Van Zandt County
Subdivision Regulations

Effective as of
October 31, 2018

Approved and Accepted by
Van Zandt County Commissioners Court

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On
October 31, 2018

INTRODUCTION

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

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

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

Applications for any subdivision approval shall be processed on a case-by-case basis and a given application may name only on (1) Subdivision as the subject for approval. The Commissioners Court may amend this Subdivision Rules Regulations Order from time to time, and may adopt new requirements to this Order by vote of a simple majority.
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Chapter 1
GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 Authority

These rules are adopted by Van Zandt County, Texas, under the authority of the Local Government Code, Chapter 232 and Water Code, §16.356. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

1.2 Plat Required

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

(b) No subdivided land shall be sold or conveyed until the subdivider:
(1) has received approval of a final plat of the tract; and
(2) has filed and recorded a legally approved plat with the Van Zandt County Clerk’s Office.

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

(d) If the property is located within the extraterritorial jurisdiction of a municipality, the developer shall be responsible for complying with the applicable regulations of the controlling entity, and/or the provisions of any applicable inter-local agreement. Generally, in cases where the County and municipality have regulations that differ, the more restrictive regulations will take precedence and be enforced.

1.3 Supersession

These rules supersede any conflicting regulations of Van Zandt County.

1.4 Severability

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

1.5 Definitions

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

(1) Commission—the Texas Commission on Environmental Quality and any of its predecessor or successor entities.
(2) Commissioners court—The Commissioners Court of Van Zandt County, Texas
(3) County—Van Zandt County, Texas.
(4) 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.

(5) Engineer—A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

(6) Final plat—A map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.

(7) Lot—An undivided tract or parcel of land.

(8) Non-public water system—Any water system supplying water for domestic purposes which is not a public water system.

(9) OSSF—On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.

(10) Platted—Recorded with the county in an official plat record.

(11) Public water system—A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 50 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems is 25 or more at least 50 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

(12) Purchaser—Shall include purchasers under executory contracts for conveyance of real property.

(13) Retail public utility—Any entity meeting the definition of a retail public utility as defined in Water Code §41.002.

(14) 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.

(15) Subdivider—Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.

(16) Subdivision—Any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land which was previously divided.

(17) TAC—Texas Administrative Code, as compiled by the Texas Secretary of State.

(18) Water facilities—Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

Chapter 2
Minimum Standards

2.1 Scope of Standards

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

2.2 Water Facilities Development

(a) Public water systems.

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

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§290.38-290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provided a copy of a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for new public water supply systems and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) Non-public water systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provided a copy of a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for individual water supply wells on individual lots and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§290.104, 290.106, 290.108 and 290.109, either:

(1) without any treatment to the water or
(2) with treatment by an identified and commercially available water treatment system.

(c) Transportation of potable water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except in 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.

2.3 Wastewater Disposal

(a) Organised sewerage facilities,

(1) Subdividers who propose the development of an organised wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.

(2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

(b) On-site sewerage facilities.

(1) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.

(2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.

(3) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§285.4, 285.5 and 285.30-285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(1), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.
2.4 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 commission.

(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.

2.5 Sludge Disposal

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

2.6 Septic/Public Utilities

The plat shall provide for utility service within the proposed subdivision, utility easements of no less than ten (10) feet shall be provided along each property line of all lots. All utility services are to be placed within five (5) feet of the property line. Subsurface utilities are to be placed with ten (10) feet of the property line. Basements are to be described in the deed and shall show the same on the plat, i.e. the proposed water supply shall be clearly indicated, i.e., municipal water, rural water supply corporation, privately owned water system, individual well, etc., including location of fire plugs, fire department fillers, or hydrants. Filler plugs or hydrants shall have proper hose connections every 750 feet, or in compliance to fit the equipment of the fire department serving the jurisdiction. Water supply must be approved before lots are sold. Also, the plan for sewage disposal shall be clearly indicated, i.e., municipal sewer service, privately owned sewage disposal system, individual septic tank, etc. The design and installation, etc., of the septic system shall comply with regulations of the Texas Commission on Environmental Quality. Final authority as to design and installation of the system for sewage disposal shall rest with the licensing. The plan for sewage disposal shall show areas not suitable for ordinary septic tank systems. Such areas shall require special systems approved by the Van Zandt County Designated Representative. The stipulation for sewage disposal shall be inserted in each deed to said purchasers.

2.7 Number of Dwellings Per Lot

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

Chapter 3
Plat Approval

3.1 Applications for Plat Approval

(a) Owner representation. An application for approval of a plat shall be filed with the county by the record owner of the property to be subdivided or the duly authorized agent of the record owner.

(b) Standards. Every plat creating two or more lots of five acres or less for residential use shall comply with all rules of Van Zandt County Subdivision Regulations.

3.2 Final Engineering Report

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

(1) Public water systems.
(A) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix I A and referenced in §364.32(e)(1) of this title. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.
(B) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(2) Non-public water systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with §364.32 of this title. The results of such analysis shall be made available to the prospective property owners. If the water quality of the test well required pursuant to §364.32(b) of this title does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, and the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

(3) Organized sewerage facilities.
(A) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix I B and referenced in §364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastewater shall have been obtained from the commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
(B) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(4) On-site sewerage facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC §285.4(c), including the site evaluation described by 30 TAC §285.30 and all other information required by the county's OSSP order.
3.3 Property survey

A property survey shall be submitted with plat applications, showing the location of all existing permanent, man-made structures within the proposed subdivision, including house, barns, sheds, other buildings, walls, wells, ponds and stock tanks. The plat shall be duly acknowledge and dedication of road right-of-ways, alleys, easements, etc by the owner or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for such acknowledgment by law.

3.4 Registered Professional

The plat shall be prepared from an actual survey made on the ground by or under the direct supervision of a Registered Professional Land Surveyor and his/her certificate to that effect must appear on said plat. Plat shall show Land Surveying Firm’s name and license number, address and telephone number.

3.5 Flat scale and filing

The plat shall be based on a scale of not more than one (1) inch equals two hundred (200) feet. The plat shall be drawn on paper measuring no less than eleven (11) inches by seventeen (17) inches and no longer than twenty-four (24) inches by thirty-six (36) inches. If two or more pages are needed, a key (may be drawn to larger scale) showing the entire area shall be drawn on the first page. Each page shall be numbered in a way as to note its location within the set.

Two full size copies of the final plat shall be presented for filing, one shall be on mylar or vellum paper in black ink for filing within the Van Zandt County Clerk’s records, and the other shall be on bond paper in black ink for use by the Van Zandt County Appraisal District’s mapping department. There shall also be four (6) reduced size (not to scale) copies of the final plat submitted for exhibits to be used in Van Zandt County Commissioner’s Court.

3.6 Plat information

The plat shall provide detailed information on the width of the existing streets, lots and alleys, adjacent property owner’s name, adjacent owner’s deed filing information and similar details regarding all property immediately adjacent to the platted property. The names of the proposed subdivision and any of the physical features shall not be similar in spelling or pronunciation to the name of any existing subdivision in Van Zandt County as to cause confusion. Lot and Block numbers are to be arranged in systematic order and shown on the plat in distinct and legible manner. All lot lines shall be defined by bearing and distance. All lots shall show lot acreage. All lots shall have a minimum building setback line of twenty-five (25') feet along any public road right-of-way.

3.7 Drainage structures

The location, dimension, descriptive and flow line of existing drainage structures and drainage structures proposed to be installed within the subdivision shall be shown on a drainage plan prepared by a licensed Engineer, to be submitted with the plat. Blocking the flow of water or construction of improvements in a drainage eave and/or filling of a floodway is prohibited.

The drainage plan shall show existing topography of the proposed subdivision by use of contour lines and proposed changes to topography. Any existing 100 year floodplain shall be shown on the plat, if no part of the subdivision lies within a 100 year floodplain, then it shall be noted on the plat.

Any lot shown within a 100 year floodplain shall show a minimum finished floor elevation, two (2) feet above the Base Flood Elevation (BFE). The plat shall contain a north arrow, scale, location map and date plat was prepared.

Chapter 4

4.1 Streets and Roads

Notwithstanding the provisions of any other section in this Article II, a sixty foot right-of-way is hereby required for all paved streets or roads in subdivisions where the following requirements are met:

a. Where a County road abuts the subdivision, the owner shall set back the subdivision line thirty (30) feet to fifty (50) feet from the center line of the existing County road, depending on the area.
b. All Streets, Roads and Alleys within each subdivision shall be paved.

c. No utility lines are placed under the street pavement except at 90-degree angles and before sub-grade is placed, and said at a depth of no less than thirty (30) inches below drainage ditches. Any other crossing shall be bored andased beneath road. The actual street cut for alley streets in such subdivisions must not be less than twenty (20) nor more than thirty-five (35) feet in width. All permanent ditches and streets or roads shall have a turn-around with a right-of-way diameter of not less than one hundred forty feet (140') with radius of fifty feet (50') of pavement with a minimum of six inches (6") of compacted rock or Texas road oil at 6% by weight of sand.

4.2 Variances

Streets or roads shall be designed and constructed so as to intersect with each other at ninety (90) degree angles. Where compliance with this regulation is impossible, due to terrain, the sub-divider may file a written petition with the Commissioners' Court for a variance contemporaneously with the original submission of the plat to the Court. Said petition shall state concisely why the condition of the terrain makes it impossible to comply with this regulation. The Court shall rule on said petition in its order granting or denying preliminary authorization of the plat. In event that a variance is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of twenty-five (25) feet away from the point where the street would have otherwise intersected. The Court shall specify the exact size of the cut-back, up to a maximum of fifty (50) feet, in its order granting or denying preliminary authorization of plat. No street or road shall be constructed with an abrupt offset or "jog" in it.

4.3 Adjoining Subdivision

Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivision shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision. All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future. No streets, roads or alleys shall be constructed across dam or embankment used for purpose of holding water.

4.4 Acceptance of Roads

After one year has lapsed from the date on which the Commissioners' Court certified completion of construction of the streets and roads of a Subdivision, the Commissioners' Court may consider acceptance of the streets and roads of the subdivision and may designate said streets and roads as County Roads to be kept and maintained as part of the County Road System.

Chapter 5
Construction Standards

5.1 Paving and Material

All streets and roads shall be constructed with a stabilized sub-grade. The sub-grade material under all streets and roads shall meet or exceed the following minimum requirements.

a. Plasticity index value shall be a minimum of 6 and a maximum of 45.
b. Sub-grade shall be bladed to a depth of twelve inches (12")
c. Sub-grade shall be compacted with a weighted roller
d. Sub-grade shall be watered, bladed and rolled before any flexible base material is placed upon it, and
e. Sub-grade shall be at least twenty-four feet (24') wide.

Paved streets must be twenty (20) feet wide and be paved with (1) hot mix asphalt, or (2) a rock base with a sealcoat surface treatment of (3) 6" oil sand or (4) a combination of these. One prime coat and one course penetration asphalt surface treatment or tack coat and hot mix must be applied if abnormal weather conditions exist.
The paving material on paved streets must have a thickness of not less than two (2) inches of hot mix asphaltic compacted or one (1) course of sealcoat surface treatment. The sealcoat material or hot mix material shall be approved by the Commissioner of the Precinct where the subdivision is located.

5.2 Penetration Asphalt Surface Treatment

a. A prime coat of asphalt shall be applied to the base and allowed to set for a adequate period of time (one to two days ordinarily). One course penetration asphalt surface treatment shall then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate. Aggregates to be applied in quantities necessary to thoroughly and properly cover asphalt.

b. Rolling—After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt properly to the satisfaction of the Commissioner of said Precinct. One course to be applied at completion of road.

5.3 Flex Base

All streets and roads must have a flexible base. The flexible base material for all streets and roads in every subdivision shall be: #1 crushed limestone rock, iron ore gravel, or Texas road oil at 6% by weight of the sand of not less than six (6) inches. The flexible base shall have a minimum thickness of (6 to 12) inches after compaction of the authorized base material with approval of County Commissioner of said Precinct, and be twenty-two (22) feet wide. The flexible rock or iron ore gravel base shall be covered with a primer twenty-two (22) feet wide one-third (1/3) gallon per square yard. All material used must be inspected and approved by the Commissioner of the Precinct wherein the subdivision lies. The center line of each street in every subdivision shall have elevation of at least three (3) inches above the elevation of the edged of said street.

5.4 Concrete Pavement

The roads or streets shall consist of concrete being at least six inches (6") thick with one-half inch (1/2") diameter rebar on twenty-four inch (24") centers. The base shall be twenty-two feet (22") wide and may be constructed in the following manner. A maximum four inch (4") flexible base compacted to 95% of Standard Proctor Density or, a minimum of a three inch (3") thick sand cushion (if appropriate for that area of the County or, an optimum design based upon site-specific soil conditions found within the proposed subdivision.

5.5 Seep Areas

a. Seep areas are to be marked by visual inspection by the contractor and the Precinct Commissioner.

b. Seep areas shall be drained to a depth of a least eighteen (18) inches to two (2) feet below sub-grade elevation by use of subsurface drainage.

c. After Seep areas are drained, the subgrade is to be compacted as described hereinabove.

5.6 Street Naming

All roads and streets that are accepted by the County must be named and marked by the Developer in compliance with 911 Requirements. If the County takes the subdivision roads into the County road system, the County will furnish the road signs and numbers. All road signs must be approved by the Commissioner of the Precinct wherein the subdivision lies.

5.7 Time Limit

The Commissioners’ Court may specify that construction of all streets, roads and drainage structures must be started and completed within a reasonable time after the plat and plans of a subdivision have received final authorization from the County, and said time period (not to exceed twelve (12) months) must be specified by the Court in its order granting or denying preliminary authorization of the plat.
Chapter 6
Bonding Procedures

6.1 Bonding Requirements

Owner or owners of any tract of land to be subdivided shall give a good and sufficient performance bond for the proper construction of the streets and roads in the subdivision. Said bond to be executed by a corporate surety company authorized to do business in the State of Texas, or in the alternative, said bond may be a cash bond. The performance bond shall be fixed in an amount equal to the estimated cost of street and road construction as determined by the Commissioners' Court in its order granting preliminary authorization of the plat. The performance bond shall be made payable to: Van Zandt County Judge or His Successor in Office; and shall be conditioned that the owner or owners of any such tract of land to be subdivided will construct all streets and roads within said subdivision in accordance with these regulations; and shall be presented for approval to the Commissioners' Court upon presentation of the subdivision plat and plans for final authorization and approval. No subdivision plat or plans shall be considered for final authorization and approval by the Commissioners' Court unless accompanied by a performance bond. The performance bond shall be provided before construction begins, being effective on the date that the subdivision plat and plans receive final authorization and remaining in effect for one (1) year after the date on which the Commissioners' Court certifies that the streets and roads in the subdivision have been completed in accordance with these regulations. Where construction of all streets and roads in said subdivision is completed in accordance with these regulations, the owners or owners shall give written notice of completion to the Commissioners' Court and request a hearing for the purposes of certifying same. Following receipt of the notice of completion and request for hearing the Commissioners' Court shall make an inspection of the subdivision and conduct a hearing and, thereafter, consider an order granting certification that the streets and roads in said subdivision have been constructed in accordance with these regulations. In the event that the Commissioners' Court determines that the construction of streets in the subdivision was not completed in accordance with these regulations, the Commissioners' Court shall consider an order denying certification and causing the performance bond to be forfeited in favor of Van Zandt County.

6.2 Acceptances of Roads

One year having lapsed from the date on which the Commissioners' Court did certify completion of the construction of the streets and roads of a subdivision in accordance with these regulations, the Commissioners' Court may consider acceptance of the streets and roads of the subdivisions and may designate said streets and roads as "County Roads" to be kept and maintained as part of the County Road System. Upon acceptance of the streets and roads by the Commissioners' Court, the performance bond shall be released or said bond having been forfeited, any bond proceeds remaining shall be returned to the owner or owners.

Chapter 7
Drainage

7.1 Contour lines on Plat

Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible. Roads and streets shall not be used as drainage courses. If the contour lines on the final plat indicate that the lot or lots may not drain, the Commissioners' Court shall not approve the plat until correction of said drainage has been completed.
7.2 Drainage ditches and Structures

All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage ditches shall have a minimum depth of eighteen (18) inches below the level of the edge of the adjacent street or road. Permanent drainage structures including, but not limited to, culverts, pipes, drainage boxes and bridges, shall be installed at all crossings or drainage courses, including drainage ditches with driveways, road and streets. At least one permanent drive approach with proper drainage, minimum 24 foot pipe, shall be constructed and covered with the same materials as road base and surface to property line. The exact dimensions and type of said permanent drainage and structure, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision by the commissioners’ Court in its order granting or denying preliminary authorization of a subdivision plat. Permanent obstructions, such as concrete or rock wells, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the Commissioners’ Court in its order granting or denying preliminary authorization to the subdivision plat. Open drainage channels and ditches shall be constructed with a proper cross-slope grade and alignment which will facilitate proper functioning without the destruction velocities of drainage waters.

7.3 Drainage easements

All drainage easements for the land being authorized for development must be of adequate width, as determined by the commissioners’ Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all lands whose natural drainage runs through the property being authorized for development. After platting, the developer shall deliver to the commissioners’ Court of Van Zandt County the necessary easement for each lot or acreage where there will be a drainage ditch or channel with right to ingress and egress. All drainage easements must be shown on plat. Drainage easements provisions shall be made for drainage easements to allow for proper control of drainage, and for future maintenance within the easement area. Stipulations for drainage easements shall be inserted in each deed to said purchaser. The Commissioner of the Precinct wherein said subdivision lies is to meet with the contractor at least 30 days prior to submission of plat to Commissioners’ Court in planning of culverts and drainage. Prior to building roads within subdivision, all Developers are required to meet with the Commissioner of the Precinct in which the subdivision is located for the purpose of determining the cost of construction of roads to conform with the above requirements.

7.4 Inspection fee

A cash fee of ten dollars ($10.00) per lot proposed to be subdivided shall be paid by any subdivision developer within Van Zandt County, Texas, to defray the cost of inspection.

Chapter 8
Financial Guarantees for Improvement

(a) Applicability: If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the commissioners court shall require the owner of the subdivided tract to execute an agreement with the county in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below.

(b) Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) The bond or financial guarantee shall be payable to the county judge of the county, in his official capacity, or the judge’s successor in office.

(2) The bond or financial guarantee shall be in an amount determined by the commissioners court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

(3) The bond shall be executed with sureties as may be approved by the commissioners court. The county shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

(A) registration with the Secretary of State and be authorized to do business in Texas;

(B) authorization to issue bonds in the amount required by the commissioners court; and
(C) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(a) Letter of Credit. A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) Any letter of credit submitted as a financial guarantee for combined amounts greater than $10,000 and less than $250,000 must be from financial institutions which meet the following qualifications:

(A) Bank qualifications:
   (i) must be federally insured;
   (ii) Standard & Poor's rating must be 10 or better and primary capital must be at least 6.0% of total assets; and
   (iii) total assets must be at least $25 million.

(B) Savings and loan association qualifications:
   (i) must be federally insured;
   (ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than $25 million or tangible capital must be at least 3.0% of total assets if total assets are less than $25 million; and
   (iii) Standard & Poor's rating must be 30 or better.

(C) Other financial institutions qualifications:
   (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
   (ii) the investment instrument must be registered in the county's name and the county must receive a subordination receipt for all collateral before the letter of credit is accepted.

(2) Any letter of credit submitted as a financial guarantee for combined amounts greater than $250,000 must be from financial institutions which meet the following qualifications:

(A) Bank qualifications:
   (i) must be federally insured;
   (ii) Standard & Poor's rating must be thirty or better and primary capital must be at least 7.0% of total assets; and
   (iii) total assets must be at least $75 million.

(B) Savings and loan association qualifications:
   (i) must be federally insured;
   (ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than $75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than $75 million; and
   (iii) Standard & Poor's rating must be 30 or better.

(C) Other financial institutions qualifications:
   (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
   (ii) the investment instrument must be registered in the county's name and the county must receive a subordination receipt for all collateral before the letter of credit is accepted.

(3) The letter of credit shall be issued by a financial institution which is a bank, savings and loan association, or other similar financial institution that is authorized to conduct business in the county.

(4) The letter of credit shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(d) Financial guarantee. The county will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.

(e) Alternative to county accepting a financial guarantee. The county may approve a final plat under this section without receiving a financial guarantee in the name of the county if:

(1) the property being subdivided lies wholly within the jurisdiction of the county;

(2) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and
(3) the municipality has executed an interlocal agreement with the county that imposes the obligation on the municipality to:
(A) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;
(b) execute the construction agreement with the subdivider; and
(C) assume the obligations to enforce the terms of the financial guarantees under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

Chapter 9
Review and Approval of Final Plat

9.1 Scope of review

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

Chapter 10
Time Extensions for Providing Facilities

10.1 Reasonableness

The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:
(1) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with §364.54 are submitted which will be effective for the period of the extension; and
(2) the court finds the extension is reasonable and not contrary to the public interest.
(b) Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
(c) Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Division 2 of this subchapter.

Chapter 11
Criteria for Subdivisions that occurred prior to September 1, 1989

11.1 Authority and scope

This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the county to grant a delay or variance pursuant to Local Government Code §232.043 or a rule of the county adopted pursuant to such provision.
(b) Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to
establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.

(c) Required plat. In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the commissioners court, and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the commissioners court as provided in this section in lieu of the filing of a plat of the subdivision.

(d) Special criteria. The commissioners court may approve the plat of a residential lot which does not comply with the provisions of §§364.15(b) of this title (sale restrictions), 364.36 of this title (Subbasin), 364.37 of this title (Number of Dwellings per Lot), 364.52 of this title (Final Engineering Report), and 364.54 of this title (Financial Guarantees for Improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done.

(1) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.

(2) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the commissioners court may request to support the application, including:

(A) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;

(B) a copy of the plat or survey of the lot for which approval is requested, showing existing residences, roads, and utilities;

(D) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.

(3) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the commissioners court that:

(A) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdividers;

(B) a plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;

(C) an existing, currently occupied residential dwelling is located on the lot;

(D) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and

(E) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.

(e) Final determination. The commissioners court shall make the final decision on an application for a waiver, following review and recommendation by the county planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

Chapter 12
Revision and Cancellation of Plats

12.1 Application for Plat Revision

The owner of an existing lot or lots in a platted subdivision may submit an application to revise the portion of the existing plat affecting such lot(s), unless prohibited by restrictive covenants or plat notes filed pursuant to these Subdivision Regulations, by submitting the following to the Commissioners Court.

Three (3) copies of the proposed revised plat, conforming in all respects to the requirements of these
Regulations; or, if submitted by a private homeowner who is not a Developer in the subdivision, other materials acceptable to the Commissioners Court clarifying the proposed amendment; A statement giving the reason(s) for the proposed revision; and a filing fee, as specified, which may be amended from time to time by the Commissioners Court. Texas Local Government Code 232.008 and 232.009 provide for procedures to revise or cancel previously recorded plat.

12.2 Public Notice

After the application submitted data, the County Clerk will post the re-subdivision for consideration by the Commissioners Court. However, before any application is considered by the Court, the Applicant shall file proof that the Owner, at the Owner's (or Applicant's) expense, has delivered or published all notices required by the Texas Local Government Code, Section 232.009, including: A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the subdivision, including a statement of the time and place at which the Commissioners Court will meet to consider the application and hear protests, if any. As required by the Texas Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the thirtieth (30th) day prior to date of Commissioners Court and delivery of the notice to all Owners within the original subdivision by certified or registered mail, return receipt requested, at the Owners' addresses in the subdivided tract; or all or part of the subdivided tract has been sold to non-developer Owners, the Owner shall also give notice to each of those Owners by certified or registered mail, return receipt requested, at the Owners' address in the subdivided tract; the Commissioners Court is not required to give notice by mail under Subsection 12.2.1.2, if the plat revision only combines existing tracts and the revision does not increase the number of lots in the subdivision.

12.3 Criteria for Approval

The Commissioners Court may approve an application to revise a subdivision upon finding that:

The revision will not interfere with the established rights of any Owner of a part of the subdivided land, or each Owner whose rights may be interfered with agrees to the revision; and the plat as revised conforms to the requirements of the Van Zandt County Subdivision Regulations.

12.4 Filing of Plat Revision

Following the approval of the Van Zandt County Commissioners Court, the Owner may file with the County Clerk a revised plat, or part of plat, that indicates the changes made to the original plat.

12.5 Cancellation of Subdivision

A real property Owner may apply to the Commissioners Court for permission to cancel all or part of the subdivision. This application for cancellation shall show that the cancellation of all or part of the subdivision does not interfere with the established rights of any Owner who owns any part of the subdivision or that the other Owners agree to the cancellation. The Commissioners Court shall consider the Owner's request for cancellation without delay. The instrument canceling the subdivision shall be filed in the office of the County Clerk. The instrument shall describe the subdivision or the part that is cancelled. Notice of an application for cancellation shall be published in a County newspaper once each week for at least three (3) consecutive weeks. Notice shall direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice. Any assessment of the property by the County Tax Assessor-Collector shall be done as specified in Section 232.008 of the Texas Local Government Code. The authorization of the cancellation by the Commissioners Court shall be conducted as specified in Section 232.008 of the Texas Local Government Code.
Chapter I.3
Enforcement

13.1 Oversight

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

13.2 Authority of County

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

Passed and approved by Van Zandt County Commissioners’ Court this 31st date of October 2018.

Brandon Brown, Pct 1
Virgil Melton, Jr., Pct. 2

Keith Pearson, Pct. 3
Tim West, Pct. 4

Don Kirkpatrick, County Judge

ATTEST

Pam Pearman, County Clerk