

Gray County Texas Subdivision Rules

Adopted by the Gray County Commissioners Court,
by a Vote of 5 Ayes and 0 Nays.

September 30, 2022

SUBDIVISION RULES

Section 1. GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 Authority and Scope of Rules

These rules are adopted by Gray County, Texas under the authority of the Local Government Code, Chapter 232, and Texas Water Code, §16.350. The effective date of these rules shall be October 1, 2022. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two (2) or more lots of ten (10) acres or less intended for residential purposes. Lots of ten (10) acres or less are presumed to be for residential purposes unless the land is restricted to non-residential uses on the final plat and in all deeds and contracts for deeds.

1.2 Purpose

It is the purpose of these rules to promote the health, safety, and general welfare of the community within the County by:

(a) Encouraging the wise use of natural resources throughout the County to preserve the integrity, stability, and beauty of the community;
(b) Ensuring the adequacy of drainage;
(c) Ensure proper legal descriptions and documentation are used in subdividing land;
(d) Establishing orderly policies and procedures to guide development;
(e) Establishing reasonable design standards for development;
(f) Providing for the establishment of minimum specifications for construction, and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and to reduce the related unnecessary cost to the County for correction of inadequate facilities designed to serve the public;
(g) Providing the most beneficial circulation of traffic throughout the County, and to provide for the proper location and design of roads and streets;
(h) Ensuring that new development adequately and fairly participates in the dedication of Public Improvements and infrastructure that are necessitated by or attributable to the development; and
(i) Ensuring purchasers of lots within a development are assured of the availability of basic utilities and infrastructure.

1.3 Plat Required

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1.3.1 The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two (2) or more lots of ten (10) acres or less and intended for residential purposes must have a plat of the subdivision prepared. Lots of ten (10) acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.

1.3.2 The County may enter interlocal agreements with the cities of Pampa, Lefors, or McLean to determine if a subdivision will be governed by the city's development rules or the county's subdivision rules when the proposed subdivision is located within the extra territorial jurisdiction (ETJ) of the city.

1.3.3 No subdivided land in Gray County shall be sold or conveyed until the developer has received approval of a preliminary plat of the tract of land.

1.3.4 A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

1.3.5 Per **Texas Local Government Code Section 232.0015** the following exemptions to platting are listed:

(a) Dividing of land for Agricultural, Wildlife Management, or Timber Use.
(b) Dividing land for the purpose of Selling or Gifting to a Related Individual.
(c) Dividing the land into lots which exceed ten (10) acres in size, and in such a manner that none of the subdivision tract is set aside for streets, roads, parks, or other purposes which serve a common public purpose.
(d) All of the lots within the subdivision will be sold to veterans through the Veteran's Land Board program.
(e) Platting is not required on any subdivision of land owned by the state or any state agency including the Permanent School Fund.
(f) Platting is not required when a landowner sells a portion of their land to a person or entity that will then subdivide subject to a plat approval.
(g) Platting is not required when ownership is transferred to individuals who held an undivided interest in the original tract providing no other development has occurred.

1.4 Provisions, Enforcement, and Violations

1.4.1 Selling or Transfers of Ownership of Lots is Prohibited Until Completion

No lot in any subdivision may be sold or ownership transferred until the Preliminary Plat of the Subdivision has been approved and recorded.

1.4.2 Platting Within the Extraterritorial Jurisdiction (ETJ) Boundaries of an Adjacent Municipality

A plat within the ETJ of a municipality that has entered an interlocal agreement with the County to regulate subdivisions within the municipality's ETJ shall comply with the Subdivision Rules as specified by the interlocal agreement.

1.4.3 Services Prohibited to Subdivision Until Completion

No person or entity shall sell or supply any utility such as water, gas, electricity, telephone, cable, communications services, or wastewater treatment within a Subdivision until the Final Plat is approved and filed for record, nor in which the standards contained in the Final Plat have not been complied with in full.

1.4.4 Compliance with Standards Required

The County shall not authorize any other person or entity, nor shall the County itself be required to maintain, repair, install, or provide any streets, roads, or public utility services in any Subdivision for which the standards contained herein or referred to herein have not been complied with in full.

1.4.5 Dedications Approval

A Final Plat does not impose any duty on the County concerning maintenance of any improvement. The County shall formally accept maintenance of public improvements through a court order approved by the Commissioner's Court after the public improvements have been constructed in accordance with these Subdivision Rules.

1.4.6 Enforcement

(a) The Commissioner's Court shall have the authority to approve or deny any plat that does not meet the requirements as set forth in these Subdivision Rules; and

(b) Pursuant to Texas Local Government Code Section 232.005, at the request of the Commissioner's Court, 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 Commissioner's Court under Texas Local Government Code Chapter 232; or

2. Recover damages in an amount adequate for the County to undertake any construction or other action necessary to bring about compliance with a requirement established by the Commissioner's Court

under Texas Local Government Code Chapter 232.

(c) Pursuant to Texas Local Government Code Section 232.005, a person who commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Commissioner's Court under Texas Local Government Code Chapter 232. An offense under this section is a Class B Misdemeanor.

(d) Pursuant to Texas Local Government Code Section 232.005, a requirement that was established by or adopted under Chapter 436. Acts of the 55th Legislature, Regular Session 1957, as amended (Article 6626a Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature Regular Session 195 (Article 2372k Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply for subdivision of land is enforceable under Section 1.08.B.2. A knowing or intentional violation of the requirement is an offense.

1.4.7 Conflict with State or Federal Regulation

If the provisions of these Subdivision Rules are inconsistent with state or federal law, the more restrictive provisions govern, to the extent allowed by law. The more restrictive provision is the one that imposes the most stringent control.

1.4.8 Conflict with Private Agreements and Covenants

These Subdivision Rules do not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of these Subdivision Rules impose a greater restriction than imposed by the agreement or covenant among private parties, the provisions of the Subdivision Rules govern. The County is not responsible for monitoring or enforcing agreements or covenants between private parties including deed restrictions and Home Owner Association rules when no violation of these Subdivision Rules or applicable state statute is involved.

1.4.9 Payment of All Indebtedness Attributable to the Subject Property

(a) No plat shall be accepted or reviewed for completeness from a person or entity who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the County until delinquent taxes, assessments, fees or any other indebtedness or obligation has been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.

(b) No plat will be accepted or reviewed for completeness on any property if the taxes are delinquent on such property.

(c) It is the responsibility of the developer to provide evidence or proof that all taxes have been paid, or that arrangements have been made

for payment of said taxes and/or fees.

1.5.0 Usage of Terms

The following terms contained in these Subdivision Rules shall be defined as follows:

(a) The words “must” “shall” “will” and “may not” are mandatory.

(b) The word “may” is permissive.

(c) The words “person” or “entity” includes a firm, association, organization, trust, or corporation, as well as an individual.

1.5.1 Computation of Time

(a) References to time in “days” shall be calendar days unless otherwise stated. Reference to “business days” reference any County working day. Business days do not include holidays observed on the County work calendar as adopted annually by the Commissioners Court.

(b) A day concludes at the close of business. Any materials received after the closing of the business day will be considered to have been received the following day.

Section 2. CONTENT AND PROCEDURES

2.1 Steps in Plat Approval

2.1.1 Notification of intent to create a subdivision

The developer shall notify the County Judge or the Commissioner of the Precinct in which the development will occur of the intent to create a subdivision.

2.1.2 Pre-Application Meeting

(a) The Commissioner of the Precinct will arrange a meeting of the Commissioner, the developer, and appropriate County personnel to discuss the land development project, the Subdivision Rules, and the process necessary to get preliminary and final approval of the plat.

(b) During this meeting, the County will provide the developer with a copy of the County Subdivision Rules and an application which will be filled out and submitted with the Preliminary Plat. This application will also serve as a checklist of all required elements of a Preliminary Plat.

(c) The application/preliminary plat fee will be discussed per the adopted fee schedule.

(d) The intent of this meeting is informational only and nothing is

construed to be binding on either party.

2.1.3 Preliminary Plat Approval

The developer shall prepare a preliminary plat design containing the required elements for presentation to the Commissioner's Court. The developer can then request time on the agenda of a regular or special Commissioner's Court meeting to present the preliminary plat, application fee, and application for approval. The Commissioner's Court will take the following actions:

(a) Place the request for Preliminary Plat approval on the agenda of a regular or special called Commissioner's Court meeting.

1. The Agenda action item must include a physical or legal description of the subdivision.
2. Describe the action to be taken.

(b) Act within thirty (30) days following the Preliminary Plat being presented to the Commissioner's Court at a regular or special called meeting and the Preliminary Plat having passed the completeness check unless the developer waives this right.

1. If no decision is rendered by the Commissioner's Court within the thirty (30) day period as described above or such longer period of time as may have been agreed to by the developer and the Commissioner's Court, the Preliminary Plat, as submitted, shall be deemed approved by the Commissioner's Court.
2. If a groundwater availability certification is required for approval of the Preliminary Plat the thirty (30) day period shall begin on the day the groundwater certification is submitted.

(c) Take one of the following actions:

1. Approve the Preliminary Plat;
2. Approve the Preliminary Plat with Conditions; or
3. Deny the Preliminary Plat within ten (10) days of presentation with a list of deficiencies to be corrected.

2.1.4 Effect of Preliminary Plat Approval

Preliminary approval of a plat allows the developer to move ahead with construction plans and constitutes approval of the basic layout of the subdivision and required elements of a preliminary plat. Any conditions applied by the Commissioners Court with approval of a Preliminary Plat must be addressed in the Final Plat.

2.1.5 Expiration of a Preliminary Plat Approval

An Approved Preliminary Plat shall remain in effect for two (2) years

from the date of approval. If a Final Plat has not been submitted for approval within this time period, the Preliminary Plat shall become null and void. A developer may apply once during this two (2) year period for a one (1) year extension of the approved Preliminary Plat.

2.1.6 Final Plat Approval

The developer shall prepare a final plat containing all the required elements for presentation to the Commissioner's Court. The developer will request time on the agenda of a regular or special called Commissioner's Court meeting to present the final plat for approval. The Commissioner's Court will take the following actions:

(a) Place the request for Final Plat approval on the agenda of a regular or special called Commissioner's Court meeting.

1. The agenda action item must include a physical or legal description of the subdivision.
2. Describe the action to be taken.

(b) Act within thirty (30) days following the Final Plat being presented to the Commissioner's Court at a regular or special called meeting and the Final Plat having passed the completeness check unless the developer waives this right.

1. If no decision is rendered by the Commissioner's Court within the thirty (30) day period as described above or such longer period of time as may have been agreed to by the developer and the Commissioner's Court, the Final Plat, as submitted, shall be deemed approved by the Commissioner's Court.
2. If a groundwater availability certification is required for approval of the Final Plat the thirty (30) day period shall begin on the day the groundwater certification is submitted.

(c) Take one of the following actions:

1. Approve the Final Plat;
2. Approve the Final Plat with Conditions; or
3. Deny the Final Plat within ten (10) days of presentation with a list of deficiencies to be corrected.

2.1.7 Approval Criteria for Preliminary and Final Plats

The Commissioner's Court shall use the following criteria to either approve or deny a preliminary or final plat.

(a) The plat conforms to the rules contained in these Subdivision Rules.

(b) The subdivision has adequate access to water and wastewater treatment facilities and access to public right of way as required by these Subdivision Rules or State Law.

(c) The plat complies with the design standards and construction specifications required by these Subdivision Rules.

(d) The proposed development represented in the plat does not endanger the health, safety, or welfare of the general public or environment.

2.1.8 Final Plat Approval Alternative Process

In 2019 the Texas Legislature passed HB 3167 to allow a developer, at their sole discretion, to bypass the Preliminary Plat phase and proceed to filing a Final Plat with either a bond or financial guarantee in lieu of a bond for the proper construction of streets and drainage requirements of the subdivision. If the developer selects this option, the Commissioner's Court will determine the amount of the bond or financial guarantee and execute this provision in accordance with the statutes contained in Texas Local Government Code Section 232.004.

2.1.9 Recording and Expiration of the Final Plat

(a) The Final Plat must be recorded with the County Clerk of Gray County.

(b) The Final Plat shall remain in effect for a period of two (2) years. If construction has not commenced during that time period, the Final Plat is null and void.

2.2 Required Application Information

2.2.1 The application to submit a Preliminary Plat for the purpose of creating a residential subdivision will contain the following information:

(a) The name, address, and contact information of the developer and all owners of the property.

(b) The legal description of the property to be subdivided.

(c) The proposed name of the subdivision.

(d) The completed checklist of required elements of the Preliminary Plat.

2.2.2 The application will be signed by the developer and all property owners unless a power of attorney is included designating a person(s) who will sign on behalf of the developer and/or owners.

2.2.3 The application will indicate the amount of the fee payable to the County for processing, fees for legal notices, and performing necessary inspections.

2.3 Required Preliminary Plat Information

2.3.1 A Preliminary Plat must contain the following information:

(a) Describe the subdivision by metes and bounds.
(b) Locate the subdivision with respect to an original corner of the original survey of which it is a part.
(c) State the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of the purchasers or owners of the lots fronting on or adjacent to the street, alley, square, park, or other part.
(d) The plat must indicate the total number of lots and number each in a systematic manner.
(e) The size of each lot in square feet and acreage.
(f) The name, location, and dimension of all existing or planned roads or streets.
(g) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgement of deeds.
(h) The required set back of buildings from the property line.
(i) All existing easements within the subdivision must be marked clearly with dimensions listed.
(j) The plat must list the date the property was surveyed.
(k) The name, address, and contact information of the owner(s), developer, surveyor, and if applicable, the engineer.
(l) The names of adjacent subdivisions or property owners.
(m) All connections from existing or planned subdivision roads or streets to existing roads and streets are marked.
(n) Existing or proposed contour lines are marked.
(o) A preliminary drainage plan shall be included which conforms to all applicable statutes. Development in Areas of Special Flood Hazard are prohibited.
(p) The types and minimum square footage of permitted housing allowed within the subdivision must be provided if there will be limitations in the deed or Homeowners Association rules.

2.3.2 Five (5) copies of the preliminary blue line plat in black ink must be provided to the Commissioners Court.

One (1) copy for the County Judge, one (1) copy for the Commissioner of the Precinct where the subdivision will be located, two (2) for County personnel, and a final copy to be included in the minutes of the Commissioner's Court Meeting.

2.4 Required Final Plat Information

2.4.1 The Final Plat must contain the following information:

(a) Describe the subdivision by metes and bounds.
(b) Locate the subdivision with respect to an original corner of the original survey of which it is a part.
(c) State the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of the purchasers or owners of the lots fronting on or adjacent to the street, alley,

square, park, or other part.
(d) The plat must indicate the total number of lots and number each in a systematic manner.
(e) The size of each lot in square feet and acreage.
(f) The name, location, and dimension of all existing or planned roads or streets.
(g) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgement of deeds.
(h) The required set back of buildings from the property line.
(i) All existing easements within the subdivision must be marked clearly with dimensions listed.
(j) The plat must list the date the property was surveyed.
(k) The name, address, and contact information of the owner(s), developer, surveyor, and if applicable, the engineer.
(l) The names of adjacent subdivisions or property owners.
(m) All connections from existing or planned subdivision roads or streets to existing roads and streets are marked.
(n) Existing or proposed contour lines are marked.
(o) A drainage plan shall be included which conforms to all applicable statutes. Development in Areas of Special Flood Hazard are prohibited.
(p) All culverts, drainages, or low water crossings are marked with dimensions.
(q) Utilities are marked, and the utility providers have agreed in writing to the plan.
(r) Wastewater and water supply are adequate and provided by either:

1. Connection to an existing or planned water and/or wastewater system which will serve the entire subdivision. The system must provide documentation that has sufficient water to supply the subdivision for thirty (30) years.
2. If individual lots will source their own water well and septic system then each lot must meet the requirements of the Panhandle Groundwater Conservation District and the Texas Commission on Environmental Quality to have its own well and septic system.
3. If wells using groundwater will be used as the water source, an accredited and Texas licensed engineer, hydrologist, or other recognized and approved professional shall determine that sufficient groundwater is present to provide for the needs of the subdivision for thirty (30) years.

(s) The types and minimum square footage of permitted housing allowed within the subdivision must be provided if there will be limitations in the deed or Homeowners Association rules.
(t) In conjunction with the **Panhandle Regional Planning Commission (PRPC)** the developer will have assigned street or road names and numbers for individual 911 addresses on the final plat in a manner approved by the **PRPC.**

2.4.2 Five copies of the Final Plat must be provided to the Commissioner's Court and upon approval by the Commissioner's Court the Final Plat, printed on 4 mil mylar with permanent black ink, with signatures of all utility providers, must be filed with the County Clerk of Gray County.

Preliminary plats are not filed with the County Clerk but may be included in the minutes of the Commissioner's Court.

2.5 Amending a Final and Recorded Plat

The purpose of an Amending Plat is to provide an expeditious means of making minor revisions to a recorded plat as authorized by Texas Local Government Code Section 232.011.

2.5.1 The Commissioner's Court may approve an Amending Plat, if the amending plat is signed by the applicants, and filed for one (1) or more of the following purposes.
(a) To correct an error in a course of distance shown on the preceding plat.
(b) To add a course or distance that was omitted on the preceding plat.
(c) To correct an error in a real property description shown on the preceding plat.
(d) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.
(e) To correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, road names, and identification of adjacent recorded plats.
(f) To correct an error in courses or distances of lot lines between two (2) adjacent lots if:

1. Both lot owners join in the application for amending the plat.
2. Neither lot is abolished.
3. The amendment does not attempt to remove recorded covenants or restrictions.
4. The amendment does not have a material adverse effect on the property rights of the other owners of the property, which is the subject of the plat.

2.5.2 The amending plat may be recorded with the County Clerk after approval of the Commissioner's Court.

2.5.3 Fee for Amending Plat Request

The fee that shall be payable for a request to Amend a Plat is listed on the adopted fee schedule.

2.6 Plat Vacation

The purpose of a Plat Vacation is to vacate an existing plat pursuant to Texas Local Government Code Section 232.008.

2.6.1 Pursuant to Texas Local Government Code Section 232.008 a person owning real property that has been subdivided into lots or blocks may apply to the Commissioner's Court for permission to cancel all or part of a subdivision, including a dedicated easement or roadway, to reestablish the property as acreage

tracts as it existed before the subdivision.

2.6.2 Fee for Replat Request

The fee that shall be payable for a Plat Vacation request is listed on the adopted fee schedule.

2.6.3 In the event an application to vacate a subdivision is received by the Commissioner's Court, the Court shall rely on the process contained in Texas Local Government Code Section 232.008 in reviewing the application for approval or denial.

2.7 Provision for Replat

As authorized by Texas Local Government Code 232.009, the purpose of a Replat shall be to revise an approved and recorded plat.

2.7.1 Applicability

Per Texas Local Government Code 232.009 a person who owns real property in a tract that has been subdivided and that is subject to the subdivision controls of the County in which the property is located may apply in writing to the Commissioner's Court for permission to revise the subdivision plat that applies to the property and that is filed for record with the County Clerk.

2.7.2 Notice of Public Hearing

(a) Per Texas Local Government Code 232.009 the County will publish notice of the application to replat and of a public hearing to address the application at least three (3) times in a newspaper having general circulation within the County.

1. The notice will be published at least thirty (30) days prior to the Commissioners Court meeting and no later than seven (7) days before the date of the meeting; and
2. The notice will be issued in accordance with Section 3.1.3 Public Hearing and Noticing Requirements as applicable.

(b) If all or part of the subdivided tract has been sold to non-developer owners, the court shall also give notice to each of these owner(s) by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

2.7.3 Notice Exceptions

Public noticing is not required in the following circumstances.

(a) The replat does not affect a public interest or public property of any type, including a park, school, or road, however the Commissioner's Court shall provide written notice of the application by mail to the owners of the lots that are

within two hundred (200) feet of the subdivision plat to be revised, and indicated in the most recent records of the County Tax Roll in which the lots are located.
(b) The County is not required to give notice by mail if the revised plat or part of the plat only combines existing tracts.

2.7.4 Approval of Replat Criteria

The Commissioner's Court shall use the following criteria to either deny or approve the Replat:

(a) The revised plat will not interfere with the established rights of any owner of a part of the subdivided land; or
(b) Each owner whose right may be interfered with has agreed to the revision.

2.7.5 Action by the Commissioner's Court

The Commissioner's Court will take the following actions:

(a) Review at a public hearing the Replat request and determine whether the request conforms to these Subdivision Rules.

(b) Act within thirty (30) calendar days following the public hearing of the replat request unless the person requesting the Replat submits a Waiver of Right to 30 Day Action.

1. If no decision is rendered by the Commissioner's Court within the thirty (30) period as described above or within such longer period as may have been agreed upon, the final plat, as submitted shall be deemed approved by the Commissioners Court.

(c) Take one of the following actions with the reason(s) to:

1. Approve the Replat;
2. Approve the Replat with conditions; or
3. Deny the Replat with a list of deficiencies.

2.7.6 Expiration of the Replat

The replat will remain in effect for a period of one (1) year following the date of approval unless the new plat has been recorded with the County Clerk.

2.7.7 Effect of the Approval of the Replat

The Replat controls over the preceding plat with vacation, revision, or cancellation of the preceding plat. The Replat only affects the lots shown on the Replat and may leave other lots within the original plat unchanged.

2.7.8 Recordation of the Plat (Replat)

(a) The Replat may be recorded with the County Clerk once the Commissioner's Court has approved the plat and any conditions, imposed by the Commissioner's Court as part of the approval, have been addressed.
(b) A Replat that has been signed by the County Judge must be recorded with the County Clerk by the end of the following business day from the day it was signed.

2.7.9 Fee for Replat Request

The fee that shall be payable for a Replat request is listed on the adopted fee schedule.

Section 3: SUBDIVISION CONSTRUCTION PROCEDURES

3.1 Standards for Construction

3.1.1 These Subdivision Rules establish minimum requirements for utilities, roadways, stormwater management, and other facilities to protect the health, safety, and welfare of the residents of Gray County. It is the intent of these Subdivision Rules that no development occurs until these minimum levels of service are met. Therefore, each subdivision in the County approved after these rules are adopted shall be required to dedicate and construct facilities to a capacity that meets these minimum levels.

3.1.2 Per Texas Local Government Code Section 232.032, a subdivider must provide these minimum services with the subdivision:

(a) A certified thirty (30) year water supply, either from an approved water supplier or utility or from a certified thirty (30) year supply of groundwater with individual lot owner's drilling wells on their property in accordance with the rules of the Texas Commission on Environmental Quality and the Panhandle Groundwater Conservation District. All wells will be drilled and completed by a driller licensed to operate in Texas.

(b) A certified wastewater treatment facility that has the capacity to adequately treat the wastewater from the subdivision or a requirement that each lot owner install a Texas Commission on Environmental Quality approved septic system. All septic systems must be installed by an installer licensed to operate in Texas.

(c) Comply with the street and road construction design standards as adopted by the County. Adequate connections to public roadways from the subdivision must be included in the project.

(d) Provide and furnish drainage that meets standard engineering practices

and Drainage Standards.

(e) Per Texas Local Government Code Section 232.030 the County may also require the developer or subdivider to comply with standards of flood management, which may exceed the minimum standards set forth by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968.

3.1.3 Responsibility for Construction

(a) Except as otherwise expressly provided or stated, developers are responsible for the construction and installation of infrastructure and public improvements required by the Subdivision Rules.

(b) All improvements must be designed and installed to provide for an interconnected system of infrastructure and to create continuity of improvements that will facilitate land development on adjacent properties.

(c) If a developer files a final plat for only a portion of a development for which a preliminary plat was approved, the infrastructure and improvements required to be constructed, installed, and maintained are those improvements that the Commissioner's Court reasonably deems necessary to serve the lots shown on the final plat and sufficient to meet fire safety and emergency access.

3.1.4 Responsibility for Maintenance

Unless otherwise expressly provided or stated, the developer is responsible for maintenance of all required infrastructure and improvements, including rights of way, to the standards of these Rules, until the County, another unit of government, a property owners association, or other legal entity assumes actual responsibility for the infrastructure and public improvements.

3.1.5 Subdivision Proportionality

Standards relating to the dedication or construction requirements shall be approximately proportional to the nature and extent of the impacts created by the proposed development on the County's roads or drainage facilities or a public utility provider's water and wastewater facilities.

3.2 Construction Planning

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3.2.1 Construction plans for a subdivision shall be reviewed and approved by the Commissioner's Court to ensure the minimum standards as set forth in these Subdivision Rules are met and constructed to the County's specifications prior to installation.

(a) Road and street construction will be supervised and inspected by the

County Road and Bridge Supervisor. All construction will be to County specification as contained in these Rules unless the developer signs an agreement the roads will not be built to County specification and will not be accepted for County maintenance. This includes the road sub surface and surface as well as construction and installation of any drainage devices including culverts, bridges, canals, or ditches paralleling or crossing under a roadway, or water crossings.

(b) Access to public streets and roadways where needed. The developer must have approval to connect subdivision roads to streets and roadways administered by the Texas Department of Transportation, the County, municipalities, or other subdivisions. Construction will be supervised by the County Road and Bridge Supervisor and representatives of the respective entities with cost of construction borne by the developer.

(c) Drainage systems will be designed by a Registered Professional Engineer licensed to practice in the state of Texas. Construction and installation must conform with the design.

(d) The developer must present a "Will Serve" letter from all utility providers as part of the approval of the Final Plat. This includes providers of water, wastewater treatment, natural gas, electricity, and cable unless such utility is not provided by the developer within the subdivision.

(e) If the subdivision is to be built in phases the developer must submit a Phasing Plan to show the timing and sequencing of when the lots and associated improvements will be constructed. The developer must verify that the overall subdivision plan infrastructure is adequate to support the entire subdivision when completed.

3.2.2 Easement Dedication

(a) Easement dedications for all property that is needed for the construction of roadways, access, drainage, utilities including water and wastewater, and any other infrastructure necessary to serve the subdivision will be provided on the subdivision plat or by separate instrument and maintained by the property owner unless approved otherwise by the Commissioner's Court.

(b) The developer is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to final plat approval and recordation.

(c) Offsite Easements

1. The developer will acquire all necessary off-site easements required for installation of off-site public improvements to serve the subdivision.

2. Offsite easements shall be conveyed and recorded by an instrument approved by the County.

(d) If the developer is unable to acquire the necessary off-site easements, the developer may request assistance from the County. The developer must provide right-of-way surveys, exhibits, and documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request from the developer for assistance, the County may, at its option, acquire these easements either though negotiation, or in appropriate situations through eminent domain proceedings. The developer will reimburse the County for the costs of acquiring the necessary easements including attorney fees and other associated costs.

(e) If new roads are constructed over existing petroleum pipelines, the pipelines must meet all specifications as listed for construction of roadways.

(f) Utility easements.

1. Utilities shall be placed within an easement at least fifteen (15) feet wide for utility construction, service, and maintenance and within private property. Easements of greater than fifteen (15) feet in width can be requested with approval to come from the Commissioner's Court as part of the Final Plat approval.

2. Utilities may only be placed in the public right of way with approval of the Commissioner's Court or as required by state statute. All utilities crossing a road or in the back slope of a ditch bordering a road must conform to construction requirements as set forth in these Rules.

3. The following full statement of restrictions shall be placed in the dedication instrument.

Easements: Any public utility, including the County, shall have the right to move and keep moved all or part of any building, fence, trees, shrubs, other growths, and improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its

respective systems on any of the easements or right of way shown on the plat or filed by separate instrument that is associated with said property; and any public utility, including the County, shall have the right at all times to ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Property owners shall maintain easements. The County can remove trees or any other improvements and does not have the responsibility to replace them.

(g) Drainage Easements Property owners may not install any structure, plant any vegetation, fill, or take any other action on their property which will restrict the drainage of water via a device, ditch, or canal created by a drainage plan and drainage easement.

3.3 Timing of Construction

-

3.3.1 Timing of When Public Improvements will be Constructed

(a) The developer shall be able to record the final plat after public improvements have been constructed.

(b) The final plat will be recorded when the developer has completed the road(s) and the County Road and Bridge Supervisor, and the respective County Commissioner have inspected the roads and deemed them to be in compliance with these Rules.

(c) The County Road and Bridge Supervisor and the respective County Commissioner shall inspect the roads at the end of the two (2) year period and if the roads are deemed in satisfactory condition and within County specification, the County will assume maintenance of the roads. If the roads require maintenance the County may require the developer to perform repairs as needed or make the repairs with the developer paying all expenses necessary to bring the roads up to county specification.

Section 4: ROADS

4.1 Acceptance and Abandonment of Right of Way

4.1.1 Acceptance of a Private or Public Road

(a) This section refers to the acceptance process of private and public roads or streets that were constructed prior to the adoption of these Subdivision Rules. Any property owner wanting the County to accept maintenance of a public or private roadway shall meet the conditions of this section.

(b) Minimum Requirements

1. Neither public or private roadways will be accepted by the County unless improved to the construction standards and dimensions as noted in the road specifications contained in these Subdivision Rules.

Gradation for Base Material for New Road Construction

Flex base will be caliche. Testing will be provided by the builder and will not be accepted as road material until the Precinct Commissioner or their designee has approved the test samples.

(TY D, GR 4) BASE SHALL CONFORM TO THE FOLLOWING OR AS DIRECTED:

RETAINED ON SQ. SIEVE	%
1 ¾”	0
7/8”	17-32
3/8”	40-60
No. 4	50-70
No. 40	70-85
Max LL	40
MAX PI	12
WET BALL MILL TY D MAX AMOUNT	45
MAX INCREASE IN PASSING NO.40	20

NOTIFY THE PRECINCT COMMISSIONER OR THEIR DESIGNEE AT LEAST 24 HOURS PRIOR TO DELIVERY OF MATERIAL

2. The County shall have the authority to inspect and confirm the conditions of the roadway prior to a request being heard by the Commissioner’s Court.

a. For a new road to be accepted for County maintenance

the roadway will be inspected at the time of completion.

b. A twenty-four (24) month trial period will then begin from the date of this inspection. At the end of the twenty-four (24) month trial period the roadway will be reinspected.

c. If the inspection finds deficiencies in the maintenance or construction of the roadway the developer must correct such deficiencies before County acceptance.

d. The developer is responsible for all maintenance of the roadway during these twenty-four (24) months.

(c) Application Procedures: Any property owner wanting the County to accept maintenance of a public or private roadway shall submit the following items to the Commissioners Court with the written maintenance request.

1. A petition signed by all property owners, who utilize the roadway, shall be submitted with the formal maintenance request.

2. A legal description and survey boundary or a detailed description of the location of the roadway shall be submitted with the formal maintenance request.

(d) Dedication of a Roadway for Public Use

1. Property Owner or Applicant Initiation

a. The property owner is responsible for contacting the respective County Commissioner of the precinct where the roadway and property are located to initiate the request.

b. The property owner shall either formally dedicate the roadway for public use by either:

(i) Separate instruments containing the legal description and survey boundary signed by a Registered Professional Land Surveyor and recorded with the County Clerk; or

(ii) By a plat that is recorded with the County Clerk

c. The Commissioner's Court may require Title Insurance or an attorney prepared Title Opinion indicating the easement conveys good and sufficient easement to the County. The cost of the Title Insurance or opinion will be paid by the property owner.

2. Commissioner's Court Action: The Commissioner's Court may approve a Court Order to accept maintenance of a roadway after the roadway has been dedicated by separate instrument or by plat as described above.

(e) Acceptance Criteria

1. The Commissioner's Court is not obligated to accept maintenance of a roadway. The Commissioner's Court can also choose to accept maintenance of a roadway for a temporary or limited time period until such roadway is annexed in the incorporated area of a city. Acceptance of a caliche roadway does not obligate the Commissioner's Court to pave the roadway with asphalt or any mixture of oil and/or gravel at any time in the future.

2. The Commissioner's Court may have the roadway inspected by a Licensed Professional Engineer licensed to work in Texas to ensure the road design including curves and grades are safe and that bridges have sufficient capacity for the loads permitted prior to acceptance. The cost of such inspection to be paid by the applicant or developer.

3. If the Commissioner's Court chooses to accept maintenance of a public or private roadway, the Commissioner's Court will approve a Court Order to accept maintenance of such roadway.

4.1.2 Abandonment Process for County Roads

(a) The request to Abandon, Vacate, or Close a County maintained roadway shall meet the regulations set forth in the Transportation Code Chapter 251 and shall require approval of the Commissioner's Court.

(b) Per the Transportation Code Section 251.051, the Commissioner's Court shall have the authority to:

1. Order that public roads be laid out, opened, discontinued, closed, abandoned, vacated, or altered; and

2. Assume control of streets and alleys in a municipality that does not have a de facto municipal government.

(c) A unanimous vote of the Commissioner's Court is required to:

1. Close, abandon, or vacate a public road; or

2. Alter a public road, except to shorten it from end to end.

(d) The Commissioner's Court may not discontinue, close, or abandon an entire first class or second-class road unless the entire road has been vacated or unused for a minimum of three (3) years.

1. Per the Transportation Code Section 251.007, the Commissioner's Court shall classify each public road in the County as a first-, second, third, or fourth-class road.

   a. First and Second-Class roads are between forty (40) and one hundred (100) feet wide with at least a sixteen (16) feet wide causeway or raised roadbed.
   b. Third Class roads are between twenty (20) and forty (40) feet wide with a causeway or raised roadbed of between twelve (12) feet and sixteen (16) feet wide.
   c. Fourth Class roads are between fifteen (15) feet and thirty (30) feet wide.

(e) Per the Transportation Code Section 251.058 the Commissioners Court may close, abandon, and vacate a public road or a portion of a public road by request of a property owner that abuts the portion of the being closed, abandoned, and vacated. The Commissioner's Court may require the property owner to:

1. Pay all reasonable administrative costs incurred for processing the request and recording the Court Order signed by the County Judge to convey the tract of land vacated from the County to the owner of the abutting property.

2. Reimburse the County for the market value of any property interest conveyed to the owner of the abutting property.

4.2 Road Construction Specifications for County Acceptance

4.2.1 Minimum Specifications for a County Road

(a) The developer shall ensure that the Subdivision is served by adequate roads and shall be responsible for the cost of the right of way and road improvements.

(b) Additional right of way may be required for existing roads and intersections to accommodate utilities, sidewalks, traffic control devices, and sight distances.

(c) The minimum right of way for a county road or street is eighty (80) feet wide.

1. The right of way must be clear of all obstructions.

2. Utilities permitted by state statute to use the right of way parallel to the roadway must be in the backslope of the right of way or at a minimum of ten (10) feet from the edge of the roadway.

3. Utilities crossing the right of way must be buried at a minimum of eighteen (18) inches below the lowest point of the ditch or right of way. The utilities must be encased in schedule forty (40) plastic or steel pipe.

(d) The minimum roadbed constructed for vehicular traffic shall be twenty-four feet to allow for two (2) lanes of movement.

(e) All roads at a minimum will have six (6) inches of acceptable caliche.

1. The caliche shall be rolled and compacted to create a solid roadway.

2. The roadway shall have a three percent (3%) crown to ensure adequate drainage.

3. If the County waives the requirement to seal coat a road and agrees to accept a caliche roadway, this waiver does not obligate the County to upgrade by paving or graveling the roadway with asphalt, gravel, or any mix of oil and gravel unless the Commissioner's Court provides for such upgrade in the Commissioner's Court Order accepting the roadway.

4.2.2 Minimum Specifications for the Paving of Roadways

(a) The caliche base for a paved road shall meet the standards as outlined in the section above. The base surface will be smooth and suitable for paving.

(b) The overlying pavement shall consist of one of the following:

1. Two (2) courses of a suitable paving oil with two (2) courses of appropriate gravel or crushed stone, or

2. One (1) inch of asphalt overlay.

(c) The type of oil, asphalt, and gravel or crushed stone will be approved by the County Road and Bridge Supervisor based on the permitted load weight the roadway will carry and the climatic conditions occurring while the paving work is being carried out and completed.

4.2.3 Adequate Road Access

(a) Vehicular Access to Subdivisions. All lots created by a subdivision must have access to a public or private street constructed to the County's specification and of appropriate design, traffic capacity, and service rating to accommodate the present and anticipated future traffic volumes generated from the subdivision.

(b) Subdivision containing more than thirty (30) one family or two-family dwelling units shall have a platted and constructed secondary ingress and egress to a public street. A multi-phase development shall ensure that each phase has a platted and constructed secondary entrance when more than thirty (30) residential units are proposed.

4.2.4 Cul-de Sacs

(a) A cul-de-sac street shall be platted and constructed with a turnaround area radius of forty (40) feet and right of way diameter of at least one hundred (100) feet.

(b) A cul-de-sac shall have a maximum length of six hundred (600) feet measured along its centerline.

4.2.5 Internal Road Connectivity

(a) Local streets of a subdivision shall be extended or stubbed out to the boundary of the subdivision to provide future connectivity with

adjoining un-platted land.

(b) Subdivisions shall connect to existing stub-outs on adjoining subdivisions or as approved by the final plat for the adjoining tract.

4.2.6 Driveway Spacing Standards

Land Use	Lot Frontage Width	Max Number Driveways	Min Spacing Lot Between
Single Family	=/>90 feet	2	20 feet
Single Family	<90 feet	1	N/A
Multi Family	=/>90 feet	2	20 feet
Multi Family	<90 feet	1	N/A
Commercial	=/>250 feet	2	100 feet
Industrial	<250 feet	1	N/A

4.2.7 Specifications for Drainage in Association with Roadways

(a) All culverts will be a minimum of twenty-four (24) inches in diameter.

1. If the drainage plan for the Subdivision, as designed by a Registered and Professional Engineer licensed to work in Texas, calls for a different diameter culvert or drainage device, then that size or device shall serve as the minimum standard.

2. The developer shall not install a smaller diameter culvert or smaller drainage device downstream from the minimum required upstream culvert or device.

3. All culverts will be at the bottom of the ditch.

    a. All culvert ends shall be free of obstructions which reduce flow.

    b. All culverts and drainage devices will be placed at a grade to ensure proper drainage and water velocity to keep the culvert or device free of sediment and other material.

4. Culverts will be overlaid with a minimum of six (6) inches of caliche.

(b) Water Crossings

1. Water crossings shall be constructed of reinforced concrete of sufficient strength and thickness to hold up under the heaviest loads permitted for the roadway.

2. Water crossings shall have a minimum width equivalent to the established roadway's width.

3. Water crossings shall have the appropriate signage warning drivers that they are approaching a water crossing. This signage must alert drivers of the drop in the roadway as well as the potential for water to be standing on or crossing the roadway. Flood gauges will also be installed to warn drivers of the depth of the water if the design of the crossing allows for sufficient water depth to endanger drivers as specified by Federal and State statute or regulations.

4.2.8 Street and Traffic Control Signage

(a) Street identification, culvert and waterway markers, and traffic control signs shall be furnished by the developer for all streets and roads within the subdivision.

1. The developer may request signage be created and installed by the County Road and Bridge Department.

2. The Commissioner's Court in consultation with the County Road and Bridge Department Supervisor will determine whether county personnel have sufficient time to complete the signage work and the Commissioner's Court will have discretion whether to accept the request from the developer. The cost will be determined for the signage project and the developer must pay the County, the agreed cost.

(b) Traffic control signs shall be installed in accordance with the prescribed type currently in use by the ***Manual on Uniform Traffic Control Devices.***

4.2.9 Street Names

(a) If a street is an extension of an existing named street the extension shall carry the same name to provide continuity.

(b) Names of roads and streets must have a unique name to the zip code for 911 address purposes. To avoid confusion a duplicate name or similar name from an adjacent zip code must be approved by the **Panhandle Regional Planning Commission** 911 Address Assignment Department and the Commissioner's Court before it can be used.

(c) The names of the streets and roads shall be submitted to the Commissioner's Court with the Final Plat. The street names and house numbering system must be approved by the Addressing Coordinator at the **Panhandle Regional Planning Commission**.

4.2.10 Gated Subdivisions and Private Roads

(a) All streets within a gated subdivision shall be private roads.

1. The developer, individual property owners, or a Home/Property Owners Association will build and maintain any private street or road including traffic control signage.

2. Street identification signs will be provided by the County for 911 purposes but will state or be of a different color to designate the street is not County maintained.

(b) All private streets regardless of being within a gated subdivision must provide access for emergency vehicles, pubic and private utility maintenance and service personnel, U.S. Postal Service delivery, and government employees who must access the area in pursuit of their official duties.

(c) As provided in these rules. Any road not built to County specifications will be a private road.

4.2.11 Variance A case by case variance from a rule governing roads and road drainage may be granted by the Commissioner's Court if the Commissioner's Court determines enforcement of the rule does not add protection for the health and safety of the public and unduly creates an economic burden on the developer.

Section 5: WATER AND WASTEWATER SERVICES

5.1 Water Systems

5.1.1 Public Water Supply

(a) Developers who propose to supply drinking water by connecting to any

existing public water system must provide a written agreement with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years. The agreement must reflect that the developer has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

(b) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the developer 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 §§290.38-290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the developer shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term thirty (30) years quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the Subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than thirty (30) years.

5.1.2 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, the developer shall drill a test well to determine the quantity and quality of the available groundwater unless there is an existing well within the tract that may be used for sampling and measuring purposes. The developer shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term thirty (30) years quantity of the available groundwater supplies relative to the ultimate needs of the subdivision. This analysis shall be prepared by a Texas licensed and accredited engineer, hydrologist, or other recognized professional. 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:

1. without any treatment to the water; or

2. with treatment by an identified and commercially available water

treatment system.

(b) All wells will be drilled under the rules of the **Panhandle Groundwater Conservation District** and **Texas Commission on Environmental Quality**. Each lot must be of sufficient size to accommodate the drilling of at least one (1) exempt residential well.

5.1.3 Transportation of Potable Water

The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the Subdivider does not constitute an emergency.

5.2 Wastewater Disposal

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

5.2.1 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 provide 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 thirty (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.

5.2.2 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.

5.2.3 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. 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.

5.2.4 Sludge Disposal

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

Section 6: OTHER STANDARDS

6.1.1 Setback

In areas that lack a nationally recognized fire code as listed in Local Government Code, §235.00(b)(2) and lack water lines sized for fire protection, 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.

6.1.2 Number of Dwellings Per Lot

No more than one (1) single family detached dwelling shall be located on each lot without the approval of the Commissioner's Court. 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.

6.1.3 Regulated Land Use Per Texas Local Government Code Chapter 243

(a) No sexually oriented business may be located within one thousand five hundred (1,500) feet of any of the following:

1. Childcare facility
2. Church of any facility used for a place of worship
3. Residence
4. Hospital
5. Public Park
6. Public building
7. School
8. Any establishment which sells or serves alcoholic beverages.

(b) No sexually oriented business may be within one (1) mile of a penal institution as defined by the Penal Code, including a halfway house.

(c) Distance measurements shall be made in a straight line from the nearest portion of the building used by the sexually oriented business to the nearest portion of the building or facility listed in Section 6.1.3(a) and (b).



APPLICATION TO CREATE A SUBDIVISION
Gray County, Texas

Developer Name: _____

Address: _____

Phone: _____

Email Address: _____

Property Owner(s) if Different or in Addition to Developer

Name(s): _____

Address(es): _____

Phone(s): _____

Email Address(es): _____

Property Legal Description: _____

Property Physical Location Description (approximate): _____

_____

_____

Proposed Name of the Subdivision: _____

Checklist of Essential Elements of the Preliminary Plat

_____Describe the subdivision by metes and bounds.

_____Locate the subdivision with respect to an original corner of the original survey of which it is a part.

_____State the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of the purchasers or owners of the lots fronting on or adjacent to the street, alley, square, park, or other part.

_____The plat must indicate the total number of lots and number each in a systematic manner.

_____The size of each lot in square feet and acreage.

_____The name, location, and dimension of all existing or planned roads or streets.

_____The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgement of deeds.

_____The required set back of buildings from the property line.

_____All existing easements within the subdivision must be marked clearly with dimensions listed.

_____The plat must list the date the property was surveyed.

_____The name, address, and contact information of the owner(s), developer, surveyor, and if applicable, the engineer.

_____The names of adjacent subdivisions or property owners.

_____All connections from existing or planned subdivision roads or streets to existing roads and streets are marked.

_____Existing or proposed contour lines are marked.

_____A preliminary drainage plan shall be included which conforms to all applicable statutes. Development in Areas of Special Flood Hazard are prohibited.

_____The types and minimum square footage of permitted housing allowed within the subdivision must be provided if there will be limitations in the deed or Homeowners Association rules.

Application Fee Amount: $1,000.00

The application fee is to cover the costs incurred by the County for inspections and staff time associated with creating the subdivision and related infrastructure. The application fee does not include any fees required for filing and recordation of plats in the County Clerk's Office.

Signature of Developer_____

Signature of Owner(s)_____

_____

_____

Date of Submission to Commissioner's Court_____

Receipt of Application, Fee, and Preliminary Plat

_____

Gray County Judge

Appendix A
DEFINITIONS of ACRONYMS & TERMS

Acronyms

A2LA
- American Association for Laboratory Accreditation.

AASHTO
- American Association of State Highway and Transportation Officials.

ACI
-American Concrete Institute.

ACPA
-American Concrete Pipe Association.

ADT
-average daily traffic.

AI
-Asphalt Institute.

AMRL
-AASHTO Materials Reference Library.

ANSI
- American National Standards Institute.

APWA
-American Public Works Association.

ASCE
- American Society of Civil Engineers.

ASTM
- American Society for Testing and Materials.

AWWA
-American Water Works Association.

BFE
-base flood elevation. APPENDIX A – DEFINITIONS OF ACRONYMNS & TERMS Page A-1

BMP
-best management practices.

CAFRA
- Coastal Area Facility Review Act.

CFR
-Code of Federal Regulations.

CMP
-corrugated metal pipe.

COE (also **USACE)**
- United States Army Corps of Engineers.

DOT
-United States Department of Transportation.

EPA
- United States Environmental Protection Agency.
ETJ
- extraterritorial jurisdiction.

FEMA
- United States Federal Emergency Management Agency.
FHWA
- Federal Highway Administration, United States Department of Transportation.
FIRM
-Federal Insurance Rate Map.
FIS
-Flood Insurance Study.
GIS
- Geographic Information System.
GPD
-gallons per day.
GPS
- Global Positioning System.
HGL
-hydraulic grade line.
IEEE
- Institute of Electrical and Electronics Engineers.
IESNA
- Illuminating Engineering Society of North America.
ITE
- Institute of Transportation Engineers.
MLUL
-Municipal Land Use Law.
MUTCD
-Manual on Uniform Traffic Control Devices.
NEC
-National Electric Code.
NEMA
- National Electrical Manufacturers Association.
NEPA
-National Environmental Policy Act.
NFIP
-National Flood Insurance Program.
NRMCA
-National Ready Mixed Concrete Association.
OSSF
- On-site Sewage Facilities
PE
-Professional Engineer.
PCA
-Portland Concrete Association.

PPI
-Plastics Pipe Institute.
PS&E
- plans, specifications, and estimate.

PSI
-pounds per square inch.
PUD
-planned unit development.
PVC
-polyvinyl chloride.
RCP
- reinforced concrete pipe.
ROW
-right-of-way.
RPLS
-Registered Professional Land Surveyor.
SCS
- Soil Conservation Service.
SDR
-standard dimensional ratio.
SFHA
- Special Flood Hazard Areas.
SI
-International System of Units.
TAC
-Texas Administrative Code.
TCEQ
- Texas Commission on Environmental Quality.
TDLR
- Texas Department of Licensing and Regulation.
TMUTCD
-Texas Manual on Uniform Traffic Control Devices.
TNRCC
-Texas Natural Resources Conservation Commission.
TXDOT
-Texas Department of Transportation.
ULI
-Urban Land Institute.
USACE
- United States Army Corps of Engineers.
USC
- United States Code.
USCGS (also USC&G and USC&GS)
- United States Coast and Geodetic Survey.

TERMS

A

ACCREDITED LABORATORY

-A laboratory, which is accredited by the American Association for Laboratory Accreditation (A2LA), or American Association of State Highway and Transportation Officials (AASHTO) in the field of construction materials testing.

AGGRESSIVE SOILS

-Soils that may be corrosive to metallic pipe or tubing.

AISLE

-The traveled way by which cars enter and depart parking spaces.

ALLEY

-A joint use access which is used only for secondary access to individual properties which otherwise have primary access from an adjacent public street or approved common open space or courtyard which is adjacent to a common street.

APPLICANT

-A Developer applying for development.

APPLICATION FOR DEVELOPMENT

-The application form and all accompanying documents required for approval of a subdivision plat, site plan, planned development, or the issuance of a permit pursuant to County Order and/or Texas Law

. **ARCHITECT OF RECORD**

-A person registered as an architect or licensed as a landscape architect, in accordance with State law, exercising overall responsibility for an architectural design.

AREA OF SPECIAL FLOOD HAZARD

– The land in a floodplain within a community subject to a one percent or greater chance of flooding in any given year.

ARTERIAL ROAD OR STREET

– A principal traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principal connecting street with State highways.

AVERAGE DAILY TRAFFIC

-The number of vehicles per day that pass over a given point, which has been factored to account for the day of the week and the time of the year.

B

BARRIER CURB

-Curb specially designed to separate opposing traffic on roads or highways.

BASE FLOOD

-The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE)

-The calculated elevation or level above mean sea level that floodwaters may reach during the base flood.

BEDDING

– Required material to be placed under pipes.

BERM
-A mound of soil, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuator, dam, or storm water control.

BLOCK
– A tract of land identified within a subdivision which is surrounded by streets and may be further subdivided.

BUILDING LINE OR SET-BACK LINE
– A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street, road, or highway right-of-way.

BUSINESS DAY
-A day other than a Saturday, Sunday, or holiday recognized by the County.

C

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS
-The gap between the centerline of roads intersecting a common road, as measured along the centerline of the intersected road.

CHANNEL
-Any natural or man-made waterway or course through which to convey the constant or intermittent flow of water.

CHANNELIZATION
-The straightening and deepening of channels, and/or the surfacing thereof, to permit water to move more rapidly or to redirect the flow of surface water.

COASTAL AREAS
-Areas that border on bays or estuaries or other waterways subject to tidal action which are subject to possible flooding or increased flood levels because of tidal action, hurricane surge or rising water due to storms, hurricanes, or tsunamis.

COLLECTOR ROAD OR STREET
– A street or road providing for travel between local streets and the arterial street network or serving multi-family development or neighborhood centers or services such as schools, parks, or fire stations.

COLONIA
– A geographic area that:
(A) is an economically distressed area as defined by Section 17.921, Water Code; and
(B) is:
(i) located in a county any part of which is within 50 miles of an international border; or
(ii) located in a county:
(a) any part of which is within 100 miles of an international border; and
(b) that contains the majority of the area of a municipality with a population of more than 250,000.

COMMISSIONER'S COURT

– The Commissioner's Court of Gray County, Texas.

COMMON CARRIER

-A person who owns, operates, or manages a pipeline or any part of a pipeline in the State of Texas for the transportation of crude petroleum to or from the public for hire, or engages in the business of transporting crude petroleum by pipeline. A common carrier may transport oil, oil products, gas, salt brine, fuller's earth, sand, clay, liquefied minerals, or other mineral solutions.

COMMON LATERAL (WATER / SEWER)

- A lateral serving more than one (1) dwelling unit.

COMMON OPEN SPACE

-An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use of residents and owners of the development.

CONCEPT OR CONCEPTUAL PLAN

-A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification during a concept conference prior to the Preliminary Plat.

CONDUIT

-Any open or closed device for conveying flowing water.

COUNTY

– Gray County, Texas

COUNTY ROAD

– A roadway under the control and maintenance of the County.

CUL-DE-SAC

-A short public street having only one opening or access to another public street and which is terminated by a permanent vehicular turnaround.

CULVERT

-A closed or open conduit designed for the purpose of conveying an open channel watercourse under a road, highway, pedestrian walk, railroad embankment, or other type of overhead structure.

CURB

-A stone, concrete, or other improved elevated boundary marking the edge of a roadway or paved area.

CURB AND GUTTER SECTION

-A "Curb and Gutter Section" is a full width concrete pavement with curb, either doweled on six-inch (6") curbs or monolithic or doweled four-inch (4") by twelve-inch (12") curb or monolithic curb and gutter sections for asphalt concrete pavement.

D

DAM

– Any barrier, including one for flood detention, designed to impound liquid volumes and which has a height of dam greater than six feet. This does not include highway, railroad, or other roadway embankments.

DAY

-Calendar day.

DEAD-END-STREET (ROAD)
– That portion of a public street which initially has only one opening or access to another public street, but which will be extended at a later date.

DEDICATION
– The appropriation of land, or an easement therein, by the owner, for the use of the public.

DESIGN FLOOD
-The magnitude of a flooding event that a facility is designed to accommodate. This event can also be used as the basis of a water surface elevation, or the delineation of a floodway and flood hazard area.

DESIGN STANDARDS
-Standards that set forth specific requirements for design.

DESIGN STORM EVENT
-The rainfall intensity upon which a drainage facility will be sized. References to rainfall conditions in these specifications shall apply to "Technical Paper No. 40, U.S. Weather Bureau", published by the U.S. Department of Agriculture, Soil Conservation Service.

DESIGN VEHICLE LOAD (HS-20)
- A design load designation used for bridge design analysis representing a three-axle truck loaded with four tons on the front axle and 16 tons on each of the other two axles. The HS-20 designation is one of many established by AASHTO for use in the structural design and analysis of bridges.

DETENTION BASIN
-A storm water management basin or alternative structure designed to temporarily detain storm water runoff.

DEVELOPER
– (see subdivider)

DIVIDED STREET
– A street, road or highway having an island or other barrier separating opposing moving lanes.

DRAINAGE
-The removal of surface water or ground water from land by drains, grading, or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE AREA MAP
-A map of a watershed which is delineated to show the area serviced by each drainage subsystem.

DRAINAGE FACILITY
-Any component of the drainage system.

DRAINAGE SYSTEM
-The natural and man-made components that contain, convey, absorb, store, treat, or dispose of surface water runoff or ground water.

DRINKING WATER
– All water distributed by any agency or individual, public, or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

DRIVEWAY
-A defined paved or unpaved surface providing vehicular access between a street, road, or highway and private property.

DWELLING DENSITY
-The permitted number of dwelling units under gross area of land to be developed.

E

EASEMENT
– A right given by the owner of a parcel of land to another person, public agency, or private corporation for specific and limited use of that parcel. A privilege or right of use or enjoyment granted above, under or across a particular tract of land by one owner to another.

ELEVATION
– The height above mean sea level. The vertical control system (benchmarks) referenced in the most current Flood Insurance Study shall be used except in coastal areas where subsidence has occurred. Any future studies changing the Flood Insurance Rate Map (FIRM), which is referenced to a later re-leveling of the vertical control system shall be used whenever a revised FIRM becomes effective.

EMERGENCY SPILLWAY
– A supplemental spillway whose function is to pass the design storm flows in the event the principal spillway fails to operate as designed or is blocked.

ENGINEER
-A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

EROSION
-The detachment and the movement of soil or rock fragments by water, wind, ice, or gravity.

ESCROW
-A deed, bond, money, or piece of property delivered to a third person, to be delivered by him to the grantee only upon fulfillment of a condition.

EXTRATERRITORIAL JURISDICTION (ETJ)
– The unincorporated area, not a part of any city, which is contiguous to the corporate limits of a city. The extraterritorial jurisdiction of the various population classes of cities (as defined in Chapter 42 of the Texas Local Government Code) is as follows:

(1) The extraterritorial jurisdiction of any city having a population of less than five thousand (5,000) inhabitants shall consist of all the contiguous unincorporated areas, not a part of any other city, within one half mile (1/2 mi) of the corporate limits of such city.

(2) The extraterritorial jurisdiction of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000)

inhabitants shall consist of all the contiguous unincorporated areas, not a part of any other city, within one mile (1 mi) of the corporate limits of such city.
(3) The extraterritorial jurisdiction of any city having a population of twenty-five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants, shall consist of all the contiguous unincorporated areas, not a part of any other city within two miles (2 mi) of the corporate limits of such city.
(4) The extraterritorial jurisdiction of any city having a population of fifty thousand (50,000) or more inhabitants, but less than one hundred thousand (100,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within three and on-half miles (3.5 mi) of the corporate limits of such city.
(5) The extraterritorial jurisdiction of any city having a population of one hundred thousand (100,000) or more inhabitants shall consist of all the contiguous unincorporated areas, not a part of any other city, within five miles (5 mi) of the corporate limits of such city.

EXTREME EVENT

-A rainfall event which exceeds the Design Storm Event up-to and including the 100-year frequency resulting in surcharge of the drainage channels and systems.

F

FINAL APPROVAL

-The official action of the Commissioner's Court taken on a subdivision or site plan after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

FINAL PLAT

– A map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in these Rules.

FLOOD INSURANCE RATE MAP (FIRM)

– An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOODPLAIN

– Any land area susceptible to being inundated by water from any source and as identified in the Flood Insurance Rate Map (FIRM) for Gray County.

FLOODWAY

– The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than a designated height.

FLUSHING

-The cleaning out of debris and sediment from pipes by force of moving liquid, usually water.

G

GATED COMMUNITY

– A residential subdivision or housing development with a vehicular or pedestrian gate that contains two or more dwellings not under common ownership. (The term does not include a multi-unit housing project.)

GEOTECHNICAL ENGINEER

-A Texas-registered Professional Engineer who works for a company registered in the State of Texas that has been accredited by the American Association for Laboratory Accreditation (A2LA) in geotechnical testing.

GOVERNING BODY

-The chief legislative body of the county.

GRADE

- The inclination of a sloping surface, usually expressed in terms of percentage.

GROUNDWATER

– Subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated either year-round or on a seasonal or intermittent basis.

GUTTER

-A shallow channel, usually set along a curb or the pavement edge of a road, for purposes of collecting and carrying off runoff water.

H

HYDRAULIC GRADE LINE

-The line representing the pressure head available at any given point within a drainage system.

I

IMPERVIOUS SURFACE

-A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

IMPOUNDMENT

-A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM

-A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

-A system for disposal of sanitary sewage into the ground which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a septic tank, and to discharge the liquid effluent to a disposal field.

ISLAND

-In street, road or highway design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting.

L

LAND

-Real property including improvements and fixtures on, above, or below the surface.

LATERALS (DRAINAGE)
– Channels or pipes conducting storm water to primary channels.
LOCAL ROAD OR STREET
– A street or road used primarily for access and circulation to abutting residential properties and which is intended to serve traffic within a limited area.
LOT
– An undivided tract or parcel of land.

M
MAIN
-In any system of continuous channels and/or piping, the principal artery of the system to which branches may be connected.
MANHOLE
-An inspection chamber located at changes in horizontal and vertical directions for storm sewer and underground utility conduits whose dimensions allow entry, exit, and working room.
MANUFACTURED HOME RENTAL COMMUNITY
-A plot 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 sixty (60) months without a purchase option, exclusively for the installation of manufactured homes for use and occupancy as residences.
MARGINAL ACCESS STREET
-A service street that runs parallel to a higher-order street which provides access to abutting properties and separation from through traffic. It may be designed as a residential access street or minor collector as anticipated daily traffic dictates.
MASTER PLAN
-A composite of one or more written or graphic proposals for planned development regarding roads, utilities, or other infrastructure, as set forth and adopted by a government entity.
MAY
– A permissive condition. No requirement for design or application is intended.
MEAN SEA LEVEL
-The average height of the surface of the sea for all states of the tide as was established by the United State Coastal and Geodetic Survey USCGS in 1929.
MEDIAN
-That portion of a divided street, road, or highway separating the traveled ways of traffic proceeding in opposite directions.
MIXED USE
-Two or more different uses of a subdivision, one of which is residential.
MOUNTABLE CURB
-A low curb with a slope designed to be easily traversable by a vehicle.
MULTI-UNIT HOUSING PROJECT
– An apartment, condominium, or townhome project that contains two or more dwelling units.

MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) (see **TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES)**

N

NON-PUBLIC WATER SYSTEM
– Any water system supplying water for domestic purposes which is not a public water system.

NONSTRUCTURAL BEST MANAGEMENT PRACTICES
-Those controls of storm water runoff and non-point source pollution that are not structural in nature, such as landscaping techniques, source controls, zoning, setbacks, buffers, or clustering.

O

OFF-STREET PARKING SPACE
-A storage area for a motor vehicle that is directly accessible to an access aisle and that is not located within a dedicated street right-of-way.

ON-SITE SEWAGE FACILITIES (OSSF)
– On-site sewage facilities as that term are defined in rules and/or regulations adopted by the Texas Commission on Environmental Quality, including, but not limited to, 30 TAC Chapter 285.

ON-STREET PARKING SPACE
-A storage area for a motor vehicle that is located within a dedicated street right-of-way.

OPEN SPACE
-Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OUTFALL CHANNEL
– The receiving channel of any drainage associated with the subdivision improvements.

OWNER
– The persons, corporations, organizations, government or governmental agency, estates, trust, partnerships, associates, incorporations, or other entities that have clear title to a Lot.

P

PARKING LANE
-A lane usually set on the sides of streets, designed to provide on-street parking.

PARKING LOT
-A ground-level, generally open area that provides storage for motor vehicles that may provide access to dwelling units, and which has aisles that carry traffic with destination or origin in the lot itself.

PARKING SPACE
-A storage area provided for the parking of a motor vehicle.

PAVEMENT
-A surface created to facilitate passage of people and/or vehicles, and usually constructed of brick, stone, concrete, or asphalt.
PAVEMENT STRUCTURE
-The combination of the surface (see **PAVEMENT**), base course, subbase, and subgrade material, which supports the traffic load and distributes it to the roadbed.
PEDESTRIAN GENERATOR
-A development that will realize high facility usage by persons arriving on foot.
PERVIOUS SURFACE
-Any surface that permits a significant portion of surface water to be absorbed.
PLAT
– A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions.
PLAT, FINAL (see **FINAL PLAT**) **PLAT, PRELIMINARY** (see **PRELIMINARY PLAT**) **PLATTED**
– Recorded with Gray County in an official plat record.
POTABLE WATER SUPPLY
– see Definition for Drinking Water
PRELIMINARY APPROVAL
-The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Gray County Commissioners Court Designee.
PRELIMINARY PLANS AND ELEVATIONS -Drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale, and relationship to its site and immediate environs.
PRELIMINARY PLAT
– One or more drawings showing the physical conditions of a tract and the surrounding area intended to be subdivided. This plat shall show the Developer's intended development program in order to assure that all Rules are complied with.
PROFESSIONAL ENGINEER (see **ENGINEER)**

R
RAINFALL FREQUENCY
-the probability of a rainfall event of defined characteristics occurring in any given year. Information on rainfall frequency is published by the National Weather Service. For the purpose of drainage design, the following frequencies are applicable:

(1) 2-year frequency – a rainfall intensity having a 50% probability of occurrence in any given year or nominally likely to occur once every two years.
(2) 3-year frequency – a rainfall intensity having a 33% probability of occurrence in any given year or nominally likely to occur once every three years.
(3) 5-year frequency – a rainfall intensity having a 20% probability of occurrence in any given year or nominally likely to occur once every five years.
(4) 10-year frequency – a rainfall intensity having a 10% probability of occurrence in any given year or nominally likely to occur once every ten years.

(5) 25-year frequency – a rainfall intensity having a 4% probability of occurrence in any given year or nominally likely to occur once every twenty-five years.
(6) 100-year frequency – a rainfall intensity having a 1% probability of occurrence in any given year or nominally likely to occur once every one-hundred years.

REGISTERED PROFESSIONAL LAND SURVEYOR (RPLS)
– Any person licensed to practice surveying by the Texas Board of Professional Land Surveying.

RESIDENTIAL CLUSTER
-An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

RESIDENTIAL DENSITY
-The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

RESUBDIVISION
-The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law but does not include conveyances so as to combine existing lots by deed or other instrument.

RETAIL PUBLIC UTILITY
– Any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision, or agency operating, maintaining, or controlling in this state facilities for providing portable water service or sewer service, or both, for compensation.

RETAINING WALL
-A structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced.

RETENTION BASIN
-A storm water management basin designed to retain storm water on a permanent basis.

RIGHT-OF-WAY (ROW)
-A strip of land owned by a government entity and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, or for another special use.

ROADSIDE DITCH SECTIONS
– A street, road, or highway cross-section with an adjacent / parallel open channel. (This is often referred to as a rural roadway section.) The cross-sectional elements include pavement width, front-slopes, distance from roadway to edge / center of ditch, ditch side-slopes, bottom of ditch dimension, and right-of-way width.

ROADWAY
-The portion of a road that is improved, designed, or ordinarily used for vehicular traffic.

S

SANITARY SEWER
- Any pipe conduit used to collect and carry away sewage from the generating source to treatment plants.

SEDIMENTATION
-The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.
SEPTIC SYSTEM
-An underground system with a septic tank used for the decomposition of domestic waste.
SEPTIC TANK
-A watertight receptacle which receives the discharge of sanitary sewage from a building sewer or part thereof and is designed and constructed so as to permit settling of settleable solids from the liquid, partial digestion of the organic matter, and discharge of the liquid portion into a disposal field.
SEWER
- Any pipe conduit used to collect and carry away sewage (see **SANITARY SEWER**) or storm water runoff (see **STORM SEWER**) from the generating source to treatment plants or receiving streams.
SEWERAGE FACILITIES
– The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Rules.
SHALL
– A mandatory condition.
SHEET FLOW
-The overland storm water runoff that is not conveyed in a defined conduit and where a clearly defined channel does not exist.
SHOULD
– An advisory condition recommended but not mandatory.
SHOULDER -The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
SIDEWALK
-An improved path for pedestrian use.
SIGHT TRIANGLE
-A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
SITE IMPROVEMENTS
-Any construction work on, or improvement in connection with, residential development limited to streets, roads, parking facilities, sidewalks, drainage structures, and utilities.
SOIL
-The arable layers of unmodified sediments beneath the surface material and above bedrock.
SOIL CEMENT
-A mixture of Portland cement and soil.
SOIL EROSION

-The gradual alteration of soil by crustal movement or by processes of weathering, transportation, and sedimentation.

STABILIZATION

-As it pertains to streets, roads, highways, the ability of a surface to resist deformation from imposed loads. Stabilization can be accomplished by adequate thicknesses of asphalt base and surface course, dense graded aggregates, cement-treated soil aggregates, or concrete or precast masonry units set on a base course.

STORM SEWER

- Any pipe conduit used to collect and carry storm water runoff from the generating source to receiving streams.

STORMWATER DETENTION

-A provision for temporary storage of storm water runoff, and the controlled release of such runoff during and after a flood or storm (see **DETENTION**).

STORMWATER MANAGEMENT MEASURES

-A broad term for structural and nonstructural control of storm water runoff and non-point pollution.

STORMWATER RETENTION

-A provision for the permanent storage of a fixed volume of water (see **RETENTION**).

STREET

-Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, County, or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action, or which is shown on a plat duly filed and recorded in the office of the county recording officer; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

STREET KNUCKLE

– A bulbous widening of the pavement where the road makes an approximate 90-degree turn.

STATE PLANE COORDINATE SYSTEM

– A coordinate system used by surveyors to locate special information with a high degree of accuracy.

SUBDIVIDER

– Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.

SUBDIVISION

– An area of land that has been subdivided into lots for sale or lease.

SUBGRADE

-The prepared surface upon which pavements and shoulders are constructed.

SURFACE COURSE

-The placement of an asphalt concrete material on a previously prepared base course.

SURVEYOR

(see **REGISTERED PROFESSIONAL LAND SURVEYOR**)

SWALE

-A low-lying or depressed land area commonly wet or moist, which can function as an intermittent drainage way.

T

TEXAS ADMINISTRATIVE CODE (TAC)
– As compiled, indexed, and published by the Texas Secretary of State.

TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD)
- The most recent edition, including any additions or corrections, of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

TOPSOIL
-Means (1) the natural, undisturbed surface layer of soil having more organic matter than subsequent layers, a pH of 5.0 to 7.5 and suitable for satisfactory growth and maintenance of permanent, locally adapted vegetation. (2) Where the original surface layer has been removed, the reapplication of soil material used to cover an area so as to improve soil conditions for establishment and maintenance of adapted vegetation. The reapplied material must be friable, loamy soil reasonably free of debris, objectionable weeds, and stones; have a natural pH of 5.0 to 7.5; have an organic matter content greater than 2.00 percent; and contain no toxic substances which may be harmful to plant growth.

TRAVEL WAY
– That portion of the roadway used for vehicular travel.

TRIP
-A single or one-way vehicle movement to or from a property or study area.

U

UNINCORPORATED AREA
- The area in Gray County, Texas, which is not within an incorporated area of a city or town.

UTILITY AREA
-A space within the right-of-way designated for the installation of utility lines and facilities.

V

VARIANCE
– A grant of relief to a person from the requirement of these Rules when specific enforcement would result in undue hardship.

W

WATER FACILITIES
– Any device and/or system which is used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

APPENDIX B
CHECKLISTS

These checklists are to be used in conjunction with the Gray County Subdivision Rules and Platting Requirements, and State statutes, to help keep track of whether a preliminary or final plat and its associated information and documents meet legal requirements.

PRELIMINARY PLAT CHECKLIST
Subdivision Name and Submittal date

1. SUBMISSION REQUIREMENT: Five (5) 22” X 33” blueline copies with permanent black ink folded with title of plat appearing on outside, Schematic plans for water, wastewater, paving and drainage plus preliminary drainage calculations. An application fee payable to Gray County in the amount of $1,000.00. A location map.

2. INFORMATION SHOWN ON PLAT:
   Title of the subdivision; title must include the word "Replat," if vacated and changed after recordation North arrow Scale: 1" = 100'min. The following information shall appear on the **first** sheet:

   OWNERS: (if corporation, name of responsible individual)

   ACREAGE: SURVEY: (Legal Description)

   DATE: (revision dates, if any)

   SURVEYOR: ENGINEER:

   BENCHMARK DESCRIPTION & ELEVATION:

   Vicinity Map Boundary survey with bearings and distances

   Point of beginning labeled on plat and described in field notes Field notes; tie to corner of original survey; survey tie across adjacent streets to determine right-of-way width Monumentation as prescribed in the Rules Topographic and planimetric features Ownership boundaries in heavy lines Lot and block lines Numbers on all proposed lots and letters on blocks

   Dimensions for front _____ rear _____ side _____ lot lines

   Depiction of the 100-year flood plain, if the tract is not in the 100-year flood, a plat note stating such must be shown Street, alleys, drainageways, parks and other public areas Location, dimension, name and description of each existing or recorded street, alley, reservation, easement, or other right-of-way Location, dimension, description, and name of any existing watercourse or drainage structure within 150’ of the boundary of the subdivision.

   Certification by owner of conformance to the gas, electricity, water, telephone, and cable

television and 911 address review.

Certificate note stating ownership in fee of all land embraced in the subdivision.

Certificate note approval of the Commissioner’s Court.

Plat note stating building setbacks will be in accordance with the Gray County Subdivision Regulations and Platting Requirements.

Plat note of existing or proposed restrictive covenants Certificate dedicating all streets, public highways, utility easements, parks, drainage easements, and all other land intended for public use.

FINAL PLAT CHECKLIST

Subdivision Name:

NOTE: ALL ITEMS, EXCEPT THE MYLAR, MUST BE SUBMITTED TO THE GRAY COUNTY COMMISSIONER'S COURT IN A LARGE CLASP ENVELOPE. PLEASE ROLL THE MYLAR. FINAL PLAT WILL NOT BE CONSIDERED "FILED" UNLESS ALL SUBMISSION REQUIREMENTS ARE MET.

_____

Submittal date

1. SUBMISSION REQUIREMENTS:

_____ One (1) Mylar reproducible - 22" x 33", complete with all required signatures, volume, and page information, etc.

_____ Four (4) blueline copies folded with title of plat appearing on outside

_____ The developer must submit with the final plat one of the following:

_____ A statement stating that schematic plans and preliminary drainage calculations were submitted with the preliminary plat and no changes have occurred

_____ New schematic plans and outline specifications for water, wastewater, paving, and drainage plus calculations for drainage

_____ Four (4) sets of construction plans and specifications for water, wastewater, paving, and drainage prepared by a registered professional engineer

_____ Letter of Intent for Utilities to explain how the tract will be served by electric, cable, water, and wastewater, including commitments for oversize line construction and/or off-site requirements, if applicable. (A copy of the letter submitted with the preliminary plat must be submitted if no changes have occurred)

_____ Attatched to the plat (as per Section 12.002 of the Property Code) will be original Tax Certificates from the school district, county, and other taxing districts of the real property indicating that no delinquent ad valorem taxes are owed on the real property.

_____ Copy of deed to show proof of ownership

_____ The final plat or replat shall be accompanied by an abstractor's certificate which shall state the names and addresses of any and all current owners and current lien holders of the property described in the final plat.

_____ The abstractor's certificate shall be dated no sooner than ten (10) days prior to the submission of the final plat. The final plat shall not be reviewed or approved until the abstractor's certificate is received.

APPENDIX C
SAMPLE PLAT NOTES

Any person dedicating such a map is to use such portion of the form as herein listed, which is the approval form for the Commissioner's Court.

STATE OF TEXAS}

COUNTY OF GRAY}

BEFORE ME, the undersigned authority, on this day personally appeared _____, President, and _____Secretary of _____ (Name of Company) known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity stated, and as the act and deed of said corporation.

Given under my hand and seal of office at_____this_____day of_____, A.D._____.

Notary Public in and for Gray County, Texas

STATE OF TEXAS}

COUNTY OF GRAY}

I hereby certify that the foregoing map of _____complies with all the regulations and requirements of the Commissioner's Court of GRAY County, Texas, effective this date.

Dated this_____day of _____, A.D._____.

_____

Professional Engineer

STATE OF TEXAS}

COUNTY OF GRAY}

I, _____, Clerk of the Commissioner's Court of Gray County, Texas hereby certify that the foregoing map was approved and accepted by said Court on the _____day of_____, Page_____as shown by order of record in the minutes of said Court in Volume _____, Page_____. Witness my hand and seal of said Court at office in Pampa, Texas, this the _____day of_____.

By: _____
Gray County Clerk

STATE OF TEXAS}

COUNTY OF GRAY}

I, _____, Clerk of the County Court, in and for Gray County, Texas hereby certify that the foregoing map of _____dated the_____day of_____, _____with its certification of authentication was filed for record in my office this _____day of _____, _____at _____o'clock _m and duly recorded in Volume_____, Page_____. Witness my hand and seal of office in Pampa, Texas, this the _____day of_____, _____.

By: _____
Gray County Clerk

STATE OF TEXAS}

COUNTY OF GRAY}

I, _____, Registered Professional Land Surveyor, hereby certify that this plat is true and correct, to the best of my knowledge and ability, and that it was prepared from a survey made on the ground in_____,_____.

_____

Registration Seal Date License No. **********

STATE OF TEXAS}

COUNTY OF GRAY}

I, _____hereby certify that I am the owner of all the lands embraced within the bounds of _____GRAY County, Texas subject to a lien held by _____; that I have had said land surveyed and subdivided as here shown, that all streets and alleys shown are dedicated to the use of the public; that all utility easements shown hereon are dedicated to the public for the installation, operation and use of the public utilities; that this map is made for the purposes of description and dedication, this the _____ day of _____,_____.

_____
Affiant

STATE OF TEXAS}

COUNTY OF GRAY}

Before me, the undersigned authority, on this day personally appeared,

_____, known to me to be the person whose is subscribed to the foregoing instrument of writing, and he acknowledged to me that he executed the same for the purposes and considerations therein expressed and, in the capacity, stated. Given under my hand and seal of office at _____ this _____day of_____, _____.

_____
Notary Public in and for Gray County, Texas

STATE OF TEXAS}

COUNTY OF GRAY}

We, _____, hereby certify that we are the holders of a lien against the lands embraced within the bounds of _____, Gray County, Texas, and that we approve the subdivision and dedications of same for the purpose therein expressed. This the _____ day of _____, _____.

_____
Affiant(s)

APPENDIX D

SAMPLE AGREEMENT FORMS

WATER SERVICE AGREEMENT

AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit: The Utility is the governing board or owner of a retail public utility which supplies drinking water known as _____.
The Subdivider is_____
who is the owner, or the authorized agent of the owner, of a tract of land in Gray County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under Texas Water Development Board's Economically Distressed Area Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to Gray County for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately _____ gallons daily. The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's water distribution system has been connected to the Utility's water supply system.

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

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

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

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

This Agreement is effective on _____, 20____.

The Utility:

By: _____

Printed Name: _____

Office or Position: _____

Date: _____

The Subdivider:

By: _____

Printed Name: _____

Office or Position: _____

Date: _____

WASTEWATER SERVICE AGREEMENT

AGREEMENT REGARDING WASTERWATER SERVICE FOR THE PROPOSED SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit: The Utility is the governing board or owner of a retail public utility which provides wastewater treatment and is known as _____. The Subdivider is _____, who is the owner, or the authorized agent of the owner, of a tract of land in Gray County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

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

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

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

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system:

The Subdivider has paid the Utility the sum of $_____ which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots of the Subdivision to the Utility's wastewater collection and treatment system.

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

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

This Agreement is effective on _____, 20____.

The Utility By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider: By: _____
Printed Name: _____
Office or Position: _____
Date: _____

APPENDIX E

FEE SCHEDULE

The following fee schedule is adopted and effective on this day, October 1. 2022, by the Commissioner's Court of Gray County. Any subdivision applications which have been submitted previous to this effective date shall be subject to the fee schedule in force at the time of application.

The fees are deemed necessary to cover the cost of public notices, inspections, and other costs incurred by the County when a developer creates or modifies a subdivision.

Action Request	**Fee**
Application to create a subdivision and preliminary plat approval includes all steps through Final Plat approval	$1000.00
Amendment of a Final Plat	$ 250.00
Vacate a Final Plat	$ 500.00
Approval of a Replat of a Recorded Plat	$ 750.00

Filing and recordation fees with County Clerk are not included in these fees.