

**Lavaca County
Subdivision Regulations**

Effective as of

January 11, 2021

Approved and Accepted by

Lavaca County Commissioners Court

On

January 11, 2021

FILED FOR RECORD

At 4:00 O'Clock P M

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**ELIZABETH A. KOURA, CLERK
COUNTY COURT, LAVACA CO, TEXAS**
By [Signature] Deputy

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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 Lavaca County, Texas.

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

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

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

Chapter 1
GENERAL AND ADMINISTRATIVE PROVISIONS

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

THE STATE OF TEXAS, COUNTY OF LAVACA, IN COMMISSIONERS COURT OF LAVACA COUNTY, TEXAS, January 11, 2021,

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

WHEREAS: These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code annotated, Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval, specifically including Subchapter E, (related to Infrastructure Planning); Texas Local Government Code Ann., Chapter 233, related to regulation of Housing and Structures); Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities); Texas Transportation Code Ann., Chapter 251 (general control over all roads, highways and bridges); Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health); Tex. Health and Safety Code Ann., Chapter 364 (County solid waste disposal systems); Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control); Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities); Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within county right-of-way); Tex. Water Code Ann. Chapter 16, et seq. (authority to set standards for the provision of water/sewer/waste-water and construction within floodplain and to guide development of future development to minimize damage caused by floods); Tex. Water Code Chapter 26 (Water Quality Control) and Tex. Water Code Ann. Chapter 54 (municipal utility districts); These statutes, listed here as illustrative and not exclusive grants of authority to Texas counties, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment; and

WHEREAS: The County Commissioners Court is empowered with the authority to formulate such rules and regulations by the foregoing authority, and the Commissioners Court has favorably received and voted on these rules in the belief that these regulations be adopted in order to preserve and protect the resources, public health and private property interests of Lavaca County following public notice, investigation and public hearing, and does hereby declare and hereby adopts these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF LAVACA COUNTY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS BE ADOPTED, AS FOLLOWS:

1.1 Authority

- a. Notwithstanding any provision to the contrary, these rules apply to any subdivision of land which divides the tract into two or more parts to lay out:
 - (1) a subdivision of the tract, including an addition;
 - (2) lots; or
 - (3) 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.
- b. A division of a tract under Subsection (a) includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

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 or tracts must have a plat of the subdivision prepared, unless the proposed division is exempt by state law, or by an act of the Commissioners Court in response to a request for a discretionary exemption.
- b. 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.
- c. 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 Lavaca County Clerk's Office.
 3. A utility may not provide utility services, including water, sewer, gas, and electric services, to a subdivision unless the subdivider provides the utility with a copy of the Certificate of County Approval of Plat of the Commissioners Court to demonstrate compliance with this section of the Subdivision Regulation
 4. Each subdivider must affirmatively acknowledge, in writing, the requirement of this section as a part of the application process.

- d. 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.
- e. 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 agreements between Lavaca County and any affected municipality. Generally, in cases where the County and municipality have regulations that differ, the more restrictive regulations will take precedent and be enforced.
- f. To be recorded, the plat must:
 - 1. describe the subdivision by metes and bounds;
 - 2. locate the subdivision with respect to an original corner of the original survey of which it is a part; (In this regard, identification of the original corner of the original survey refers to a properly monumented survey point as determined by an appropriately licensed surveyor suitable to recognition as the original corner by commonly accepted surveying practice), and
 - 3. state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
 - 4. 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 acknowledgment of deeds.
- g. The plat must be filed and recorded with the county clerk of Lavaca County.
- h. The plat is subject to the filing and recording provisions of Section 12.002, Texas Property Code. See Appendix D
- i. The plat application submitted for approval shall include a digital map that is compatible with mapping systems that geo-references the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071, Natural Resources Code. A digital map required under this subsection may be required only in a format widely used by common geographic information system software. An exemption from this requirement for a digital map is provided if the owner of the tract submits with the plat application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible. A digital map that is compatible with the software being used by the Lavaca County Appraisal District at the time of application will be suitable for compliance with this requirement.

1.3 Exceptions to Platting Requirements

Pursuant to Section 232.0015, Texas Local Government Code, the following divisions of land are exceptions provided by state law from these subdivision regulations. If a proposed development is exempt pursuant to the following exemptions, the requirements of this regulation are not applicable:

- a. Lavaca County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 1. the owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, *and*
 2. the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.
 3. If a tract described by Subsection (b. (2) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter shall apply.
- b. Lavaca County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts *and does not* lay out a part of the tract as 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, *if* each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter apply.
- c. Lavaca County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 1. all of the lots of the subdivision are more than five (5) acres in area; and
 2. the owner does not lay out a part of the tract as 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.

- d. Lavaca County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract as 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 to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.
- e. The provisions of this subchapter shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state *unless* the subdivision lays out a part of the tract as 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.
- f. Lavaca County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 1. the owner of the land is a political subdivision of the state;
 2. the land is situated in a floodplain; *and*
 3. the lots are sold to adjoining landowners.
- g. Lavaca County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:
 1. the owner does not lay out a part of the tract as 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.
 2. one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter.
- h. Lavaca County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

1. the owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; *and*
2. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

1.3.1 Second Tier or Discretionary Exceptions:

Lavaca County may define and classify the divisions as First Tier or Second Tier development.

A First-Tier development of land shall be understood to be any subdivision of land that lays out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to such internal streets, alleys, squares, parks, or other parts.

A Second Tier development shall be understood to be any subdivision of land that involves not more than eight (8) lots or tracts, with each lot or tract having direct frontage or side-access to an existing, publicly maintained road or highway, and the owner does not propose to lay out, as a portion of the subdivision, any other internal 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. Any division of land granted under this Second Tier provision that is intended for residential purposes shall nonetheless comply with the following: the applicant will provide a plat of the proposed subdivision containing the dimensions of each lot, a certification regarding the availability of water/sewer, compliance with set-back lines/utility easements, depict specifications for installation of driveway/culvert dimensions of not less than 30' x 15", (or after consultation with the County Commissioner having jurisdiction a larger diameter culvert), and sufficient topographic information adequate to demonstrate that the proposed development will adequately drain and not alter the natural flow of water affecting adjoining properties. All other requirements applicable to Tier 1 subdivision minimum standards contained in this regulation are not applicable to Second Tier developments.

Other development plans might be considered for an exception or variance upon application and the submission of sufficient documentation to warrant granting a discretionary exception or variance to these regulations. An applicant may request the issuance of a Certificate of Exemption of the Commissioners Court for any subdivision of land covered by the Exemptions recognized Section 1.3 of this regulation, or a discretionary exemption under 1.3.1.

1.4 Supersession

These rules supersede any conflicting regulations of Lavaca County.

1.5 Severability

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

1.6 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 Lavaca County, Texas
- (3) **County**--Lavaca 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) **Lot**--An undivided tract or parcel of land.
- (7) **Non-public water system**--Any water system supplying water for domestic purposes which is not a public water system.
- (8) **OSSF**--On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.
- (9) **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.
- (10) **Platted**--Recorded with the county in an official plat record.

- (11) **Private Driveway**--an entrance to a single private property lot or tract from a county-maintained road and used exclusively for vehicular travel only by owners or invitees of the owner of the property, whether the ownership of the property is in fee simple or other easement or use agreement. Any such driveway must be approved by the Commissioners Court, and contain at a minimum a culvert of 30' or longer, with the appropriate diameter as determined by the Commissioner having jurisdiction, taking into account the local topography.
- (12) **Public water system**--A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.
- (13) **Purchaser**--Shall include purchasers under executory contracts for conveyance of real property.
- (14) **Retail public utility**--Any entity meeting the definition of a retail public utility as defined in Water Code §13.002.
- (15) **Road or Street**: A private driveway, as defined herein, is not a road or street.
- (16) **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.
- (17) **Subdivider**--Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.
- (18) **Subdivision**--Any tract of land divided into two or more parts that results in the creation of two or more lots as defined by this regulation. A subdivision includes re-subdivision (replat) of land which was previously divided.
- (19) **TAC**--Texas Administrative Code, as compiled by the Texas Secretary of State.

- (20) **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 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 plat and all deeds and contracts for deeds.

- i. An industrial subdivision may not require water/wastewater systems *only if* there are no office or other work spaces that will be occupied by human beings during business hours.
- j. Each application shall contain a statement of the estimated costs to make each category of improvements required by this subdivision regulation, itemized by category of improvement, i.e. Water/Wastewater, Drainage, Streets/Roads, or other required improvement.
- k. A utility may not provide utility services, including water, sewer, gas, and electric services, to any structure located within a subdivision unless the owner provides the utility with a copy of the Certificate of County Approval of Plat to demonstrate compliance with this section of the Subdivision Regulation.

2.1.1 Water Facilities Development

(a) Public water systems.

(1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision. The agreement must reflect that the subdivider has paid the cost 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, and the subdivider wishes to develop land with greater densities of population or water uses than may be provided by private wells, the subdivision 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 provide 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 quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision as required by 30 TAC 230.10. 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 provide 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 quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision for a term of not less than 30 years. 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.

The requirements of this section may be certified by an engineer or a licensed Texas water-well driller licensed and in good standing pursuant to Chapter 1901, Texas Occupations Code.

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

2.1.2 Wastewater Disposal

The plat shall describe any means for sewage disposal, i.e., municipal sewer service, privately owned sewage disposal system, individual septic tank, etc. Where OSSF is the designated sewage system, the plat shall bear a notation that the design and installation of the OSSF 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 be conducted by individuals holding proper credentials, and shall be approved by the Lavaca County Onsite Sewage Inspector, or designated representative.

(a) Organized sewerage facilities.

(1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the 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 description of means and methods 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(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

2.1.3 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 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.

2.1.4 Drainage structures

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

The drainage information 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 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.

2.1.5 Sludge Disposal

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

2.2 Setbacks/Public Utilities/Fire-Fighting

The Commissioners Court of Lavaca County hereby finds that the general welfare will be promoted by the following set-back lines from all public roads, pursuant to §233.032 of the Texas Local Government Code.

The Commissioners Court hereby prohibit the location of a new building within the following building or set-back lines.

- (1) A building under this subchapter may not be constructed any closer than 25 feet from the edge of the right-of-way on all public roads other than major highways and roads; or
- (2) no closer than 50 feet from the edge of the right-of-way of major highways and roads.

The commissioners court may designate the public roads that are major highways and roads at the time of the initial application for subdivision of land.

The plat shall provide for utility service within the proposed subdivision, with utility easements of no less than fifteen (15) feet shall be provided along each property line of all lots. Surface utilities 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 or in conformity with other law. Easements are to be described in the deed, and must 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. Where water is provided by a public water system with adequate water pressure to support fire hydrants and/or filler plugs, such fire hydrants or filler plugs shall have a 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. The Plat application shall have a certificate of compliance from fire department serving the subdivision attached to satisfy this regulation where sufficient water pressure is available.

2.3 Number of Dwellings Per Lot

A proposed subdivision that will rely upon OSSF systems and water wells must comply with TCEQ regulations and state law regarding the density of housing units sustainable pursuant to health and safety standards of the TCEQ and state law. The applicant must provide in the application a statement that the proposed development complies with TCEQ density requirements or limitations.

2.4 INFRASTRUCTURE REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS

2.4.1 DEFINITIONS:

OPERATOR. Includes the person in charge of operating any recreational vehicle park, either under written or verbal (oral) lease, or any other arrangement whereby he or she exercises control over the premises.

OWNER. Includes the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.

PERSON. Any natural individual, firm, trust, partnership, association, or corporation.

RECREATIONAL VEHICLE. Includes any of the following:

(1) **CAMPING TRAILER.** A folding structure mounted on wheels and designed for travel, recreation, and vacation use.

(2) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(3) **PICKUP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(4) **TRAVEL TRAILER** means a vehicle without motive power used, manufactured, or constructed to permit its lawful use as a conveyance

upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons.

RECREATIONAL VEHICLE PARK. Any lot or tract of land designed to accommodate two or more recreational vehicles, as defined, and which exist as a privately owned and operated enterprise with or without charges for the parking of recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time. Hunting camps that are temporary are excluded.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.

2.4.2 RECREATIONAL VEHICLE PARK:

- (1) The owner of land located in Lavaca County outside the limits of a municipality who intends to use the land for a Recreational Vehicle Park must have Plat prepared that complies with the minimum infrastructure standards that are set out below in Section 3. This regulation does not apply to a property owner allowing not more than three (3) recreational vehicles to park on the property at any one time.
- (2) Prior to beginning any construction, the owner must submit the plan to the Lavaca County Engineer or designated County representative for approval. Construction may not begin before the plan is approved.
- (3) Not later than the 60th day after the date the plan is submitted, the County Engineer or designated County representative shall approve or reject the plan in writing. If the plan is approved, construction may begin immediately. If the plan is rejected, the written rejection shall specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.
- (4) The County Engineer or designated County representative, as well as any other person designated by either the County Engineer or designated County representative or the Commissioners' Court, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.
- (5) On completion of construction, the owner shall confirm in writing to the County Engineer or designated County representative that the infrastructure is complete, and a final inspection must be completed not later than the second business day after the notice is received by the County's inspector. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given an opportunity to cure the defects. On completion of curative construction, the owner should request another inspection.

- (6) When the inspector determines that the infrastructure complies with the plan, the Commissioners' Court shall issue a Certificate of Compliance not later than the fifth business day after the final inspection is completed.
- (7) A utility may not provide utility services, including water, sewer, gas, and electric services, to a recreational vehicle park or to a recreational vehicle in the community unless the owner provides the utility with a copy of the County Approval of Plat to demonstrate compliance with this section of the Subdivision Regulation.

2.4.3 INFRASTRUCTURE REQUIREMENTS:

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

- (1) A survey identifying the proposed community's boundaries and any significant feature of the community, including the proposed location of lots or spaces, utility easements and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this order.
- (2) Reasonable specified description of means and methods to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Lavaca County Floodplain regulations.
- (3) Reasonable specified description of means and methods to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.
- (4) Certification that adequate groundwater is available for the development. If ground-water is the source of water supply for the development, the developer is required to obtain certification, by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas, that adequate groundwater is available for the development, according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.
- (5) Certification of adequate sewerage:
 - a. Reasonably specified description of means and methods to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must

be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or

- b. Reasonably specified description of means and methods for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code if estimated sewage flow does not exceed 5,000 gallons per day (gpd). These description of means and methods must meet minimum standards established under Chapter 285.4 of the OSSF rules and Lavaca County local order. Approval by the Lavaca County On Site OSSF Inspector's certificate must be attached to the plat. See Appendix H.
- c. Reasonably specified description of means and methods for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if estimated flow exceeds 5,000 gpd. approval by Texas Commission on Environmental Quality must be attached to the plan.
- d. Reasonably specified description of means and methods for streets or roads in the Recreational Vehicle Park to provide ingress and egress for fire and emergency vehicles.
 - i. Therefore, the Commissioners' Court finds that it is reasonably necessary that streets in these communities should be built to a standard no more stringent than the requirements adopted by the Commissioners Court for subdivisions, as approved by the precinct commissioner
 - ii. The road design and construction standards contained in the Lavaca County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable.
 - iii. Building Set Backs shall be as specified in the Lavaca County Subdivision Regulations (Sect. 301.1).
 - iv. Drainage design for the development shall comply with the Lavaca County Subdivision Regulations (Sect. 307).
 - v. Commissioners' Court (but not the County Engineer) may grant a variance when strict application of these standards would work an unusual hardship. Variances for OSSF can only be granted by Lavaca County Public Health District.

2.5 RECREATIONAL VEHICLE PARK REGULATIONS:

(A) The regulations described herein govern the development, operation, and maintenance of recreational vehicle parks, as previously defined.

- (1) Park development requirements. Recreational vehicle parks shall be developed to conform to those requirements as herein delineated.
- (2) Recreational vehicle parks shall be designed so as not to exceed a maximum of 20 units per acre.
- (3) Parking facilities shall be provided at the park office as will accommodate five recreational vehicles.
- (4) Each recreational vehicle space shall afford parking and maneuvering space sufficient so that the parking, loading, and the like, of recreational vehicles shall not necessitate the use of any public right-of-way or privately-owned property which may abut the park.
- (5) Each recreational vehicle space provided with electrical service shall be so served through an underground distribution system. The park office and service buildings may receive electrical service as provided through overhead facilities.
- (6) Each park shall provide recreational vehicle parking spaces and each such space shall be clearly defined. Twenty percent (20%) of the parking spaces shall be not less than eighteen (18) feet by fifty (50) feet. There must be at least a ten-foot clearance of space between adjacent rows of parking spaces.
 - (a) Be improved with compacted crushed road base material and asphalt or concrete adequate to support the weight of the recreational vehicle.
 - (b) Not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.
- (7) The entrance to the park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (8) All weather private streets adequate to provide access to each recreational vehicle space shall be constructed and maintained in good condition by the licensee and the width of which shall be not less than twenty-four (24) feet.
- (9) The park shall comply with state and federal standards for accessible for the mobility impaired. The applicant shall show proof of compliance.

(B) Service buildings: Each proposed recreational vehicle park shall have a plan for addressing the following minimal standards. The owner will attach to the application a statement of compliance with these requirements.

Laundry and sanitation facilities. Each recreation vehicle park shall provide one or more service buildings for the use of park patrons.

(1) The service buildings shall provide for:

(a) One flush toilet for women;

(b) One flush toilet for men;

(c) One lavatory for each sex;

(d) One shower and dressing accommodation for each sex, provided in an individual compartment or stall;

(e) One washing machine; and

(f) One slop sink, not less than 14 by 14 inches square and 14 inches deep.

(2) The aforementioned amenities shall accommodate not more than 50 recreational vehicle spaces. For each additional 30 recreational vehicle spaces or fraction thereof one flush toilet, one shower with individual dressing accommodations, and one lavatory shall be provided for each sex, with laundry and slop sink facilities as described in divisions (B) (I) (e) and (B) (I) (f) to be provided for each additional 50 recreational vehicle spaces.

(3) All unisex bathrooms shall comply with the Americans with Disabilities Act. (ADA).

(C) Service building requirements. Service buildings providing the aforementioned facilities shall satisfy requirements as include:

a. Service buildings housing sanitation or laundry facilities shall be permanent structure which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems;

b. Service buildings shall afford appropriate illumination, shall be well ventilated with screened openings, shall be constructed of moisture-proof materials, to include painted woodwork, as shall permit frequent cleaning and washing. Floors shall be constructed of concrete or other equally impervious material, easily cleanable, and provided with floor drains which are connected to the sanitary sewer; If connected to On Site Sewage Facilities chemical cleaners should be used on a limited basis.

- c. The toilet and other sanitation facilities for males and females either shall be in separate buildings or shall be separated, if in the same building, by a soundproof wall;
- d. All service buildings and park grounds shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance; and
- e. Service buildings housing sanitation facilities shall be located not closer than 15 feet nor farther than 300 feet from any recreational vehicle space within the park.

(D) Garbage Receptacles

- (1) Each recreational vehicle park shall provide a minimum of two (2) fly tight, water- tight, rodent proof dumpsters for the first one-hundred (100) sites with one (1) additional dumpster for each one-hundred (100) sites or fraction thereof.
- (2) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to cleaning around them.
- (3) The storage, collection and disposal of refuse in the recreational vehicle park shall be so conducted as to create no health hazards.
- (4) The dumpster shall be screened from public view.

(E) Fuel

- (1) Bottled gas for cooking purposes shall not be used at individual recreational vehicle spaces unless the containers are properly connected by copper or other suitable tubing.
- (2) Bottled gas cylinder shall be securely fastened in place.
- (3) No cylinders containing bottled gas shall be located in a recreational vehicle or within five (5) feet of a door thereof.
- (4) State and local regulations applicable to the handling of bottled gas and fuel oil shall apply.

(F) Fire Protection

- (1) Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to satisfy the fire code and other applicable regulations of the County.

(2) No open fires shall be permitted, except that this shall not be construed to prevent barbecuing with charcoal in an approved pit or grill.

(3) All sites and any part of a recreational vehicle shall not exceed one hundred fifty (150) feet from the hard surface streets.

(G) Dry Vegetation

The park licensee or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

2.6 OTHER REGULATIONS:

Persons developing Recreational Vehicle Parks should be aware that this order is not the exclusive law or regulation controlling development in Lavaca County. The following is only a partial list of regulations that may apply.

(a) Recreational Vehicle Parks are subject to Lavaca County Subdivision Regulations. All subdivision within the Extra Territorial Jurisdiction (E.T.J.) of an incorporated city may also be subject to city subdivision regulations, or as per any mutually (County-City) agreed upon regulations as approved and accepted under an interlocal cooperation agreement.

(b) All Recreational Vehicle Parks are subject to regulations of general applicability, including public health nuisances under Chapter 341 and 343 of the Texas Health and Safety Code. The developer must address solid waste disposal, rodent/insect harboring, fly breeding and improper water disposal in accordance with these Chapters.

(c) Other agencies with regulatory authority that may apply to a Recreational Vehicle Park include, but are not limited to, several Emergency Services Districts, the Texas Commission on Environmental Quality, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corp. Of Engineers.

Issuance of a Certificate of Compliance by any affected jurisdiction under this order does not indicate compliance with Lavaca County requirements.

2.7 Streets and Roads Standards

2.7.1 Requirements

Notwithstanding the provisions of any other section in this Article II, a sixty-foot right-of-way is hereby required for all 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 twenty-five (25') feet from the edge of any public road, or fifty (50') feet from the edge of a major road as designated by the Commissioners Court.

- b. All Streets, Roads and Alleys within each subdivision shall be paved in conformity with the construction standards set out in this regulation. See Appendix O-P.
- c. No utility lines are placed under the street pavement except at 90-degree angles and before sub-grade is a place, and cased at a depth of no less than thirty-six (36") inches below drainage ditches. Any other crossing shall be bored and cased 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.
- d. All permanent dead-end streets or roads shall have the same specifications as subdivision streets, i.e. a turn-a-round with a right-of-way diameter of not less than one hundred forty feet (140') with radius of sixty feet (60') of improved surface with a minimum of six inches (6") of compacted rock.

2.7.2 Road of Street Intersections

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 streets 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 "job" in it.

2.7.3 Adjoining Subdivision

Where streets of an existing subdivision end at the property line, any new subdivision adjoining the existing subdivision which is intended to utilize connecting 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.

2.7.4 Acceptance of Plat is not Acceptance of Roads/Streets

Approval of a plat for filing and development shall not suggest that Lavaca accepts any roads or streets within the sub-division for county maintenance. The decision to accept one or more streets within a subdivision shall be made only upon separate application, review and separate Order entered of record by the Commissioners Court, but in no case any earlier than after two (2) years have elapsed from the date on which the Commissioners' Court certified completion of construction of the streets and roads of a Subdivision.

Upon such an application for county road maintenance, the Commissioners' Court may consider acceptance of one or more of the streets and roads of the subdivision upon a determination that the roads to be taken into the County road maintenance program serve a public purpose greater than the private benefit realized by persons living within the subdivision. Typically, such subdivision roads to be deemed suitable for public maintenance will be limited to primary arterial or connecting streets that provide efficient access/egress to other existing roadways. Should the Commissioners Court determine that the application to assume maintenance is sufficient, the Court may designate said streets and roads as County Roads to be kept and maintained as part of the County Road System by separate Order entered of record in the minutes of the Commissioners Court, and reflected on any maps depicting county-maintained roads.

Approval of a plat by the Commissioner's Court shall not be deemed an acceptance of any proposed dedications, if any, shown upon the plat, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications. The Commissioners Court will determine which dedications will be accepted for county maintenance based on interconnectivity with existing county or state-maintained roads. The enforcement of any plat or deed restrictions is the responsibility of the Subdivider and property owners in the subdivision. The plat must contain a certification that the applicant understands that approval of the plat does not mean that Lavaca will be responsible for maintenance of subdivision streets. See Appendix I and J.

The plat shall bear the following notation in bold, 14-point type:

Approval of a plat by the Commissioners Court shall not be deemed to suggest that Lavaca County will eventually accept subdivision streets for public maintenance.

Road/Street Construction Standards

2.7.5 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 18.

- 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 roads must have a traveled road-bed width of not less than twenty feet (20') and be paved with (1) Hot mix (oil sand, D-mix, etc.) of asphaltic nature or, (2) a rock base with AC-5 or similar sealcoat surface treatment or, (3) a combination of these.

One prime coat and one course penetration asphalt surface treatment or tack coat and hot mix must be applied if favorable 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.

2.7.6 Penetration Asphalt Surface Treatment

- l. A prime coat of asphalt shall be applied to the base, the road blocked or barricaded, and allowed to set for an adequate period of time (a minimum of 24 hours). One course penetration asphalt surface treatment 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.
- m. 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 property to the satisfaction of the Commissioner of said Precinct. One course to be applied at completion of road.

2.7.7 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-four (24) feet wide. The flexible rock or iron ore gravel base shall be covered with a primer twenty-four (24) 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 2% minimum cross slope of the elevation of the edge of said street.

2.7.8 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-four feet (24') 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 properly prepared sub-grade (if appropriate for that area of the County) or, an optimum design based upon site-specific soil conditions found within the proposed subdivision.

2.7.9 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 at least eighteen (18) inches to two (2) feet below sub-grade elevation by use of subsurface drainage.
- n. After Seep areas are drained, the subgrade is to be compacted as described hereinabove.

2.7.10 Street Naming

All roads and streets with a subdivision must be named and marked by the Developer in compliance with 911 Requirements. The 911 coordinator must confirm in writing that all proposed street names comply with 911 requirements. All road signs must be designed in conformity with the Texas Manual on Uniform Traffic Control Devices, and approved by the Commissioner of the Precinct wherein the subdivision lies.

2.7.11 Completion of Streets and Drainage Requirement

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 approval and description of means and methods of a subdivision have received final authorization from the County, said time period (not to exceed twenty-four (24) months) must be specified by the Court in its order granting or denying preliminary authorization of the plat.

2.8 Drainage Standards

2.8.1 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. A subdivision shall not alter the flow of surface water to the detriment of any adjacent properties, and shall, to the extent necessary by prudent engineering design, provide for the diversion of surface water into natural drainage courses or holding ponds constructed on the property for the purpose of diffusing runoff.

2.8.2 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 30-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 Commissioner for the Precinct in which the subdivision is located, or where appropriate, the Texas Department of Transportation. Permanent obstacles, such as concrete or rock retards (water velocity dissipaters), 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. Any construction within the right-of-way of a county-maintained road must be conducted pursuant to a permit for construction within the county road right-of-way. See Appendix L-N.

2.8.3 Drainage easements

All drainage easements for the land being authorized for development must be of adequate width, based upon engineering, or 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 Lavaca 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.

2.8.4 Inspection fee

In addition to the application fee, a cash fee of twenty-five dollars (\$25.00) per lot shall be paid by any subdivision developer within Lavaca County, Texas, in addition to other fees required herein to defer the cost of drainage inspections.

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 shall comply with all rules of Lavaca County Subdivision Regulations, unless exempt by state law, or this regulation, in which case, the application shall identify the exemption relied upon and attach sufficient documentation to support such claimed exemption.

(c) Each plat required by this subdivision regulation shall identify and detail compliance with required drainage to address a 100-year flood, provide a statement of compliance with street construction standards, and state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

3.2 Final Engineering Report

The final plat shall include on the face of the plat or have attached to the plat a certification to an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas shall be contained with the supporting documentation of the plat application. See Exhibit G.

The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within a residential 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 the Texas Health and Safety Code, the schedule shall include the start dates and completion dates.

3.3 Potable Water Systems

(A) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in §364.32(a)(1) of the Texas Health and Safety Code. Before final plat approval, description of means and methods 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, and the subdivider wishes to develop land with greater densities of population or water uses than may be provided by private wells, 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, description of means and methods 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 groundwater availability 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 water availability 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.

(C) Non-public water systems.

Where each lot in a proposed subdivision is to be served by a private water supply, the plat shall bear the following notation in bold, 14-point type:

“Lavaca County makes no representation that adequate water suitable for human consumption will be available within this subdivision.”

3.4 Organized sewerage facilities

(A) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in §364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and description of means and

methods 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 description of means and methods and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

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

Where each lot in a proposed subdivision is to be served by a private OSSF sewerage facility, the plat shall bear the following notation in bold, 14-point type:

“Lavaca County makes no representation that adequate sewerage facilities will be legally feasible within this subdivision.”

3.5 Plat Approval Certification

Upon plat approval, the Clerk shall record the Order of the Commissioners Court, and issue a certification of approval to the Applicant. See Appendix K

Chapter 4 Plat Requirements

4.1 Property Plat survey

A property survey plat shall be submitted with the plat application, which shall contain, at a minimum, the following information on the face of the plat or attached to the plat by referenced Exhibits or Addendum:

- a. Names and addresses of the current owner/subdivider/developers of the subdivision property, including Real Property Record filing number:_____.
- b. Name and address of the proposed owner/subdivider/developer.
- c. Name of proposed subdivision, said name shall not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within Lavaca County, unless the proposed subdivision is contiguous to an existing subdivision and is an additional phase of that development.
- d. North directional indication arrow.

- e. Vicinity or Location map showing the proposed subdivision in relation to major roads, towns, cities, and topographic features.
- f. Public Record reference and names of all current owner/subdivider/developers of contiguous property surrounding the proposed subdivision.
- g. Land use of all contiguous tracts, *i.e., undeveloped, subdivided, etc.*
- h. Total acreage within the proposed subdivision.
- i. Total number of lots.
- j. Total area within road rights-of-way and length of roads.
- k. The location of all existing permanent, man-made structures within the proposed subdivision, including house, barns, shacks, other buildings, walls, wells, ponds and stock tanks. The plat shall duly acknowledge existing public roads and contain a dedication of any new roads or street right-of-ways, alleys, easements, etc. to be constructed 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 to set aside such items, structures, roads, streets or easements to public use, or the use of purchasers of lots in the proposed subdivision. The survey shall identify all major topographic features on or adjacent to the property as well as elevation contours at no greater than five-foot (5') intervals if in a floodplain, and no greater than twenty-foot (20') intervals if not in a floodplain. Areas of Special Flood Hazard as shown by a current Flood Hazard Boundary Maps as authorized by FEMA. See Appendix C1 and C2.
- l. A comprehensive Flood Plain and Drainage assessment including a 100-year floodplain map and a complete assessment as required by the Texas Commission on Environmental Quality and all applicable state statutes.
- m. Typical lot dimensions.
- n. Street right-of-way widths.
- o. Names of roadways, said names shall not duplicate any other streets within Lavaca County unless they are extensions of said streets, and comply with requirements of 9-1-1 addressing regulations.
- p. Areas proposed for recreational use, *i.e., courses, parks, greenbelts, etc.*
- q. Transfer of rights-of-way or easements, including any alleys and/or utility easements.
- r. Proposed land use of all lots being subdivided.

- s. Plat notation in not less than 14-point type that streets within the subdivision may not be accepted into the county maintenance inventory and are the responsibility of the owner/subdivider/developer or Home Owners Association. Streets will only be considered for acceptance into the County maintenance system in conformity with these regulations. Such plat notation shall substantially comply with this suggested language:

Approval of a plat by the Commissioners Court shall not be deemed to suggest that Lavaca County will eventually accept subdivision streets for public maintenance. Street maintenance shall be the responsibility of the owner/subdivider/developer or a Home Owners Association.

- t. Location of all wells, water, oil, and natural gas, where applicable, and a statement that all unused wells are capped or plugged.

4.2 Registered Professional Land Surveyor

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 licenses number, address and telephone number, along with the surveyor's certification. See Appendix F.

4.3 Plat 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.

Three full size copies of the plat shall be presented for filing, two shall be on mylar or vellum paper in black ink for filing within the Lavaca County Clerks' records, and the other shall be on bond paper in black ink for use by the Lavaca County Appraisal District's mapping department. There shall also be six (6) reduced size (not to scale) copies of the final plat submitted for exhibits to be used in Lavaca County Commissioner's Court. A digital map file will be provided to the Lavaca County Appraisal District, pursuant to Section 1.2(i).

4.4 Additional 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 so similar in spelling or pronunciation to the name of any existing subdivision in Lavaca 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 or fifty (50') feet along any major road as designated by the Commissioners Court. All utility easements shall be shown within the appropriate set-back lines.

4.5 Application Fees

The Plat shall be accompanied by an application form, as attached hereto as Appendix S. All fees related to the filing of a plat shall be paid to the County Judge before submission of the Application Plat to the County Judge's office for review. Fees are located on the final page of this Subdivision regulation under Appendix S:

Chapter 5

5.1 Financial Guarantees for Improvements

(a) Bonds. A bond that is submitted in compliance with 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, wastewater facilities, drainage, street right-of-ways, street construction and maintenance, and all other related improvements, including utility easements, installation or maintenance necessary 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 attests to compliance with all requirements of this regulation, to be attached to the application.

(3) The bond shall be executed with sureties as may be approved by the commissioner's 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 commissioner's 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 facilities, wastewater facilities, drainage, street right-of-ways, street construction and maintenance, and all other related improvements, including utility easements, installation or maintenance necessary to service the facilities meeting the criteria established by Chapter 2 of this subdivision regulation, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(c) Letter of credit. A letter of credit that is submitted in compliance with 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) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and
- (iii) total assets must be at least \$25 million.

(B) Savings and loan association qualifications:

- (i) must be federally insured;
- (ii) (ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and
- (iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

- (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
- (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

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

(A) Bank qualifications:

- (i) must be federally insured;
- (ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and
- (iii) total assets must be at least \$75 million.

(B) Savings and loan association qualifications:

- (i) must be federally insured;
- (ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and
- (iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

- (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
- (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(3) The letter of credit shall list as sole beneficiary the county judge of the county, in his official capacity, or the judge's successor in office, and must be approved by the county judge of the county.

(4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Chapter 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 commissioner's court.

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

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

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

5.1.1 Security/Construction Bond:

1. All construction shall be complete with two (2) years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained in this Court Order, the owner/subdivider/developer shall file a Construction Bonds, executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Lavaca County, Texas, or his successor in office; and shall be conditioned that the owner of 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 said bond shall be presented for approval to the Commissioners' Court upon presentation of the subdivision plat and along with description of means and methods for final authorization and approval.
2. The bond amount shall be equal to one-hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structure and all other construction.
3. The construction bonds shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the County Engineer or designated County representative, and the construction bond has been released by a Court Order from the Commissioners Court.
4. In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the owner/subdivider/developer, fail to meet the requirements of the foregoing specifications, and the said attention in

writing by the County Engineer or designated County representative, the unfinished improvements shall be completed at the cost and expense of obligees as provided.

5. The plat shall not be approved or recorded unless the Owner/subdivider/developer has filed with the Commissioners Court a cash bond or other surety executed by a surety company holding a license to do business in the State of Texas, made payable to the County Judge of Lavaca County, Texas, or his successor in office, and acceptable to the County, in an amount equal to the cost of the roads and drainage improvements, or other improvements where applicable, including but not limited to water and wastewater facilities, required by these Regulations as estimated by the Designing Engineer and approved by the County, conditioned that the Owner/subdivider/developer will complete such improvements within two (2) years after approval of such plat, such bond to be approved by the County Commissioners Court.
6. Should there be any deficiency or variance from the requirements herein or should the work not be completed within the stated time, the County will notify the Owner/subdivider/developer of such departure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the County may declare the bond or surety forfeited and order construction operations suspended. The County reserves the right to complete the work by means most advantageous to its organization and citizens, utilizing such portion of the bond or surety as may be necessary to accomplish such completion. In the event progress and final inspections indicate no departure from the requirements herein, the designated representative of the County will certify completion in accordance with the requirements of the Commissioners Court and the Court will consider release of the surety. The surety bond shall remain in effect until all roads, drainage improvements and other applicable improvements have been approved by the Commissioners Court, and the bond has been released by Order of the Commissioners Court.
7. When construction of all streets, roads and drainage infrastructure 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 then 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 Lavaca County.

8. **It is the responsibility of the Owner/subdivider/developer to advise the County Commissioners Court of the status of construction prior to expiration of the two (2) year construction period as is stated above.**

5.1.2 Maintenance Bond:

- 1 To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the County Engineer or designated County representative, a maintenance bonds executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Lavaca County, Texas, or his successor in office, shall be substituted for the construction bond at the time of release of said construction bond; and shall be conditioned that the owner of 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 a certificate of completion of all subdivision infrastructure and request for release of the performance bond to the Commissioners Court.
- 2 The maintenance bond amount shall be equal to one-hundred percent (100%) of the estimated cost of roads, streets, street signs, underground utilities, required drainage structures and all other construction.
- 3 The conditions of the maintenance bond shall be that the owner/subdivider/developer shall guarantee to maintain, to the satisfaction of Lavaca County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specification with construction security released by Court Order form Commissioners Court, in a good state of repair for a period of two (2) years from the date of official release of construction security.
- 4 Periodical inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction for which maintenance security is held, will be made by the County Engineer or designated County representative during the period of liability covered by the maintenance bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the owner/subdivider/developer will be so advised in writing and, if after a reasonable time, he fails or refuses to repair said items, they shall be maintained at the cost and expense of obligees as in said orders provided.
- 5 The release of any bond shall be by order of the Commissioners Court. To request a release the owner/subdivider/developer who posted the bond in question shall present a written request to release said bond. The request shall contain a statement by the engineer responsible for the design of said work stating that he has made an inspection of such improvements and

recommends their acceptance by the County. Attached to his letter shall be one (1) set of "as built" drawings showing the work to be accepted for use by the County. The written request of bond release shall be received by Lavaca County at least fourteen (14) days prior to the next regularly scheduled meeting of Commissioners Court.

- 6 The Commissioners Court shall not in any case accept such roads and improvements on behalf of the County for a period of at least two (2) years after such proper completion, and not then unless and until the Commissioner in whose precinct the proposed subdivision is located certifies that they have been maintained in good condition for said period of two (2) years and are in good condition at such time. The County shall reserve the right to reject or accept such roads and drainage improvements only upon motion duly passed at a regular or legally called special meeting of the Commissioners Court, and the Owner/subdivider/developer shall remain responsible for the maintenance of such improvements until legally accepted for county maintenance by separate order by the County. Maintenance of roads shall include such items as drainage by others, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etc. Maintenance of the drainage improvements shall include removing debris; re-sodding eroded areas and the installation of additional concrete riprap where designated by the County to permanently prevent erosion. The plat shall bear the following notation in bold, 14-point type:

Lavaca County shall not repair, maintain, install, or provide any streets or roads in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, nor shall Lavaca County repair, maintain, or install any streets or roads until such time as the roads or streets have been formally accepted for inclusion into the County maintenance inventory by an order separate and apart from approval of any plat for filing purposes only by the Commissioners Court. Approval of the subdivision plat for filing does not indicate any agreement or understanding that Lavaca County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.

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

5.3 Irrevocable Letter of Credit (in lieu of Bond): An Irrevocable Letter of Credit may be submitted in lieu of bonds for the purpose of insuring an Owner/subdivider/developer's obligation to construct and maintain the roads, drainage improvements and other applicable improvements in

a subdivision. Irrevocable Letters of Credit In lieu of Bonds are required under the same conditions as Security and Maintenance Bonds.

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

Chapter 6 Review and Approval of Final Plat

Prior to filing an application, it is highly recommended that a subdivider meet with the Commissioner having jurisdiction over the proposed development to outline in general terms the subdividers plans, and to discuss the process of plat review and consideration.

6.1 Scope of review

- (a) The commissioners court of a county or a person designated by the commissioner's court shall issue a written list of the documentation and other information that must be submitted with a plat application. The documentation or other information must relate to a requirement authorized under this section or other applicable law. An application submitted to the commissioner's court or the person designated by the commissioner's court that contains the documents and other information on the list is considered complete.
- (b) If a person submits a plat application to the commissioners' court that does not include all of the documentation or other information required by Subsection (a), the commissioners court or the court's designee shall, not later than the 10th business day after the date the commissioners court receives the application, notify the applicant of the missing documents or other information. The commissioners court shall allow an applicant to timely submit the missing documents or other information.
- (c) An application is considered complete when all documentation or other information required by Subsection (a) is received. Acceptance by the commissioner's court or the court's designee of a completed plat application with the documentation or other information required by Subsection (a) shall not be construed as approval of the documentation or other information.
- (d) Except as provided by Subsection (f), the commissioners court or the court's designee shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the commissioner's court or the court's designee. An application is approved by the commissioners court or the court's designee unless the application is disapproved within that period and in accordance with Section 232.0026 Texas Local Government Code.
- (e) Notwithstanding Subsection (d), if a groundwater availability certification is required under Section 232.0032 Texas Local Government Code, the 30-day period described by that subsection begins on the date the applicant submits the groundwater availability certification to the commissioners court or the court's designee, as applicable.
- (f) The 30-day period under Subsection (d):

(1) may be extended for a period not to exceed 30 days, if:

(A) requested and agreed to in writing by the applicant and approved by the commissioner's court or the court's designee; or

(B) Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with the plat application; and

(2) applies only to a decision wholly within the control of the commissioner's court or the court's designee.

(g) The commissioners court or the court's designee shall make the determination under Subsection (f)(1) of whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the commissioner's court or the court's designee.

(h) The commissioners court or the court's designee may not require an applicant to waive the time limits or approval procedure contained in this sect.

(i) If the commissioners court or the court's designee fails to approve, approve with conditions, or disapprove a plat application as required by this section:

(1) the commissioners court shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;

(2) the application is granted by operation of law; and

(4) the applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the commissioners court to issue documents recognizing the plat application's approval.

CHAPTER 6

6.1 Approval Procedure: Conditional Approval or Disapproval Requirements

(a) A commissioner's court or designee that conditionally approves or disapproves of a plat application under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements of this subchapter; and

(B) include a citation to the law, including a statute or order, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

6.2 Approval Procedure: Applicant Response to Conditional Approval or Disapproval

After the conditional approval or disapproval of a plat application under Section 232.0026, Texas Local Government Code, the applicant may submit to the commissioners court or designee that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The commissioners court or designee may not establish a deadline for an applicant to submit the response.

6.3 Approval Procedure: Approval or Disapproval of Response

(a) A commissioners court or designee that receives a response under Section 232.0027 Texas Local Government Code shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under Section 232.0027 Texas Local Government Code.

(b) A commissioners court or designee that conditionally approves or disapproves a plat application following the submission of a response under Section 232.0027 Texas Local Government Code:

(1) must comply with Section 232.0026 Texas Local Government Code; and

(2) may disapprove the application only for a specific condition or reason provided to the applicant for the original application under Section 232.0026 Texas Local Government Code.

(c) A commissioners court or designee that receives a response under Section 232.0027 Texas Local Government Code shall approve a previously conditionally approved or disapproved plat application if the applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plat application is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the commissioners court or designee that received the response does not disapprove the application on or before the date required by Subsection (a) and in accordance with Section 232.0026 Texas Local Government Code.

6.4 Prerequisites to approval

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 description of means and methods and specifications for such construction, including any change orders filed with these agencies; or
- (3) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Division 3 of this subchapter.

Chapter 7 Time Extensions for Providing Facilities

7.1 Reasonableness

(a) 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.

7.2 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.

7.3 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 Chapter 2 of this subchapter.

Chapter 8
Changes to any Subdivisions Existing prior to effective date of this Regulation

8.1 Authority and scope

(a) This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before the effective date of this regulation or which have not been previously platted or recorded.

(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 any pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county, and for which the owner or owners of lots within said pre-existing subdivision wish to modify, expand, alter or otherwise change in any way the actual layout of the pre-existing subdivision shall be required to comply with Chapter 10 of this regulation.

Chapter 9
Revision and Cancellation of Plats

9.1 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 clearly setting forth the desired 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 plats.

9.2 Public Notice

After the application submittal date, 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:

1. A notarized publisher's affidavit demonstrating publication of the application

in a newspaper of general circulation in the area affected by the proposed revision or replat of the original 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 and ending on the seventh (7th) day prior to date of Commissioners Court; and Delivery of notice of the application to all Owners within the original subdivision by certified or registered mail, return receipt requested, at the Owners' addresses in the subdivided tract;

2. If 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;

9.3 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 has agreed to the revision; and the plat as revised conforms to the requirements of the Lavaca County Subdivision Regulations. See Appendix Q-R

9.4 Filing of Plat Revision

Following the approval of the Lavaca 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.

9.5 Cancellation of Subdivision

A real property Owner may apply to the Commissioners Court for permission to cancel all or part of the subdivision. The 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 agrees to the cancellation.

The Commissioners Court shall authorize the Owner to file the instrument canceling the subdivision in whole or in part. 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 one day 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

Chapter 10 VARIANCE

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

10.1 Conditions of Variance

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

1. That there are special circumstances or conditions affecting the land involved such that the strict application of this Order would deprive the applicant of the reasonable use of his land, and,
2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, and,
3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Order.

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

Chapter 11 Enforcement

11.1 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.

11.2 Complete Application Required

The Commissioners Court of Lavaca County shall have the authority to refuse to approve or authorize any map or plat of any such subdivisions, unless such map or plat meets the full requirements as set forth in these Subdivision Regulations and there is submitted at the time of approval of such map or plat financial security as may be required by these Regulations.

11.3 No Lot Sold till Approved

No lot in any subdivision shall be sold or transferred until the final plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

11.4 Authority to Enforce Regulations

On behalf of Lavaca County, the County Attorney or other attorney may, when directed by the Commissioners Court, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Order or the standards referred to herein with respect to any violation thereon which occurs within Lavaca County's jurisdiction. The County reserves the right to seek all remedies, including injunction, prohibition, damages, and where appropriate, criminal penalties in the enforcement of these rules and regulations.

Penalty for Violation. The Commissioners Court of Lavaca County will cause an employee of the Court or any other person or persons it so designates to review periodically those deeds or sales contracts being recorded in the County Clerk's Office to see that any subdivisions affected thereby shall comply with requirements of Chapters 232 and 233 of the Texas Local Government Code and these regulations. If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in this Order and in the State Statutes, the Commissioners Court of Lavaca County or its' representative can so notify the party selling or transferring title in whole or in part to comply with the said requirements.

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

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

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

Passed and approved by Lavaca County Commissioners' Court this 11th day of January, 2021.

Edward Pustka
Commissioner, Pct. 1

absent
Commissioner, Jr., Pct. 2

Donny Segel
Commissioner, Pct. 3

[Signature]
Commissioner, Pct. 4

[Signature]
County Judge

ATTEST

Ely A. Kowen
County Clerk



Appendix C (1)

CERTIFICATE OF DEDICATION BY OWNER/SUBDIVIDER/developer
(When owner/subdivider/developer is an Individual)

THE STATE OF TEXAS §
 §
COUNTY OF LAVACA §

KNOW ALL MEN BY THESE PRESENT, that I, _____,
owner/subdivider/developer of _____ acres of land out of the
_____ Survey, Lavaca County, Texas as conveyed to me by deed
dated _____, and recorded in the public record as
number: _____, of Lavaca County, Texas, **DO HEREBY SUBDIVIDE**
_____ acres of land out of said Survey,

*(Note: if the subdivision lies in more than one survey, determine an acreage in
each survey and repeat for each original survey within the subdivision)*

to be known as the _____ Subdivision, in accordance with the plat
shown hereon, subject to any and all easements or restrictions heretofore granted and do hereby
dedicate to the public (or "owners of the property shown hereon" for private streets) the use of the
streets and easements shown hereon.

WITNESS MY HAND, this the ____ day of _____, A.D., 20____.

(Owner/subdivider/developer's name)

THE STATE OF TEXAS §
 §
COUNTY OF LAVACA §

BEFORE ME, the undersigned authority, on this day personally appeared
_____, known by me to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for
the purposes and consideration of therein stated.

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

Notary Public in and for
The State of Texas

Appendix D

CERTIFICATE OF RECORDING

THE STATE OF TEXAS §
 §
COUNTY OF LAVACA §

I, _____, County Clerk of Lavaca County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the _____ day of _____, 20____, at _____ o'clock __m., and duly recorded on the _____ day of _____, A.D., 20____, at _____ o'clock __m., in the Public Records of Lavaca County, Texas as number:_____.

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

COUNTY CLERK
LAVACA COUNTY, TEXAS

Appendix E

WATER SUPPLY CERTIFICATE

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

Underground Water
Conservation District

Date

Name of Public Water Supply System

Date

Signature & Title of Authorized Agent

Other Proposed Domestic Water Supply (Please specify): _____

Appendix F

CERTIFICATE OF SURVEYOR

THE STATE OF TEXAS §
 §
COUNTY OF LAVACA §

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

Registered Professional / State Land Surveyor Date

License No. _____

Seal:

Appendix G

CERTIFICATE OF ENGINEER

THE STATE OF TEXAS §

§

COUNTY OF LAVACA §

§

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

Registered Professional Engineer

Date

License No. _____

Seal:

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

Appendix H

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR'S APPROVAL

THE STATE OF TEXAS §
 §
COUNTY OF LAVACA §

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

On Site Inspector

Date

License No. _____

Seal:

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

Appendix I

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

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

Owner/subdivider/developer or Representative

Date

Appendix J

CERTIFICATE OF ROAD MAINTENANCE

(When roads may, in the future, to be dedicated to Lavaca County for maintenance)

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

Owner/subdivider/developer or Representative

Date

Appendix K

CERTIFICATE OF COUNTY APPROVAL OF PLAT

THE STATE OF TEXAS §

§

COUNTY OF LAVACA §

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

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

_____ COUNTY CLERK
LAVACA COUNTY, TEXAS

_____, COUNTY JUDGE
LAVACA COUNTY, TEXAS

Appendix L

LAVACA COUNTY
PERMIT TO CONSTRUCT DRIVEWAY WITHIN
COUNTY ROAD RIGHT-OF-WAY

Applicant: _____

County Road Name _____

Address: _____ Permit # _____

_____ Phone No. () _____

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

SUBJECT TO THE FOLLOWING:

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

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

DATE OF ISSUANCE: _____

ROAD ADMINISTRATOR: _____

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

PRINTED NAME: _____

SIGNATURE: _____

DATE: _____

SKETCH OF INSTALLATION

Appendix M

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

TO: Commissioner _____
Precinct No. _____

Address

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

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

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

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

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

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

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

OR

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

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

Applicant agrees to give Lavaca County Commissioner Precinct No. _____ fifteen (15) days prior notice of any routine or periodic maintenance which requires interruption of traffic and pruning of

trees within the road right-of way. County may provide specifications for the extent and methods governing trimming, cropping, tree balance, type of cuts, painting cuts, and clean up.

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

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

Additional Special Provisions:

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

APPLICANT:

Name: _____

Authorized agent: _____

Address _____

Phone _____

LAVACA COUNTY:

Commissioner _____

Precinct No. _____

Address _____

Phone _____

Appendix N

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

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

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

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

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

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

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

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF LAVACA COUNTY, that the standards herein attached, shall serve as the standard for construction of cattle guards on County maintained roads; and

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

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

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

County Judge

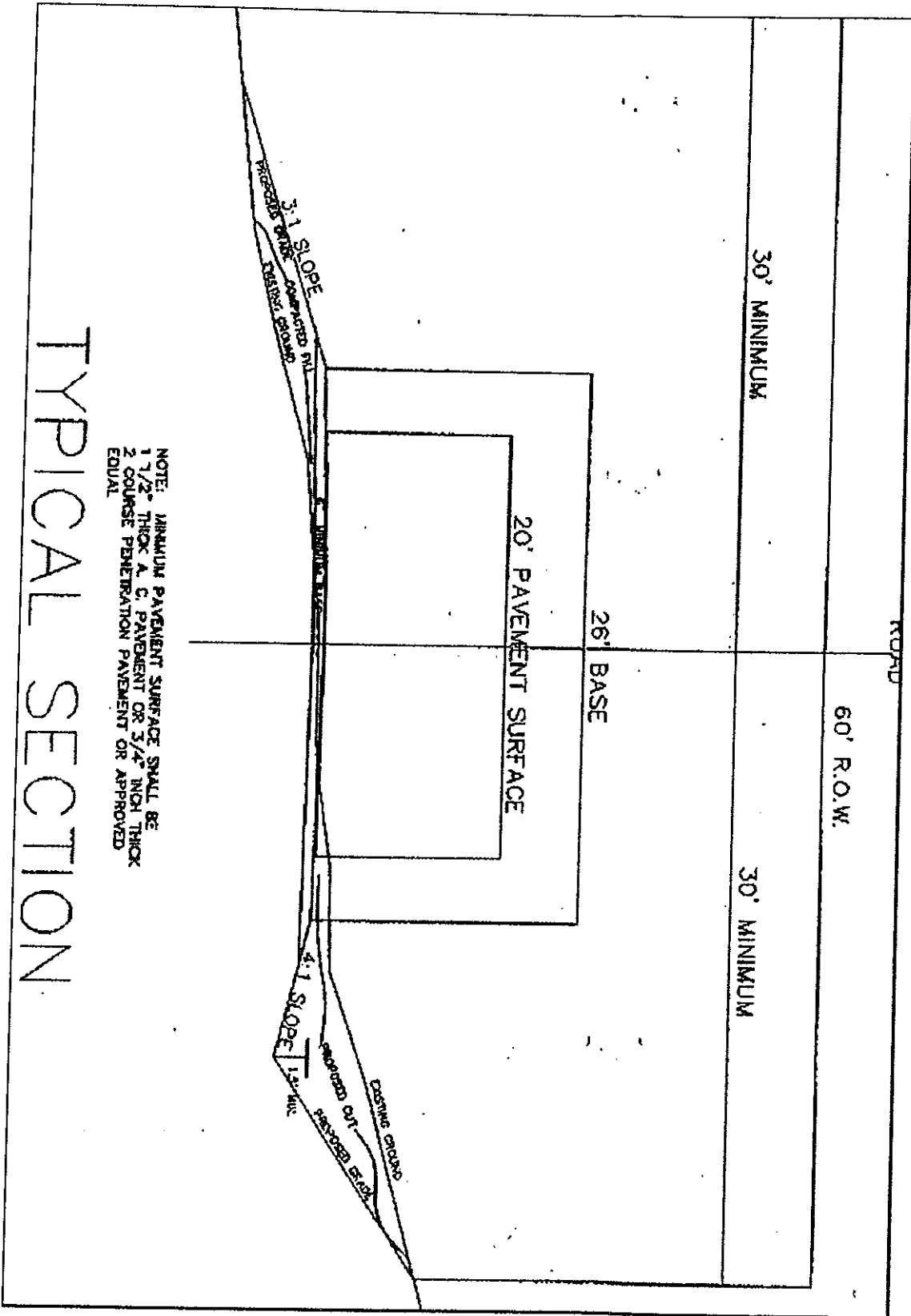
County Commissioner Pct. 1

County Commissioner Pct. 2

County Commissioner Pct. 3

County Commissioner Pct. 4

Appendix O



Appendix P

SUMMARY OF LAVACA COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips) **	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph
Number of Lanes	2	2	2	4
ROW Width	60'	60'	70'	100'
Width of Traveled Way	20'	20'	28'	48'
Width of Shoulders	4'	5'	6'	8'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade *	11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance	250'	350'	450'	550'
Steepest Ditch Fore Slope Grade	4:1	4:1	4:1	6:1
Flood Design (year event)	10	15	25	25

- Any deviation from these standards must be the subject of an approved variance. *
- Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined by the precinct commissioner of their designee. Factors to consider are lot size, other plat restrictions and the potential for future development. **
- The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails shall be required wherever the ditch depth exceeds 8' from the edge of the shoulder to the bottom of the ditch on local streets, 6' from the edge of the shoulder to bottom of the ditch on minor collectors and 4' from the edge of the shoulder to the bottom of the ditch on all others larger than a minor collector.
- Any development generating more than 15000 average daily traffic counts will be designed according to TxDot standards.

Appendix Q

LIENHOLDER'S ACKNOWLEDGEMENT

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

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

(Signature of Lienholder(s))

(Printed name(s))

THE STATE OF TEXAS §
 §
COUNTY OF LAVACA §

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

Notary Public in and for
The State of Texas

Appendix R

REVISION TO PLAT

Name of Subdivision: _____

Recorded in the Public Records of Lavaca County, Texas as number: _____

Commissioner Precinct No.: _____

Owner/subdivider/developer:

Owner/subdivider/developer's Mailing Address:

Owner/subdivider/developer's Phone Number(s):

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

Resulting Lot Number to be Known As: _____

Lienholder: _____ Yes _____ No

If yes, Name of Lienholder: _____

(Attach Lienholder's Acknowledgement, Appendix K)

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

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

(Owner/subdivider/developer's Signature)

(Printed name)

THE STATE OF TEXAS §
 §
COUNTY OF LAVACA §

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

Notary Public in and for
The State of Texas

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

LAVACA COUNTY JUDGE

ATTEST: _____
LAVACA COUNTY CLERK

**Appendix S
Development Fees**

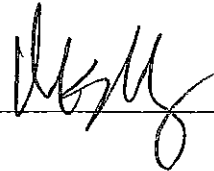
The following are a list of development fees for Lavaca County. These fees are subject to change.

Plat without a designated floodplain: \$2000.00 + \$10.00 per lot


Plat in a designated floodplain: \$2500.00 + \$10.00 per lot

Final Plat: \$250.00

PASSED AND APPROVED THIS 11th DAY OF January, 2021.




COUNTY JUDGE



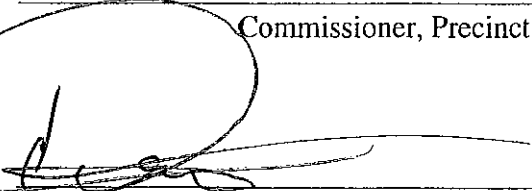
Commissioner, Precinct 1

absent

Commissioner, Precinct 2




Commissioner, Precinct 3

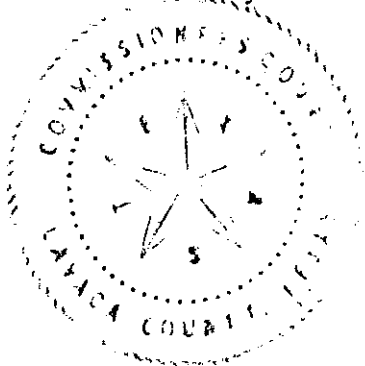


Commissioner, Precinct 4

ATTEST:



County Clerk



LAVACA COUNTY
SUBDIVISION CHECKLIST

SEC.	DATE	COMPLETE	DESCRIPTION
			CHAPTER 1
1.2			Confirm by record search that proposed subdivision name is not already in use, or subject to confusion due to similarity of name with an existing subdivision already in existence.
1.2 (c)(iv)			Acknowledgment, in writing, of Section 1.2(c)
1.2(i)			Copy of Plat in Digital format compatible with Appraisal District software in use at time of application.
1.2(f) (1)			Description of proposed subdivision by metes and bounds.
1.2(f) (2)			Locations of subdivision tied to an original corner from the original survey of which it is a part.
1.2(f)(3)			State dimensions of the subdivision and each part to be dedicated to public use or the use of purchasers of lots within subdivision.
1.2(f)(4)			Acknowledgment on Plat by Owner with notary seal.
1.2(h)			Plat format complies with filing and recording requirements of 12.002 Texas Property Code.
1.2(i)			Digital map provided that is compatible with Appraisal District software.
1.3			If a statutory exception to subdivision requirements is claimed, or if applicant intends to apply for a discretionary exemption from the Commissioners court, please state the exception or exemption applicable.
			Chapter 2
2.1			Is this a residential or non-residential subdivision, and if non-residential, are their occupied spaces during business hours. If so, water standards apply. 2.1 (a)-Industrial with occupied spaces during business hours. 2.1 (b) itemized cost by category of improvements.
2.1.1			Nature of Water Facilities Development stated, i.e. existing Public Water System, New Public Water System (CCN required), Non-Public Water System (groundwater availability study and certificate of quantity and quality).
2.1.2			Nature of Wastewater Disposal facilities, i.e. Permit for use of organized wastewater collection system, Agreement of existing permitted facility, On-Site Sewerage Facilities (OSSF).
2.1.3			Greywater Resuse-evidence of compliance with 30 TAC 210 and/or 285
2.1.4			Drainage structures-must be shown on plat, with 2' floor elevations in flood plain.

LAVACA COUNTY
SUBDIVISION CHECKLIST

SEC.	DATE	COMPLETE	DESCRIPTION
2.1.5			Sludge Disposal compliance with 30 TAC 312 and 317
2.2			Set Back Compliance-25 feet from any public road, 50 feet from any major highway or road. (Subject to designation by Comm. Ct.)
2.2			Utility Easement Set-Backs: (10 feet lot lines, surface easement within 5 feet of lot line, subsurface utilities within 10 feet of lot line.)
2.2			Certificate of Fire Department attached to plat application reflecting compliance with fire-fighting requirements.
2.3			OSSF Density Statement
2.4.2.1			Recreational Vehicle Park Requirements: Plat prepared by Surveyor/Engineer, with review and approval by County Engineer or designee.
2.4.3.1-2			Recreational Vehicle Park Requirements: Survey of boundaries with all significant features, metes and bounds, and 100-year flood plain regulation.
2.4.3.3-5			Recreational Vehicle Park Requirements: Water and Sewerage compliance statement. Certificates Required from Engineer.
2.5.1-9			Recreational Vehicle Park Regulations: 20 spaces per acre limit, office with 5 spaces, all spaces with maneuvering space, electrical hookup, 20% of 18x50', with 10' clearance between spaces, pads for RV, internal access street 24' hard surfaced, mobility accessible. Certificate from Engineer of compliance.
2.5 (B)			Service Building requirements: Lighting, concrete floors, heated, floor drains, male and female toilets separated by soundproof wall. Service building no closer than 15 feet and no more than 300 feet from any RV pad.
2.5(B)			Service Building requirements: Toilets to be ADA accessible. One flush toilet for both male and female, one lavatory for each, on shower/dressing room for each, one washing machine, one slop sink 14x14x14. RV spaces not to exceed 50, unless additional service building requirements are met.
2.5(D)			Garbage- each RV park shall have at least two (2) dumpsters, with stand and screened from view, and regularly maintained.
2.5 (E)-(G)			Fuel Regulations: Bottled gas properly connected and fastened in place for external RV use only. Fire extinguishers provided to comply with any applicable fire code. No open fires other than in approved pit or grill. All parts of RV Park within 150' of hard surfaced streets.

LAVACA COUNTY
SUBDIVISION CHECKLIST

SEC.	DATE	COMPLETE	DESCRIPTION
2.7.1			Street and Road Compliance: Statement of Engineer that all streets and roads proposed comply with these regulations.
2.7.4			Plat contains required disclaimers on road maintenance.
2.7.10			Street Name certification of 911 coordinator.
Chapter 3			
3.2			Engineers certification of Drainage Standard compliance.
3.3			Plat Contains required disclaimers on water availability.
3.4(A)			Evidence of wastewater contract with existing utility.
3.4(B)			Evidence of TCEQ application for CCN for proposed sewerage facilities
3.4(C)			Final engineering for OSSF and Sewerage Disclaimer on Plat
Chapter 4			
4.1 a-t			Plat Requirements: (1) Name and Address of Owner/Applicant (2) Name and address of Developer (3) Name of Proposed subdivision (4) North direction arrow (5) Inset Vicinity map (6) Adjoining property descriptions (7) Land use of contiguous tracts (8) Total acreage within subdivision (9) Total number of lots in subdivision (10) Area of road right-of-way and lengths of all roads (11) Location of all structures and topographic features at 5' intervals in floodplain, 20' intervals outside of floodplain, including wells, existing public roads and dedication to public or new roads or streets or other public easements (12) Drainage assessment for 100 year flood standard (13) Lot dimensions (14) Right-of-Way widths (15) roadway names with certificate of 911 coordinator of no conflict with existing road names (16) all recreational areas identified (17) evidence of transfer of ownership of rights-of-way and easements to public on face of plat (dedication) (18) all proposed land use of lots being subdivided, i.e. residential, commercial, public/recreational, drainage (19) Plat notation regarding maintenance of subdivision roads. (20) location of all wells and status of unused or abandoned wells, i.e. capped or plugged.

LAVACA COUNTY
SUBDIVISION CHECKLIST

SECTION	DATE	COMPLETE	DESCRIPTION
4.2			Plat prepared from actual survey by RPLS surveyor and under seal.
4.3			Scale of not more than 1"=200', minimum 11 x 17", maximum 24 x 36". Two (2) full size copies for filing, with one (1) on mylar or vellum in black ink for Clerk, and one on bond paper in black ink for Appraisal District. Six (6) copies of reduced size for Commissioners Court. A digital map file in proper format for Appraisal District.
4.4			Street widths, lot and block numbering in systematic order, lot lines with bearing and distance, and statement of acreage. 25' set back on all public roads, and if a major road, 50' set back. Utility easements shown with set-backs as required.
4.5			Complete Application and documented receipt for fees
			Chapter 5
5			Financial Requirements for Water/Sewer Facilities of Bond (1) payable to County Judge (2) amount determined by Commissioners Court (3) Sureties approved by Commissioners Court (4) Conditioned upon performance (5) Evidence of sufficiency of bond or letter of credit
5.1.1			Construction Bond Conditions: All construction to be completed within two (2) years of approval of plat, 100% of estimated cost of construction as reflected in application.
6.1.1(5)			Suitable Bond on file with Commissioners Court.
5.1.2			Maintenance Bond Conditions: To be substituted for Construction Bond on completion of subdivision construction. Term of two (2) years, 100% of cost of construction.
5.1.1 (6)			Plat Notation regarding Responsibility for Road/Street Maintenance
			Chapter 6
6.1			-Approval, Conditional Approval or Disapproval
			Chapter 7
7.1			Extensions of Time
			Chapter 8
8.1			Changes to Existing Subdivisions
			Chapter 9
9.1			Revision and Cancellation of Plats
			Chapter 10
10.1			Variance
			Chapter 11
11.1			Enforcement

The County of Lavaca REQUEST FOR QUALIFICATIONS

ENGINEERING PROFESSIONAL SERVICES

NOTICE TO VENDORS

Request for Qualifications addressed to the County of Lavaca, _____ will be received until 2:00 P.M., _____.

In accordance with the provisions of Texas Local Government Code 272 and Texas Government Code, Chapter 2254, The County of Lavaca is requesting responses to this solicitation to provide professional services for perform civil engineering services for a project involving the inspection, evaluation, review and recommendations regarding applications for plat approval of subdivisions of land located in the rural portions of Lavaca County, Texas located outside of any municipality and to otherwise assist the County in making a determination that any such plat application is complete pursuant to the Lavaca County subdivision regulation and applicable state law.

The Respondent shall have the following minimum experience: (firms which fail to provide written detailed project experience as required shall be considered nonresponsive).

1. Five (5) years' experience with in delivering successful subdivision projects for a local government entity.
2. A minimum of three (3) subdivision projects in compliance with county or city subdivision regulations.
3. The Proposing Firm must be registered by the State of Texas to provide any services which are required to complete this project, and the Firm must have all professional licensure required by the State to provide any services required to complete this project. Proof of this registration **must be included** as part of the submittal.

RFQs will be received at the _____ until 2:00 P.M., _____. There will be no formal bid opening. Negotiations may be held with the highest ranked offeror(s). The submitted response shall not be altered, withdrawn, or resubmitted within sixty (60) days from and after the date of the opening. Responses received later than the specified time (2:00 P.M.) and dates will be returned to the offeror unopened.

This advertisement to run: _____.

Date:

County Clerk, Lavaca County, Texas

**IN THE COMMISSIONERS COURT
OF
LAVACA COUNTY, TEXAS**

**Survey and Infrastructure Requirements for
Manufactured Home Rental Communities in Lavaca County**

Preamble:

Whereas, the 76th State Legislature of the State of Texas has enacted legislation amending Section 232.007, Texas Local Government Code, Subsection (a) and adding Subsections (c) through (h) enabling Commissioners Courts to adopt infrastructure requirements for Manufactured Home Rental Communities; and:

Whereas, due notice was given of a meeting and public hearing to determine whether the Commissioners Court of Lavaca County, Texas should enact an order establishing infrastructure requirements for Manufactured Home Rental Communities; and

Whereas, the Commissioners Court of Lavaca County, Texas finds that the requirements enumerated below will help to insure the safe ingress and egress of emergency vehicles, protect against loss of life and property in the event of flooding or other emergencies, and insure adequate water and wastewater facilities for the citizens of Lavaca County; and

Whereas, the Commissioners Court of Lavaca County, Texas has considered the matter and deems it appropriate to enact this Order adopting minimum infrastructure requirements for Manufactured Home Rental Communities,

Now, therefore, be it resolved and ordered, that the Commissioners Court of Lavaca County, Texas, meeting in open session this 11th day of January, 2021, adopts the following minimum infrastructure requirements for Manufactured Home Rental Communities:

Order of the Commissioners Court:

SECTION 1

DEFINITION OF AFFECTED DEVELOPMENTS

- 1.1** As used in this Order, the term “Manufactured Home Rental Community,” abbreviated as MHRC, means any plot or tract of land that is separated into two or more spaces that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences. “Manufactured Home” means any manufactured home or mobile home manufactured to the code or specifications of the federal Department of Housing and Urban Development, and/or

any residence as defined by Section 3 of the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code); used collectively, the term “Manufactured Home” refers to both manufactured homes and mobile homes.

- 1.2 Definitions:** Streets and roads- A public road, a private drive, or any other avenue of ingress or regress intended to provide access to all or any part of the MHRC consisting of more than one space.

SECTION 2 **CONSTRUCTION START PROHIBITED UNTIL COMPLIANCE WITH** **REGULATION SATISFIED**

- 2.1** Construction of a proposed MHRC may not begin before an Infrastructure Development Plan has been approved by the Commissioners Court or by a county official or employee designated by resolution to act as an agent of the Court (Designee). The obligation to obtain all necessary approvals, certifications, or other documentation rests upon the Applicant, subject to review and comment by the County Engineer/Designee.
- 2.2** Prior to any subdivision of land and any official submittal of a plat for review, it is recommended that the Owner set a meeting with the Precinct Commissioner and any retained county Engineer or County Designee. The Owner shall present a fully completed application form (Attached to this Regulation) and a preliminary plat showing the proposed street alignments and the lots or spaces intended for development. The Precinct Commissioner and the retained county Engineer/Designee will provide general comments and requirements to the Owner. Based upon these comments and requirements, the owner or his representative will submit one copy of the revised preliminary plat of the subdivision to the Precinct Commissioner’s office and two additional copies to the retained county Engineer’s/Designee’s Office.
- 2.3** The Precinct Commissioner will review the preliminary plat and forward any additional comments and recommendations to the County Engineer/Designee.
- 2.4** The retained county Engineer/Designee will review plans for compliance with the Lavaca County Subdivision and Development Regulations.
- 2.5** The retained county Engineer/Designee will return his and the Commissioner’s comments and recommendations to the Owner or his agent.
- 2.6** The Owner will address the comments and recommendations and set a meeting with the retained county Engineer/Designee to resolve the comments.
- 2.7** The retained county Engineer/Designee will contact the County Judge’s Office to request placement of the preliminary plat on the next Commissioners Court agenda for initial approval if all comments have been addressed or placement of a variance request on the next Commissioners Court agenda. The County Judge’s Office will verify with the proper Commissioner for his concurrence of placement.

- 2.8 Prior to final approval of the plat, the Owner shall pay a scanning fee of \$75.00/sheet to the County Engineer/Designee. This fee will be waived if the Owner supplies the County Engineer/Designee with a digital file of the final plat. The digital file shall be in a .DWG format.
- 2.9 If the property to be platted lies within the extraterritorial jurisdiction (ETJ) of a city, this procedure will be accomplished simultaneously with the platting procedure of the city. The Owner must obtain preliminary approval of the city before preliminary approval by the Lavaca County Commissioners' Court, unless otherwise provided by Interlocal Agreement
- 2.10 The final plat procedure will be the same as the preliminary plat procedure.

SECTION 3

UTILITY HOOK-UPS

- 3.1 A utility may not provide utility services, including water, sewer, gas, or electric services to an MHRC until a Final Survey and an Infrastructure Development Plan have been approved by the Commissioners Court. The availability of utility services shall be noted on the IDP and final plat.

SECTION 4

FINAL SURVEY AND INFRASTRUCTURE DEVELOPMENT PLANS REQUIRED

- 4.1 The owner of a tract of land intended to be used as a MHRC shall have prepared and submitted to the County a Final Survey and an Infrastructure Development Plan (IDP). In the rare event that there will be no infrastructure in the proposed MHRC, then only a Final Survey will be required. The owner shall submit three blue-line or black-line copies and two reproducible prints of the Final Survey, and shall submit three blue-line or black-line copies and two reproducible prints of the IDP and three copies of supporting materials. All original materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer who prepared them. The Final Survey and the IDP shall show or be accompanied by the following information:
- 4.1.1 **DRAWING REQUIREMENTS:** The north arrow, graphic scale and date shall be shown. The Final Survey and IDP shall be drawn on 22" x 24" or 22"x34" sheets to a scale not exceeding one inch equals two hundred feet (1"=200'). The recording Final Survey and IDP shall be on permanent type material equivalent or superior to Mylar. If the recording Final Survey and IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller than 0.09 inches in height, and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the general location of MHRC in relation to major roads, towns, cities, or topographic features. All county, city, school district, or special taxing districts that fall on or adjacent to the MHRC must be shown on the Final Survey and the IDP.

- 4.1.2 MANUFACTURED HOME COMMUNITY DETAILS: The name of the MHRC, graphic scale, north arrow, names of streets and/or drives, block and space boundaries, and block and space numbers within the MHRC shall be shown. Adjacent property owners, subdivisions and MHRCs shall also be shown and identified by owner's name and deed or plat reference.
- 4.1.3 OWNER IDENTIFICATION: The name, addresses, and telephone numbers of the owner or owners of a proposed MHRC, and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the Final Survey and IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and address of the corporate officers, partners or joint venturers shall be provided.
- 4.1.4 BOUNDARY LINES: The perimeter boundary of the community and each boundary or space shall be shown with bearings and distances, referenced to a corner of the original Final Survey and IDP. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown in each Final Survey and IDP. A table of space square footage or acreage and the total square footage or acreage must be shown.
- 4.1.5 UTILITY SERVICE: Each utility service shall approve the Final Survey and IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the MHRC.
- 4.1.6 LAYOUT OF SPACES, DRIVES, EASEMENTS, SETBACK LINES, AND DRAINAGE: Location of spaces, drives, roads, public highways, utility easements, parks, benchmarks, 100-year flood plain boundaries and other pertinent features, shall be shown by bearing and distance. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, central angle and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The location of drainage easements and other public rights of way or future rights of way shall be shown. The names and locations of all drives shall be clearly shown, and shall be Coordinated with the County's 911 Coordinator and to avoid confusion or duplication in street names. A letter from the County's 911 Addressing Coordinator shall be provided to the County certifying drive name approval. One 911 address will be provided to the rental community; unit numbers are required to be assigned and clearly marked for each rental space as shown on the Final Survey and IDP

- 4.1.7 **FLOODPLAIN AND DRAINAGE INFORMATION:** In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan and floodplain delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year floodplain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC for a 25-year storm event. Storm water released from the MHRC shall not exceed the peak flow for a 100-year storm event during pre-development conditions. Elevation contours should be at no less detail than five-foot (5') intervals, based on NAVD 88 datum. All Special Flood Hazard Areas must be identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency. For each space within the limits of the 100-year flood plain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a Registered Professional Engineer. For each space within the limits of the 100-year flood plain, minimum Finished Floor Elevation must be provided on plat and development below the Finished Floor Elevation prohibited by plat note. A drainage plan depicting the anticipated flow of all drainage onto and from the Subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year floodplain boundaries, ravines, swales, ditches, bridges, and culverts. The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of space and drive layouts on drainage. Depiction of all streams, rivers, ponds, lakes, and other surface water features.
- 4.1.8 **ON-SITE SEWAGE:** If utilizing individual on-site sewage facilities, each space must meet the requirements of the Lavaca County Rules for On-Site Sewage Facilities. Viable percolation area must be shown. Space numbers and block designations shall be shown on the IDP. Each space shall have a minimum of 50 feet of road or drive frontage.
- 4.1.9 **CERTIFICATION AND DEDICATION OF OWNER:** The Owner shall certify the dedication for public use forever all streets, alleys, utility and drainage easements, parks, and any other land dedicated for public use, on the first page of the IDP with signature and acknowledgment before a notary public.
- 4.1.10 **CERTIFICATION BY REGISTERED PROFESSIONAL LAND SURVEYOR:** The Texas Registered Professional Land Surveyor shall certify on the first page of the Final Survey and IDP that the survey correctly represents a survey made on the ground under his supervision, and the dimensions, bearings, acreage and other technical information needed for platting each space shall be shown on the Final

Survey and IDP. Final Surveys and IDPs shall not be approved until benchmarks are placed and placement is certified by the Surveyor.

- 4.1.11 CERTIFICATION AND APPROVAL BY CITY: Certification of approval signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the MHRC is located shall be placed on the first page of the IDP. All information required by the city for approval, i.e. plans and specifications, shall also be submitted to the County along with the IDP.
- 4.1.12 RESTRICTIONS OF COMMUNITY: A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the MHRC shall accompany the IDP, and shall be notarized and filed for record in the office of the County Clerk.
- 4.1.13 STATUS OF AD VALOREM TAXES: Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the MHRC as furnished through the Lavaca County Tax Assessor/Collector's Office or the Lavaca County Appraisal District for land located within a municipality ETJ.
- 4.1.14 STREET STANDARDS: Streets shall be arranged and constructed so as to provide each manufactured home with direct access to an all-weather driveway suitable for two-way traffic. Drive drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express purpose of, at a minimum, assuring speedy emergency access to each home or manufactured home in the community. "Flag lot" spacing or other contrivances which unduly inhibit proper drive maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles, and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP. One source of appropriate drive specifications is the Road and Drainage Specifications contained as part of the Lavaca County Subdivision and Development Rules.
- 4.1.15 DRAINAGE STANDARDS: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan, floodplain delineation, and floodway delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year flood plain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC for a 25-year storm event. Storm water released from the MHRC shall not exceed the peak flow for a 100-year storm event during pre-development conditions.

4.1.16 IMPROVEMENTS STATEMENT: Each IDP shall have the following note on the first page. "The paving, grading and easement or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by Lavaca County." When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page of the IDP the following statement: "I, _____, a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge, information and belief and based upon the information provided, the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless Lavaca County from any claim or litigation arising from any errors, omissions, or other acts of negligence in the preparation of same."

4.1.17 MEETING WITH PRECINCT COMMISSIONER: It is recommended that Applicants set up a meeting with the Precinct Commissioner or their designee before preparing the IDP.

4.1.18 **A. Construction and Maintenance Bonds**

1. Construction Bonds

All construction shall be complete within 2 years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained herein, the developer shall file a Construction Bond, executed with sureties by a Surety Company authorized to do business as a surety in Texas, and made payable to the County Judge of Lavaca County, Texas or his successors in office.

The bond shall be equal to one hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, water and/or wastewater utilities, required drainage structures and all other construction.

The Construction Bond shall be submitted to the Commissioner's Court with the final plat.

The Construction bond shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the County Road Supervisor/Designee, and the Construction Bond has been released by a Court order from the Commissioner's Court.

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

2. Maintenance Bond

To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the precinct Commissioner/Designee, a Maintenance Bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Lavaca County, Texas or his successors in office, shall be substituted for the Construction Bond at the time of release of said Construction Bond.

The Maintenance Bond shall be equal to fifteen percent (15%) of the estimated cost of all construction based on the cost of construction to minimum county standards. This cost will be derived using an engineer's estimate.

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

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

The release of any bond shall be by order of the Commissioner Court. To request a release the developer who posted the bond in question shall present a written request to release said bond.

If substantial patching is required during the ten-year maintenance period, roads or streets must be resurfaced with a two-course surface treatment.

3. Cash Bonds

Cash bonds may be accepted in lieu of surety bonds. The developer shall enter into a formal written and signed agreement for the performance of construction of the roads, streets, street signs, underground utilities, required drainage structures and all other construction related to the development. This agreement shall be approved by the county attorney. The amount of the cash bond is to be determined by the average of three (3) bona fide bids from competent contractors. The cash bond shall be held in the depository of the county's choice. The precinct commissioner in whose precinct the development is occurring shall have signatory responsibility and responsibility for the disbursement of

the bond. Reductions or refunds from the cash bond shall be based on a 20/40/40 percentage completion of development. Upon completion of phases, the developer shall present a letter of completion from the project engineer to the precinct commissioner stating the completed work and upon majority approval of the commissioner's court may be granted a partial release of funds in the above specified amounts. The final forty percent (40%) shall not be released until a maintenance surety bond or a cash bond agreement and deposit for maintenance is received by the county. Final release of cash bonds are subject to majority approval from the commissioner's court. Variance from the specified refund amounts may be available by special consideration and a majority approval from the commissioner's court. The commissioner's court may accept a cash bond for one hundred and fifteen percent (115%) of the amount of construction withholding the extra fifteen percent (15%) in lieu of the maintenance bond for a period of two (2) years from the completion and approval of the subdivision construction, and ten years for the maintenance bond. Each cash bond agreement may be unique and will require written approval from the county attorney and a majority approval from the commissioner's court.

SECTION 5 **FINAL SURVEY AND IDP APPROVAL**

The Commissioners Court of Lavaca County shall approve or reject the Final Survey and/or IDP within 30 (thirty) business days of a complete application and IDP being submitted. Any deficiencies noted in the review must be addressed and corrected before an application shall be deemed complete. The 30 (thirty) business day time period shall commence upon submission of a complete application and IDP. Failure to reject the plan within the time prescribed shall constitute the County's acceptance of the plan as required by Section 232.007 of the Texas Local Government Code.

SECTION 6 **INSPECTION AND CONFIRMATION OF CONSTRUCTION**

The Commissioners Court of Lavaca County shall approve or reject the IDP prior to the commencement of construction of any drive, drainage or utility improvements. The Owner, or the owner's authorized agent, shall arrange a preconstruction meeting with the Precinct Commissioner and/or Designated Agent to discuss the timing and nature of inspections by the County during all phases of construction. The County may designate a private engineer, road contractor, testing company or other entity to serve as its agent for inspections. In any event, the applicant shall be required to pay for any reasonable testing requested by the County or Designated Agent. The final inspection shall occur no later than the second business day after the owner delivers written confirmation that all improvements have been completed to the standards established in the IDP as required by Section 232.007 of the Texas Local Government Code. If the County determines that the infrastructure complies with the IDP, the County shall issue a certificate of compliance no later than the tenth (10th) business day after the date of the final inspection; or, where no inspection is required, no later than the fifth business day after the receipt of the owner's letter of completion. If the County/designee determines that the infrastructure does not comply with the IDP, the MHRC may not be

occupied until those deficiencies identified by the County are remedied to the satisfaction of the Commissioners Court.

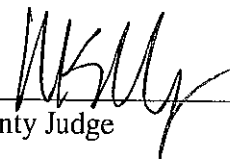
SECTION 7
REVIEW FEES

Review fees shall be established from time to time by the Lavaca Commissioners Courts Court, and are subject to change without notice. At the adoption of these Rules, the review fee shall be set at \$500.00 plus \$100.00 per rental space for each space up to 100, and \$15 per rental space for any additional space above 100 at the time the application is filed. The fee shall be paid to the County Clerk, with proof of payment delivered by the Applicant to the Commissioners Court and the County Judge's office.

SECTION 8
SEVERABILITY

The various points and conditions enumerated in this Order are intended to stand alone as well as part of the larger Order, and, therefore, should any part of this Order be repealed by the Commissioners Court or struck down by a court of law, the remaining parts, points, numbers and conditions of this Order shall remain in effect until expressly repealed or amended by the Commissioners Court of Lavaca County.

PASSED AND APPROVED THIS 11th DAY OF JANUARY, 2021.



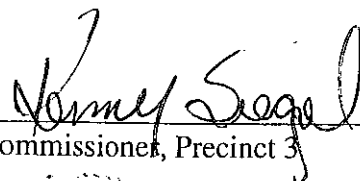
County Judge




Commissioner, Precinct 1

absent

Commissioner, Precinct 2



Commissioner, Precinct 3



Commissioner, Precinct 4



ATTEST:



County Clerk

**Application for Manufactured Home Rental Community
Subdivision of Land in Lavaca County, Texas**

1. Name of Applicant: _____
2. Name of Subdivision: _____
3. Designated Contact Person for Applicant:
 - a. Name:
 - b. Address:
 - c. City/Zip:
 - d. Phone Number:
4. Name of all Title Owner(s) of Property to be sub-divided:
 - a. Name
 - b. Address:
 - c. City/Zip:
 - d. Phone Number:
5. Lavaca County Appraisal District Tract or Parcel Identification Number for land to be developed: _____
6. County Commissioner Precinct in which land to be developed is located:

7. Location of Land to be Developed:
 - a. Legal or Mailing Address:
 - b. 911 Address:
 - c. Coordinates:
 - d. Topo or other suitable map depicting entire area to be subdivided.
8. Certifications Required by Subdivision Regulations:
 - a. No outstanding Tax Liability to County:
 - b. Title Owners have authorized subdivision:
 - c. Required Fees have been paid:
 - d. County is authorized to review and act upon Application:
 - e. Required number of copies of plat are provided:
9. Before Application and Plat can be considered for final approval, the following approvals or certifications shall be required. It is the duty of the Applicant to obtain these approvals or certifications, and to present the same to the County Engineer/Designee not less than three business days prior to final plat approval hearing.

- a. Utility Service Approval and Certification of Ability to Provide Service for all required utilities, i.e. electric, water, sewer, telephone, cable TV, etc.
- b. 911 Addressing: A letter from the County's 911 Addressing Coordinator shall be provided certifying approved names for any drives, streets, or entryways.
- c. If located in the ETJ of a municipality, certification of approval signed by appropriate representative of any city having extraterritorial jurisdiction over the area in which the MHRC is located.

Date:

Applicant