Court of Trinity County, Texas.
  3. **Precinct Commissioner**--The County Commissioner representing the precinct in which a majority of a subdivision is situated.
  4. **County**--Trinity County, Texas.
  5. **Developer**--Any owner of land in the County who proposes to divide the land so as to constitute a subdivision of any kind.
  6. **Drinking water**--All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.
  7. **Engineer**--A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

8. **Non-public water system**--Any water system supplying water for domestic purposes which is not a public water system.
9. **OSSF**--On-site sewage facilities as that term is defined in rules and regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.
10. **Petition for road maintenance**--A petition filed with the Commissioners Court by a developer or property owner to accept a road for public maintenance by the County.
11. **Platted**--Recorded in the Plat Maps of Trinity County, Texas.
12. **Private driveway**--An improved surface which permits ingress/egress to a particular lot or tract from a public road or street and used for ingress and egress by the owners of the lot or tract or their invitees, whether the ownership or license of the property upon which the private driveway sits is in fee simple or by easement or use agreement. A private driveway, as defined herein, is not a road or street for the purposes of these regulations, but any entrance from a public road under county maintenance will conform to the minimum dimensions required by this regulation and shall not provide access to another lot or tract not adjoining the public road.
13. **Public water system**--A system for the provision to the public of drinking water through pipes or other constructed conveyances. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual is deemed to be served by a water system if they live or work in a place to which drinking water is supplied from the system.
15. **Purchaser**--Includes purchasers of land by a deed of conveyance, an executory contract, or by using any other method to transfer title to real property.
16. **Retail public utility**--Any entity meeting the definition of a retail public utility as defined in Section 13.002, Texas Water Code.

17. **Sewerage facilities**--The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these regulations.
  18. **TAC**--Texas Administrative Code, as compiled by the Texas Secretary of State.
  19. **TCEQ**--the Texas Commission on Environmental Quality and any of its predecessor or successor entities.
  20. **Water facilities**--Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of drinking water.
- b. Use of either the singular or the plural form of a word will be interpreted, when necessary, to include the other form.

## **Chapter 2**

### **Minimum Standards for Water and Sewage Service**

The Trinity County Commissioners Court has adopted the Texas Water Development Board Model Subdivision Rules, Minimum Standards, Subchapter A and B (Counties) and Appendices as attached hereto. The most current revision of the Rules will be used should any discrepancy exist.

The purpose of these rules is to promote public health of the county residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of Trinity County, and to apply the minimum state standard for water and wastewater facilities to these subdivisions.

The Model Subdivision Rules will apply only to subdivisions of land into two or more lots of ten (10) acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds. The Model Subdivision Rules will govern requirements for water and wastewater facilities only. All other subdivision infrastructure and platting requirements will be governed by the Trinity County Subdivision Regulations.

**THE TRINITY COUNTY COMMISSIONERS COURT MAKES NO REPRESENTATION OR WARRANTY, EITHER EXPRESS OR IMPLIED, THAT SUBDIVISIONS THAT COMPLY WITH THESE WATER AVAILABILITY REGULATIONS WILL MEET THE CURRENT AND/OR FUTURE WATER NEEDS OF PURCHASERS OF PROPERTY WITHIN THE SUBDIVISION.**

## **2.1 Applicability**

These Model Subdivision Rules apply to all applications for approval of a plat for a Subdivision wholly or partially within Trinity County, Texas, pursuant to the Trinity County Subdivision Regulations, except as exempted hereafter.

Exemptions to Water Availability Regulations:

- a. Subdivision of property where platting is not required by the Trinity County Subdivision Regulations;
- b. Subdivision of property in which all lots are more than ten (10) acres.

## **2.2 Adoption of Model Rules under Chapter 16 of the Texas Water Code**

General Platting Requirements apply when the provisions of the General Platting Requirements are equal to or more restrictive than the Model Rules. To the maximum extent possible, the Texas Model Subdivision Rules, 31 Texas Administrative Code 364 are incorporated into this subdivision regulation, unless the General Platting Requirements exceed the requirements of the Model Subdivision Rules, in which case the more stringent rule shall apply.

The type of development and use contemplated will determine the size, width, depth, shape, and orientation of tracts or lots. Tracts or lots shall be appropriate for the area of the County, and the type of development contemplated, as follows:

- a. When a private water well and an approved on-site sewage facility is used, a minimum tract size of two (2.0) acres is required to lessen the accidental contamination of adjacent water wells.
- b. When a TCEQ approved public ground water supply system and an approved on-site sewage facility is used, a minimum tract size of one (1.0) acre is required to limit the possible accidental contamination of public water supplies.
- c. When an owner/subdivider/developer proposes to supply drinking water by connection to any existing public water system, they must provide a written agreement with the retail public utility providing that the water utility will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years. The agreement must reflect that the Owner/subdivider/developer has provided for the cost of any necessary connection equipment, expansion of facilities, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the plat. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.

d. Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Owner/subdivider/developer shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the Public Utility Commission of Texas. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38-290.47 and §§ 290.101-290.112, and as may hereinafter be amended. If groundwater is to be the source of the water supply, the Owner/subdivider/developer shall have complied with the requirements of any Groundwater District with jurisdiction. If surface water is the source of supply, the Owner/subdivider/developer shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than thirty (30) years.

e. Non-Public Water Systems.

1. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, a test well or wells, one for every 100 acres, located so as to be representative of the quantity and quality of water generally available from the supplying aquifer shall be drilled by the Owner/subdivider/developer and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. The Owner/subdivider/developer shall have complied with the requirements of the Groundwater District with jurisdiction. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC § 290.104, 290.106, 290.108 and 290.109 either:

i. Without any treatment to the water; or

ii. With treatment by an identified and commercially available water treatment system.

2. Owner/subdivider/developer may use existing wells or test wells if supported by a signed statement from an engineer currently licensed in the State of Texas that they are representative of the quantity and quality of water generally available from the aquifer to supply each lot of the subdivision.

f. Transportation of Potable Water.

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, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the Owner/subdivider/developer does not constitute an emergency.

## 2.3 Wastewater Disposal

The following provides minimum standards for the development of wastewater disposal.

### a. Organized Sewerage Facilities

1. Owner/subdivider/developers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the Texas Commission on Environmental Quality in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 217 from the Texas Commission on Environmental Quality.
2. Owner/subdivider/developers who propose to dispose of wastewater by connecting to an existing permitted facility must execute a written agreement with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Owner/subdivider/developer has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the plat. Engineering plans, signed and sealed by a professional engineer registered in the State of Texas, for the proposed wastewater collection lines must comply with 30 TAC Chapter 217. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.
3. Lot sizes for owner/subdivider/developers who provide an organized wastewater collection and treatment system under paragraphs (a) or (b) of this section shall be not less than one-half (0.5) acre, within the wastewater disposal capacity, or no less than one-acre (1.0) where capacity cannot be guaranteed for greater densities of population or construction.

### b. On-site Sewerage Facilities

1. On-site sewerage facilities, which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than five thousand (5,000) gallons per day, must comply with 30 TAC Chapter 285.
2. Proposals for sewerage facilities for the disposal of sewage in the amount of five thousand (5,000) gallons per day or greater must comply with 30 TAC Chapter 217.
3. The Texas Commission on Environmental Quality or its authorized agent shall review proposals for on-site sewage disposal systems and make



inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5 and 285.30-285.39 and the County OSSF Order. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

4. Site evaluation described by 30 TAC § 285.30 will not be required for plat approval.

c. Greywater Systems for Reuse of Treated Wastewater

1. Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal, which includes greywater reuse, shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the Texas Commission on Environmental Quality.

2. On-site sewerage facilities. Any proposal for on-site sewage disposal, which includes provisions for greywater use, shall meet the minimum criteria of 30 TAC Chapter 285.

d. Sludge Disposal

The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 217.

## 2.4 Public utility easements

a. A developer must provide for a utility service within a subdivision, with utility easements of no less than fifteen (15) feet to be provided along the street or road right of way of all lots.

1. Surface utilities are to be placed within five (5) feet of the property line.

2. Subsurface utilities are to be placed within five (5) to fifteen (15) feet of the property line or in conformity with other law.

b. All utility easements are to be described in any deed to any purchaser of a portion of a subdivision and must be depicted on the Plat.

## **Chapter 3**

### **Minimum Standards for Roads and Streets**

#### **3.1. General requirements**

- a. A sixty-foot (60') right-of-way is required for all roads and streets, notwithstanding any provisions of these regulations to the contrary.
- b. A developer shall establish a set-back line of twenty five feet (25') from the right of way of any public road, or fifty feet (50') from the right of way of a major road. A "major road" is understood to include all state or federal highways, and any county-maintained road specifically designated by the Commissioners Court as a major highway.
- e. All material used in constructing roads and streets must be inspected and approved by the Precinct Commissioner.
- f. No utility lines may be placed under a road or street except at 90-degree angles, installed before the subgrade is in place, and with a cover depth of no less than thirty six inches (36") below new ditches. Utilities crossing under an existing road or street must have a minimum cover of forty-eight inches (48") below existing ditches. Any crossing must be bored beneath an existing road or street or after the subgrade is in place. Bore holes shall not be more than three inches (3") larger than the outside diameter of the pipe.
- g. The actual right-of-way for alleys must not be less than twenty feet (20') nor more than thirty-five feet (35') in width.
- h. All permanent dead-end or cul-de-sac roads or streets must have a turn-a-round with a right-of-way diameter of not less than one hundred forty feet (140') with a radius of fifty-feet (50') of improved surface with a minimum of six inches (6") of compacted rock.
- i. A summary of Trinity County Road Standards is contained in Appendix J.
- j. Appendix K depicts the Local Street or Road Typical Section.

#### **3.2. Intersections**

- a. Roads and streets must be designed and constructed so as to intersect with each other at eighty (80) to one-hundred (100) degree angles, preferably ninety (90) degrees.
- b. Where the terrain makes it impossible to design and construct roads and streets to intersect at eighty (80) to one-hundred (100) degree angles, the developer may file a petition for a variance contemporaneously with the submission of the application.

1. Said petition will state concisely why the condition of the terrain makes it impossible to comply with this regulation.
  2. The Commissioners Court must rule on said petition in its order granting or denying authorization of the application.
- c. If a variance for intersection construction is granted, the portion of the right-of-way on the side of the acute angle must be cut back as to eliminate the point of the acute angle. The right-of-way must be cut back a minimum of twenty-five (25) feet away from the point where the right-of-way would have otherwise intersected. The Commissioners Court will specify the exact size of the cut-back, up to a maximum of fifty (50) feet, in its order granting or denying authorization of an application.
  - d. No road or street may be constructed with an abrupt offset or "jog" in it. All consecutive segments of the centerline whose bearings differ by more than two (2) degrees must be joined by a curve intersecting the line segments at a tangent. The degree of curvature must conform to standard engineering practice.

### **3.3. Location of roads and streets**

- a. Where roads/streets of an existing subdivision end at the property line, any new subdivision which is intended to utilize connecting roads and streets in the existing subdivision must be constructed as to be a continuation and extension of said existing roads/streets in said adjoining subdivision.
- b. When possible, roads and streets must be designed and constructed so as to permit the continuation or extension of said roads and streets in other subdivisions in the future.
- c. No streets, roads, or alleys may be constructed across dams or embankments used for the purpose of holding water.

### **3.4. Plat Approval is Not Acceptance of roads and streets for public maintenance**

- a. Approval of a developer's application does not mean that the Commissioners Court accepts any roads or streets within the subdivision for maintenance by the County. The decision to accept one or more roads or streets within a subdivision will be made only upon a petition for road maintenance and a separate order entered of record by the Commissioners Court.
- b. No petition for road maintenance will be considered any earlier than after two (2) years have elapsed from the date of completion of construction of the roads and streets of a subdivision, said date to be certified by the Commissioners Court.
- c. A petition for road maintenance may be made by a developer or by the owners of the majority of the lots or tracts within a subdivision.

- d. The Commissioners Court may grant a petition for road maintenance and accept one or more of the roads and streets of the subdivision upon a finding that the roads and streets to be taken into the County maintenance program serve a public purpose greater than the private benefit realized by persons living within the subdivision. Typically, subdivision roads to be deemed suitable for public maintenance will be limited to primary arterial or connecting roads/streets that provide efficient interconnectivity with existing County or State maintained roads.
- e. An application must contain a certificate stating that the developer understands that approval of the application and filing of the Plat does not mean that the County will be responsible for maintenance of subdivision roads and streets.

### **3.5. Subgrade and flexible base**

- a. All roads and streets must be constructed with a stable subgrade. The subgrade material under all roads and streets must meet or exceed the following minimum requirements.
  - 1. Plasticity index value must be a minimum of ten (10) and a maximum of fourteen (14).
  - 2. Subgrade must be scarified to a depth of twelve inches (12").
  - 3. Subgrade must be compacted with a weighted roller.
  - 4. Subgrade must be watered, bladed, and rolled before any flexible base material is placed upon it.
  - 5. Subgrade must be at least twenty-four feet (24') wide.
- b. All roads and streets must have a flexible base.
  - 1. The flexible base material for all roads and streets in every subdivision may be only the following:
    - A. TxDOT Type A, Grade 1 or 2 crushed limestone rock;
    - B. Iron ore gravel equal to or exceeding TxDOT Type A, Grade 1 or 2 crushed limestone rock ; or,
    - C. Texas road oil at 6% by weight of the sand.
  - 2. The flexible base must have a minimum compacted thickness of 6 inches and be at least twenty-two (22) feet wide.
- c. The base must be an optimum design based upon site-specific soil conditions found within the subdivision and confirmed by an engineer's specifications.

### **3.6. Surface materials**

- a. Paved roads must have a traveled road-bed width of not less than twenty feet (20') and be paved with either:
  1. Hot mix (oil sand, D-mix, etc.) of asphaltic nature; or,
  2. A rock base with AC-5 or similar sealcoat surface treatment; or,
  3. A combination of these.
- b. Asphalt roads must have one prime coat and one course penetration asphalt surface treatment or tack coat and hot mix, in accordance with the following:
  1. The paving material must have a thickness of not less than two (2) inches of hot mix asphaltic compacted, or one (1) course of sealcoat surface treatment.
  2. A prime coat of asphalt (minimum 1/3 gallon per square yard) must be applied to the base, the road blocked or barricaded, and allowed to set for an adequate period of time (a minimum of 24 hours). One course penetration asphalt surface treatment must then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate. Aggregates must be applied in quantities necessary to thoroughly and properly cover the improved road surface with asphalt.
  3. After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt property to the satisfaction of the Precinct Commissioner.
- c. All roads and streets constructed with concrete must consist of concrete being at least six inches (6") thick with one half inch (1/2") diameter rebar on centers no wider than eighteen inches (18").

### **3.7. Road crown**

Paved roads shall have a minimum cross slope of 2% from center line to outside edge of shoulder. Unpaved roads shall have a minimum cross slope of 3% from center line to outside edge of shoulder.

### **3.8. Seep areas**

- a. Seep areas must be marked by visual inspection made by the Precinct Commissioner and the developer during the pre-application meeting.
- b. Seep areas must be drained to a depth of at least eighteen (18") inches below the top of the lowest subgrade elevation by use of subsurface drainage.

- c. After seep areas are drained, the subgrade is to be compacted as described in these regulations.

**3.9. Street numbers, signage, and dedication**

- a. All roads and streets must be named and marked by the developer in compliance with these regulations, the Trinity County addressing protocols, and the regulations of the regional 9-1-1 network managed by the Deep East Texas Council of Governments ("DETCOG").
- b. The application must include a form from DETCOG confirming the private road names reserved for roads laid out in the subdivision.
- c. All road signs must be designed in conformity with the Texas Manual on Uniform Traffic Control Devices and approved by the Precinct Commissioner.
- d. A developer must dedicate any new roads, streets, rights-of-way, alleys, or easements, in the manner required by law to set aside such roads, streets, rights-of-way, alleys, or easements to public use, or for the private use of owners of lots in the subdivision.

**3.10. Setbacks**

- a. The Commissioners Court finds that the establishment of set-back lines from all public roads in the County will promote the general welfare, pursuant to Section 233.032, Texas Local Government Code.
- b. The Commissioners Court prohibits the construction or location of a new building any closer than 25 feet from the edge of the right-of-way of any public road in the County other than major highways and roads; and no closer than 50 feet from the edge of the right-of-way of any major roads in the County.
- c. The Commissioners Court reserves the right to designate public roads that presently have, or are anticipated to have, higher densities of traffic, as a result of development or other changes in the normal traffic burden, previously experienced on any particular roadway as a major road. The Commissioners Court shall give public notice of any such designation prior to such designation.

The following roads are, on the date of adoption of this regulation, deemed to be major roads.

- 1. Any state or federal highway.
- 2. \_\_\_\_\_.
- 3. \_\_\_\_\_.

- d. The Commissioners Court may designate as major highways and roads additional public roads that abut a subdivision at the time of the approval of an application for the subdivision.

### **3.11. Minimum Frontage**

Length of property line common to the road right-of-way shall be a minimum of one-hundred feet (100').

## **Chapter 4 Minimum Standards for Drainage**

### **4.1. General requirements**

- a. Minimum design floods (year event) are found in Appendix J. Engineering design must consider the 100-year flood conditions.
- b. Lots in a subdivision must be graded so that surface drainage from the lots will flow to drainage courses as directly as possible.
- c. Drainage water from roads and streets must flow to defined drainage courses as directly as possible.
- d. Driving surface of roads and streets may not be used as drainage courses.
- e. Blocking the natural flow of water, constructing improvements in the area of a drainage easement, or filling in floodways within a subdivision are all prohibited.
- f. The location, dimension, description, and flow lines of existing drainage structures and drainage structures proposed to be installed within a subdivision must be shown on the survey, including existing topography of the subdivision by use of contour lines.
- g. If the contour lines on the survey indicate that a lot or lots within a subdivision may not drain, the Commissioners Court may not approve the application without establishing the conditions that must be corrected to address the potential failure of drainage.
- h. A subdivision must not alter the flow pattern of surface water to the detriment of any adjacent landowner, and must, to the extent necessary by prudent engineering design, provide for the diversion of surface water into natural drainage courses or holding ponds constructed within the subdivision for the purpose of diffusing runoff.

## **4.2. Drainage ditches and structures**

- a. All roads and streets without curbs and gutters must have drainage ditches adjacent to and running parallel to said roads and streets unless the drainage sheet flows away from the roadway. Said drainage ditches must have a minimum depth of eighteen inches (18") below the level of the edge of the adjacent road or street.
- b. Permanent drainage structures including, but not limited to, culverts, pipes, drainage boxes, and bridges, must be installed at all crossings or drainage courses, including drainage ditches with driveways, roads, and streets.
- c. Each tract, or lot, with a building within a subdivision must have at least one permanent entrance entry from a road or street for a private drive, including sufficient drainage structures where necessary in conformity with the requirement of this regulation.
- d. Permanent water velocity dissipaters must be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion for any road or street constructed as a water crossing, and where specifically designated by the Commissioners Court.
- e. Open drainage channels and ditches must be constructed with a proper grade and alignment which will facilitate proper functioning without destructive velocities of drainage waters.

## **4.3. Drainage easements**

- a. A developer must dedicate drainage easements of adequate size to permit drainage and flood control for all lands whose natural drainage runs through the subdivision, to allow for future maintenance of such drainage easements, within the subdivision. Trinity County is not responsible for maintenance of drainage easements within the subdivision.
- b. Reference to drainage easements must be included in each instrument of conveyance from a developer to a purchaser.

## **Chapter 5**

### **Minimum Standards Applicable to Recreational Vehicle Parks**

#### **5.1. Definitions**

- a. The following words and terms, when used in these regulations, have the following meanings, unless the context clearly indicates otherwise.



1. **Operator**--The person in charge of operating any recreational vehicle park, whether they are the owner of the recreational vehicle park or the occupant under a written or oral lease, or by any other arrangement whereby they exercise control over the recreational vehicle park.
  2. **Recreational vehicle**--Includes any of the following:
    - A. **Camping trailer**--A folding structure for temporary shelter mounted on wheels and designed for travel, recreation, and vacation use.
    - B. **Motor home**--A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
    - C. **Pickup coach**--A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
    - D. **Travel trailer**--A vehicular structure built on a chassis with body width not to exceed eight feet and body length less than 46 feet, that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.
  3. **Recreational vehicle park**--Any land designed to accommodate four or more recreational vehicles, and which exists as a privately owned and operated enterprise with or without charges for the parking of recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time. Hunting camps that are temporary are excluded from this definition.
  4. **Recreational vehicle space**--A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.
- b. Use of either the singular or the plural form of a word will be interpreted, when necessary, to include the other form.

## 5.2. Regulation of recreational vehicle parks

- a. A recreational vehicle park existing in the County prior to the adoption of these regulations is exempt, unless expanded or altered in operations or intended purpose. Any recreational park developed after the effective date of this regulation is a subdivision subject to these regulations.
- b. A developer of a recreational vehicle park must have a plan prepared that complies with these regulations.

- c. These regulations do not apply to a property owner accommodating no more than three recreational vehicles on their property at any one time.
- d. Prior to commencement of any construction, the owner/developer must consult with the County Commissioner having jurisdiction over the site for review.

### **5.3. Infrastructure Requirements for Recreational vehicle parks**

The subdivision application for a Recreational Vehicle Park must include each of the following:

- a. A survey identifying the proposed community's boundaries and any significant feature of the community, including the proposed location of lots or spaces, utility easements and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this order.
- b. Reasonable specified description of means and methods to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in flood-prone areas.
- c. Reasonable specified description of means and methods to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces, or lots, must be attached to the plan.
- d. If groundwater is the source of water supply for the development, the developer is required to obtain certification, by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas, that adequate groundwater is available for the development, according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plan approval, if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plan that groundwater is to be the source of water.
- e. Certification of adequate sewerage:
  - i. Reasonably specified description of means and methods to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or

- ii. Reasonably specified description of means and methods for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code if estimated sewage flow does not exceed 5,000 gallons per day (gpd). The description of means and methods must meet minimum standards established under Chapter 285.4 of the OSSF rules. Completed Appendix N – Certificate of Designated Representative’s Approval must be attached to the Plan.
- iii. Reasonably specified description of means and methods for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if estimated flow exceeds 5,000 gpd approval by Texas Commission on Environmental Quality must be attached to the plan.
- f. Reasonably specified description of means and methods for streets or roads in the Recreational Vehicle Park to provide ingress and egress for fire and emergency vehicles. Therefore, the Commissioners Court finds that it is reasonably necessary that roads/streets in these communities should be built to a standard no more stringent than the requirements adopted by the Commissioners Court for subdivisions, as approved by the Precinct Commissioner. The road design and construction standards contained in the Trinity County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable. Building setbacks shall be as specified in the Trinity County Subdivision Regulations. Drainage design for the development shall comply with the Trinity County Subdivision Regulations.
- g. Only the Commissioners’ Court may grant a variance when strict application of these standards would work an unusual hardship. Variances for OSSF can only be granted by Trinity County OSSF Designated Representative.
- h. Each recreational vehicle park must provide recreational vehicle spaces, and each such space must be clearly defined.
- i. Recreational vehicle parks must be designed so as not to exceed a maximum of 20 recreational vehicle spaces per acre.
- j. Each recreational vehicle space must afford parking and maneuvering space sufficient so that the parking, loading, and movement of recreational vehicles will not necessitate the use of any public right-of-way or privately owned property which may abut the recreational vehicle park.
- k. Each recreational vehicle space that is provided with electrical service must be served through an underground distribution system. Other buildings within a recreational vehicle park may receive electrical service through overhead facilities.

- l. Twenty percent (20%) of the recreational vehicle spaces within a recreational vehicle park must be not less than eighteen feet (18') by fifty feet (50').
- m. There must be at least ten feet (10') of open space between parallel rows of recreational vehicle spaces.
- n. Recreational vehicle spaces must be improved with either:
  1. Compacted crushed road base material and asphalt; or,
  2. Concrete adequate to support the weight of a recreational vehicle.
- o. Recreational vehicle spaces must not heave, shift, or settle unevenly under the weight of a recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.

#### **5.4. Recreational vehicle park roads**

- a. All weather private roads, adequate to provide access to each recreational vehicle space, must be laid out, constructed, and maintained in good condition by the owner or operator of a recreational vehicle park.
- b. All roads within a recreational vehicle park must meet the County's Minimum Standards for Roads and Streets for subdivisions.
- c. An entrance to a recreational vehicle park must be designed to minimize congestion and hazards and allow free movement of traffic on adjacent roads/streets.

#### **5.5. Recreational vehicle park service building requirements**

- a. An application for a recreational vehicle park subdivision must address the minimal standards established in this subchapter.
- b. Each recreational vehicle park must provide and maintain one or more service buildings for the use of park patrons. The service buildings must include:
  1. One lavatory for each of the two sexes;
  2. One flush toilet for each of the two sexes;
  3. One shower and dressing accommodation for each of the two sexes, provided in an individual compartment or stall;
  4. One washing machine; and
  5. One slop sink, measuring not less than 14 by 14 inches square and 14 inches deep.

- c. The aforementioned service buildings will accommodate not more than 50 recreational vehicle spaces.
  - 1. For each additional 1 to 30 recreational vehicle spaces after the first 50, the operator must provide and maintain one flush toilet, one shower with individual dressing accommodations, and one lavatory for each of the two sexes.
  - 2. For each additional 1 to 50 recreational vehicle spaces after the first 50, the operator must provide and maintain one additional washing machine and one additional slop sink.
- d. All service buildings must comply with the Americans with Disabilities Act (ADA). TDLR compliance certification must be provided before operation begins.
- e. Service buildings housing sanitation or laundry facilities must be permanent structures which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems, and conform to the following minimum standards:
  - 1. Service buildings must afford appropriate illumination, be well ventilated with screened openings, and be constructed of moisture-proof materials so as to permit frequent cleaning and washing.
  - 2. Floors must be constructed of concrete or other equally impervious material, so as to permit frequent cleaning and washing, and include floor drains which are connected to the sanitary sewer.
  - 3. Chemical cleaners used in a recreational vehicle park must be used only in accordance with TECQ rules.
  - 4. The lavatory and other sanitation facilities for males and females either must be in separate buildings or separated, if in the same building, by soundproof walls.
  - 5. All service buildings must be maintained in a clean, sanitary condition and kept free of any contaminants that may menace the health of any person or constitute a nuisance to the public.
- f. An operator must provide and maintain garbage receptacles as follows:
  - 1. A minimum of one (1) fly tight, water tight, rodent proof dumpster for the first fifty (50) recreational vehicle spaces, with one (1) additional dumpster for each additional fifty (50) recreational vehicle spaces or fraction thereof.
  - 2. Refuse container stands must be provided for all refuse containers. Such container stands must be designed so as to prevent their containers from being tipped, to minimize spillage and container deterioration.

3. The storage, collection, and disposal of refuse in a recreational vehicle park must be conducted so no health hazards are created.
  4. All dumpsters must be screened from any public view.
- g. Fuel containers in a recreational vehicle park must comply with the following restrictions:
1. Bottled gas must not be used at individual recreational vehicle spaces unless the containers are properly connected by copper or other suitable tubing.
  2. Bottled gas cylinders must be securely fastened in place.
  3. No cylinders containing bottled gas may be located in a recreational vehicle or within five (5) feet of a door thereof.
- h. An operator must provide and maintain fire protection equipment as follows:
1. At all times, a recreational vehicle park must be equipped with fire extinguishing equipment in good working order of such type, size, and number and so located within the recreational vehicle park as to satisfy the applicable regulations of the County.
  2. No open fires will be permitted within a recreational vehicle park, except that this will not be construed to prevent barbecuing in a secure pit or grill.
- i. An operator must maintain the entire area of a recreational vehicle park free of dry brush, leaves, and weeds.

## **5.6. Further recreational vehicle park regulations**

- a. Persons developing recreational vehicle parks should be aware that this order is not the exclusive law or regulation controlling development in the County. The following is only a partial list of regulations that may apply:
1. All subdivisions within the extra territorial jurisdiction of a municipality may also be subject to city subdivision regulations, or as per any interlocal cooperation agreements.
  2. All recreational vehicle parks are subject to regulations of general applicability, including public health nuisances under Chapter 341 and 343 of the Texas Health and Safety Code. The developer must address solid waste disposal, rodent and insect harboring, fly breeding, and improper water disposal in accordance with these Chapters.
  3. Other agencies with regulatory authority that may apply to a recreational vehicle park include, but are not limited to, Emergency Services Districts,

TCEQ, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corps of Engineers.

## **Chapter 6**

### **Applications for Subdivision Approval**

#### **6.1. Pre-application meeting**

The Developer shall request in writing a meeting with the Precinct Commissioner in sufficient time to allow a meeting with a developer at least fifteen (15) days prior to submission of an application to the Commissioners Court, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

#### **6.2. Applications for subdivision approval**

- a. The County Clerk's office will receive all subdivision applications on behalf of the Commissioners Court.
- b. Before a subdivision is approved under these regulations, the developer must file an application with the Commissioners Court, including a plat, a survey, and all other documentation or other information listed in Appendix A, or as may be amended and republished from time to time.
- c. Each plat required by this subdivision regulation shall identify and detail compliance with required drainage to address a 100-year flood, provide a statement of compliance with street construction standards, and state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
- d. If a developer submits an application to the Commissioners Court that does not include all of the documentation or other information required by these regulations, the Commissioners Court must notify the developer of the missing documents or other information, not later than the 10th business day after the date the Commissioners Court receives the incomplete application. The Commissioners Court must allow a developer reasonable time to submit the missing documents or other information. Notification of missing documents may be provided directly to the developer, on behalf of the Commissioners Court, by the County Clerk's office or by the reviewing engineer.
- e. An application is considered complete when all documentation or other information listed in Appendix A is received.

- f. Acceptance by the Commissioners Court of a completed application will not be construed as approval of the documentation or other information.

### **6.3. Plat application**

- a. A developer must submit a plat application including detailed documentation of all infrastructure to be constructed in a subdivision, including plans, drawings, and statements of the estimated costs to make each category of proposed improvements (i.e. water, wastewater, drainage, roads, etc.).
- b. All engineering plans submitted as part of a plat application must bear the signed and dated seal of a professional engineer registered in the State of Texas, and a certificate in substantially the form as Appendix E.
- c. A plat application must discuss the availability and methodology of providing drinking water, sewerage, and electrical service to each individual lot within a subdivision,
- d. A plat application must include a construction schedule for each significant element of construction, including the start dates and completion dates.
- e. Where water, sewerage, and electricity are to be provided by an existing public utility, the developer must submit an executed public utility certificate in substantially the form as Appendix C.

### **6.4. Oversight**

- a. A developer, by submitting an application, acknowledges the authority of the County and state agencies to lawfully enter and inspect the subdivision property for purposes of execution of their statutory duties and the enforcement of these regulations.
- b. Any inspection of a subdivision will not release the developer from any obligation to comply with these regulations.
- c. The Commissioners Court may refuse to approve or authorize any application, unless such application meets the full requirements as set forth in these regulations.

### **6.5. Application fees**

- a. All fees due to the County for the filing and review of an application must be paid to the County Clerk with the submission of the application.



- b. All fees due to the County after the approval of an application must be paid to the County Clerk within ten (10) days of approval of the application.
- c. Fees are published in these regulations under Appendices Q and R, which may be amended and republished from time to time by the Commissioners Court.

## **Chapter 7**

### **Plat and Survey Requirements**

#### **7.1. Subdivision plat and survey requirements**

- a. A plat, and a survey depicting the subdivision, must be submitted with each application.
- b. A plat must contain, at a minimum, the following information on the face of the plat:
  - 1. Name and mailing address of the developer.
  - 2. Name of the subdivision.
  - 3. North directional indication arrow.
  - 4. Location map showing the subdivision in relation to major roads, towns, cities, and topographic features.
  - 5. A description of the exterior boundary of the subdivision by metes and bounds, which locates the subdivision with respect to a corner of the original survey of which it is a part ("corner of the original survey" refers to a properly monumented survey point as determined by the surveyor suitable to recognition as the original corner of the tract being subdivided by commonly accepted surveying practice).
  - 6. Total area/acreage within the subdivision.
  - 7. Total number of lots within the subdivision.
  - 8. Area/acreage of roads, including:
    - A. Length of roads.
    - B. Street right-of-way widths.
  - 9. The area/acreage of each lot.
  - 10. The bearing and distance for each lot boundary line.

11. Areas dedicated for public use.
  12. Rights-of-way or easements, including all alleys, drainage easements, and utility easements.
  13. Proposed land use of all lots being subdivided, as follows:
    - A. Single family residential.
    - B. Multi-family residential.
    - C. Agricultural.
    - D. Commercial.
    - E. Dedicated to public use.
  14. All flood-prone areas.
  15. Road names for all roads or streets.
  16. Lot and block numbers, arranged in a systematic order and shown on the Plat in a distinct and legible manner.
- c. The survey must contain, at a minimum, the following information on the face of the survey:
1. The official public records index information (volume and page) and names of all current owners of property contiguous to the subdivision.
  2. The location of all existing permanent, man-made structures within the subdivision, including houses, barns, shacks, other buildings and structures, fences, walls, ponds and stock tanks.
  3. All major topographic features on or adjacent to the property as well as elevation contours at no greater than five foot (5') intervals if in flood-prone areas, and no greater than ten foot (10') intervals if not in a flood-prone area. This topographic information shall be overlaid on the plat and survey for review purposes. The topographic information shall not be shown on the filed plat.
  4. The approximate location of all wells, water, oil, and natural gas, when such wells are either visible and apparent or reflected in the applicable public records (whether maintained by the Texas Railroad Commission, TCEQ, or in the Official Public Records of Trinity County). If public records reflect that a well is capped or plugged, that information must be included as well.

## **7.2. Registered professional land surveyor**

- a. The plat and survey must be prepared from an actual survey made on the ground by, or under the direct supervision of, a registered professional land surveyor, and their certificate to that effect must appear on said Plat and survey.
- b. An application must include a certificate from the surveyor who prepared the plat and survey in substantially the form as Appendix D.
- c. The land surveying firm's name and license number, address, and telephone number must be listed on the plat and the survey.

## **7.3. Plat scale and filing**

- a. Plats must be based on a scale of not more than one inch (1") equals two hundred feet (200'). A Plat must be drawn on paper measuring no less than eighteen inches (18") by twenty-four inches (24").
- b. If two or more pages are needed to depict a Plat, a key (may be drawn to larger scale) showing the entire area must be drawn on the first page, and each page must be numbered in a way as to note its location within the set.
- c. A developer must submit the following copies of the plat:
  1. Two full size copies for filing, one on mylar paper in black ink for filing within the County Clerk's records, and the other on bond paper in black ink for use by the Trinity County Appraisal District's mapping department. Copies filed with the application may be on bond paper. Mylar is not required until the application has been approved.
  2. Six (6) reduced size (not to scale) copies of the Plat submitted with the application to be used by the Commissioners Court.

## **7.4. Digital map**

- a. An application must include a digital map in shapefile format that geo-references the subdivision Plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071, Texas Natural Resources Code.

## **Chapter 8**

### **Application Approval Procedure**

#### **8.1. Approval procedure**

- a. The Commissioners Court must approve, approve with conditions, or disapprove an application not later than the 30th day after the date the completed application is received by the Commissioners Court.
- b. An application is deemed approved by the Commissioners Court without conditions unless the application is disapproved within 30 days. This 30-day period may be extended for a period, not to exceed 30 days, if not later than the 20th day after the date a completed application is received:
  1. Such extension is requested in writing by the developer and approved by the Commissioners Court; or Chapter 2007, Government Code, requires the County to perform a takings impact assessment in connection with the application; and
  2. The extension applies only to a decision wholly within the control of the Commissioners Court.
- c. If the Commissioners Court fails to timely approve, approve with conditions, or disapprove an application as required by these regulations:
  1. The Commissioners Court must refund the greater of the unexpended portion of any application fee or deposit, or 50 percent of an application fee or deposit that has been made;
  2. The application is granted by operation of law; and
  3. The developer may apply to the 258<sup>th</sup> District Court for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the application's approval.
- b. The Commissioners Court may not require a developer to waive the time limits or approval procedures contained in this chapter.

#### **8.2. Conditional approval or disapproval**

- a. If the Commissioners Court conditionally approves or disapproves an application, it must provide the developer a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.
- b. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the provision of these regulations, or another statute or order, that is the basis for the conditional approval or disapproval.

### **8.3. Response to conditional approval or disapproval**

- a. After the conditional approval or disapproval of an application, the developer may submit to the Commissioners Court a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.
- b. The Commissioners Court may not establish a deadline for a developer to submit their response.

### **8.4. Approval or disapproval after response**

- a. If the Commissioners Court receives a response to a conditional approval or disapproval pursuant to 232.0027 Texas Local Government Code, it must determine whether to approve or disapprove the developer's previously conditionally approved or disapproved application not later than the 15th day after the date the response was submitted.
- b. If the Commissioners Court receives a response to a conditional approval or disapproval, the application will be approved if:
  - 1. The response adequately addresses each condition for the conditional approval or each reason for the disapproval; and,
  - 2. The Commissioners Court does not disapprove the application on or before the 15th day after the date the response was submitted and in accordance with Section 232.0026, Texas Local Government Code.
- c. If the Commissioners Court conditionally approves or disapproves an application following the submission of a response by a developer, the Commissioners Court:
  - 1. Must comply with Section 232.0026 Texas Local Government Code; and
  - 2. May disapprove the application only for a specific condition or reason provided to the developer for the original application under Section 232.0026, Texas Local Government Code.

### **8.5. Deadlines for completion of construction**

- a. The Commissioners Court may specify that construction of infrastructure must be started and completed within a reasonable time after the approval of an application.
- b. A deadline for completion may not exceed twenty-four (24) months and must be specified by the Commissioners Court in its order granting or denying an application.

- c. If no deadline for completion of construction is specified by the Commissioners Court, the deadline shall be twenty-four (24) months after the date of approval of the application.

## **Chapter 9 Financial Guarantees**

### **9.1. Financial guarantees for the construction of improvements**

- a. In its order granting approval of a subdivision, the Commissioners Court will require a developer to provide a financial guarantee sufficient to cover the cost of construction of all the improvements to be constructed per the Plat application. A required financial guarantee may be by bond, letter of credit, or deposit of cash for 100% of the estimated cost of construction estimated by the engineer.
- b. If utilities are to be provided by a public utility (electric, water and/or sewage) the financial guarantee must be sufficient to cover the cost of construction of those improvements unless documentation is provided proving that the cost of those improvements have been paid to the utility and that the utility has accepted the responsibility for construction of the required improvements. **ELECTRIC SERVICE MUST BE PROVIDED BY A PUBLIC UTILITY OR ELECTRIC COOPERATIVE.**
- b. A bond that is submitted for a financial guarantee must meet the following requirements:
  - 1. The bond must be payable to the Trinity County Judge, or the Judge's successor in office, in their official capacity.
  - 2. The bond must be executed with sureties as may be approved by the Commissioners Court. The criteria for acceptability of the surety companies issuing bonds, are:
    - A. Registration with the Secretary of State and be authorization to do business in the State of Texas;
    - B. Authorization to issue bonds in the amount required by the Commissioners Court; and,
    - C. Being listed as a surety company in the most current United States Department of Treasury Circular 570.
  - 3. The bond must be conditioned upon construction or installation of the improvements established in an approved Plat application, and upon construction of facilities within the time stated in the Plat application, or within any extension of time granted by the Commissioners Court.

- c. A letter of credit that is submitted for a financial guarantee must meet the following requirements:
1. A letter of credit submitted as a financial guarantee for combined amounts less than \$250,000 must be from a bank or savings and loan which meets the following qualifications:
    - A. Bank qualifications:
      - i. Must be federally insured; and
      - ii. Total assets of at least \$25 million.
    - B. Savings and loan association qualifications:
      - i. Must be federally insured; and,
      - ii. Tangible capital must be at least 1.5% of total assets if total assets are greater than \$25 million; or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million.
  2. Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000 must be from a bank or savings and loan which meets the following qualifications.
    - A. Bank qualifications:
      - i. Must be federally insured;
      - ii. Total assets must be at least \$75 million and primary capital must be at least 7.0% of total assets.
    - B. Savings and loan association qualifications:
      - i. Must be federally insured;
      - ii. Tangible capital must be at least 3.0% of total assets if total assets are greater than \$75 million; or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million.
- d. In the event any of or all the streets, roads, drainage and drainage structures, or other infrastructure within a subdivision as constructed by the developer should fail to meet the requirements of the Plat application, the unfinished improvements may be completed at the cost and expense of the obligees on the financial guarantee as provided.

- e. Should there be any deficiency or failure to comply with these regulations, or should any guaranteed construction not be completed prior to the construction deadline, if any, the Commissioners Court will notify the developer of such deficiency or failure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the Commissioners Court may declare the bond or surety forfeited and order any active construction operations suspended. The Commissioners Court reserves the right to complete the work by means most advantageous to the citizens of the County and the ultimate owners of the subdivision, utilizing any or all the financial guarantees as may be necessary to accomplish such completion.
- f. A financial guarantee for construction of improvements will 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 established in the plat application has been completed to the satisfaction of the Precinct Commissioner.
  - 1. In the event progress and final inspections indicate no departure from these regulations, the Precinct Commissioner will certify completion to the Commissioners Court, and the Commissioners Court will release the financial guarantee.
  - 2. It is the responsibility of a developer to advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

## **9.2. Financial guarantees for maintenance**

- a. In its order granting approval of a subdivision, the Commissioners Court will require a developer to provide a financial guarantee sufficient to cover the cost of maintenance of some or all the improvements to be constructed per the plat application. A required financial guarantee may be by bond, letter of credit, or deposit of cash.
- b. The conditions of a financial security for maintenance will be that the developer guarantees to maintain, to the satisfaction of the Precinct Commissioner, all the streets, roads, drainage structures and drainage ditches and channels as described in the plat application, in a good state of repair for a period of two (2) years from the date of official release of construction security.
  - 1. The responsibility for maintenance of roads includes the repair of such items as drainage, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etc.
  - 2. The responsibility for maintenance of the drainage improvements includes removing debris, reseeding eroded areas, and the installation of additional concrete or rock riprap where designated by the Precinct Commissioner.



- c. The Precinct Commissioner will make periodic inspections of infrastructure construction for which maintenance security is held during the period of liability covered by the security. In the event any of or all the infrastructure construction are not being maintained in a good state of repair, the Precinct Commissioner will notify the developer in writing and, if after a reasonable time, the developer should fail or refuse to repair said items, such improvements will be maintained at the cost and expense of the obligees on the financial guarantee for maintenance.
- d. In the event progress and final inspections indicate no departure from these regulations, the Precinct Commissioner will certify completion of the term of maintenance by the developer to the Commissioners Court, and the Commissioners Court will release the financial guarantee.

### **9.3. Bond Extensions**

- a. Where good cause exists, the Commissioners Court may extend the deadline for completion of construction for additional periods of time not to exceed six (6) months.
- b. The Commissioners Court may grant an extension to the deadline for completion of construction if the Commissioners Court finds the extension is reasonable and not contrary to the public interest.
- c. No extension may be granted for construction secured pursuant to these regulations unless the developer provides additional security to cover the extended period of time.

## **Chapter 10 Revision and Cancellation of Plats**

### **10.1. Petition for plat revision**

- a. A developer or an owner of property within a platted subdivision (referred to in this Chapter as "petitioner"), may submit an application to revise all or a portion of the existing plat, unless prohibited by restrictive covenants or plat notes filed pursuant to these regulations.
  - 1. A developer may apply for a revision to any part of their subdivision.
  - 2. An owner of property within a platted subdivision may apply for a revision affecting their portion of the subdivision.
- b. Petitioners must submit the following to the Commissioners Court:
  - 1. Copies of the proposed revised plat, conforming in all respects to the requirements of these regulations; or, if submitted by a private homeowner

who is not the developer of the subdivision, other materials acceptable to the Commissioners Court clearly setting forth the desired amendment.

2. A statement explaining why the proposed revision is being sought.
  3. A certificate that the petitioner has complied with the requirements of Section 232.009, Texas Local Government Code.
  4. Fees, as specified in Appendices Q and R, which may be amended and republished from time to time by the Commissioners Court.
- c. After a petition for revision or cancellation of a Plat is filed with the Commissioners Court, the Commissioners Court must publish a notice of the application in a newspaper of general circulation in the County.
1. The notice must include a statement of the time and place at which the Commissioners Court will meet to consider the application for revision or cancellation and to hear protests of same.
  2. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting.
- d. If all or part of a subdivision is owned by persons other than a developer, the Commissioners Court must also give notice to each of those owners by certified or registered mail, return receipt requested, at their address within the subdivision.
1. The Commissioners Court is not required to give notice by mail if the plat revision only combines existing tracts.
- e. If the Commissioners Court determines that a requested revision to a plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the above notice requirements will not apply to the petition and the applicant will:
1. Provide written notice of the petition to the owners of the lots that are within 200 feet of the subdivision plat to be revised, at the mailing addresses for those owners as maintained by the Trinity County Appraisal District; and,
  2. The applicant will provide appropriate notice of the petition to the County, who will post notice of the petition continuously on the County website for at least 30 days preceding the date of the meeting to consider the petition for revision or cancellation until the day after the meeting.
- h. During a regular term of the Commissioners Court, the Commissioners Court must permit the revision of a subdivision plat if it is shown to the Commissioners Court that:

1. The revision will not interfere with the established rights of any owner of a part of the subdivided land; or,
  2. Each owner whose rights may be interfered with has agreed to the revision.
- i. If a petitioner obtains unanimous written consent from all owners of the property within a subdivision agreeing to the proposed amendment, the necessity for notice under this subchapter are waived.

## **10.2. Petition for cancellation of subdivision**

- a. A developer or an owner of a portion of a subdivision may petition the Commissioners Court for permission to cancel all or part of a subdivision.
- b. A petition for cancellation must show that the cancellation of all or part of the subdivision will not interfere with the established rights of any person who owns any part of the subdivision or that the other owners agree to the cancellation.
- c. Fees, as specified in Appendices Q and R, which may be amended and republished from time to time by the Commissioners Court. The amount of the fee must be based on the cost of processing the application, including publishing notices by the County as required under this chapter.
- d. Notice of an application for cancellation must be published by the County in a newspaper of general circulation within the County one day each week for at least three (3) consecutive weeks. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.
- e. The review and authorization of a petition for the cancellation of a Plat by the Commissioners Court will be conducted as specified in Section 232.008, Texas Local Government Code.
- f. The Commissioners Court may approve a petition to cancel a subdivision upon finding that the cancellation will not interfere with the established rights of any owner of any part of the subdivision, or that each owner whose rights may be interfered has agreed to the cancellation; and that the plat as revised conforms to the requirements of these regulations.
- g. Following the approval of the Commissioners Court, the petitioner may file with the County Clerk a revised Plat, or part of Plat, or another instrument that indicates the changes made to the original Plat.

### **10.3. Vacating plat**

- a. A developer may vacate a Plat at any time before any lot in the subdivision is sold to a purchaser. The Plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded in the manner prescribed for the original Plat.
  1. If any lots or tracts in the subdivision have been sold, the Plat, or any part of the plat, may be vacated on the application of all the owners of all parts of the subdivision.
  2. The County Clerk will write legibly on a vacated Plat the word "Vacated" and enter on the Plat a reference to the volume and page at which the vacating instrument is recorded.
- b. On the execution and recording of a vacating instrument, the vacated Plat has no effect.

### **10.4. Amending plat by owners**

- a. The Commissioners Court may approve an amended subdivision Plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amended plat is signed by the developer or owner of the subject property, and is solely for one or more of the following purposes:
  1. To correct an error in a course or distance shown on the preceding Plat.
  2. To add a course or distance that was omitted on the preceding Plat.
  3. To correct an error in a real property description shown on the preceding Plat.
  4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
  5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.
  6. To correct any other type of scrivener or clerical error or omission in the Plat previously approved pursuant to these regulations, including lot numbers, acreage, street numbers, and identification of adjacent recorded Plats.
  7. To correct an error in courses and distances of lot lines between two adjacent lots if:
    - A. Both lot owners join in the petition for amending the Plat;

- B. Neither lot has been abolished;
  - C. The amendment does not attempt to remove recorded covenants or restrictions; and,
  - D. The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
9. To relocate one or more lot lines between one or more adjacent lots if:
- A. The owners of all those lots join in the petition for amending the Plat;
  - B. The amendment does not attempt to remove recorded covenants or restrictions; and,
  - C. The amendment does not increase the number of lots.
10. To replat one or more lots adjacent to an existing road or street if:
- A. The owners of all those lots join in the petition for amending the Plat;
  - B. The amendment does not attempt to remove recorded covenants or restrictions;
  - C. The amendment does not increase the number of lots; and,
  - D. The amendment does not create or require the creation of a new road, street or make necessary, the extension of utility facilities.
- b. Notice, a hearing, and the approval of other owners of property within a subdivision are not required for the approval and issuance of an amended Plat under this subchapter 10.5.
- c. Corrections under this subchapter may be made by a surveyor by filing a certificate of correction in the plat maps.

## **Chapter 11**

### **Variance**

#### **11.1. Conditions of Variance**

- a. The Commissioners Court may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.
  1. Any person who wishes to receive a variance may apply to the Commissioners Court with a list of, and a detailed justification for, each variance requested.
  2. The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and will be final.
  
- b. In approving a variance, the Commissioners Court may prescribe conditions that it deems necessary or desirable to protect the public interest. In making their findings, the Commissioners Court will take in account, the nature of the proposed use of the land involved and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
  
- c. No variance will be granted unless the Commissioners Court finds:
  1. That there are special circumstances or conditions affecting the land involved such that the strict application of these regulations would deprive the applicant of the reasonable use of their land; and,
  2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and,
  3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.
  
- d. Variances may be granted only when in harmony with the general purposes of intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, will not be deemed to constitute hardship.

## Chapter 12 Enforcement

### 12.1. Terms of enforcement

- a. No part of any subdivision may be sold or transferred until the plat is approved and recorded, and all these regulations have been complied with in full.
- b. A utility may not provide utility services, including water, sewer, gas, and electric services, to any structure located within a subdivision unless the owner or developer provides the utility with a copy of a certificate of county approval of subdivision to demonstrate compliance with these regulations.
- c. The Commissioners Court may institute appropriate action in a court of competent jurisdiction to enforce the provisions of these regulations, or the other standards referred to herein. The County reserves the right to seek all remedies, including injunction, prohibition, damages, and criminal penalties in the enforcement of these rules and regulations.
- d. If deeds, contracts of sale, transfers of title, or other transactions dealing with real property in the County do not comply with these regulations, the Commissioners Court may notify the transacting parties to comply with these regulations. In the event the notified party refuses to comply with the requirements of these regulations, the Commissioners Court may take appropriate action to obtain compliance.
- f. Any person violating any provisions of these regulations will be guilty of a Class B misdemeanor, and each act of the violation will constitute a separate offense.

### 12.2. Required disclosures

- a. The following notations, to be printed in a bold font, in not less than 14-point type, on the plat, and included within all instruments of conveyance from a developer to a purchaser for any part of a subdivision:

**Approval of the subdivision plat for filing does not indicate any agreement or understanding that Trinity County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.**

- b. Where a lot or tract in a subdivision is to be served by a private OSSF, an instrument of conveyance for that lot or tract from a developer must bear the following notations in bold, 14-point type:

**"Trinity County makes no representation that adequate sewerage facilities will be legally feasible within this subdivision."**

**"All OSSF systems must comply with regulations published by TCEQ."**

- c. Where a lot in a subdivision is to be served by a private water supply, an instrument of conveyance of that lot or tract from a developer must bear the following notation in bold, 14-point type:

**"Trinity County makes no representation that adequate water suitable for human consumption will be available within this subdivision."**

Passed and approved by Trinity County Commissioners Court this \_\_\_\_ day of November, 2024.

\_\_\_\_\_  
Tommy Park, Pct. 1

\_\_\_\_\_  
Mark Loftin, Pct. 2

\_\_\_\_\_  
Neal Smith, Pct. 3

\_\_\_\_\_  
Steven Truss, Pct. 4

\_\_\_\_\_  
Danny Martin, County Judge

\_\_\_\_\_  
Shasta Bergman, County Clerk



## Appendix A

**SUBDIVISION APPLICATION CHECKLIST**\*Denotes items that must be on the plat.

\*\*Denotes items that must be on the plat if applicable.

\*\*\*Denotes items that must be submitted with the application if applicable.

Name of Subdivision: \_\_\_\_\_

**The following tasks must be completed by the developer prior to filing any application for subdivision approval:**

\_\_\_\_\_ Meet with the Precinct Commissioner at least 15 days prior to the date of filing the application at the subdivision property to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

\_\_\_\_\_ Confirm whether the planned subdivision will be classified as MAJOR, RURAL (w/ROAD) or MINOR

\_\_\_\_\_ Check the proposed subdivision name for conflicts.

**The following items must be included in any application for approval of a MINOR or MAJOR Subdivision. Both hard copies and electronic copies of all application items are required:**

\_\_\_\_\_ \*A plat and survey of the proposed subdivision in compliance with these regulations.

\_\_\_\_\_ Six (6) reduced size (not to scale) copies of the Plat.

\_\_\_\_\_ A signed receipt from the Trinity County Appraisal District for a copy of the Plat and digital map delivered in compliance with these regulations.

\_\_\_\_\_ A description by the developer of the manner and means of providing drinking water, sewerage, roads, electricity, and drainage structures.

\_\_\_\_\_ All engineering specifications, drawings, and plans for infrastructure to be constructed comprising a plat application in compliance with these regulations.

\_\_\_\_\_ A certificate from DETCOG confirming the road names reserved for roads laid out in the subdivision.

\_\_\_\_\_ Copy of proposed articles of incorporation, by-laws, covenants or restrictions of the entity responsible for road maintenance. This document must be legally tied the plat and filed of record before sale of any lots.

\_\_\_\_\_ If fire hydrants or filler plugs are included in a plat application, a certificate from the public utility serving the subdivision to confirm sufficient water capacity is available to operate the fire hydrants or filler plugs.

\_\_\_\_\_ All fees due to the County for the filing of an application must be paid to the County Clerk with the submission of the application.

\_\_\_\_\_ Appendix A – Subdivision Application Checklist

\_\_\_\_\_ \*Appendix B – Certificate of Dedication by Developer

\_\_\_\_\_ \*\*\*Appendix C – Public Utility Certificate(s)

\_\_\_\_\_ \*Appendix D – Certificate of Surveyor

\_\_\_\_\_ \*\*Appendix E – Certificate of Engineer

\_\_\_\_\_ \*\*Appendix F – Certificate of Private Road Maintenance

\_\_\_\_\_ \*\*Appendix G – Certificate of Road Maintenance

\_\_\_\_\_ \*Appendix H – Certificate of County Approval of Plat

\_\_\_\_\_ \*\*\*Appendix L – Revision to Plat

\_\_\_\_\_ \*\*Appendix M – Lienholder’s Acknowledgement of Plat Revision

\_\_\_\_\_ \*\*Appendix N – Certificate of Designated Representative’s Approval

\_\_\_\_\_ Appendix O – Affidavit for Recordation of Tax Certificate

\_\_\_\_\_ \*\*\*Appendix P – Subdivision Construction Agreement Form

**The following items must be included in any application for approval of a RURAL Subdivision (w/ROAD) . Both hard copies and electronic copies of all application items are required:**

\_\_\_\_\_ \*A plat and survey of the proposed subdivision in compliance with these regulations.

\_\_\_\_\_ Six (6) reduced size (not to scale) copies of the Plat.

\_\_\_\_\_ A signed receipt from the Trinity County Appraisal District for a copy of the Plat and digital map delivered in compliance with these regulations.

\_\_\_\_\_ A description by the developer of the manner and means of providing roads, drainage structures, and electric service.

\_\_\_\_\_ All engineering specifications, drawings, and plans for infrastructure to be constructed comprising a plat application in compliance with these regulations.

\_\_\_\_\_ A certificate from DETCOG confirming the road names reserved for roads laid out in the subdivision.

\_\_\_\_\_ Copy of proposed articles of incorporation, by-laws, covenants or restrictions of the entity responsible for road maintenance. This document must be legally tied the plat and filed of record before sale of any lots.

\_\_\_\_\_ All fees due to the County for the filing of an application must be paid to the County Clerk with the submission of the application.

\_\_\_\_\_ Appendix A – Subdivision Application Checklist

\_\_\_\_\_ \*Appendix B – Certificate of Dedication by Developer

\_\_\_\_\_ Appendix C – Public Utility Certificate (Electric only)

\_\_\_\_\_ \*Appendix D – Certificate of Surveyor

\_\_\_\_\_ \*\*Appendix E – Certificate of Engineer

\_\_\_\_\_ \*\*Appendix F – Certificate of Private Road Maintenance

\_\_\_\_\_ \*\*Appendix G – Certificate of Road Maintenance

\_\_\_\_\_ \*Appendix H – Certificate of County Approval of Plat

\_\_\_\_\_ \*\*\*Appendix L – Revision to Plat

\_\_\_\_\_ \*\*Appendix M – Lienholder’s Acknowledgement of Plat Revision

\_\_\_\_\_ Appendix O – Affidavit for Recordation of Tax Certificate

\_\_\_\_\_ \*\*\*Appendix P – Subdivision Construction Agreement Form

**After an application is approved, the developer must:**

\_\_\_\_\_ File one full size mylar and one full size bond paper original plat of the proposed subdivision in compliance with these regulations.

\_\_\_\_\_ Deliver a copy of the approved Plat to DETCOG.

\_\_\_\_\_ Meet with the Precinct Commissioner to review all materials used in constructing roads in the subdivision.

\_\_\_\_\_ Ensure that the work described in the plat application is completed in a good and workmanlike manner, in accordance with these regulations, the plat application, and any conditions of the order approving the application.

\_\_\_\_\_ Advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

\_\_\_\_\_ All fees due to the County for an approved application must be paid to the County Clerk no later than ten (10) days after the approval of the application.

\_\_\_\_\_ Submit proof of any required financial security to the Precinct Commissioner no later than thirty (30) days after the approval of the application.

**Appendix B (1)**

**CERTIFICATE OF DEDICATION BY DEVELOPER**

(When the developer is an individual)

**KNOW ALL MEN BY THESE PRESENT**, that I, \_\_\_\_\_, ("Developer") am the developer of certain real property ("the Property"), being \_\_\_\_\_ acres of land out of the \_\_\_\_\_ Survey, Trinity County, Texas, as conveyed by deed dated \_\_\_\_\_, and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Official Public Records of Trinity County, Texas.

*(Note: if the subdivision lies in more than one original survey, list the acreage in each original survey.)*

**I DO HEREBY SUBDIVIDE THE PROPERTY**, and henceforth it shall be known as the \_\_\_\_\_ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and do hereby dedicate to the public (or "owners of the property shown hereon" for private roads/streets) the use of the roads/streets and easements shown hereon.

**WITNESS MY HAND**, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Developer

**THE STATE OF TEXAS**           §  
**COUNTY OF TRINITY**       §

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**Appendix B (2)**

**CERTIFICATE OF DEDICATION BY DEVELOPER**

(When developer is a corporation or other legal entity)

**KNOW ALL MEN BY THESE PRESENT**, that \_\_\_\_\_, ("Developer") is an entity organized and existing under the laws of the State of Texas, with its registered office located at \_\_\_\_\_, and is the developer of certain real property ("the Property"), being \_\_\_\_\_ acres of land out of the \_\_\_\_\_ Survey, in Trinity County, Texas, as conveyed by deed dated \_\_\_\_\_ and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Official Public Records of Trinity County.

*(Note: if the subdivision lies in more than one original survey, list the acreage in each original survey.)*

**DEVELOPER DOES HEREBY SUBDIVIDE THE PROPERTY**, and henceforth it shall be known as the \_\_\_\_\_ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and does hereby dedicate to the public (or "developer of the property shown hereon" for private roads/streets) the use of the roads/streets and easements shown hereon.

**IN WITNESS WHEREOF** Developer has caused this certificate to be executed by \_\_\_\_\_, duly authorized to act on behalf of Developer, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signatory for Developer

**THE STATE OF TEXAS           §**  
**COUNTY OF TRINITY           §**

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument as an officer of \_\_\_\_\_ ("Developer") and acknowledged to me that the foregoing was executed in such capacity as the act of said corporation for the purposes and considerations therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**Appendix C**

**PUBLIC UTILITY CERTIFICATE**

Public Utility: \_\_\_\_\_

Public Utility Address: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

"No structure in the subdivision may be occupied until it is connected to facilities maintained by the public utility, subject to approval by the Trinity County Commissioners Court."

"The plans for construction of improvements to access service from the public utility comply with all applicable laws and rules, including the Trinity County subdivision regulations."

"All fees to be paid by the developer and by the purchasers of parts of the subdivision are detailed in materials attached to this certificate."

"The public utility has or will have the capacity to meet the anticipated needs of the ultimate development and occupancy of the subdivision for a minimum of 30 years."

\_\_\_\_\_  
Signature of Agent for the Public Utility

\_\_\_\_\_  
Date

**Appendix D**

**CERTIFICATE OF SURVEYOR**

**KNOW ALL MEN BY THESE PRESENT**, that I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the plat and survey of the subdivision comply with the plat and survey related requirements of the Trinity County Subdivision Regulations, and I further certify that the plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

\_\_\_\_\_  
Registered Professional Land Surveyor

\_\_\_\_\_  
Date

Seal:



**Appendix E**

**CERTIFICATE OF ENGINEER**

**KNOW ALL MEN BY THESE PRESENTS**, that I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that the plans I have created for the above-named Subdivision comply with the engineering related requirements of the Trinity County Subdivision Regulations.

\_\_\_\_\_  
Registered Professional Engineer

\_\_\_\_\_  
Date

*Seal:*

**Appendix F**

**CERTIFICATE OF PRIVATE ROAD MAINTENANCE**

(When roads are to be maintained as Private Roads)

Upon approval of the plat of the subdivision by the Commissioners Court of Trinity County, Texas, it is understood that all roads shown thereon are private roads and shall remain the property of the developer and the subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of the developer, then of subsequent owners of the subdivision, and will not be the responsibility of Trinity County.

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Date

**Appendix G**

**CERTIFICATE OF ROAD MAINTENANCE**

(When roads may, in the future, be accepted by Trinity County for maintenance)

Upon approval of the plat of the subdivision by the Commissioners Court of Trinity County, Texas, it is understood that all roads shown thereon are private roads and shall remain the property of the developer and the subsequent owners of the property until such time as the Commissioners Court approves the dedication of the roads to the County for maintenance. Acceptance of the plat of the subdivision does not constitute acceptance of the roads shown hereon by Trinity County.

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Date

**Appendix H**

**CERTIFICATE OF COUNTY APPROVAL OF PLAT**

**THE STATE OF TEXAS           §**  
**COUNTY OF TRINITY           §**

I, \_\_\_\_\_, County Clerk of Trinity County, Texas, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Commissioners Court of Trinity County, Texas, passed an Order authorizing the filing for record of the plat of \_\_\_\_\_, a subdivision of Trinity County, Texas, that said Order has been duly entered in the minutes of the said Court in Trinity County, Texas, and that the plat of the subdivision has been recorded at Cabinet \_\_\_\_\_, Slide Number \_\_\_\_\_ in the Plat Maps of Trinity County, Texas.

**WITNESS MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Clerk, Trinity County, Texas

## Appendix I

## Appendix J

### SUMMARY OF TRINITY COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips) *	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph
Number of Lanes	2	2	2	4
ROW Width	60'	60'	70'	100'
Width of Pavement (if paved)	20'	20'	28'	48'
Width of Flex Base	22'	22'	30'	50'
Width of Subgrade	24'	24'	32'	52'
Width of Shoulders (each side)	2'	2.5'	3'	4'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade **	11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance	250'	350'	450'	550'
Steepest Ditch Fore Slope Grade	4:1	4:1	4:1	6:1
Flood Design (year event)	10	15	25	25

Lots that are restricted by Plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined by the precinct

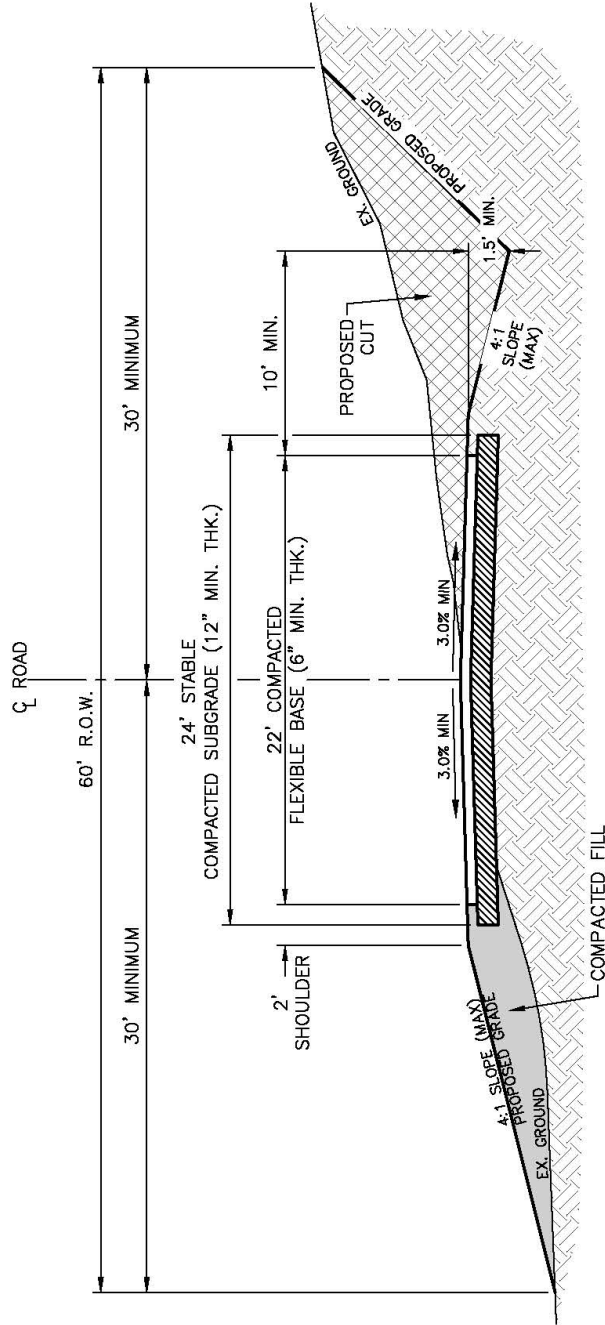
commissioner of their designee. Factors to consider are lot size, other plat restrictions and the potential for future development. \*

Any deviation from these standards must be the subject of an approved variance. \*\*

The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails shall be required wherever the ditch depth exceeds 8' from the edge of the shoulder to the bottom of the ditch on local roads/streets, 6' from the edge of the shoulder to bottom of the ditch on minor collectors and 4' from the edge of the shoulder to the bottom of the ditch on all others larger than a minor collector.

Any development generating more than 15000 average daily traffic counts will be designed according to TxDot standards.

# Appendix K



LOCAL STREET OR ROAD TYPICAL SECTION  
N.T.S.



**Appendix L**

**REVISION TO PLAT**

Subdivision Name: \_\_\_\_\_

Lots or Tracts to be revised: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Petitioner's Mailing Address: \_\_\_\_\_

Petitioner's Phone Number: \_\_\_\_\_

Lienholder (if any): \_\_\_\_\_

(If there is a Lienholder, attach an executed Lienholder's Acknowledgement, Appendix M)

**IF A REVISED PLAT INCLUDES ANY CHANGES TO AN EXISTING UTILITY EASEMENT, RELEASE OF SAID EASEMENTS BY THE UTILITY PROVIDERS IS REQUIRED BEFORE APPROVAL OR FILING OF SAID PLAT.**

The signature affixed below will certify that the owner of the described property does hereby request to revise the plat of the property. The owner certifies that any and all lienholders have acknowledged this revision as per the attached Lienholder's Acknowledgement, if applicable.

\_\_\_\_\_  
Petitioner

**THE STATE OF TEXAS           §  
COUNTY OF TRINITY         §**

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 2024\_.

\_\_\_\_\_  
Notary Public, State of Texas

**APPROVED BY THE COMMISSIONERS COURT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
County Clerk

**Appendix M**

**LIENHOLDER'S ACKNOWLEDGEMENT OF PLAT REVISION**

Lienholder: \_\_\_\_\_

Lienholder is the holder of a lien against the property described within the Revision to Plat, said lien being evidenced by instrument of record in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Official Public Records of Trinity County, Texas, do hereby in all things subordinate to said Revision of Plat said lien. Lienholder hereby confirms that it is the present owner of said lien and have not assigned the same nor any part thereof.

\_\_\_\_\_  
Signatory on behalf of Lienholder

**THE STATE OF TEXAS           §**  
**COUNTY OF TRINITY           §**

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, known by me to be the person with authority to execute this instrument on behalf of \_\_\_\_\_ ("Lienholder") whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**Appendix N**

**CERTIFICATE OF DESIGNATED REPRESENTATIVE'S APPROVAL**

**THE STATE OF TEXAS**           §  
  §  
**COUNTY OF TRINITY**           §

Individual sewage facilities for each lot must be permitted in accordance with 30 TAC §285 and local regulations.

Trinity County Jurisdiction                       TRA Jurisdiction

**KNOW ALL MEN BY THESE PRESENTS**, that I, the undersigned, Designated Representative, hereby certify that I have inspected this plat, and the same complies with the lot size requirements of the Trinity County Subdivision Regulations.

\_\_\_\_\_  
Trinity County Designated Representative

\_\_\_\_\_  
Date

License No. \_\_\_\_\_

Seal:

**Appendix O**

**AFFIDAVIT FOR RECORDATION OF TAX CERTIFICATE**

I (We), (owner/subdivider/developer(s)) \_\_\_\_\_

\_\_\_\_\_,  
am/are the sole owner(s) of the property described in the plat of the subdivision to be known as

\_\_\_\_\_  
(the "Subdivision"). The original tax certificate(s) attached to the plat of the Subdivision describe  
all of the property contained within the Subdivision and all taxing entities with jurisdiction over  
the Subdivision.

\_\_\_\_\_  
(Signature(s))

\_\_\_\_\_  
(Printed name(s))

## APPENDIX P

### SUBDIVISION CONSTRUCTION AGREEMENT FORM

*ADD A SPACE TO INSERT THE DESCRIPTION OF IMPROVEMENTS EXACTLY AS LISTED ON BONDS*

1. **Parties.** This Subdivision Construction Agreement (the Agreement) is by and between the County and the Subdivider. The County is Trinity County, Texas, acting by and through its Commissioners Court, or authorized representative as designated by the Commissioners Court. The Subdivider is \_\_\_\_\_, who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the County.
2. **Effective Date.** This Agreement is effective on the date the County approves the final plat for the subdivision described in Paragraph 3 of this agreement (the Effective Date).

#### **Recitals**

3. Subdivider is the owner of the land included in the proposed final subdivision plat of the subdivision, as shown in County's File Number (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and
4. Subdivider seeks authorization from the County to subdivide the Property in accordance with the requirements imposed by Texas statute and the County's ordinances, regulations, and other requirements; and
5. County ordinances require the completion of various improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and
6. The purpose of this Agreement is to protect the County from the expense of completing subdivision improvements required to be installed by the Subdivider; and
7. This agreement is authorized by and consistent with state law and the County's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

#### **Subdivider's Obligations**

8. **Improvements.** The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with County orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements shall be constructed in conformity to the County's requirements, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the County prior to commencement of construction, and subject to inspection, certification, and acceptance by the County.

9. **Completion.** Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than two (2) years after the Effective Date (the Completion Date); provided, however, that if the Subdivider or the Issuer delivers to the County no later than the Completion Date a substitute Letter of Credit satisfying the criteria established by Paragraph 11 and which has an expiration date no earlier than one year from the Completion Date, then the Completion Date shall be extended to the expiration date of that substitute Letter of Credit or any subsequent substitute Letter of Credit provided in accordance with this Paragraph. Upon completion of each of the Improvements, the Subdivider agrees to provide to the County a complete set of construction plans for the Improvements, certified “as built” by the engineer responsible for preparing the approved construction plans and specifications.

10. **Warranty.** The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of two (2) years from the date the County accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdivider's agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a condition of the County's acceptance of dedication of any of the Improvements, the County may require the Subdivider to post a maintenance bond or other financial security acceptable to the County to secure the warranty established by this Agreement. If the Improvements have been completed but not accepted, and neither the Subdivider nor Issuer is then in default under this Agreement or the Letter of Credit, at the written request of the Subdivider or the Issuer the County shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to an amount equal to the face amount of the maintenance bond or other financial security acceptable to the County.

11. **Security.** To secure the performance of Subdivider's obligations under this Agreement, Subdivider agrees to provide adequate financial guarantees of performance in the form of a surety bond acceptable to the County, a cash deposit to be held by the County in escrow, or an irrevocable letter of credit in the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) (the Stated Amount), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B. If a letter of credit is provided pursuant to this Agreement, it shall be in a standard form acceptable to the County, shall have an expiration date no earlier than two years from the date of its issuance, and shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established under the County's financial institution rating system in effect at the time the initial letter of credit is issued pursuant to this Agreement (the Issuer). During the term of this Agreement and subject to the terms of Paragraph 22 of this Agreement, the County may revise the standard form letter of credit it reasonably considers acceptable and necessary to secure the performance of Subdivider's obligations under this agreement. A letter of credit satisfying the criteria of this Paragraph (and any substitute or confirming letter of credit) is referenced to in this agreement as the “Letter of Credit.”

12. **Reduction In Letter of Credit.** After the acceptance of any Improvement, the amount which the County is entitled to draw on the Letter of Credit shall be reduced by an amount equal to ninety percent (90%) of the Quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider or Issuer, and if neither the Subdivider nor Issuer is then in default under this agreement or the Letter of Credit, the County shall complete, execute, and deliver to the Issuer a reduction letter verifying the acceptance of the Improvement and documenting

that the Stated Amount has been reduced by stating the balance of the Stated Amount remaining after the reduction required by the first sentence of this Paragraph. No later than sixty (60) days after its receipt of a written request to reduce the Stated Amount submitted by the Subdivider or the Issuer, the County shall determine the Estimated Remaining Cost and shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to the Estimated Remaining Cost if the County determines the Stated Amount exceeds the Estimated Remaining Cost. Notwithstanding the preceding sentence, the County shall not be required to authorize reductions in the Stated Amount more frequently than every ninety (90) days. As used in this Paragraph, "Estimated Remaining Cost" means the amount the County estimates to be the cost of completing all Improvements which are incomplete as of the time of such estimate.

### **County's Obligations**

13. **Inspection and Certificate.** The County agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with County standards and specifications. The inspections and certifications will be conducted in accordance with standard County policies and requirements. The Subdivider grants the County, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.

14. **Notice of Defect.** The County will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the County may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.

15. **Use of Proceeds.** The County will disburse funds drawn under the Letter of Credit only for the purposes of completing the Improvements in conformance with the County's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Letter of Credit or any accrued interest earned on the funds. All funds obtained by the County pursuant to one or more draws under the Letter of Credit shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are disbursed by the County. The County may disperse all or portions of the Escrowed Funds as Improvements are completed and accepted by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of Improvements. Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the County to the Issuer of the Letter of Credit no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

16. **Return of Excess Escrowed Funds.** No later than sixty (60) days after its receipt of a written request from the Subdivider or the Issuer to return Excess Escrowed Funds to the Issuer, the County shall disburse to the Issuer from the Escrowed Funds all Excess Escrowed Funds. For purposes of this Paragraph, "Excess Escrowed Funds" means the amount of Escrowed Funds exceeding one hundred



ten percent (110%) of the estimated cost of constructing Improvements the County intends to construct but which have not been accepted, as such cost is shown on Exhibit B. Notwithstanding the first sentence in this Paragraph, the County shall not be required to disburse Excess Escrowed Funds more frequently than every ninety (90) days.

17. **Cost Participation by County.** If the County and Subdivider agree the County will participate in the expense of installing any of the Improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.

18. **Conditions of Draw on Security** The County may draw upon any financial guarantee posted in accordance with Paragraph 11 upon the occurrence of one or more of the following events:

- (a) Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement;
- (b) Subdivider's failure to renew or replace the Letter of Credit at least forty-five (45) days prior to the expiration date of the Letter of Credit;
- (c) Subdivider's failure to replace or confirm the Letter of Credit if the Issuer fails to maintain the minimum rating acceptable to the County, in accordance with Paragraph 11 of this Agreement; or
- (d) Issuer's acquisition of the Property or a portion of the Property, through foreclosure or an assignment or conveyance in lieu of foreclosure.

The County shall provide written notice of the occurrence of one or more of the above events to the Subdivider, with a copy provided to the Issuer. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraph (a), the County shall provide notice to the Subdivider and the Issuer of the specific default and the notice shall include a statement that the County intends to perform some or all of Subdivider's obligations under Paragraph 8 for specified Improvements if the failure is not cured. The notice with respect to a default under subparagraph (a) shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit, unless, in the reasonable opinion of the County, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and shall be given no less than five (5) days before presentation of a draft on the Letter of Credit. In the event of a draw based on subparagraph (a), the County shall be entitled to draw in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or complete in accordance with the standards and specifications for such improvement. The subdivider hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraphs (b), (c), or (d), the notice shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit. In lieu of honoring a draft based on an event described in subparagraphs (b) or (c), the Issuer or the Subdivider may deliver to the County a substitute Letter of Credit if the event is described by subparagraph (b) or a substitute or confirming Letter of Credit if the event is described by subparagraph (c). If the Issuer has acquired all or a portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure, in lieu of honoring a draft

based on an event described in subparagraph (d), the Issuer may deliver to the County a substitute or confirming Letter of Credit.

19. **Procedures for Drawing on the Letter of Credit.** The County may draw upon the Letter of Credit in accordance with Paragraph 18 by submitting a draft to the Issuer in compliance with the terms of the Letter of Credit governing such draft. The Letter of Credit must be surrendered upon presentation of any draft which exhausts the Stated Amount of such Letter of Credit. The County may not draft under a Letter of Credit unless it has substantially complied with all its obligations to the Issuer under this Agreement and has properly completed and executed the draft in strict accordance with the terms of the Letter of Credit.

20. **Measure of Damages.** The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the County's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Letter of Credit establishes the maximum amount of the Subdivider's liability.

21. **Remedies.** The remedies available to the County, the Subdivider, and Issuer under this Agreement and the laws of Texas are cumulative in nature.

22. **Provisions for the Benefit of Issuer.** The provisions of Paragraphs 9, 10, 11, 12, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, and 36 of this Agreement for the benefit of the Issuer may not be modified, released, diminished, or impaired by the parties without the prior written consent of the Issuer.

23. **Third Party Rights.** No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the County (including without limitation a trustee in bankruptcy) have any interest in or claim to funds drawn on the Letter of Credit and held in escrow by the County in accordance with this Agreement. Notwithstanding the preceding sentence, the Issuer shall have a right of action to enforce any provision of this Agreement where the Issuer is specifically named as a beneficiary of such provision pursuant to Paragraph 22.

24. **Indemnification.** The Subdivider hereby expressly agrees to indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the County. Notwithstanding anything to the contrary contained in this agreement, the Subdivider does not agree to indemnify and hold the County harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the County, its agents, contractors, employees, tenants, or licensees.

25. **No Waiver.** No waiver of any provision of this Agreement will be deemed or constitute a

waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the County, the Subdivider, or the Issuer, their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

26. **Attorney's Fees.** Should either party or the Issuer, to the extent Issuer is named as specific beneficiary, be required to resort to litigation to enforce the terms of this agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.

27. **Assignability.** The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the County. The County's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted the required security. The County agrees to release or reduce, as appropriate, the Letter of Credit provided by the Subdivider if it accepts substitute security for all or any portion of the Improvements. The County, in its sole discretion, may assign some or all of its rights under this Agreement, and any such assignment shall be effective upon notice to the Subdivider and the Issuer.

28. **Expiration.** This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision or if the Subdivision is vacated by the Subdivider.

29. **Notice.** Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Subdivider:

Attn: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Office or Position: \_\_\_\_\_  
Address: \_\_\_\_\_

if to County:

Printed Name: \_\_\_\_\_  
Office or Position: County Judge  
Address: 162 West 1<sup>st</sup> Street  
Groveton, TX 75845

if to the Issuer: at Issuer's address shown on the Letter of Credit.

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

30. **Severability.** If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.

31. **Personal Jurisdiction and Venue.** Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the Agreement or the Letter of Credit, will be deemed to be proper only if such action is commenced in District Court for Trinity County, Texas, or the United States District Court for the East District of Texas, Lufkin Division. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal. The Issuer, by providing a Letter of Credit pursuant to the terms of this Agreement, expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

32. **Release Upon Completion.** Upon acceptance of all Improvements, the County agrees: (a) to complete, execute and deliver to the Subdivider and the Issuer a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Issuer the Letter of Credit and any Escrowed Funds not expended or obligated by the County for the completion of the Improvements.

33. **Captions Immaterial.** The numbering, order, and captions or headings of the paragraphs of this agreement are for convenience only and shall not be considered in construing this agreement.

34. **Entire Agreement.** This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.

35. **Authorization to Complete Blanks.** By signing and delivering this agreement to the appropriate official of the County, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.

36. **Binding Agreement.** The execution and delivery of this agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the County. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date. These representations and agreements are for the benefit of the Issuer, and have been relied on by the Issuer in issuing the Letter of Credit.

EXECUTED by the parties to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

County Official

Subdivider

[SIGNATURES OF THE PARTIES TO BE ACKNOWLEDGED]

**EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY**

**EXHIBIT B: SUBDIVISION IMPROVEMENTS**

Subdivision Improvements. Subdivider and County agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the County in an amount equal to the Estimated Cost of Completion listed below, as follows:

Description of Improvement(s)	Estimated Cost of Completion
-------------------------------	------------------------------

a)

b)

c)



**Appendix R**

**Retainer for Engineer Review and Filing Fees**

All engineer review fees will be paid by the owner/subdivision/developers. A retainer must be deposited with the County Clerk's Office along with the subdivision application in the following minimum amounts:

Minor Subdivisions:	\$3,000.00
Rural Subdivisions (w/Road):	\$5,000.00
Major Subdivisions:	\$6,000.00
RV Park	\$5,000.00
Other Development or Exceptional Situations:	Retainer amount to be determined in consultation with the Engineer on a case by case basis.
Filed Plat:	\$250.00
Filed Deed Restrictions:	\$26.00 for 1 <sup>st</sup> page + \$4.00 per each additional page

If engineer review fees exceed above-listed retainers, the owner/subdivider/developer must pay in full prior to approval of the subdivision.  
If engineer review fees are less than the above-listed retainers, or the application is withdrawn, a refund of the unused fees will be issued.

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**PASSES AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2024**

\_\_\_\_\_  
**Danny Martin, Trinity County Judge**

\_\_\_\_\_  
**Tommy Park, Commissioner Pct. 1**

\_\_\_\_\_  
**Mike Loftin, Commissioner Pct. 2**

\_\_\_\_\_  
**Neal Smith, Commissioner Pct. 3**

\_\_\_\_\_  
**Steven Truss, Commissioner Pct. 4**

**ATTEST:**

\_\_\_\_\_  
**Shasta Bergman, Trinity County Clerk**

**CHAPTER 364. MODEL SUBDIVISION RULES**  
31 Texas Administrative Code §364.01 et seq

**SUBCHAPTER A. GENERAL PROVISIONS**

**§364.1. Scope of Chapter.** This chapter contains model rules which the Texas Water Development Board (board) is required to adopt in accordance with Texas Water Code, §16.343. Before an application for financial assistance from Economically Distressed Areas Program as specified in Chapter 355, Subchapter B of this title or Chapter 363, Subchapter E of this title may be considered by the board, the applicant shall provide documentation satisfactory in form and in substance that the municipality, if applicable, and county in which the applicant is located has adopted the necessary orders, ordinances, or other rules that meet the requirements of the Model Subdivision Rules contained in Subchapter B of this chapter.

**§364.2. Purpose.** The model rules provide the criteria for assuring that an adequate supply of safe drinking water and adequate safe sewer facilities are available to residential areas in accordance with state standards established by the Texas Department of Health and the Texas Natural Resource Conservation Commission. The model rules prohibit the establishment of residential developments with lots of five acres or less without adequate water supply and sewer services, prohibit more than one single-family, detached dwelling to be located on each subdivision lot, and establish minimum setbacks to ensure proper operation of water supply and sewer services and to reduce the risk of fire hazards.

**SUBCHAPTER B. MODEL RULES**

**Division 1. General and Administrative Provisions**

**§364.11. Authority and Scope of Rules.** These rules are adopted by Trinity County, Texas, under the authority of the Local Government Code, Chapter 232 and Water Code, §16.350. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

**§364.12. Purpose.** It is the purpose of these rules to promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this county, and to apply the minimum state standards for water and wastewater facilities to these subdivisions.

**§364.13. Effective Date.** These rules became effective on the 12th day of November, 2024.

**§364.14. Repealer.** Provisions of Order(s) Number \_\_\_\_\_, adopted on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, are hereby repealed, except as to such sections which are retained herein.



**§364.15. Plat Required.**

- (a) The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
- (b) No subdivided land shall be sold or conveyed until the subdivider:
  - (1) has received approval of a final plat of the tract; and
  - (2) has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.
- (c) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

**§364.16. Supersession.** These rules supersede any conflicting regulations of the county.

**§364.17. Severability.** If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such 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 regulations or the application thereof to other persons or circumstances. The commissioners court hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

**§364.18. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Commissioners court (or court)** – The commissioners court of Trinity County, Texas.
- (2) **County** – Trinity County, Texas
- (3) **Drinking water** - All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.
- (4) **Engineer** - A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.
- (5) **Final plat** -A map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.
- (6) **Lot** - An undivided tract or parcel of land.
- (7) **Non-public water system** - Any water system supplying water for domestic purposes which is not a public water system.
- (8) **OSSF** -On-site sewage facilities as that term is defined in rules and/or regulations adopted by TNRCC, including, but not limited to, 30 TAC Chapter 285.
- (9) **Platted** - Recorded with the county in an official plat record.
- (10) **Public water system** - A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes

any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms “individual” or “served,” an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

- (11) **Purchaser** - Shall include purchasers under executory contracts for conveyance of real property.
- (12) **Retail public utility** - Any entity meeting the definition of a retail public utility as defined in Water Code §13.002.
- (13) **Sewerage facilities** - The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.
- (14) **Subdivider** - Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.
- (15) **Subdivision** - Any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land which was previously divided.
- (16) **TAC** - Texas Administrative Code, as compiled by the Texas Secretary of State.
- (17) **TNRCC** - Texas Natural Resource Conservation Commission.
- (18) **Water facilities** - Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

## **Division 2. Minimum Standards**

**§364.31. Scope of Standards.** The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of this division is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

### **§364.32. Water Facilities Development.**

#### **(a) Public water systems.**

- (1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat. Figure: 31 TAC §364.32(a)(1)

- (2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the TNRCC. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§290.38- 290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.
- (b) **Non-public water systems.** Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, a test well or wells located so as to be representative of the quantity and quality of water generally available from the supplying aquifer shall be drilled by the subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. The subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (30 years) quantity of the available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§290.104, 290.106, 290.108 and 290.109, either:
- (1) without any treatment to the water; or
  - (2) with treatment by an identified and commercially available water treatment system.
- (c) **Transportation of potable water.** 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, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

### 364.33. Wastewater Disposal.

- (a) **Organized sewerage facilities.**
- (1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the TNRCC in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the TNRCC.
  - (2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Figure: 31 TAC §364.33(a)(2)
- (b) **On-site sewerage facilities.**

- (1) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
- (2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
- (3) The TNRCC or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§285.4, 285.5 and 285.30-285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(b), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

**§364.34. Greywater Systems for Reuse of Treated Wastewater.**

- (a) Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the TNRCC.
- (b) On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

**§364.35. Sludge Disposal.** The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

**§364.36. Setbacks.** In areas that lack a nationally recognized fire code as listed in Local Government Code, §235.002(b)(2) and lack water lines sized for fire protection, setbacks from roads and right-of-ways shall be a minimum of 10 feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

**§364.37. Number of Dwellings Per Lot.** No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

**Division 3. Plat Approval**

**§364.51. Applications for Plat Approval.**

- (a) Owner representation. An application for approval of a plat shall be filed with the county by the record owner of the property to be subdivided or the duly authorized agent of the record owner.
- (b) Standards. Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of Division 2 and the requirements of Division 3 of this subchapter.

**§364.52. Final Engineering Report.** The final plat shall be accompanied by an engineering report

bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under §364.54 of this title, the schedule shall include the start dates and completion dates.

(1) **Public water systems.**

(A) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in §364.32(a)(1) of this title. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the TNRCC and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study which shall include comments regarding the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision.

(B) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the TNRCC and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study which shall include an analysis of the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(2) **Non-public water systems.** Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with §364.32 of this title. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to §364.32(b) of this title does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The engineer shall issue a statement concerning the availability of groundwater supplies to serve the fully developed subdivision over the next 30 years. Such statement may be based on information available from the Texas Water Development Board's Office of Planning. The description of the required sanitary control easement shall be included.

(3) **Organized sewerage facilities.**

- (A) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in §364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the TNRCC and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
  - (B) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the TNRCC. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the TNRCC and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.
- (4) **On-site sewerage facilities.** Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC §285.4(c), including the site evaluation described by 30 TAC §285.30 and all other information required by the county's OSSF order.

**§364.53. Additional Information.** The county may, at its option, require additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process. Such information may include, but not be limited to:

- (1) Layout of proposed street and drainage work;
- (2) Legal description of the property;
- (3) Existing area features;
- (4) Topography;
- (5) Flood plains;
- (6) Description of existing easements;
- (7) Layout of other utilities’
- (8) Notation of deed restrictions;
- (9) Public use areas; or
- (10) Proposed area features.

**§364.54. Financial Guarantees for Improvements.**

- (a) **Applicability.** If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the commissioners court shall require the owner of the subdivided tract to execute an agreement with the county in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below. Figure: 31 TAC §364.54(a)
- (b) **Bonds.** A bond that is submitted in compliance with paragraph (a) of this section shall meet the following requirements.
  - (1) The bond or financial guarantee shall be payable to the county judge of the county, in his official capacity, or the judge's successor in office.
  - (2) The bond or financial guarantee shall be in an amount determined by the commissioners court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.
  - (3) The bond shall be executed with sureties as may be approved by the commissioners court. The county shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:
    - (A) registration with the Secretary of State and be authorized to do business in Texas;
    - (B) authorization to issue bonds in the amount required by the commissioners court; and
    - (C) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.
  - (4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Division 2 of this subchapter

and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

- (c) **Letter of credit.** A letter of credit that is submitted in compliance with paragraph (a) of this section shall meet the following requirements.
- (1) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications.
    - (A) Bank qualifications:
      - (i) must be federally insured;
      - (ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and
      - (iii) total assets must be at least \$25 million.
    - (B) Savings and loan association qualifications:
      - (i) must be federally insured;
      - (ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and
      - (iii) Sheshunoff rating must be 30 or better.
    - (C) Other financial institutions qualifications:
      - (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
      - (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.
  - (2) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications.
    - (A) Bank qualifications:
      - (i) must be federally insured;
      - (ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and
      - (iii) total assets must be at least \$75 million.
    - (B) Savings and loan association qualifications:
      - (i) must be federally insured;
      - (ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and
      - (iii) Sheshunoff rating must be 30 or better.
    - (C) Other financial institutions qualifications:
      - (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
      - (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.
  - (3) The letter of credit shall list as sole beneficiary the county judge of the county, in his official capacity, or the judge's successor in office, and must be approved by the county judge of the county. The form of the letter of credit shall be modeled after the form attached in Appendix 2B. Figure: 31 TAC §364.54(c)(3)



- (4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.
- (d) **Financial guarantee.** The county will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.
- (e) **Alternative to county accepting a financial guarantee.** The county may approve a final plat under this section without receiving a financial guarantee in the name of the county if:
  - (1) the property being subdivided lies wholly within the jurisdiction of the county;
  - (2) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and
  - (3) the municipality has executed an interlocal agreement with the county that imposes the obligation on the municipality to:
    - (A) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;
    - (B) execute the construction agreement with the subdivider; and
    - (C) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

**§364.55. Review and Approval of Final Plats.**

- (a) Scope of review. The county will review the final plat to determine whether it meets the standards of Division 2 and the requirements of Division 3 of this subchapter.
- (b) Disapproval authority. The commissioners court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.
- (c) Prerequisites to approval. Final plat approval shall not be granted unless the subdivider has accomplished the following:
  - (1) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and
  - (2) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from TNRCC of the plans and specifications for such construction, including any change orders filed with these agencies; or
  - (3) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Division 3 of this subchapter.

**§364.56. Time Extensions for Providing Facilities.**

- (a) Reasonableness. The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:
  - (1) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that

comply with §364.54 are submitted which will be effective for the period of the extension; and

- (2) the court finds the extension is reasonable and not contrary to the public interest.
- (b) Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
- (c) Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Division 2 of this subchapter.

**§364.57. Criteria for Subdivisions that Occurred Prior to September 1, 1989.**

- (a) Authority and scope. This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the county to grant a delay or variance pursuant to Local Government Code §232.043 or a rule of the county adopted pursuant to such provision.
- (b) Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.
- (c) Required plat. In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the commissioners court, and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the commissioners court as provided in this section in lieu of the filing of a plat of the subdivision.
- (d) Special criteria. The commissioners court may approve the plat of a residential lot which does not comply with the provisions of §§364.15(b) of this title (sale restrictions), 364.36 of this title (Setbacks), 364.37 of this title (Number of Dwellings per Lot), 364.52 of this title (Final Engineering Report), and 364.54 of this title (Financial Guarantees for Improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done.
  - (1) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.
  - (2) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the commissioners court may request to support the application, including:
    - (A) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;
    - (B) the name and address of the original subdivider or the subdivider's authorized agent, if known;
    - (C) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and

- (D) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.
- (3) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the commissioners court that:
  - (A) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdivider;
  - (B) a plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;
  - (C) an existing, currently occupied residential dwelling is located on the lot;
  - (D) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and
  - (E) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.
- (e) Final determination. The commissioners court shall make the final decision on an application for a waiver, following review and recommendation by the county planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

#### **Division 4. Enforcement.**

**§364.71. Oversight.** The owner, by submitting a plat, acknowledges the authority of the county and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.

**§364.72. General Enforcement Authority of County.** The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including Water Code, Chapter 7 and §§16.352, 16.353, 16.3535, 16.354, and 16.3545, and Local Government Code, §232.037 and §232.080.

**MODEL SUBDIVISION RULES APPENDICES**

**Figure: 31 TAC §364.32(a)(1)**

**APPENDIX 1A. SAMPLE FORM FOR WATER SERVICE AGREEMENT**

AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED  
\_\_\_\_\_ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit: The Utility is the governing board or owner of a retail public utility which supplies of drinking water known as \_\_\_\_\_.

The Subdivider is \_\_\_\_\_, who is the owner, or the authorized agent of the owner, of a tract of land in \_\_\_\_\_ County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as \_\_\_\_\_.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board’s Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to \_\_\_\_\_ County for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility’s public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately \_\_\_\_\_ gallons daily.

The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision’s water distribution system has been connected to the Utility’s water supply system.

The Subdivider covenants that the water distribution system will be constructed as shown in the Plans and as provided for through the plat-approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the water distribution system.

The Subdivider has paid the Utility the sum of \$ \_\_\_\_\_ which sum represents the total costs of water meters, water rights acquisition fees, and all membership or other fees associated with connecting the individual lots in the Subdivision to the Utility’s water supply system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by \_\_\_\_\_ County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he

or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on \_\_\_\_\_, 20\_\_\_\_.

The Utility

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Office or Position: \_\_\_\_\_  
Date: \_\_\_\_\_

The Subdivider

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Office or Position: \_\_\_\_\_  
Date: \_\_\_\_\_

**Figure: 31 TAC §364.33(a)(2)**

**APPENDIX 1B. SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT**

AGREEMENT REGARDING WASTEWATER SERVICE FOR THE PROPOSED  
\_\_\_\_\_ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit: The Utility is the governing board or owner of a retail public utility which provides wastewater treatment and is known as \_\_\_\_\_.

The Subdivider is \_\_\_\_\_, who is the owner, or the authorized agent of the owner, of a tract of land in \_\_\_\_\_ County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as \_\_\_\_\_.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to \_\_\_\_\_ County for its approval. The Subdivider plans to construct for the Subdivision a wastewater collection system to be connected to the Utility's wastewater treatment system. Such wastewater will consist of domestic sewage, i.e., waterborne human waste and waste from domestic activities such as bathing, washing, and food preparation. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the wastewater flow projected from the Subdivision under fully built-out conditions (the projected wastewater flow) to be approximately \_\_\_\_\_ gallons daily.

The Utility covenants that it has or will have the capacity to treat the projected wastewater flow, and that it will treat that wastewater flow for at least thirty years. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's wastewater collection system has been connected to the Utility's wastewater treatment plant.

The Subdivider covenants that the wastewater collection system will be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive wastewater treatment service from the Utility. Upon completion of the wastewater collection system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the wastewater collection system.

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system: The Subdivider has paid the Utility the sum of \$ \_\_\_\_\_ which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the Utility's wastewater collection and treatment system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by \_\_\_\_\_ County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on \_\_\_\_\_, 20\_\_\_\_.

The Utility

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Office or Position: \_\_\_\_\_  
Date: \_\_\_\_\_

The Subdivider

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Office or Position: \_\_\_\_\_  
Date: \_\_\_\_\_