

McCulloch County Subdivision Regulations

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**MCCULLOCH COUNTY, TEXAS
SUBDIVISION REGULATIONS**

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 MCCULLOCH COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF MCCULLOCH IN COMMISSIONERS COURT OF MCCULLOCH COUNTY, TEXAS, _____, 201____,

WHEREAS: McCulloch County wishes to establish standards and specifications for the development of subdivisions of land, as defined by Chapter 232 of the Texas Local Government Code, including the provision of utilities, the construction of roads and drainage, and the provision of fresh water and waste-water, including private on-site sewage facilities and development within the floodplain, and

WHEREAS: These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code, Chapters 232 and 233; Tex. Transportation Code Ann., Chapter 251 (general control over all roads, highways and bridges); Tex. Health and Safety Code Ann., Chapter 364 (County solid waste disposal systems); Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within county right-of-way); Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities); Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control), Tex. Local Gov't Code Ann. Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval, and including Subchapter E, (related to Infrastructure Planning); Texas Local Government Code Ann., Chapter 233, related to regulation of Housing and Structures); Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities), Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Tex. Water Code Ann. Section 16.311, et seq. (authority to set standards for construction within floodplain and to guide development of future development to minimize damage caused by floods), Tex. Water Code Ann. Chapter 54 (municipal utility districts), Tex. Water Code Chapter 26 (Water Quality Control), and Tex. Water Code Sections 26.171 and 26.175 (regulation of water quality by counties). These statutes, among others, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment, and

WHEREAS: The County Commissioners Court is empowered with the authority to formulate such rules and regulations by the foregoing authority, , and the Commissioners Court has favorably received and voted on these rules, recommend that these regulations

be adopted in order to preserve and protect the resources, public health and private property interests of Lavaca County following public notice, investigation and public hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MCCULLOCH COUNTY, TEXAS, AS FOLLOWS:

GENERAL PROVISIONS

Every owner (hereinafter called “Subdivider”) of any tract of land situated outside the corporate limits of any city in McCulloch County, Texas, who may hereafter divide the same in two (2) or more parts for laying out lots for the purpose of laying out streets, alleys, or parks or other portions intended for public use shall cause a plat to be made thereof which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions of all lots, streets, or other portions intended to be dedicated to public use or for the use of purchasers or owners of lots. Said map or plat, shall be prepared in compliance with these regulations and with the subdivision statutes of the State of Texas and shall be submitted to the Commissioners Court for approval prior to filing with County Clerk.

In areas within the City Limits and Extraterritorial Jurisdiction (ETJ) of the Cities of McCulloch County, the provisions are as follows:

- a. property located 100% within the City Limits and/or ETJ of the Cities of Brady and Melvin are under exclusive jurisdiction of said Cities in accordance with interlocal agreements signed with McCulloch County.
- b. property located both within the City Limits and/or ETJ of the Cities of Brady and Melvin, and also located in McCulloch County, are subject to separate Regulations; the property located in the ETJ is under jurisdiction of the City and the property located in the County is under jurisdiction of the County, with the more stringent regulations prevailing.

In the event that the proposed subdivision is a revision of a recorded plat, the Subdivider will be required to meet the requirements of these Regulations for revisions, as well as these specifications. An existing subdivision plat may be cancelled, revised, or Amended by the owners thereof in conformance with these Regulations and Sections 232.008, 232.0083, 232.0085, 232.009, 232.0095, 232.010, or 232.011 of the Texas Local Government Code and upon approval by the Commissioners Court.

With the inception of these Regulations, the installation of septic systems on any lot in a subdivision shall not occur until a final plat has been approved and filed for record, and all the standards contained herein or referred to herein have been complied with in full.

Water Availability Regulations apply to all applications for approval of a plat for a Subdivision wholly or partially within McCulloch County, Texas except when platting is exempt from the subdivision regulations (*see excluded transactions*).

McCulloch County shall not repair, maintain, install, or provide any streets or roads in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, nor shall McCulloch County repair, maintain, or install any streets or roads until such time as the roads or streets have been formally accepted for inclusion into the County maintenance inventory by an order separate and apart from approval of any plat for filing purposes only by the Commissioners Court.

LEGAL PROVISIONS

ENFORCEMENT

The Commissioners Court of McCulloch County shall have the authority to refuse to approve or authorize any map or plat of any such subdivisions, unless such map or plat meets the full requirements as set forth in these Subdivision Regulations; and there is submitted at the time of approval of such map or plat financial security as may be required by these Regulations. No lot in any subdivision shall be sold or transferred until the final plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full. On behalf of McCulloch County, the County Attorney or other attorney may, when directed by the Commissioners Court, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Order or the standards referred to herein with respect to any violation thereon which occurs within McCulloch County's jurisdiction.

Conflicting Orders. If any other County Order is in conflict with this Order, the most stringent rules will apply. Nothing will be permitted under the provisions of this Order that is in violation with another valid Order of the County.

Severability Clause. If any provision of this Order or the application thereof, to any person or circumstance is held invalid, the remainder of the Order and the application of such provision to their persons or circumstances shall not be affected thereby.

Penalty for Violation. The Commissioners Court of McCulloch County will cause an employee of the Court or any other person or persons it so designates to review periodically those deeds or sales contracts being recorded in the County Clerk's Office to see that any subdivisions affected thereby shall comply with requirements of Chapters 232 and 233 of the Texas Local Government Code.

If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in this Order and in the State Statutes, the Commissioners Court of McCulloch County or its' representative can so notify the party selling or transferring title in whole or in part to comply with the said requirements.

In the event the said notified party refuses to comply with the requirements of the State Statutes, the Commissioners Court can take appropriate action to obtain compliance. Any party violating any provisions of this Order shall be guilty of a Class B misdemeanor and each act of the violation shall constitute a separate offense.

VARIANCE

In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the Commissioners Court shall take into account the nature of the proposed use of the land involved and existing uses of the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall 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 this Order would deprive the applicant of the reasonable use of his 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 this Order.

Such findings of the Commissioners Court, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted. Variances may be granted only when in harmony with the general purposes of intent of the Order so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the Subdivider, standing alone, shall not be deemed to constitute hardship. No Variance shall be granted as to required improvements.

BOND REQUIREMENTS

Security Bond: The plat shall not be approved or recorded unless the Subdivider has filed with the Commissioners Court a cash bond or other surety executed by a surety company holding a license to do business in the State of Texas, made payable to the County Judge of McCulloch County, Texas, or his successor in office, and acceptable to the County, in an amount equal to the cost of the roads and drainage improvements, or

other improvements where applicable, including but not limited to water and wastewater facilities, required by these Regulations as estimated by the Design Engineer and approved by the County, conditioned that the Subdivider will complete such improvements within one (1) year after approval of such plat, such bond to be approved by the County Commissioners Court. Should there be any deficiency or variance from the requirements herein or should the work not be completed within the stated time, the County will notify the Subdivider of such departure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the County may declare the bond or surety forfeited and order construction operations suspended. The County reserves the right to complete the work by means most advantageous to its organization and citizens, utilizing such portion of the bond or surety as may be necessary to accomplish such completion. In the event progress and final inspections indicate no departure from the requirements herein, the designated representative of the County will certify completion in accordance with the requirements of the Commissioners Court and the Court will consider release of the surety. The surety bond shall remain in effect until all roads, drainage improvements and other applicable improvements have been approved by the Commissioners Court, and the bond has been released by Order of the Commissioners Court. **It is the responsibility of the Subdivider to advise the County Commissioners Court of the status of construction prior to expiration of the one (1) year construction period as is stated above.**

Maintenance Bond: Before release of the security bond, and to insure the roads, drainage improvements, and other applicable improvements including but not limited to water and wastewater facilities are maintained to the satisfaction of the County, the Subdivider shall furnish the County a maintenance bond, executed by a surety company holding a license to do business in the State of Texas, made payable to the County Judge of McCulloch County, Texas, or his successor in office, such bond being payable for twenty-four (24) months and to be approved by the Commissioners Court, in an amount equal to twenty-five (25) percent of the actual cost of the roads, drainage improvements and other applicable improvements required to be constructed in said subdivision and approved by the County, conditioned that upon completion thereof, and upon approval of same by the Commissioners Court, the Subdivider will maintain the streets, drainage improvements, etc., in good condition at his expense for a period of at least two (2) years after date of approval of the completed construction by the Commissioners Court and until final acceptance thereof by the Commissioners Court. The Commissioners Court shall not in any case accept such roads and improvements on behalf of the County for a period of at least two (2) years after such proper completion, and not then unless and until the Commissioner in whose precinct the proposed subdivision is located certifies that they have been maintained in good condition for said period of two (2) years and are in good condition at such time. The County shall reserve the right to reject or accept such roads and drainage improvements only upon motion duly passed at a regular or legally called special meeting of the Commissioners Court, and the Subdivider shall remain responsible for the maintenance of such improvements until legally accepted for county maintenance by separate order by the County. Maintenance of roads shall include such items as drainage by others, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etc. Maintenance of the drainage improvements

shall include removing debris; re-sodding eroded areas and the installation of additional concrete riprap where designated by the County to permanently prevent erosion.

Security Bond Extension: Where good cause exists, the County may extend the period of time for completion for an additional period of time not to exceed six (6) months if the Subdivider has not completed the required improvements or completed such improvements in compliance with these Regulations. No such extension shall be granted unless the Subdivider provides additional security to cover the extended period of time.

Irrevocable Letter of Credit (in lieu of Bond): An Irrevocable Letter of Credit may be submitted in lieu of bonds for the purpose of insuring a Subdivider's obligation to construct and maintain the roads, drainage improvements and other applicable improvements in a subdivision. Irrevocable Letters of Credit in lieu of Bonds are required under the same conditions as Security and Maintenance Bonds.

Other Security: Any type of security for construction and maintenance other than Bonds and Irrevocable Letters of Credit shall be by written request to McCulloch County, and must first be approved by Commissioners Court.

EXCLUDED TRANSACTIONS

The division of a tract or tracts of land into two (2) parcels within a two (2) year period by the same or different owners shall not be considered a subdivision as defined in these Regulations. The following types of transactions will not be considered a subdivision as defined in these Regulations, however, this list is not to be considered exclusive of similar transactions and it is in addition to the general rules set out in these Regulations, *to-wit:*

1. Intra family transfers.
2. Boundary line transaction.
3. Court ordered partitions.
4. Partitions between husband and wife, partners, stockholders of a corporation, and other types of joint tenants.
5. Tracts over ten (10) acres in size regardless of number of tracts created.
6. Transfer of rights-of-way or easements.
7. The owner of the land is a political subdivision of the state, the land is situated in a floodplain, and the lots are sold to adjacent landowners.
8. The tract is devised or given by a testator or donor to an individual who is related to the testator or donor within the third degree of consanguinity or affinity, and provided, however this exception does not apply if the division will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision.
9. The land being divided is inherited property between heirs or is land being divided between donees who have acquired title by gift deed, the property is being divided by agreement or by action in probate, and the heirs or donees are related to the testator or donor within the third degree of consanguinity or affinity;

- provided however, this exception does not apply if the division will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision.
10. A smaller tract is surveyed out of the parent tract solely for the purpose of obtaining financing of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified.
 11. The Subdivider does not lay out a part of the tract for 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, and the land is to be used primarily for agriculture use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management or timber production uses within the meaning of Section 1-d-1, Article VIII, Texas Constitution.
 12. Division of a tract into two or more parts, and does not lay out a part of the tract as described in Section 232.001(a)(3), Texas Local Government Code, to be sold to veterans through the Veterans' Land Board Program.

PLATTING PROCEDURES

The following procedures shall be followed in the process of review and approval of all subdivision plats by the McCulloch County Commissioners Court:

Subdivision plats shall be submitted to the Commissioners Court for review and approval on two (2) separate readings (at least one month apart) before they may be recorded with the County Clerk. All subdivisions shall be submitted for Second Reading (Record Plat) within one (1) year after the date of First Reading (Preliminary Plat) approval.

It shall be required that the Subdivider meet with the Commissioner in whose precinct the proposed subdivision is located to review the plat prior to any consideration by the Commissioners Court. The request for said meeting shall be made of the Commissioner a minimum of thirty (30) days prior to the request for Commissioners Court action. Only the Commissioner in whose Precinct the proposed subdivision is located or the County Judge may request both readings be placed on the Commissioners Court meeting agenda for consideration.

All submissions of information required herein shall be made a minimum of thirty (30) calendar days prior to the date of the Commissioners Court meeting at which action is being requested. The Water Availability Studies are required with submission of the preliminary plat. The information will be deemed to have been submitted when it is delivered to the Office of the County Judge, who shall issue a receipt for the completed application and preliminary plat. Five (5) copies of the plat and one copy of all other required information shall be submitted.

All submissions shall be accompanied by a Letter of Transmittal which shall include the name, address, and telephone number of the person who will be representing the

Subdivider's request before the Commissioners Court, and stating what action is being requested.

PRELIMINARY PLAT
(First Reading)

The Subdivider shall cause to have prepared a Preliminary Plat of the proposed subdivision which shall show (see Checklist, Appendix A):

1. Typical lot dimensions.
2. Street right-of-way widths.
3. Areas proposed for recreational use, *i.e., courses, parks, greenbelts, etc.*
4. Transfer of rights-of-way or easements, including any alleys and/or utility easements.
5. Proposed land use of all lots being subdivided.
6. Real Property Record volume and page reference and names of all current owners of contiguous property surrounding the proposed subdivision.
7. Land use of all contiguous tracts, *i.e., undeveloped, subdivided, etc.*
8. 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 a floodplain, and no greater than twenty foot (20') intervals if not in a floodplain. Areas of Special Flood Hazard as shown by the current Flood Hazard Boundary Maps as authorized by FEMA. Each tract shall be inspected and flood plain determination made on its own merits.
9. A comprehensive Flood Plain and Drainage assessment including a 100 year floodplain map and a complete assessment as required by the Texas Commission on Environmental Quality and all applicable state statutes.
10. Master Development Plans [*If the subdivision is a portion of a larger tract of land, the exterior boundary of the parent tract shall be shown on the Preliminary Plat with future plans for the remaining property noted. If the parent tract is larger than 320 acres, the Preliminary Plat may be prepared at a scale no smaller than one inch (1") equals one thousand feet (1000'), with the area proposed to be subdivided detailed at a scale no smaller than one inch equals two hundred feet (1"=200').*]
11. North directional indication arrow.
12. Vicinity or Location map showing the proposed subdivision in relation to major roads, towns, cities, and topographic features.
13. Names and addresses of the current owners of the subdivision property, including Real Property Record volume and page references.
14. Name and address of the proposed Developer.
15. Total acreage within the proposed subdivision.
16. Total number of lots.
17. Total area within road rights-of-way and length of roads.
18. Statement that streets within the subdivision may not be accepted into the county maintenance inventory, and are the responsibility of the developer or Home

Owners Association until formally accepted for maintenance by the County under separate Order.

19. Name of proposed subdivision, said name shall not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within McCulloch County, unless the proposed subdivision is contiguous to an existing subdivision and is an additional phase of that development.
20. Names of roadways, said names shall not duplicate any other streets within McCulloch County unless they are extensions of said streets, and comply with requirements of 9-1-1 addressing regulations.
21. Location of all wells, water, oil, and natural gas, where applicable, and a statement that all unused wells are capped or plugged.

All fees related to the filing of a plat shall be paid to the County Clerk before submission of the Preliminary Plat to the County Judge's office for review. Fees are located on the final page of this Subdivision regulation:

RECORD PLAT
(Second Reading)

Upon a determination that the Preliminary Plat is suitable for consideration on Final Plat Second Reading, the Subdivider shall revise the plat in accordance with the recommendations or (requirements) of the Commissioners Court and shall cause to be prepared a Final Plat of the proposed subdivision, an original and five (5) copies of which shall be supplied to the Court for distribution, such plat having incorporated any and all changes.

These five copies consist of 3 Mylar printed in black ink on white material and 2 Blue Line. Distribution is as follows: one (1) fully signed mylar copy to the Clerk of the Court, one (1) fully signed mylar copy to the Central Appraisal District, and three (3) copies to the County Judge, who will deliver one (1) copy to each of the following: (a) one fully signed mylar copy to the 9-1-1 Coordinator, (b) the County Attorney, and the (c) Commissioner in whose Precinct the Subdivision lies.

The Final Plat shall contain all information required herein for the Preliminary Plat as well as the following: (see Checklist, Appendix B)

1. All information required for the Preliminary Plat.
2. Name of proposed subdivision.
3. Lot and block numbers.
4. Proposed street names, pre-approved by the 9-1-1 Coordinator. [Location for street address signage will be furnished by McCulloch County in accordance with applicable regulations.]
5. Acreage, to two decimal points, of all lots and tracts.
6. Name and address of the surveyor and/or engineer certifying the plat.
7. Location and size of all proposed drainage structures.

8. Location, size, and proposed use of all easements required for the proper drainage and/or utility service.
9. Boundaries of incorporated city limits and/or ETJs and a statement that “*This property is/is not located within the municipal limits or ETJ boundaries of any community*”.
10. Statement of how utilities will be provided to the development, including names of utility companies, and a written statement from the respective utility that it is able to provide such services to the development. *i.e. water, sewer, power, etc.* If none are available, a statement so indicating shall be placed on the plat.
11. Certification from a licensed professional engineer regarding the method for providing:
 - a. Connection to an existing public water or sewer system;
 - b. Creating a new public water or sewer utility that complies with requirements of the Texas Commission on Environmental Quality (TCEQ); or
 - c. Installing wells that meet public drinking water standards or septic systems that meet on-site sewerage facility requirements of the state;
 - d. A statement that the water and wastewater facilities will accommodate ultimate development of the tracts for a minimum of 30 years.
12. Description of monument used to mark all boundaries, lot, and block corners, and all points of curvature and tangency on street right-of-ways.
13. Acknowledgement and certificate of dedication by the Owner (see Appendix C).
14. Certificate of Road Maintenance (see Appendix H).
15. Certificate of County Approval (see Appendix I).
16. Certificate of Recording (see Appendix D).
17. Water Supply Certification (see Appendix E).
18. Certificate of Surveyor (see Appendix F).
19. Certificate of Engineer (*Attendance may be required*) (see Appendix G).

In addition, the Subdivider shall submit with the Final Plat the following:

1. Proposed restrictive covenants, if any.
2. Tax Certificate showing all taxes are currently paid on the property to be subdivided. These would include Rollback Tax Receipts, if applicable.
3. The proposed Articles of Incorporation and By-Laws of the Homeowner’s Association or other entity responsible for road maintenance in the event the Subdivider proposes to use privately maintained roads.
4. Construction Plans of all required streets and drainage improvements.
5. Road Construction Security, as specified herein.
6. A receipt from the Clerk’s Office, showing the Preliminary Plat fees have been paid.
7. A sign-off from the Texas Department of Transportation approving road access.
8. When lots equal or exceed 10 acres in size, the approval of Preliminary Plats and Final Plats may be excused; however, a plat containing a map of the Subdivision shall be filed with the County Clerk, along with applicable filing fees. All proposed street names must be approved by the 911 Coordinator **PRIOR** to such

filing. Copies of the final plat must also be provided to the County Judge and the Appraisal District. The fee for filing an otherwise exempt plat is \$250.00 per plat up to 5 plat pages, each additional page being \$25.00 additional each. This plat shall be of Mylar, with black ink on white material. A copy of the Restrictive Covenants, if any, shall be attached.

REVISION TO PLAT

The Owner of an existing lot or lots in a platted recorded subdivision may apply for cancellation, revision, or amendment by the owners thereof in conformance with these Regulations and Sections 232.008, 232.0083, 232.0085, 232.009, 232.0095, 232.010, or 232.011 of the Texas Local Government Code and upon approval by the Commissioners Court of the subdivision plat. Upon receipt of a written application for the change, the Commissioners Court will provide for notice of the requested change as set out in the applicable section of the Texas Local Government Code. The application shall include a revised plat or part of a plat that indicates changes made to the original plat.

After all required notices have been given, the Commissioners Court may adopt an Order to permit the revision of the subdivision plat upon finding that:

1. the revision will not adversely affect the rights of any other subdivision owner, or
2. each owner whose rights may have been adversely affected has agreed to the revision.

Upon approval by the Commissioners Court, the revised plat shall be filed with the County Clerk to be recorded in the Real Property Records.

A Revision of Plat fee of \$50.00 per plat, plus \$5.00 per plat for Records Preservation fee, \$1.00 per plat for Courthouse Security Fee, and \$500.00 per plat Hydrological Study of Water Availability (unless waived by variance) shall be paid at the time of application. McCulloch County will assess an additional fee equal to the cost of notice for publication and/or certified letters. All fees shall be paid prior to Commissioners Court approval.

DESIGN STANDARDS

LOTS

The following information on lots is required in order to meet the requirements of the Texas Commission on Environmental Quality:

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:

1. When a private water well and an approved on-site sewage facility is used, the tract size shall be a minimum of five (5) acres to lessen the accidental contamination of adjacent water wells.
2. When a TCEQ approved public ground water supply system and an approved on-site sewage facility is used, the lot or tract size shall be a minimum of three (3) acres in size, to limit the possible accidental contamination of public water supplies.
3. When a subdivider proposes to supply drinking water by connection to any existing public water system 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 Subdivider has provided for the cost of any 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. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.
4. 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 Texas Commission on Environmental Quality. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38290.51 and §§ 290.101-290.120, and as may hereinafter be amended. If groundwater is to be the source of the water supply, the Subdivider shall have complied with the requirements of the any Underground Water District with jurisdiction. 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 thirty (30) years.
5. **Non-Public Water Systems.**
 - a. 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 complied with the requirements of the Any Underground Water 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 § 290.103, 290.105, 290.106 and 290.110, either:

- (i) Without any treatment to the water; or
- (ii) With treatment by an identified and commercially available water treatment system.

6. **Transportation of Potable Water.**

(a) 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.

Wastewater Disposal.

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

1. **Organized Sewerage Facilities.**

(a) Subdividers 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 317 from the Texas Commission on Environmental Quality.

(b) Subdividers 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 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, 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 317. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.

(c) Lot sizes for subdividers who provide an organized wastewater collection and treatment system under paragraphs (a) or (b) of this section shall be not less than one-

half acre, within the wastewater disposal capacity, or no less than one-acre where capacity cannot be guaranteed for greater densities of population or construction.

2. **On-site Sewerage Facilities.**

(a) 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.

(b) 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 317.

(c) 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(b), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

3. **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 Texas Commission on Environmental Quality.

(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.

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

5. **Other Standards.**

(a) Setbacks. Setbacks from roads and rights-of-way shall be a minimum of ten (10) feet, setbacks from adjacent property lines shall be a minimum of five (5) 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 Order or

Rules of the County shall control to the extent greater setbacks are therein required.

(b) Number of Dwellings per Lot. No more than one (1) 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.

If the Subdivider selects to use a TCEQ approved public groundwater or a surface water system and/or a TCEQ approved sewage system, all infrastructure costs shall be the sole responsibility of the Subdivider, and shall be included in the guarantee of performance bond to be posted with the County Judge.

Well and Septic Set Back Lines shall be at least fifty (50) feet from the property lines on all sides and in every dimension. Any structures must be setback at least ten (10) feet from roads and right-of-ways and adjacent property lines.

THE SET BACK LINES DENOTED ABOVE ARE A REQUIREMENT OF THE MCCULLOCH COUNTY SEWAGE FACILITY REGULATIONS.

EASEMENTS

Utility Easements. In residential areas, easements shall be provided for installation of utilities. Any other requirements will be determined by the Commissioners Court.

Drainage Easements. Where the subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines for such water course and of sufficient width to convey all storm and flood water flowing through as may be determined by the Commissioners Court through its authorized representative, to accommodate further width or construction and allow access for maintenance.

ROADWAYS

Approval of a subdivision plat by the McCulloch County Commissioners Court does not constitute acceptance of the roads shown thereon.

All roads, whether maintained by the County, by the individual property owners, or by a homeowners association, shall be constructed at the Subdivider's expense in accordance with these Regulations and shall be classified as one of the two following types of roads:

- a. Publicly dedicated, paved, and to be maintained by McCulloch County, after Commissioners Court acceptance for maintenance, with construction in accordance with the Specifications outlined in these Regulations.
- b. Private, paved, and to be maintained by a Homeowners Association or property owners in perpetuity (or until constructed to the then applicable County standards for acceptance of maintenance, and accepted for maintenance by the Commissioners Court) and constructed in accordance with the Specifications outlined in these Regulations.

McCulloch County reserves the right to deny an application for acceptance of any subdivision street or road for permanent public maintenance by the County. No roads or streets will receive consideration for final **acceptance** into the County Road System by the Commissioners Court until at least **two (2) years** after original construction of streets and roads are completed. In Subdivisions in which insufficient development or building has taken place after the two-year period and where there has been insufficient use of the streets and roads to insure their stability, then such streets and roads will not be accepted by the Commissioners Court until such time as there is sufficient development to insure street and road stability. Sufficient development shall be defined as fifty percent (50%) occupancy of the total lots or tracts within said subdivision. Upon final approval, title to all streets and roads shall be conveyed to the County for their maintenance by a Warranty Deed, or Grant of Right-of-Way, in a form which shall be acceptable to the Commissioners Court. Accompanying such deed shall be an adequate description of streets and roads, either by reference to the approved subdivision plat or by field notes prepared by a Registered Professional Engineer from a survey made on the ground. **From the date of adoption of this Order forward, all streets and roads in any subdivision for which a plat has been filed shall adhere to the Road Construction Specifications which follow, whether or not an eventual request for County maintenance is planned.**

In subdivisions that are developed as “gated communities,” it is the responsibility of the Subdivider, property/homeowners association and/or the individual property owners to provide a means of access to emergency responders.

Road Construction Specifications. (see Appendix N and Bond Requirements)

Streets or roads as defined herein shall conform with the following:

Minimum right-of-way.....	60 feet
Minimum crown width of roadway.....	30 feet
Minimum width of base material.....	26 feet
Minimum depth of compacted base material at crown...	6 inches
Minimum height at crown.....	6 inches
Minimum height of base at shoulder.....	6 inches
Minimum width of surface.....	20 feet
Minimum width of curbed section, when curbed.....	36 feet

Minimum type surface - Pavement surface shall be 1 ½" thick A.C. Pavement or ¾" inch thick 2 course penetration pavement or approved equal. Base material used for roads or streets shall at a minimum be crushed limestone or equivalent. Sub-base material may be locally obtained caliche and should be formed so that a 6" center crown (6" higher than the shoulders) is maintained when 6" of crushed limestone base material is uniformly applied.

The entire right-of-way will be cleared of all timber, roots, brush, fences, boulders, or other obstructions, unless a variance is granted by the Commissioners Court. Upon completion of all construction, the right-of-way shall be seeded with native grasses, or other plants as approved by the Commissioners Court.

Sub-grade. The sub-grade shall be compacted by ordinary compaction by any method, type, and size of equipment that will give the required compaction. The sub-grade must be inspected and approved either by the Commissioners Court, the individual Commissioner for that precinct, or a designated Court representative prior to any application of base material.

Base Material. Base Material shall be delivered in vehicles of uniform capacity and it shall be the responsibility of the Contractor that the required amount of the specified material shall be delivered in each 100 feet station. The material shall be scarified, thoroughly wetted, mixed, manipulated, and bladed so as to secure a uniformly wetted material and pulled in over the surface in courses and set under the action of blading and rolling. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and re-compacting by sprinkling and rolling. The base must be inspected and approved by the Commissioner for that precinct or a designated Court representative prior to the application of any surface treatment.

Drainage. Generally, it is desired that surface drainage from private property be taken to roads and streets or drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited.

Design of channels shall consider velocities and shall be shaped, graded, lined, or protected to minimize or prevent scour and erosion from excessive velocities. This requirement shall extend to roadside drainage ditches, often called "borrow ditches." Seeding of native grasses or other plants as approved by the Commissioners Court shall be required to deter erosion.

All road culverts shall be of permanent type, either concrete or metal. Drainage calculations shall be made using Talbot's Formula or other methods satisfactory to the Commissioners Court. Drainage structures shall be designed using a ten (10) year flood frequency. The size of the culverts shall be subject to the approval of the Commissioners Court, but under no circumstances shall they be less than twenty-four inches (24") in diameter.

All roadways crossing streams or roadways subject to flooding must be riprapped on both sides as specified by the County. Concrete used as riprap must test 2500 psi.

Cattle Guards. The Commissioner in whose precinct the subdivision is located may authorize the installation of cattle guards. When permitted, a cattle guard shall not be less than six (6) feet in length, measured along the centerline of the road, and of width not less than two (2) feet greater than the width of the pavement or a maximum width of twenty (20) feet. Units may be prefabricated or welded in place and shall be built to support any and all traffic that may be encountered on said roadway. Attached hereto as Appendix Q are specifications for cattle guards that will be approved by the Commissioners Court.

Inspections. Proposed roads and drainage will be inspected by an authorized representative of the Commissioners Court and at reasonable intervals as directed by the Commissioners Court. The expense of these inspections will be the responsibility of the Subdivider.

Other Provisions. In a subdivision where water lines or other utilities are installed in rights-of-way, they shall be located off and away from the roadways (paved center portion and shoulders). Fire hydrants shall be equipped with connections compatible with local Fire Department equipment.

Should roads and streets be dedicated to and accepted by McCulloch County so that future maintenance responsibilities become a function under the McCulloch County Commissioners Court, the installation of any further water or utility lines, side roads, *etc.* on right-of-way shall be prohibited unless expressly permitted in writing by the Commissioners Court. (see Appendix J: Permit to Construct Within Right-of Way and Appendix M: Notice of Proposed Utility Line Installation)

Subdivisions must have control signs, guardrails, and other safety features installed at required locations on all subdivision rights-of-way dedicated for public use. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulders) of the streets and roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street shall be indicated by installation of protective posts or other devices equipped with reflectorized markers.

Right-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches, and hazardous conditions shall be readily distinguishable. Large trees which lend natural beautification to an area may be left in place on a right-of-way provided that safety on the streets and roads is not impaired.

The installation of any traffic control sign, such as denoting speed limits, yield right-of-way, stop signs, stop ahead signs, *etc.*, on all roads, streets, and thoroughfares dedicated to public use in subdivisions in McCulloch County whose roads have been accepted by the County must be approved by the Commissioners Court and shall be coordinated with the precinct Commissioner concerned and with the McCulloch County Sheriff's

Department, which shall have control of law enforcement activities on all roads, streets, and thoroughfares dedicated to public use in subdivisions in McCulloch County whose roads have been accepted by the County. Speed limit designations of public streets should be assigned in accordance with street and road conditions. Thoroughfares not dedicated to public usage shall be clearly marked as such.

In cases where the new roads and streets as platted intersect with established roads and streets, the new roads and streets shall be, if practicable, a continuation without offset of any intersecting road or street on the opposite side of said established road or street.

Adequate off-street parking space must be provided in business or commercial areas.

Rural Addressing Signage. The initial expense of street sign placement in new subdivisions shall be the responsibility of the Subdivider, with sign type and location in compliance with County standards and approved by the McCulloch County Commissioners Court as part of acceptance of the subdivision plat.

MCCULLOCH COUNTY WATER AVAILABILITY REGULATIONS

Provisions

These regulations are adopted pursuant to Chapters 16 and 35 of the Texas Water Code, and Section 232.0032 of the Local Government Code, Vernon's Annotated Statutes.

The McCulloch County Commissioners Court has determined that the adoption of Water Availability Regulations are necessary to prevent current and/or projected water use in McCulloch County from exceeding the safe sustainable yield of the County water supply.

THE MCCULLOCH 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.

Definitions.

The following words and terms, when used in these Regulations, shall have the following meanings. Words defined in the main body of the McCulloch County Subdivision Regulations, and not defined here, shall have the meanings provided therein.

1. "Full build-out" - means the final expected number of residences, business or dwellings in the proposed subdivision;
2. "Groundwater" - has the meaning assigned to it by the regulations of the Texas Commission on Environmental Quality (TCEQ);

3. "Public water supply system" - has the meaning assigned to it by the regulations of the Texas Commission on Environmental Quality (TCEQ);
4. "Qualified expert" - means a Hydrologist, a registered professional engineer, or a registered professional geoscientist;
5. "Surface water" - has the meaning assigned to it by the regulations of the Texas Commission on Environmental Quality (TCEQ);
6. "TCEQ" - means the Texas Commission on Environmental Quality;
7. "TWDB" - means the Texas Water Development Board.

Applicability.

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

Exemptions to Water Availability Regulations:

- a. Subdivision of property where platting is not required by the McCulloch County Subdivision Regulations;
- b. Subdivision of property in which all lots are 10 acres or greater.

Water Availability data shall be presented to the Commissioners upon submission of the Preliminary Plat.

McCulloch County shall have the Water Availability data review by a qualified expert on behalf of McCulloch County.

Requirements for Subdivisions to be served by Private Water Wells

The Preliminary Plat submission to the Commissioners Court for a proposed subdivision whose water supply will be private water wells shall include Water Availability data. This Water Availability data shall be derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of test-monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these regulations.

The following Water Availability data is required:

1. Map of the proposed subdivision prepared by a qualified expert identifying:
 - a. geologic formations;
 - b. location of test and monitor wells by longitude and latitude (GPS located);
 - c. available information on wells identified in the files of the Texas Water Development Board and TCEQ and otherwise known to applicant within 1,000 feet of the boundaries of the proposed subdivision (including well depth, depth to water, yield, and estimated yield).

2. The static water level to the nearest 0.1 foot equated to the mean sea level elevation.
3. Data resulting from the performance of an aquifer pump test utilizing proven methods recommended by TWDB and TCEQ of the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be for a period of 24 hours or until the water level has stabilized (less than 0.1 fluctuation) in the test well for period exceeding two hours.
4. Statement by a qualified expert based on the pump test:
 - a. estimated yield of wells proposed for the subdivision;
 - b. determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn;
5. Certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the subdivision at full build-out based on number of connections for a minimum of 30 years.
6. The following statement shall appear on the final plat for the approved subdivision: *“This subdivision will be served by individual groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of McCulloch County, Texas.”*

Requirements for Subdivisions to be served by Existing Public Water Supply System

The Preliminary Plat submission to the Commissioners Court for a proposed subdivision whose water supply will be an Existing Public Water Supply System shall include Water Availability data, as follows:

1. Map of the service area of the Existing Public Water Supply System, showing the location of the proposed subdivision in relationship to the service area of the Existing Public Water Supply System;
2. Name, address, phone number, authorized agent and TCEQ facility number of the Existing Public Water Supply System;
3. Certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the subdivision at full build-out based on water use standards recognized by TCEQ and TWDB.

The following statement shall appear on the final plat for an approved subdivision:
“This subdivision will be served by Name and address of Existing Public Water Supply System. Information on the available Existing Public Water Supply System is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of McCulloch County, Texas and may be stated in the deed restrictions.”

Requirements for Subdivisions to be served by a New Public Water Supply System

The Preliminary Plat submission to the Commissioners Court for a proposed subdivision whose water supply will be a New Public Water Supply System relying wholly or partially on groundwater or surface water shall include Water Availability data. This Water Availability data shall be derived from a minimum of two wells (one test well and one monitor well). There shall be one set of Test Monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these Regulations.

The following Water Availability data is required:

1. Map of the proposed subdivision prepared by a qualified expert identifying:
 - a. geologic formations;
 - b. location of test and monitor wells by longitude and latitude (GPS located);
 - c. available information on wells identified in the files of the Texas Water Development Board and TCEQ and otherwise known to applicant within 1,000 feet of the boundaries of the proposed subdivision (including well depth, depth to water, yield, and estimated yield).
2. The static water level to the nearest 0.1 foot equated to the mean sea level elevation.
3. Data resulting from the performance of an aquifer pump test utilizing proven methods recommended by TWDB and TCEQ of the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be for a period of 36 hours or until the water level has stabilized (less than 0.1 fluctuation) in the test well for a period exceeding two hours.
4. Statement by a qualified expert based on the pump test;
 - a. estimated yield of wells proposed for the subdivision;
 - b. determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn;
 - c. source of surface water supply and estimated yield of surface water source and proof of compliance that withdrawal of surface water complies with state and federal laws.
5. Certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the subdivision at full build-out based on number of connections for a minimum of 30 years.

The following statement shall appear on the final plat for an approved subdivision:

“This subdivision will be served by Name and address of New Public Water Supply System. Information on the New Public Water Supply System is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of McCulloch County, Texas and may be stated in the deed restrictions.”

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, Texas Administrative Code 364.1-364.2 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.

Final Inspection

The Developer, upon completion of drainage, roads, streets or other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The precinct Commissioner or their designee will inspect, within 10 days, the completed work for compliance. The Developer will be notified in writing, within 10 days of the final inspection, of approval or any work not found in compliance with these Subdivision Regulations.

Penalty for Violation.

1. The Commissioners Court of McCulloch County will cause an employee of the court, or any other person or persons it so designates, to review periodically deeds or sales contracts being recorded in the County Clerk's office to see that any subdivision affected thereby shall comply with requirements of these regulations and state law.
2. If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in these regulations and state law, the Commissioners Court of McCulloch County or its representative can so notify the party selling or transferring title in whole or in part to comply with these regulations.
3. In the event the notified party refuses to comply with said requirements, the Commissioners Court of McCulloch County can take appropriate action to obtain compliance.
4. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations and any appendices attached to these regulations, and incorporating the McCulloch County for On-Site Sewage Facilities Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

5. At the request of the Commissioners Court, the County Attorney or legal counsel may file an action in a court of competent jurisdiction to:

a. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; and/or

b. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.

6. Variance. The Commissioners Court may authorize a variance from the Subdivision Regulations when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. Any person who wishes to receive a variance shall apply to the Court with a list of, and a detailed justification, for each variance requested. The decision of the Court whether to grant or deny a variance is at its complete discretion, and will be final.

Appendix A

Name of Subdivision: _____

Contact Person: _____ **Phone Number:** _____

**MCCULLOCH COUNTY
SUBDIVISION PLATTING CHECKLIST
FIRST READING
(PRELIMINARY)**

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name of proposed subdivision.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name and address of Subdivider.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volume, page and reference names of adjoining owners.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volume, page and reference land use of adjoining owners.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Master Development Plan (if subdivision is a portion of a larger tract).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location map.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scale (not smaller than 1"=200'). <i>If parent tract is larger than 320 acres, scale may be 1"=1,000' w/proposed plat 1"=200'.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	North directional arrow.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contour information – rivers, creeks, bluffs, etc. (no greater than 20' intervals)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Major topographic features.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Total acreage in subdivision.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Total number of lots in subdivision.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Typical lot dimensions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land use of lots, parks, greenbelts.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Total length of roads.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Width of right-of-way.

PRELIMINARY CHECKLIST
(continued)

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Special flood hazard areas/note.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Road maintenance (County/Home Owners Assn.).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approval by TxDOT or County for driveway entrance(s).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of wells - water, gas, & oil, where applicable & unused capped statement.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Plat Filing Fees paid. (receipt from County Clerk required)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On-Site Sewage Facility Inspector's Approval
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Acknowledgement of Rural Addressing / Signage.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Availability Study.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tax Certificates and rollback receipts if required.

Signature of Reviewer

Date of Review

**ADDITIONAL REQUIREMENTS:
ALL ITEMS ON THIS CHECKLIST MUST BE IN THE HANDS OF THE
COUNTY JUDGE'S OFFICE NO LESS THAN THIRTY (30) DAYS PRIOR TO
THE COMMISSIONERS COURT HEARING DATE.**

Appendix B

MCCULLOCH COUNTY SUBDIVISION PLATTING CHECKLIST SECOND READING (FINAL)

Subdivision name: _____

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All information required for preliminary plat.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot and block numbers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Street names, <i>must be pre-approved by 9-1-1 Coordinator.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Acreage of each lot or parcel.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name and address of Surveyor/Engineer.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location and size of drainage structures.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location, size, and proposed use of easements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated City's Boundary/ETJ Note.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Servicing Utilities Note.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Certification from licensed professional engineer regarding utilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Restrictive covenants.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tax certificates and rollback receipts if required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Home Owners' Association Incorporation articles and by-laws (if available).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Construction plans of roads and drainage improvements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receipt showing payment of preliminary plat fees.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sign-off for TxDOT road access, if applicable.

Appendices:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix C(1) – Certificate of Dedication by Owner (when owner is an individual)
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**FINAL CHECKLIST
(continued)**

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix C(2) – Certificate of Dedication by Owner (when owner is a corporation)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix D – Certificate of Recording (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix E – Water Supply Certificate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix F – Certificate of Surveyor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix G – Certificate of Engineer
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix H – Certificate of Road Maintenance (when roads are to be retained as private roads)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix I – Certificate of County Approval (not applicable until after the Court hears request)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix J – McCulloch County Permit to Construct Access Driveway Facilities on County Road Right-of-Way
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix K – Lienholder’s Acknowledgement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appendix L – Revision to Plat
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On-Site Sewage Facility Inspector’s Approval

Signature of Reviewer

Date of Review

**ADDITIONAL REQUIREMENTS:
ALL ITEMS ON THIS CHECKLIST MUST BE IN THE HANDS OF THE
COUNTY JUDGE’S OFFICE NO LESS THAN THIRTY (30) DAYS PRIOR TO
THE COMMISSIONERS COURT HEARING DATE.**

Appendix E

WATER SUPPLY CERTIFICATE

“No structure in this subdivision shall be occupied until connected to either: an individual water well, the location of which has been approved by the Hickory Underground Water Conservation District, a TCEQ approved public water supply system (described below), or other domestic water supply subject to approval by the McCulloch County Commissioners Court.”

Hickory Underground Water
Conservation District

Date

Name of Public Water Supply System

Date

Signature & Title of Authorized Agent

Other Proposed Domestic Water Supply (Please specify): _____

Appendix F

CERTIFICATE OF SURVEYOR

THE STATE OF TEXAS X
 X
COUNTY OF MCCULLOCH X

KNOW ALL MEN BY THESE PRESENT, that I, the undersigned, a Registered Professional / State Land Surveyor in the State of Texas, do hereby certify that this Plat complies with the survey related requirements of the McCulloch County Subdivision Regulations and I further certify that this 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 / State Land Surveyor

Date

License No. _____

Seal:

Appendix G

CERTIFICATE OF ENGINEER

THE STATE OF TEXAS X
X
COUNTY OF MCCULLOCH X

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that this plat complies with the engineering related requirements of the McCulloch County Subdivision Regulations.

Registered Professional Engineer

Date

License No. _____

Seal:

[NOTE: *The engineer may be required to be present for questioning at the presentation of the plat to the Commissioners Court.*]

Appendix H

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR'S APPROVAL

THE STATE OF TEXAS §
COUNTY OF MCCULLOCH §

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a Licensed On-Site Sewage Facility Inspector in the State of Texas, hereby certify that I have inspected the On-Site Sewage Facilities for this plat, and the same complies with the related requirements of the McCulloch County Subdivision Regulations and the TCEQ.

On Site Inspector

Date

License No. _____

Seal:

[NOTE: *The inspector may be required to be present for questioning at the presentation of the plat to the Commissioners Court.*]

Appendix I

CERTIFICATE OF ROAD MAINTENANCE
(When roads are to be maintained as Private Roads)

“In approving this plat by the Commissioners Court of McCulloch County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Subdivider and/or subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of the Subdivider and/or subsequent owners of the subdivision and will not be the responsibility of McCulloch County.”

Subdivider or Representative

Date

Appendix J

CERTIFICATE OF ROAD MAINTENANCE

(When roads are to be dedicated to McCulloch County for maintenance)

“In approving this plat by the Commissioners Court of McCulloch County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Subdivider and/or subsequent owners of the property until such time as the Commissioners Court approves the dedication of the roads to the County for maintenance by way of a Warranty Deed. Acceptance of this plat does not constitute acceptance of the roads shown hereon by McCulloch County.”

Subdivider or Representative

Date

Appendix K

CERTIFICATE OF COUNTY APPROVAL OF PLAT

THE STATE OF TEXAS X
X
COUNTY OF MCCULLOCH X

I, _____, County Clerk of McCulloch County, Texas, do hereby certify that on the _____ day of _____, A.D., 2_____, the Commissioners Court of McCulloch County, Texas, passed an Order authorizing the filing for record of this Plat, and said Order has been duly entered in the minutes of the said Court in Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____, A.D., 20_____.

COUNTY CLERK
MCCULLOCH COUNTY, TEXAS

COUNTY JUDGE
MCCULLOCH COUNTY, TEXAS

Appendix L

**MCCULLOCH COUNTY
PERMIT TO CONSTRUCT DRIVEWAY WITHIN
COUNTY ROAD RIGHT-OF-WAY**

Applicant: _____

County Road Name _____

Address: _____ Permit # _____

_____ Phone No. () _____

I, Commissioner _____ of Precinct # _____ McCulloch County, Texas, authorize _____, hereinafter called the Grantee, to (re)construct an access driveway on the County road right-of way abutting County Road _____ in McCulloch County, Texas, located at _____;

SUBJECT TO THE FOLLOWING:

1. The Grantee is responsible for the culvert costs and installation.
2. Design of facilities shall be as shown on the sketch on page 2.
3. All construction and materials shall be subject to inspection and approval by the County.
4. The County reserves the right to require any changes, maintenance, or repairs as may be necessary to provide protection of life or property on or adjacent to the County road. Changes in design will be made only with approval of the County.
5. The Grantee shall hold harmless the County and it's duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
6. The Grantee shall not erect any sign on, or extending over, any portion of the County road right-of-way.
7. Vehicle service fixtures such as fuel pumps, fuel tanks, vendor stands, *etc.*, shall be located at least 12 (twelve) feet from the right-of-way line to insure that vehicles being serviced from these fixtures will be off the County road.

8. Entrances must be constructed in such a way as to keep obstructions from being present in the right-of-way.
9. Mail boxes must be mounted on break away stands and be located so that boxes may be serviced and used from off the pavement.
10. This permit will become null and void if the above referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
11. The Grantee will contact the Court's representative _____ at telephone number (325) _____ at least twenty-four (24) hours prior to beginning construction which is authorized by this permit.

DATE OF ISSUANCE: _____

ROAD ADMINISTRATOR: _____

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction of an access driveway on the County road right-of-way.

PRINTED NAME: _____

SIGNATURE: _____

DATE: _____

SKETCH OF INSTALLATION

Appendix M

LIENHOLDER’S ACKNOWLEDGEMENT

I (We), (Name of Lienholder(s)) _____

_____,
owner(s) and holder(s) of a lien(s) against the property described within the Revision to Plat, said lien(s) being evidenced by instrument of record in Volume _____, Page _____, of the Real Property Records of McCulloch County, Texas, do hereby in all things subordinate to said Revision of Plat said lien(s), and I (we) hereby confirm that I am (we are) the present owner(s) of said lien(s) and have not assigned the same nor any part thereof.

(Signature of Lienholder(s))

(Printed name(s))

THE STATE OF TEXAS **X**

X

COUNTY OF MCCULLOCH **X**

SWORN TO AND SUBSCRIBED before me by _____
_____ on the _____ day of _____, 20____.

Notary Public in and for
The State of Texas

Appendix N

REVISION TO PLAT

Name of Subdivision: _____

Recorded in Volume _____, Page _____ of the Real Property Records of McCulloch County, Texas

Commissioner Precinct No.: _____

Owner: _____

Owner's Mailing Address: _____

Owner's Phone Number(s): _____

Lots or Tracts to be revised (include Unit, Section or Phase # if applicable):

Resulting Lot Number to be Known As: _____

Lienholder: _____ Yes _____ No

If yes, Name of Lienholder: _____

(Attach Lienholder's Acknowledgement, Appendix K)

IF 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.

(Owner's Signature)

(Printed name)

THE STATE OF TEXAS **X**
 X
COUNTY OF MCCULLOCH **X**

SWORN TO AND SUBSCRIBED before me by _____
_____ on the _____ day of _____, 20____.

Notary Public in and for
The State of Texas

APPROVED BY COMMISSIONERS COURT ON THE _____ DAY OF
_____, **20**_____.

MCCULLOCH COUNTY JUDGE

ATTEST: _____
MCCULLOCH COUNTY CLERK

Appendix O

**NOTICE OF PROPOSED UTILITY LINE INSTALLATION
MCCULLOCH COUNTY RIGHT OF WAY AND PERMIT**

TO: Commissioner _____
 Precinct No. _____

Address

Formal Notice is hereby given that _____ proposes to place a _____ line within the right of way of County Road _____ as follows: (list location, length, general design, *etc.*)

Installation will begin on or after the _____ day of _____, 20____.

The line will be constructed and maintained on the road right-of-way as directed by McCulloch County Commissioner Precinct No. _____.

The location and description of the proposed line is more fully shown on the attached drawings.

Applicant will insure that traffic control measures complying with applicable portions of the Texas Manual of Uniform Traffic Control Devices will be installed and maintained during the installation.

If the proposed installation is a parallel installation, the installation shall be located _____ feet within the edge of the right-of-way and at least _____ feet in depth, unless otherwise approved by the County.

_____The installation shall not damage any portion of the road and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners during installation.

OR

_____The installation shall damage a portion of the road. Applicant will return the road to its pre-installation condition at Applicant's expense within _____ days of installation. During installation adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners during installation.

Applicant agrees that any damages sustained to the line installed under this proposal as a result of road construction and/or maintenance, including but not limited to mowing, ditch cleaning, culvert repair or replacement, roadway excavation, and base work shall be the sole burden and expense of the owner of the utility line.

Applicant agrees to give McCulloch County Commissioner Precinct No. _____ fifteen (15) days prior notice of any routine or periodic maintenance which requires interruption of traffic and pruning of trees within the road right-of way. County may provide specifications for the extent and methods governing trimming, cropping, tree balance, type of cuts, painting cuts, and clean up.

Applicant agrees that McCulloch County does not purport to grant any right, claim, title, or easement in or upon this road, and Applicant further agrees that McCulloch County may require owner to relocate line, subject to provisions of governing laws, upon the giving of _____ day's written notice.

In the event Applicant fails to comply with any of the requirements as set forth above, McCulloch County may take such action as it deems appropriate to compel compliance

Additional Special Provisions:

By signing the below, I certify that I am Applicant or am authorized to represent Applicant and that Applicant agrees to be bound by the provisions of the Notice and Permit.

APPLICANT:

Name: _____
Authorized agent: _____
Address _____
Phone _____

MCCULLOCH COUNTY:

Commissioner _____
Precinct No. _____
Address _____
Phone _____

Appendix Q

**IN THE COMMISSIONERS COURT
Of
MCCULLOCH COUNTY, TEXAS**

**ESTABLISHMENT OF PLANS AND SPECIFICATIONS FOR
A STANDARD CATTLE GUARD TO BE USED
ON COUNTY ROADS WITHIN MCCULLOCH COUNTY, TEXAS**

WHEREAS, §251.003 (a)(1) of the Texas Transportation Code grants the McCulloch County Commissioners Court the authority to make and enforce all necessary rules and orders for the construction and maintenance of public roads; and

WHEREAS, cattle guards currently exist on County maintained roads; and

WHEREAS, McCulloch County anticipates requests from a property owner proposing to construct new cattle guards on an existing County maintained road; and

WHEREAS, Texas Transportation Code §251.009 (a) states that the McCulloch County Commissioners Court may authorize the construction of a cattle guards on a county road of any class; and

WHEREAS, §251.009 (b) of the Texas Transportation Code requires that the McCulloch County Commissioners Court establish plans and specifications for a standard cattle guard to be used on the county roads;

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF MCCULLOCH COUNTY, that the standards herein attached, shall serve as the standard for construction of cattle

guards on County maintained roads; and

IT IS FURTHER ORDERED BY THE COMMISSIONERS COURT OF MCCULLOCH COUNTY, that a person proposing to construct a cattle guard on a County maintained road may submit a Permit to Construct Cattle Guard on McCulloch County Right of Way for consideration by the McCulloch County Commissioners Court.

IT IS FURTHER ORDERED BY THE COMMISSIONERS COURT OF MCCULLOCH COUNTY, that a person proposing to construct a cattle guard on a County maintained road may submit an alternate cattle guard design, prepared by a Registered Engineer, for consideration by the McCulloch County Engineer, and the County Engineer's decision may be appealed to Commissioners Court.

Approved, this _____ day of _____,
20__ by the McCulloch County Commissioners Court.

County Judge

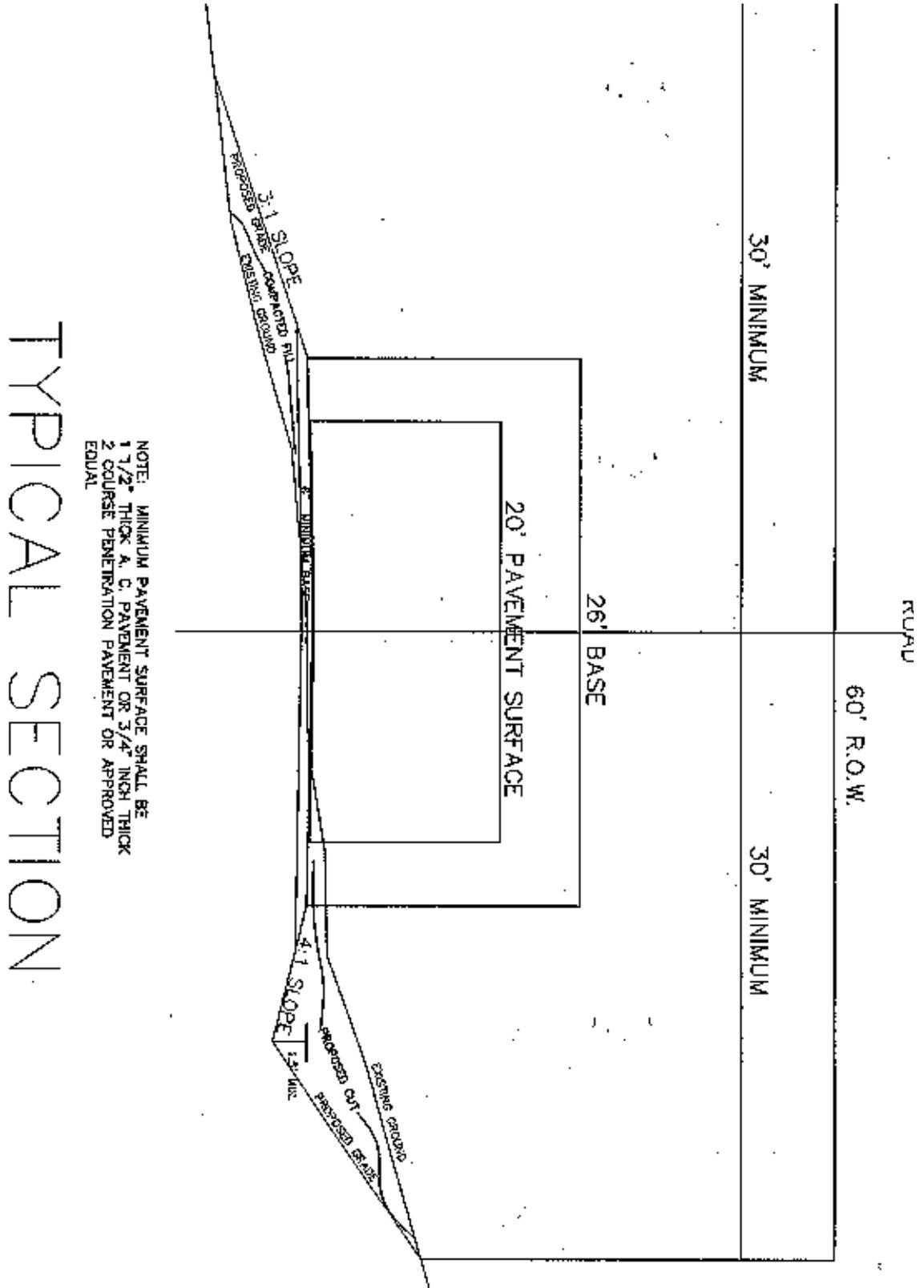
County Commissioner Pct. 1

County Commissioner Pct. 2

County Commissioner Pct. 3

County Commissioner Pct. 4

Appendix Q



Appendix R

SUMMARY OF MCCULLOCH 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 Traveled Way	22'	22'	28'	48'
Width of Shoulders	4'	5'	6'	8'
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

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

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

Appendix S

Development Fees

The following are a list of development fees for McCulloch County. These fees are subject to change.

Preliminary Plat without a designated floodplain:	\$1000.00 + \$10.00 per lot
Preliminary Plat in a designated floodplain:	\$1500.00 + \$10.00 per lot
Final Plat:	\$250.00

PASSED AND APPROVED THIS _____ DAY OF _____, 20____.

County Judge

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

ATTEST:

County Clerk