

RUNNELS COUNTY SUBDIVISION REGULATIONS

On May 8, 2001, acting pursuant to Section 232.003, Texas Local Government Code, the Commissioners Court of Runnels County, Texas, adopted the following regulations governing the subdivision of land. These regulations shall be known as the Runnels County Subdivision Regulations and shall supersede all previous subdivision regulations heretofore adopted.

I. PURPOSE

These regulations have been prepared in general to aid in the orderly development of the rural areas of Runnels County and to provide for the safety, health, and well being of the general public by requiring that adequate streets, drainage facilities and sewage facilities are provided in all subdivision, and to provide facilities which can be maintained without imposing a burden to the taxpayers.

II. PLATTING

A. Plat Required

According to Local Government Code Chapter 232.001, the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition; lots; or 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 must have a plat of the subdivision prepared.

1. A division of a tract under this subsection includes any division, regardless of whether it is made using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
2. In accordance with Local Govnment Code Section 232.0015, a subdivision plat is not required if the owner of a tract of land divides the tract into two or more parts and does not 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, and:
 - a. The land is used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timer production use, within the meaning of Section 1-3-1, Article VIII, Texas Constitution; or
 - b. The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code; or
 - c. All of the lots of the subdivision are more than 10 acres in area; or
 - d. All of the lots are sold to veterans through the Veterans' Land Board program; or
 - e. The tract is owned by the state or other state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state; or
 - f. The owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners; or
 - g. 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 tot he plat approval requirements of these regulations; or
 - h. All parts of the tract are transferred to persons who owned an undivided interest in the original tract, and a plat is filed before any further development of any part of the tract.

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3. If the tract described in Section II. 1. b, c, d, e, f, g, or h ceases to meet the exemption described therein, then platting requirements shall immediately apply.
- B. Subject to the exemptions in Section A 1. through A 2. a-h, no land shall be divided and sold or conveyed until the subdivider:
1. Has received approval of a final plat of the tract; and
 2. Has filed with the County Clerk a legally approved plat for recordation in the Plat Records of the County.
- C. These rules and any preceding rules shall apply to land which has been divided on or after the date of adoption of these subdivision regulations. A division of a tract referenced in this section is defined as using a metes and bounds description in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, purchase option rental agreement, or using any other method to convey property.
- D. Approval of a plat by the Commissioners Court shall not be deemed an acceptance of the proposed dedications, if any shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications. The Commissioners Court determines when and which dedications will be accepted for County maintenance.
- E. **Manufactured Home Rental Communities.** A property developed as a manufactured home rental community and not subdivided from another tract as defined in Section A 1.0 of these Regulations is not subject to the subdivision regulations established herein. However, the owner who intends to use the land for a manufactured home rental community must have an infrastructure development plan prepared that complies with the minimum infrastructure standards established in Section VIII of these Regulations. A Manufactured Home Rental Community is a lot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

III. PLAT REQUIREMENTS

- A. The plat shall be prepared by a Registered Public Surveyor drawn to scale and signed and sealed by the surveyor preparing the plat certifying that it represents a survey done on the ground under the direct supervision of the person sealing the drawing.
- B. The plat shall accurately describe all of said subdivision or addition by metes and bounds and locate same with respect to an original corner of the original survey of which it is a part.
- C. The plat shall accurately describe the dimensions of said subdivision or addition including the dimensions of all lots, streets, alleys, parks or other portions and showing in reasonable detail the location and width of existing streets, alleys, lots, and tracts and similar details regarding all property immediately adjacent thereto.
- D. The plat must contain an arrow indicating north. The scale must be shown both graphically and numerically. Bearing basis shall be noted.
- E. The lot, block and tract numbers are to be arranged in a systematic order and shown on the plat in distinct and legible figures.
- F. The plat shall be duly acknowledged by the owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for the acknowledgment of deeds.
- G. The plat shall contain a plat note for Commissioners Court approval, including

authorization for the County Clerk to file the plat for record.

- H. For recording purposes, two (2) copies of the approved plat shall be furnished to the office of the County Clerk, one copy of which shall be transferred to the Appraisal District Office.

IV. PLAT PROCESSING

A. Timely Approval of Plats

1. All subdivision plats of proposed development in the unincorporated areas of the county shall be submitted to the Commissioners Court for plat approval.
2. All documents and other information required on a written checklist prepared by the Commissioners Court must be submitted with a plat application.
3. If a person submits a plat that does not include all of the documentation or other information required by these Subdivision Regulations, the Commissioners Court or the County Judge shall, not later than the 10th day after the date of receipt of the Plat, notify the applicant of the missing documentation or other information.
4. Final action shall be taken on the plat application not later than the 60th day after the date the completed plat application is received by the Commissioners Court or the County Judge.
5. If the Commissioners Court disapproves a plat application, the applicant shall be given a complete list of the reasons for the disapproval.
6. The 60 day period:
 - a. May be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Commissioners Court;
May be extended 60 additional days if a takings impact assessment is required in connection with a plat application as per Chapter 2007, Government Code; and
 - c. Applies only to a decision wholly within the control of the Commissioners Court.
 - d. If the Commissioners Court fails to take final action on the plat in accordance with this section, then:
 1. If the Commissioners Court has assessed a plat application fee, the Court shall refund the greater of the unexpended portion of the plat application fee or deposit or 50 percent of the plant of the plat application fee or deposit that has been paid;
 2. The plat application is granted by operation of law; and
 3. The applicant may apply to the District Court in Runnels County for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat's approval.
 - e. All subdivision plats shall have the flood hazard area clearly delineated on the plat and, where appropriate, shall have minimum floor elevations for all lots located within flood hazard areas.

V. WATER AND SEPTIC SYSTEM REQUIREMENTS

The applicant must submit a plan for providing utility service within the proposed subdivision. The proposed water supply should be clearly indicated, i.e., municipal water, rural water supply corporation, privately owned water system, individual well, etc., including location of fire hydrants, if any. All water supplies must be approved by the TNRCC.

The plan for sewage disposal should be clearly indicated, i.e., municipal sewer service, privately owned/organized sewage disposal system, private sewage facilities, etc.

If it is the applicant's intent that each lot purchaser shall provide private sewage facilities, those facilities must meet the requirements of the TNRCC.

The applicant must submit documentation showing arrangements have been made for the collection of solid waste with a solid waste disposal system in order to take care of the needs of the subdivision.

VI. SUBDIVISION REQUIREMENTS

A. Roads or Streets

1. Right-of-Way Widths by Roadway Category:

- a. Arterial (main roads providing access throughout the county) - 60 ft.
- b. Collector (street which collects traffic from residential areas and discharges into arterial) - 50 ft.
- c. Residential (street in residential area that collects localized traffic and discharge into larger volume distribution system) - 50 ft.

2. Causeway Widths:

The causeway width of all roads or streets shall be 22 ft.

3. Grades of Roads or Streets:

All roads or streets shall have a minimum crown grade of four-tenths percent (0.4%). Grades of more than ten percent (10%) shall only be allowed upon approval of the County.

4. Roadway Design:

The road base of each road or street shall be of adequate quality to provide an all weather road and shall require approval of the County Commissioner of the precinct in which the subdivision is located.

5. Road Maintenance:

By accepting a subdivision plat for filing, the Commissioners Court does not thereby accept the streets in the subdivision for ownership or maintenance by the County. The owner or owners of the platted lots are responsible for maintenance of all streets or roads within a subdivision until such time as the roads or streets have been accepted by the County.

B. Street Names and Markers:

1. Roads or streets which are a continuation of any existing road or street shall take the road number or street name of the existing road or street. All roads and streets to be dedicated to the public shall be assigned a road number by the Runnels County 9-1-1 Addressing Coordinator. The street numbers shall be displayed on standard intersection street markers erected by the owner at each intersection. All houses shall be numbered by the Runnels County 9-1-1 Addressing Coordinator.
2. Traffic control signs (such as stop, yield, and speed limit signs) as approved by the Commissioners Court, shall be installed by the owner or owners of said subdivision at all intersections. Other traffic control signs shall be installed to indicate any unusual traffic or road hazard or conditions that may exist. All traffic control devices shall be placed in compliance with the Texas Department of Transportation and the construction cost shall be included in the security.

3. A speed limit of 25 MPH for local streets, 30 MPH for collector streets and 40 MPH for arterial streets within all platted subdivisions is hereby adopted. This limit may be changed only by Commissioners Court.

C. Building Set-back Lines:

Building and set-back lines shall be 50 feet from the edge of the right-of-way on all arterial and collector roads and street, and 25 feet on all other roads and streets. Building and set-back lines shall be shown on the plat. If the above set-back lines differ from those adopted by a municipality with extraterritorial jurisdiction, the set-backs of the municipality shall apply.

D. Driveways:

Minimum driveway spacing on arterial roads shall be 100 feet. The use of concrete "dip type" driveways is required. The maximum grade break at each vertical point of intersection shall be 15%.

VII. DRAINAGE STANDARDS

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

A study shall be performed by a Registered Professional Engineer that addresses both interior and exterior storm water runoff and includes design information on all conveyances, required easements in completed form, and notation of design finished floor elevations as well as other pertinent details peculiar to the drainage patterns of the area in question. In the event that a proposed subdivision involves no drainage problems, or only requires study on a limited basis, the report furnished to the county by the Engineer shall reflect that attention was directed to all the requirements of a comprehensive study, and only those delineated were found applicable to the subdivision in question.

VIII. INFRASTRUCTURE DEVELOPMENT PLAN

- A. In accordance with Local Government Code Section 232.007, an Infrastructure Development Plan is required for all manufactured home rental communities, as defined in Section II E, of these Regulations.
 - a. The development shall have a minimum of sixty (60) feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a street or roadway. The road base of all access roads to the individual rental spaces must be constructed of adequate quality to provide an all weather road and shall require approval of the County Commissioner of the precinct in which such development is located.
 - b. No space may contain more than one single family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
 - c. The owner shall submit a letter of application, signed by the owner, that stipulates the intention of the owner; name, address and phone number of the owner; names of water and electricity providers; name of wastewater provider or type and usage of on-site sewage facilities; and name of solid waste disposal provider.
- B. The Manufactured Home Rental Community Infrastructure Development Plan (IDP) shall show at minimum the following:
 - a. Names, locations, dimensions (bearings and distances), and layouts of existing and proposed streets, alleys, easements, and other public rights-of-way and public/private encumbrances (deed restrictions, etc.) On the property

- and any proposed street right-of-way, easement, alley, park, or other public dedication.
- b. Dimensions, bearings and distances, of the proposed rental spaces.
 - c. Signatures and date of approval and certifications on the Infrastructure Development Plan. These approval signatures shall be not more than six (6) months prior to the submission.
 - d. Legal description, acreage, and name of the proposed development. The development's name shall not be spelled or pronounced similarly to the name of any existing development or subdivision located within the County.
 - e. The boundary of the Development indicated by a heavy line and described by bearings and distances.
 - f. Scale, legend, and north arrow.
 - g. Deed record, name of owner, volume and page number of adjoining properties.
 - h. Dates of survey and preparation of Infrastructure Development Plan.
 - i. Front building setback lines. Back and side building setback lines by note.
 - j. Location of any city's corporate limit and extraterritorial jurisdiction line.
 - k. Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, city limits and extraterritorial jurisdiction, and other major land features.
 - l. Net area (gross area less easements) of rental spaces to the nearest 1/100 of an acre for lots using on site sewage facilities and/or well water.
 - m. Limits of flood hazard areas and the proposed finished floor elevation of buildings within flood hazard areas on each space.
 - n. A surveyor's signature and seal on the Infrastructure Development Plan for certification.
 - o. The description of the water and sewer facilities, electricity and gas utilities, and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to serve the development and a statement of the date by which the facilities will be fully operable, prepared by an engineer (may be included in an attached document). A certification must be included that the water and sewer facilities described by the Infrastructure Development Plan, or document attached to the Infrastructure Development Plan, are in compliance with these regulations.
 - p. Approvals by other regulatory and governing bodies, as required.
- C. The Infrastructure Development Plan submitted shall also include the following documents:
- a. Letters signed and dated from water, wastewater, and electric utilities of service commitment and availability and statement of approval of existing and proposed utility easements.
 - b. A tax certificate showing that all taxes currently due with respect to the original tract have been paid.
 - c. Results of soils analysis certified by a qualified site evaluator (as defined by

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30 TAC Chapter 285) for on-site sewage facilities.

- d. Engineering Design Construction Plans for roadway access to each rental space for fire and emergency vehicles.
 - e. Drainage design plans to ensure adequate drainage off of the rental spaces to drainage channels and out of the Development, including the design of drainage structures, culverts, and/or systems using a 10 year storm frequency, such that the drainage out of the Development does not have a negative drainage impact on neighboring properties. In addition right of way is required for existing County road drainage and access as determined by the County Commissioner in whose precinct the Development is located to achieve a 60 foot wide right of way, the owner shall dedicate these rights of way to the County.
- D. Inspection of Improvements. Construction of a proposed Manufactured Home Rental Community may not begin before the date the Commissioners Court approves the Infrastructure Development Plan. Periodic inspection of improvements may be required by the County Commissioner of the precinct in which the Development is located. Upon completion of the improvements and a final inspection by the County Commissioner of the precinct in which the Development is located, the Commissioners Court (or person designated by the Commissioners Court) shall issue a Certificate of Compliance within 60 days of the final inspection.
- E. Utilities. A Utility may not provide utility services, including water, sewer, gas, and electric services, to a Manufactured Home Rental Community subject to an Infrastructure Development Plan or to a manufactured home in the community unless the owner provides the utility with a copy of the Certificate issued by the Commissioners Court or (person designated by the Commissioners Court). This requirement applies to:
- 1. A municipality that provides utility services;
 - 2. A municipally owned or municipally operated utility that provides utility services.
 - 3. A public utility that provides utility services;
 - 4. A nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services; and
 - 5. A special district or authority created by state law that provides utility services.
- F. Timely Approval of Infrastructure Development Plans. Not later than the 60th day after the date the owner of a proposed manufactured rental community submits an infrastructure development plan for approval, the Commissioners Court shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

IX. ENFORCEMENT

The Commissioners Court of Runnels County shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements set forth in these land development rules and regulations; and there is submitted at the time of approval of such map or plat financial security as may be required by these rules.

At the request of the Commissioners Court of Runnels County, the County Attorney or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:

- 1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under Chapter 232 of the Local Government Code of the State of Texas; or

2. Recover damages in an amount adequate for the county to undertake any construction or other activity necessary by the Commissioners Court under Chapter 232 of the Local Government Code of the State of Texas.

A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Commissioners Court under Chapter 232 of the Local Government Code of the State of Texas. An offense under the subsection is a Class B Misdemeanor.

X. FLOOD PLAIN REQUIREMENTS

Any subdivision lying in any area subject to the regulations for flood plain management for Runnels County must be shown to be in compliance with those regulations before any plat thereof will be approved. A certificate from the office of flood plain management that the subdivision is in compliance will be necessary prior to approval.

XI. EXTRATERRITORIAL JURISDICTION

In areas under a city's extraterritorial jurisdiction as defined by Chapter 42, V.T.C.S., Local Government Code, no plat shall be filed with the County Clerk without the authorization of both the city and county. Inside said extraterritorial jurisdiction, the city shall have independent authority to regulate subdivisions.

XII. CONSTRUCTION AND MAINTENANCE BONDS

A. Construction Bonds

All construction shall be complete within 2 years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained in these Regulations, the developer shall file a Construction Bond, executed by a Surety Company authorized to do business in this State, and made payable to the County Judge of Runnels County, Texas, or his/her successor in office.

The bond amount shall be equal to forty percent (40%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structures and all other construction.

The construction bond shall be presented to the County Judge for submission to the Commissioners Court with the final plat.

The construction bond shall remain in full force and in effect until all the roads, streets, street and road signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the Commissioner of the precinct in which the subdivision is located, and the construction bond has been released by order of the Commissioners Court.

In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Owner, fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the Commissioner of the precinct in which the subdivision is located, the unfinished improvements shall be completed at the cost and expense of obligees as provided.

B. Maintenance Bond

To insure roads, streets, street and road signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the Commissioner of the precinct in which the subdivision is located, a maintenance bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Runnels County, or his/her successor in office, shall be substituted for the construction bond at the time of release of said construction bond.

The maintenance bond amount shall be equal to forty percent (40%) of the estimated cost of roads, streets, street and road signs, underground utilities, required drainage structures and all other construction.

The conditions of the maintenance bond shall be that the Owner shall guarantee to maintain, to the satisfaction of Runnels County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specifications with construction security released by order of the Commissioners Court, in a good state of repair for a period of one year from the date of official release of construction security.

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

The release of any bond shall be by order of the Commissioners Court. To request a release the developer who posted the bond in question shall present a written request to release said bond. The written request of bond release shall be received by the County Judge at least 14 days prior to the next regularly scheduled meeting of Commissioners Court.

C. Final Inspection

The Developer, upon completion of drainage, roads, streets and other facilities intended for use by the public, or purchasers or owners of lots fronting or adjacent thereto, shall request from the County a final inspection. The Precinct Commissioner will inspect the completed work for compliance. The Developer will be notified in writing of any work not found in compliance with the Subdivision Regulations.

D. 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 developer's promise to construct and maintain the roads and drainage of facilities in a subdivision.

Irrevocable Letters of Credit in lieu of Bonds are required under the same conditions as Construction and Maintenance Bonds.

XIII. SEVERABILITY

If any provision of these Regulations, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Regulations which can be given effect without the invalid provisions or application, and to this end, the provisions of these Regulations are declared to be severable.