Haskell County
Subdivision Regulations

Approved and Accepted
by Haskell County
Commissioners Court
On
November 25, 2025

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 Haskell 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 Haskell 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 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.

TABLE OF CONTENTS

INTRODUCTION 1

Table of Contents 2

Chapter 1 General and Administrative Provisions 6

1.1. Authority 7

1.2. Plat required 7

1.3. Exceptions to platting requirements 9

1.4. Discretionary Exceptions 11

1.5. Supersession 12

1.6. Severability 12

1.7. Definitions 12

Chapter 2 Minimum Standards for Water and Sewage Service 15

2.1. Scope of standards 15

2.2. Water Facilities Development 15

2.3. Wastewater Disposal 17

2.4. Greywater Systems for Reuse of Treated Wastewater 18

2.5. Drainage Structures 18

2.6. Sludge Disposal 19

2.7. Setbacks/Public Utilities/Fire-Fighting 19

2.8. Number of Dwellings Per Lot 20

Chapter 3 Minimum Standards for Roads and Streets 20

3.1. Requirements 20

3.2. Road and Street Intersections 21

3.3. Adjoining Subdivision 21

3.4. Acceptance of Plat is Not Acceptance of Roads/Streets 22

3.5. Paving and Material 23

3.6. Penetration Asphalt Surface Treatment 23

3.7. Flex Base 24

3.8. Concrete Pavement 24

3.9. Seep Areas 25

3.10. Street Naming 25

3.11. Completion of Street and Drainage Requirement 25

Chapter 4 Minimum Standards for Drainage 25

4.1. Contour Lines on Plat 25
4.2. Drainage Ditches and Structures 26
4.3. Drainage easements 27
4.4. Inspection Fee 28
Chapter 5 Minimum Standards Applicable to Tiny Homes, Recreational Vehicle Parks or Campground Facilities 28
5.1. Definitions 28
5.2. Regulation of Recreational Vehicle Parks 29
5.3. Infrastructure Requirements for Recreational Vehicle Parks, Tiny Home Developments or Campground Facilities 30
5.4. Regulation of Recreational Vehicle Parks, Tiny Home Developments, or Campground Facilities 32
5.5. Regulation of Recreational Vehicle Park, Tiny Home Development, or Campground Facility Roads 33
5.6. Regulation of Recreational Vehicle Park, Tiny Home Development, or Campground Facility Service Building Requirements 34
5.7. Other Regulations 36
Chapter 6 Plat Approval 37
6.1. Pre-Application Meeting 37
6.2. Applications for Subdivision Approval 37
6.3. Application for Subdivision Approval 38
6.4. Final Engineering Report 39
6.5. Public Water Systems 39
6.6. Non-public Water Systems 40
6.7. Organized Sewerage Facilities 41
6.8. Plat Approval Certification 42
Chapter 7 Plat and Survey Requirements 42
7.1. Property Plat Survey 42
7.2. Registered Professional Land Surveyor 44
7.3. Plat Scale and Filing 45
7.4. Additional Plat Information 45
7.5. Application Fees 46
Chapter 8 Review and Approval of Final Plat 46

8.1. Scope of Review 46
8.2. Approval Procedure: Conditional Approval or Disapproval Requirements. 48
8.3. Approval Procedure: Applicant Response to Conditional Approval for Disapproval..... 48
8.4. Approval Procedure: Approval or Disapproval of Response 49
8.5. Prerequisites to Approval 49
Chapter 9 Financial Guarantees for Improvement of Water/Sewer Facilities 50
9.1. Applicability 50
9.2. Utilities 50
9.3. Bonds 51
9.4. Letter of Credit 52
9.5. Financial Guarantee 53
9.6. Alternative to County Accepting Final Guarantee 53
9.7. Review and Approval of Final Plants 53
Chapter 10 General Bonding Procedures 54
10.1. Security/Construction Bond 54
10.2. Maintenance Bond 56
10.3. Bond Extension 58
10.4. Irrevocable Letter of Credit (in Lieu of Bond) 59
10.5. Other Security 59
Chapter 11 Time Extensions for Providing Facilities 59
11.1 Reasonableness 59
11.2 Timeliness 59
11.3 Unreasonableness 59
Chapter 12 Changes to any Subdivision Existing Prior to Effective Date of this Regulation 60
12.1 Authority and Scope 60
Chapter 13 Revision and Cancellation of Plats 60
13.1 Application for Plat Revision 60
13.2 Public Notice 61
13.3 Criteria for Approval 61
13.4 Filing of Plat Revision 62
13.5 Cancellation of Subdivision 62
Chapter 14 Variance 62
14.1 Conditions of Variance 63

Chapter 15 Enforcement 64
15.1 Oversight 64
15.2 Complete Application Required 64
15.3 No Lot Sold Until Approved 64
15.4 General Enforcement Authority of County 64
15.5 Authority to Enforce Regulations 64
15.6 Penalty for Violation 64
15.7 Conflicting Orders 65
15.8 Severability 65
APPROVAL AND SIGNATURES 65
Appendix A SUBDIVISION APPLICATION CHECKLIST 66
Appendix B (1) CERTIFICATE OF DEDICATION BY DEVELOPER - Individual 70
Appendix B (2) CERTIFICATE OF DEDICATION BY DEVELOPER – Legal Entity 71
Appendix C PUBLIC UTILITY CERTIFICATE 72
Appendix D CERTIFICATE OF SURVEYOR 73
Appendix E CERTIFICATE OF ENGINEER 74
Appendix F CERTIFICATE OF PRIVATE ROAD MAINTENANCE 75
Appendix G CERTIFICATE OF ROAD MAINTENANCE 76
Appendix H CERTIFICATE OF COUNTY APPROVAL OF PLAT 77
Appendix I CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR 78
Appendix J SUMMARY OF HASKELL COUNTY ROAD STANDARDS 79
Appendix K CERTIFICATE OF FIRE DEPARTMENT 81
Appendix L REVISION TO PLAT 82
Appendix M LIENHOLDER'S ACKNOWLEDGMENT OF PLAT REVISION 84
Appendix N CERTIFICATE OF DEVELOPER 85
Appendix O AFFIDAVIT FOR RECORDATION OF TAX CERTIFICATE 86
Appendix P SUBDIVISION DEVELOPMENT FEES 87
Appendix Q IRREVOCABLE LETTER OF CREDIT 88
Appendix R RETAINER FOR ENGINEER REVIEW AND FILING FEES 89
Appendix S SUBDIVISION CONSTRUCTION AGREEMENT FORM 91
Appendix 1 A SAMPLE FORM FOR WATER SERVICE AGREEMENT 100
Appendix 1 B SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT 102

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 HASKELL COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF HASKELL, IN THE COMMISSIONERS COURT OF HASKELL COUNTY, TEXAS, _____, 2025:

WHEREAS: The Commissioners Court finds it is in the best interest of Haskell County to establish standards and specifications for the development of subdivisions of land, as defined by Chapter 232, Texas Local Government Code, including for the provision of utilities, the construction of roads and drainage, the provision of drinking water, the disposal of waste-water, and development within the floodplain; and,

WHEREAS: These regulations are enacted to implement the powers granted to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code, Chapter 232 (granting counties authority to adopt and enforce subdivision regulations and to require plat approval); Texas Local Government Code, Chapter 233, Subchapter B, (granting counties authority to establish building set-back lines on the public roads); Texas Local Government Code, Chapter 242 (governing the power of counties to regulate subdivisions within the extraterritorial jurisdiction of municipalities); Texas Transportation Code, Chapter 251 (granting counties general control over all roads, highways and bridges); Texas Health and Safety Code, Chapter 364 (authorizing counties to cooperate with other entities for the safe and economical collection, transportation, and disposal of solid waste); Texas Health and Safety Code, Chapter 366 (granting counties authority to adopt standards for on-site sewerage facilities); Texas Water Code, Chapter 16 (granting counties authority to set standards for the provision of water, sewage, and waste-water disposal, and construction within floodplains and to guide development of future development to minimize damage caused by floods); and Texas Water Code, Chapter 26 (governing water quality control). These statutes, listed here as illustrative and not exclusive grants of authority, empower the County to enact certain subdivision rules and regulations and to provide for their administration, enforcement, and amendment; and,

WHEREAS: The Commissioners Court is empowered to formulate these regulations by the foregoing authorities, and the Commissioners Court has favorably received and voted on these regulations in order to preserve and protect the resources, public health and private property interests of the citizens of Haskell County; and,

WHEREAS: Following public notice, investigation, and public hearing, the

Commissioners Court declares these regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF HASKELL COUNTY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE ADOPTED:

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) road, 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 roads, 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.

(c) A division of a tract to which these regulations apply includes any division to lay out lots within the tract, regardless of whether there is a change of ownership of any part of the tract.

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:

i. has received approval of a final plat of the tract; and
ii. has filed and recorded a legally approved plat with the Haskell County Clerk's Office.
iii. 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
iv. 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 Haskell 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; 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 Haskell County.

h. The plat is subject to the filing and recording provisions of Section 12.002, Texas Property Code. See Appendix H.

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 Haskell 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:

1. Haskell 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:

   (a) 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

   (b) 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 l-d-1, Article VIII, Texas Constitution.

   (c) If a tract described by Subsection A1.(b) 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.

2. Haskell 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.

3. Haskell 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:

   (a) All of the lots of the subdivision are more than 10 acres in area; and
   (b) The owner does not lay out a part of the tract as road, 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.

4. Haskell 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 road, 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.

5. 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 road, 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.

6. Haskell 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:

   (a) The owner of the land is a political subdivision of the state;
   (b) The land is situated in a floodplain; and
   (c) The lots are sold to adjoining landowners.

7. Haskell 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:

   (a) The owner does not lay out a part of the tract as road, 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 road, streets, alleys, squares, parks, or other parts; and
   (b) 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.

8. Haskell 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:

   (a) The owner does not lay out a part of the tract as roads, 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
   (b) 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.
   (c) Any further subdivision of a partitioned tract must comply with these regulations.

1.4 Discretionary Exceptions:

To determine whether specific divisions of land are required to be platted, Haskell County may define and classify the divisions. Haskell County need not require platting for every division of land otherwise within the scope of this subchapter. For example only, a proposed division of land that contains not more than four (4) lots or tracts, with each lot or tract having direct frontage or side-access to a publicly maintained road or highway, and the owner does not propose to lay out, as a portion of the subdivision, 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, might be considered for an exception upon application and the submission of sufficient documentation to warrant granting an exception to these regulations. Any excepted division of land granted under this section that is intended for residential purposes shall nonetheless comply with minimum standards regarding water and sewer standards imposed by this subdivision regulation.

1.5 Supersession

These rules supersede any conflicting regulations of Haskell County.

1.6 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.

1.7 Definitions

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

(1) **Application-**A plat application for subdivision approval under these regulations, which must include a complete plat, a survey, and all other materials and information detailing infrastructure (including utilities, drainage structures, and roads) to be constructed within a subdivision, to be submitted by a developer as their application as required by these regulations, and as

published in the application checklist as required by the Commissioners Court, which may be amended and republished from time to time, and is attached to these regulations as Appendix A.

(2) **Commissioners Court**--The Commissioners Court of Haskell County, Texas

(3) **County**--Haskell County, Texas.

(4) **Precinct Commissioner**--The County Commissioner representing the precinct in which a majority of a subdivision is situated.

(5) **Developer**--Any owner of land in the County who proposes to divide the land so as to constitute a subdivision of any kind.

(6) **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.

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

(8) **Lot**--An undivided tract or parcel of land.

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

(10) **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.

(11) **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.

(12) **Platted**--Recorded with the county in an official plat record.

(13) **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.

(14) Purchaser--Shall include purchasers under executory contracts for conveyance of real property.

(15) Retail public utility--Any entity meeting the definition of a retail public utility as defined in Texas Water Code §13.002.

(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 regulations.

(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) **TCEQ**--the Texas Commission on Environmental Quality and any of its predecessor or successor entities.

(21) **TNRCC** - Texas Natural Resource Conservation Commission.

(22) **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 for Water and Sewage Service

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.

a. 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.
b. 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.
c. 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.

2.2 Water Facilities Development

(a) Public water systems.

(1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a

written agreement with the retail public utility in substantially the form attached in Appendix 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 for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat. Figure: 31 TAC §364.32(a)(1)

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the TNRCC. 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 which shall include an analysis of the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 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, a test well or wells located so as to be representative of the quantity and quality of water generally available from the supplying aquifer shall be drilled by the subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. The subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (30 years) quantity of the available groundwater supplies relative to the

ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§290.103, 290.105, 290.106 and 290.110, either:

(1) without any treatment to the water; or

(2) with treatment by an identified and commercially available water treatment system.

(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.

2.3 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 Haskell County Onsite Sewage Inspector, or designated representative. The plat shall designate any areas not suitable for ordinary OSSF systems. Such areas shall require special systems approved by the Haskell County or TCEQ Designated Representative. The stipulation for sewage disposal shall be inserted into each deed to said purchasers.

(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 TNRCC in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the TNRCC.

(2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability

to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Figure: 31 TAC§364.33(a)(2)

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

2.4 Greywater Systems for Reuse of Treated Wastewater

(a) Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the TNRCC.

(b) On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

2.5 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.

2.6 Sludge Disposal

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

2.7 Setbacks/Public Utilities/Fire-Fighting

The Commissioners Court of Haskell 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 ten (10) 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. 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., including location of fire plugs, fire department filler plugs or hydrants. Filler plugs or hydrants shall have proper hose connections every 750 feet, or in compliance to fit the equipment of the fire department serving the jurisdiction. Water supply must be approved before lots are sold. The Plat application shall have a certificate of compliance from fire department serving the subdivision attached to satisfy this regulation. See Appendix K.

2.8 Number of Dwellings Per Lot

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

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.

Chapter 3
Minimum Standards for Roads and Streets

3.1 Requirements

A licensed engineer will certify on the plat that all requirements of this section have been satisfied, or identify items of non-compliance and justification for variance from such requirement. Notwithstanding the provisions of any other section in this Chapter 3, a sixty- foot right-of-way is hereby required for all paved streets or roads in subdivisions where the following requirements are met:

a. Where a County road abuts the subdivision, the owner shall set back the subdivision line 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.

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 a tum-a-round with a right-of-way diameter of not less than one hundred forty feet (140') with radius of sixty feet (60') of pavement with a minimum of six inches (6") of compacted rock or Texas road oil at 6% by weight of sand.

e. See Appendix J for a summary of road requirements.

3.2 Road and Street Intersections

A. 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.

B. 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.

3.3 Adjoining Subdivision

Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivision shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision. All streets and roads shall be designed and constructed so as to

permit the continuation or extension of said streets and roads in other subdivisions in the future. No streets, roads or alleys shall be constructed across dam or embankment used for purpose of holding water.

3.4 Acceptance of Plat is not Acceptance of Roads/Streets

A. Approval of a plat for filing and development shall not suggest that Haskell 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.

B. 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.

C. 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 Haskell will be responsible for maintenance of subdivision streets. See Appendix F and G.

D. 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 HASKELL COUNTY WILL EVENTUALLY ACCEPT SUBDIVISION STREETS FOR PUBLIC MAINTENANCE.

3.5 Paving and Material

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

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

2. Paved streets must have a traveled road-bed width of not less than twenty feet (20') and be paved with either

   a. hot mix asphaltic
   b. a rock base with a sealcoat surface treatment of 6' oil sand or,
   c. a combination of these.

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

4. 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.

5. The sealcoat material or hot mix material shall be approved by the Commissioner of the Precinct where the subdivision is located.

3.6 Penetration Asphalt Surface Treatment

1. A prime coat of asphalt shall be applied to the base and allowed to set for an adequate period of time (one to two days ordinarily). One course

penetration asphalt surface treatment shall then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate. Aggregates to be applied in quantities necessary to thoroughly and property cover asphalt.

2. 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.

3.7 Flex Base

1. All streets and roads must have a flexible base. The flexible base material for all streets and roads in every subdivision shall be:

a. #1 crushed limestone rock, iron ore gravel, or
b. Texas road oil at 6% by weight of the sand of not less than six (6) inches.

2. 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.

3. 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.

4. All material used must be inspected and approved by the Commissioner of the Precinct wherein the subdivision lies.
5. The center line of each street in every subdivision shall have elevation of at least three (3) inches above the elevation of the edged of said street.

3.8 Concrete Pavement

1. 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.

2. The base shall be twenty-four feet (24') wide and may be constructed in the following manner:

a. A maximum four inch (4") flexible base compacted to 95% of Standard Proctor Density or,

b. A minimum of a three inch (3") thick sand cushion (if appropriate for that area of the County or,

c. An optimum design based upon site- specific soil conditions found within the proposed subdivision.

3.9 Seep Areas

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

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

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

3.10 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 streets 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.

3.11 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.

Chapter 4
Minimum Standards for Drainage

4.1 Contour Lines on Plat

1. 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.

2. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible.

3. Roads and Streets shall not be used as drainage courses.

4. 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.

5. 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.

4.2 Drainage Ditches and Structures

1. 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.

2. 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.

3. At least one permanent drive approach with proper drainage, minimum 24-foot pipe, shall be constructed and covered with the same materials as road base and surface to property line.

4. The exact dimensions and type of said permanent drainage and structure, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision by the Commissioners' Court in its order granting or denying preliminary authorization of a subdivision plat.

5. Permanent obstacles, such as concrete or rock retards, 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.

6. Open drainage channels and ditches shall be constructed with a proper cross-slope grade and alignment which will facilitate proper functioning without the destruction velocities of drainage waters.

7. 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.

4.3 Drainage easements

1. 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.

2. After platting, the developer shall deliver to the Commissioners' Court of Haskell County the necessary easement for each lot or acreage where there will be a drainage ditch or channel with right to ingress and egress.

3. All drainage easements must be shown on plat.

4. Drainage easements provisions shall be made for drainage easements to allow for proper control of drainage, and for future maintenance within the easement area.

5. Stipulations for drainage easements shall be inserted in each deed to said purchaser.

6. The Precinct Commissioner 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.

7. Prior to building roads within subdivision, all developers are required to meet with the Precinct Commissioner in which the subdivision is located for the purpose of determining the cost of construction of roads to conform with the above requirements.

4.4 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 Haskell County, Texas, in addition to other fees required herein to defer the cost of drainage inspections.

Chapter 5
Minimum Standards Applicable to Tiny Home Development, Recreational Vehicle Parks or Campground Facilities

5.1. Definitions

a. The following words and terms, when used in these regulations, have the following meanings, unless the context clearly indicates otherwise.

1. **OPERATOR.** The person in charge of operating any recreational vehicle park, whether they are the owner of the recreational vehicle park or the occupant under a written or oral lease, or by any other arrangement whereby they exercise control over the recreational vehicle park.
2. **OWNER.** Includes the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.
3. **PERSON.** Any natural individual, firm, trust, partnership, association, or corporation.
4. **RECREATIONAL VEHICLE.** Includes any of the following:
   - A. **CAMPING TRAILER**. A folding structure for temporary shelter mounted on wheels and designed for travel, recreation, and vacation use.
   - B. **MOTOR HOME**. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self- propelled vehicle.
   - C. **PICKUP COACH**. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
   - D. **TRAVEL TRAILER**. A vehicular structure built on a chassis with body width not to exceed eight (8) feet and body length less than forty-six (46) feet, that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.
5. **RECREATIONAL VEHICLE PARK.** Any lot or tract of land designed to accommodate two (2) or more recreational vehicles, as defined, and which exists 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 from this definition.

6. **RECREATIONAL VEHICLE SPACE**. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.
7. **TINY HOME**. A dwelling unit or residential structure of less than 500 square feet.
8. **CAMPGROUND**. An area intended for camping and is intended to address campgrounds for tents, temporary structures, or permanent structures intended to provide a camping experience.

b. Use of either the singular or the plural form of a word will be interpreted, when necessary, to include the other form.

5.2. Recreational Vehicle Parks, Tiny Home Development or Campgrounds

a. The owner of land located in Haskell County outside the limits of a municipality who intends to use the land for a Recreational Vehicle Park, Tiny Home Development, or Campground Facilities must have Plat prepared that complies with the minimum infrastructure standards that are set out below in Section 5.3.
b. Prior to beginning any construction, the owner must submit the plan to the Precinct Commissioner or designated County representative for approval. Construction may not begin before the plan is approved.
c. Not later than the 60th day after the date the plan is submitted, the Precinct Commissioner 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.
d. The Precinct Commissioner or designated County representative, as well as any other person designated by either the Precinct Commissioner 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.

e. On completion of construction, the owner shall confirm in writing to the Precinct Commissioner 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.

f. 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.

g. 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.

5.3. Infrastructure Requirements for Recreational Vehicle Parks, Tiny Home Development or Campground Facilities

The subdivision plat application for a Recreational Vehicle Park, Tiny Home Development or a Campground Facility must include each of the following:

a. 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.

b. Reasonably 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 Haskell County Floodplain regulations.

c. Reasonably 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.

d. 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.

e. Certification of adequate sewerage:

1. 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

2. 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). This description of "means and methods" must meet minimum standards established under Chapter 285.4 of the OSSF rules and Haskell County local order. Approval certificate from the Haskell County OSSF Inspector or Development Officer or designated representative must be attached to the plat. See Appendix I.

3. 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.

f. Reasonably specified description of means and methods for streets or roads in the Recreational Vehicle Park, Tiny Home Development or Campground Facility to provide ingress and egress for fire and emergency vehicles.

1. 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.

2. The road design and construction standards contained in the Haskell 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.

3. Building Set-Backs shall be as specified in this Haskell County Subdivision Regulations. Drainage design for the development shall comply with the Haskell County Subdivision Regulations.

4. Drainage design for the development shall comply with the Haskell County Subdivision Regulations.

5. Commissioners' Court may grant a variance when strict application of these standards would work an unusual hardship.

5.4 Regulation of Recreational Vehicle Parks, Tiny Home Developments or Campground Facilities

The regulations described herein govern the development, operation, and maintenance of recreational vehicle parks, tiny home developments or campground facilities as previously defined.

(1) Park Development requirements. Each recreational vehicle park, tiny home development or campground must provide spaces and each such space must be clearly defined.

(2) Recreational vehicle parks, tiny home development or campground must be designed so as not to exceed a maximum

of 20 spaces per acre.

(3) Each space must afford parking and maneuvering space sufficient so that the parking, loading, and movement of recreational vehicles or tiny homes will not necessitate the use of any public right-of-way or privately owned property which may abut the recreational vehicle park.

(4) Each space that is provided with electrical service must be so served through an underground distribution system. Other buildings within a recreational vehicle park, tiny home developments or campground may receive electrical service through overhead facilities.

(5) Twenty percent (20%) of the spaces within a recreational vehicle park or tiny home development must be not less than eighteen feet (18') by fifty feet (50').

(6) There must be at least ten feet (10') of open space between parallel rows of spaces.

(7) The spaces must be improved with either:

a. Compacted crushed road base material or asphalt; or,

b. Concrete adequate to support the weight of a recreational vehicle or tiny home.

(8) The spaces must not heave, shift, or settle unevenly under the weight of a recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.

5.5 Recreational Vehicle Park, Tiny Home Development or Campground Facility Roads

a. All weather private roads adequate to provide access to each recreational vehicle space, tiny home or camping space must be laid out, constructed, and maintained in good condition by the owner or operator of a recreational vehicle park, tiny home development, or camping space.

b. All roads within a recreational vehicle park, tiny home development, or campground facility must be at least twenty-four (24) feet wide.

c. An entrance to a recreational vehicle park, tiny home development, or campground facility must be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

d. The recreational vehicle park, tiny home development, or campground facility shall comply with state and federal standards for accessible for the mobility impaired. The applicant shall show proof of

compliance.

5.6 Recreational Vehicle Park, Tiny Home Development or Campground Facility Service Building Requirements

a. A plat application for a recreational vehicle park, tiny home or campground facility must address the minimal standards established in this subchapter.

b. Each recreational vehicle park, tiny home or campground facility must provide and maintain one or more service buildings for the use of patrons. The service buildings must include:

1. One lockable lavatory (a room or compartment with a toilet and washbasin) for women.

2. One lockable lavatory (a room or compartment with a toilet and washbasin) for men;

3. One shower and dressing accommodation for each sex, provided in an individual lockable compartment or stall; Lavatory and shower accommodations may be combined in a lockable enclosure

4. One clothes washing machine and one clothes drying machine; and

5. One slop sink, measuring not less than fourteen inches (14") by fourteen inches (14") square and fourteen inches (14") deep.

c. The aforementioned service buildings will accommodate not more than fifty (50) recreational vehicle spaces or tiny home sites.

d. For each additional 1 to 30 recreational vehicle, tiny home or campground spaces after the first 50, the operator must provide and maintain an additional lockable lavatory (a room or compartment with a toilet and washbasin) for women; and an additional lockable lavatory for men with an additional lockable shower accommodation for each.

e. For each additional 1 to 30 recreational vehicle or tiny home spaces after the first 50, the operator must provide and maintain one additional washing machine and drying machine and one additional slop sink.

f. All lavatories must comply with the Americans with Disabilities Act (ADA).

g. Service buildings housing sanitation or laundry facilities must be permanent structures which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems, and conform to the following minimum standards:

1. Service buildings must afford appropriate illumination, be well ventilated with screened openings, and be constructed of moisture-proof materials to include painted woodwork, as shall permit frequent clearing and washing, and shall be maintained at a temperature of 68° F during the period October 1 through May 1 so as to permit frequent cleaning and washing.

2. Floors must be constructed of concrete or other equally impervious material, so as to permit frequent cleaning and washing, and include floor drains which are connected to the sanitary sewer.
3. Chemical cleaners used in a recreational vehicle park must be used only in accordance with TCEQ rules.

4. The lavatory and other sanitation facilities for males and females either must be in separate buildings or separated, if in the same building, by soundproof walls.
5. All service buildings must be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any person or constitute a nuisance.
6. Service buildings housing sanitation facilities shall be located not closer than 15 feet nor farther than 300 feet from any recreational vehicle space or tiny home within the park or development.

h. An operator must provide and maintain garbage receptacles as follows:

A minimum of one (1) fly tight, water-tight, rodent proof dumpster for the first fifty (50) recreational vehicle spaces, with one (1) additional dumpster for each additional fifty (50) recreational vehicle spaces or fraction thereof.

1. Refuse container stands must be provided for all refuse containers. Such container stands must be designed so as to

prevent their containers from being tipped, to minimize spillage and container deterioration.

2. The storage, collection, and disposal of refuse in a recreational vehicle park must be conducted as to create no health hazards.

3. All dumpsters must be screened from public view.

i. Fuel containers in a recreational vehicle park, tiny home development or campground must comply with the following restrictions:

1. Bottled gas must not be used at individual recreational vehicle, tiny home or campground space unless the containers are properly connected by copper or other suitable tubing.

2. Bottled gas cylinders must be securely fastened in place.

3. No cylinders containing bottled gas may be located in a recreational vehicle or tiny home or within five (5) feet of a door thereof.

j. An operator must provide and maintain fire protection equipment as follows:

1. A recreational vehicle park, tiny home development or campground facility must be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the recreational vehicle park, tiny home development or campground facility as to satisfy the applicable regulations of the County.

2. No open fires will be permitted within a recreational vehicle park or tiny home development, except that this will not be construed to prevent barbecuing in a secure pit or grill.

3. An operator must maintain the entire area of a recreational vehicle park, tiny home development or campground facility free of dry brush, leaves, and weeds.

5.7 Other Regulations

a. Persons developing recreational vehicle parks, tiny home developments or campgrounds should be aware that this order is not

the exclusive law or regulation controlling development in the County. The following is only a partial list of regulations that may apply:

1. All subdivisions within the extra territorial jurisdiction of a municipality may also be subject to city subdivision regulations, or as per any interlocal cooperation agreements.

2. All recreational vehicle parks, tiny home developments and campgrounds 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 and insect harboring, fly breeding, and improper water disposal in accordance with these Chapters.

3. Other agencies with regulatory authority that may apply to a recreational vehicle park, tiny home development or campground include, but are not limited to, Emergency Services Districts, TCEQ, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corps of Engineers.

Chapter 6
Applications for Subdivision Approval

6.1 Pre-application meeting

The Developer shall request in writing a meeting with the Precinct Commissioner in sufficient time to allow a meeting with a developer at least fifteen (15) days prior to submission of an application to the Commissioners Court, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

6.2 Applications for Subdivision Approval

a. The County Clerk's office will receive all subdivision applications on behalf of the Commissioners Court.

b. Before a subdivision is approved under these regulations, the developer must file an application with the Commissioners Court, including a plat, a survey, and all other documentation or other

information listed in Appendix A, or as may be amended and republished from time to time.

c. Every plat creating two or more lots shall comply with all rules of Haskell 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.

d. 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.

e. If a developer submits an application to the Commissioners Court that does not include all of the documentation or other information required by these regulations, the Commissioners Court must notify the developer of the missing documents or other information, not later than the 10th business day after the date the Commissioners Court receives the incomplete application. The Commissioners Court must allow a developer reasonable time to submit the missing documents or other information. Notification of missing documents may be provided directly to the developer, on behalf of the Commissioners Court, by the County Clerk's office or by the reviewing engineer.

f. An application is considered complete when all documentation or other information listed in Appendix A is received.

g. All taxes due to Haskell County shall be current on all land included within the proposed subdivision. See Appendix 0.

h. Acceptance by the Commissioners Court of a completed application will not be construed as approval of the documentation or other information.

6.3 Applications for Subdivision Approval

a. A developer must submit a plat application including detailed documentation of all infrastructure to be constructed in a subdivision, including plans,

drawings, and statements of the estimated costs to make each category of proposed improvements (i.e. water, wastewater, drainage, roads, etc.).

b. All engineering plans submitted as part of a plat application must bear the signed and dated seal of a professional engineer registered in the State of Texas, and a certificate in substantially the form as Appendix E.

c. A plat application must discuss the availability and methodology of providing drinking water, sewerage, and electrical service to each individual lot within a subdivision,

d. A plat application must include a construction schedule for each significant element of construction, including the start dates and completion dates.

e. Where water, sewerage, and electricity are to be provided by an existing public utility, the developer must submit an executed public utility certificate in substantially the form as Appendix C.

6.4 Final Engineering Report

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. See Appendix E. 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.

6.5 Public Water Systems

(A). Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in §364.32(a)(1) of the Texas Health and Safety Code. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the TNRCC 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 which shall include comments regarding

the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision.

(B). Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the TNRCC and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study which shall include an analysis of the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

6.6 Non-public water systems.

(A). Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with §364.32 of this title. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to §364.32(b) of the Texas Health and Safety Code does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The engineer shall issue a statement concerning the availability of groundwater supplies to serve the fully developed subdivision over the next 30 years. Such statement may be based on information available from the Texas Water Development Board's Office of Planning. The description of the required sanitary control easement shall be included.

(B). 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:

"HASKELL COUNTY MAKES NO REPRESENTATION THAT ADEQUATE WATER SUITABLE FOR HUMAN CONSUMPTION WILL BE AVAILABLE WITHIN THIS SUBDIVISION."

6.7 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 1Band referenced in §364.33(a)(2) of the Texas Health and Safety Code. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the TNRCC and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(B). Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the TNRCC. 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 TNRCC and plans 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 final engineering report shall include planning materials required by 30 TAC §285.4(c), including the site evaluation described by 30 TAC §285.30 and all other information required by the county's OSSF order.

(D). 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:

"HASKELL COUNTY MAKES NO REPRESENTATION THAT ADEQUATE SEWERAGE FACILITIES WILL BE LEGALLY FEASIBLE WITHIN THIS

SUBDIVISION."

6.8 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 H

Chapter 7
Plat and Survey Requirements

7.1 Property Plat Survey

1. 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 volume and page references.

   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 Haskell 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. A description of the exterior boundary of the subdivision by metes and bounds, which locates the subdivision with respect to a comer of the original survey of which it is a part ("corner of the original survey" refers to a properly monumented survey point as determined by the surveyor suitable to recognition as the original corner of the tract being subdivided by commonly accepted surveying practice).

g. Real Property Record volume and page reference and names of all current owner/subdivider/developers of contiguous property surrounding the proposed subdivision.

h. Land use of all contiguous tracts, i.e., undeveloped, subdivided, etc.

i. Total acreage within the proposed subdivision.

j. Total number of lots within proposed subdivsion.

k. Total area within road rights-of-way and length of roads.

l. The area/acreage of each lot.

m. The bearing and distance for each lot boundary line.

n. Areas dedicated for public use.

o. Rights-of-way or easements, including all alleys, drainage easements, and utility easements.

p. Proposed land use of all lots being subdivided, as follows:

A. Single family residential.
B. Multi-family residential.
C. Agricultural
D. Commercial.
E. Dedicated to public use.

q. All flood-prone areas.

r. Road names for all roads or streets.

s. Lot and block numbers, arranged in a systematic order and shown on the Plat in a distinct and legible manner.

2. The survey must contain, at a minimum, the following information on the face of the survey:
   a. The official public records index information (volume and page) and names of all current owners of property contiguous to the subdivision.

b. The location of all existing permanent, man-made structures within the subdivision, including houses, barns, shacks, other buildings and structures, fences, walls, ponds and stock tanks.

c. 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 flood-prone areas, and no greater than ten foot (10') intervals if not in a flood-prone area. This topographic information shall be overlaid on the plat and survey for review purposes. The topographic information shall not be shown on the filed plat.

d. The approximate location of all wells, water, oil, and natural gas, when such wells are either visible and apparent or reflected in the applicable public records (whether maintained by the Texas Railroad Commission, TCEQ, or in the Official Public Records of Trinity County). If public records reflect that a well is capped or plugged, that information must be included as well.

3. 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.

4. 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 Haskell County will eventually accept subdivision streets for public maintenance. Street maintenance shall be the responsibility of the owner/subdivider/developer or a Homeowners Association."

7.2 Registered Professional Land Surveyor

1. 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 and survey.

2. The plat shall show Land Surveying Firm's name and licenses number,

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

3. The plat shall be reviewed and sealed by a Professional Engineer, with the P.E.'s firm name, address and telephone number, and professional license number, along with the engineer's certification. See Appendix E.

7.3 Plat Scale and Filing

1. 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.

2. 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.

3. Two full size copies of the plat shall be presented for filing, one shall be on mylar or vellum paper in black ink for filing within the Haskell County Clerks' records, and the other shall be on bond paper in black ink for use by the Haskell County Appraisal District's mapping department.

4. There shall also be six (6) reduced size (not to scale) copies of the final plat submitted for exhibits to be used in Haskell County Commissioner's Court. A digital map file will be provided to the Haskell County Appraisal District.

7.4 Additional Plat Information

1. 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.

2. 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 Haskell County as to cause confusion.

3. Lot and Block numbers are to be arranged in systematic order and shown on the plat in distinct and legible manner.

4. All lot lines shall be defined by bearing and distance.

5. All lots shall show lot acreage.

6. 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.

7. All utility easements shall be shown within the appropriate set-back lines.

7.5 Application Fees

The Plat shall be accompanied by an application form, as attached hereto as Exhibit A. All fees related to the filing of a plat shall be paid to the County Clerk before submission of the Application Plat to the County Judge's office for review. Fees are located on Appendix P.

Chapter 8
Review and Approval of Final Plat

8.1 Scope of review

A. The commissioner's 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 commissioner's 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 commissioner's 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 commissioner's 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 commissioner's 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 commissioner's 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 commissioner's 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 commissioner's court or the court's designee fails to approve, approve with conditions, or disapprove a plat application as required by this section:

(1) the commissioner's 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
(3) 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.

8.2 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.

8.3 Approval Procedure: Applicant Response to Conditional Approval or Disapproval

A. After the conditional approval or disapproval of a plat application, the applicant may submit to the commissioner's 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.

B. The commissioner's court or designee may not establish a deadline for an applicant to submit the response.

8.4 Approval Procedure: Approval or Disapproval of Response

A. A commissioner's 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 commissioner's 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 commissioner's 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. 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.

8.5 Prerequisites to Approval

Plat approval shall not be granted unless the subdivider has accomplished the following:

A. 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

B. 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

C. 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 these regulations.

Chapter 9
Financial Guarantees for Improvement of Water/Sewer Facilities

9.1 Applicability. In its order granting approval of a subdivision, the Commissioners Court will require an owner/developer/subdivider to provide a financial guarantee sufficient to cover the cost of construction of all the improvements to be constructed per the Plat application. A required financial guarantee may be by bond, letter of credit, or deposit of cash for 100% of the estimated cost of construction estimated by the engineer.

9.2 Utilities.

A. If utilities are to be provided by a public utility (electric, water and/or sewage) the financial guarantee must be sufficient to cover the cost of construction of those improvements unless documentation is provided proving that the cost of those improvements have been paid to the utility and that the utility has accepted the responsibility for construction of the required improvements. ELECTRIC SERVICE MUST BE PROVIDED BY A PUBLIC UTILITY OR ELECTRIC COOPERATIVE.

B. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the owner/subdivider/developer to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought,

then the commissioners court shall require the owner of the subdivided tract to execute an agreement with the county in substantially the form attached in Appendix S secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below. Figure: 31 TAC §364.54(a)

9.3 Bonds. A bond that is submitted for a financial guarantee shall meet the following requirements.

(1) The bond or financial guarantee shall be payable to the Haskell County Judge 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 improvements including utilities and the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

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

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

(4) The bond shall be conditioned upon construction or installation of improvements established in an approved plat application including utilities and the public or non-public water facilities, and wastewater facilities and upon construction of the 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.

9.4 Letter of Credit. A letter of credit that is submitted in compliance with paragraph (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) 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 Haskell County Judge in his official capacity, or the Judge's successor in office, and must be approved by the Haskell County Judge. The form of the letter of credit shall be modeled after the form attached in Appendix Q.

(4) The letter of credit shall be conditioned upon installation or construction of improvements established in an approved plat application including utilities and the public or non-public water facilities, and wastewater facilities and upon construction of the 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.

9.5 Financial Guarantee. The county will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of utilities and the public or non-public water facilities, and wastewater facilities in the subdivision.

9.6 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:

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

(B) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and

(C) the municipality has executed an interlocal agreement with the county that imposes the obligation on the municipality to:

(1) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;

(2) execute the construction agreement with the subdivider; and

(3) 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.

9.7 Review and Approval of Final Plats.

(A) Scope of review. The county will review the final plat to determine whether it meets the standards and the requirements of these regulations.

(B) Disapproval authority. The commissioner's court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.

(C) Prerequisites to approval. Final plat approval shall not be granted unless the ownder/developer/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 TNRCC of the plans and specifications for such construction, including any change orders filed with these agencies; or

(3) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for 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 10
General Bonding Procedures

10.1 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 an order granting approval of a subdivision, the owner/subdivider/developer shall file a Construction Bond, executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Haskell County, Texas, or his successor in office; and shall be conditioned that the owner/subdivider/developer 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 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 Precinct Commissioner 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 Precinct Commissioner 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 Haskell County, Texas, or his successor in office, and acceptable to the County, in an amount equal to the cost of the roads and drainage improvements, or other improvements where applicable, including but not limited to water and wastewater facilities, required by these Regulations as estimated by the Design Engineer and approved by the County, conditioned that the owner/subdivider/developer will complete such improvements within two (2) years after approval of such plat, such bond to be approved by the 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 owner/subdivider/developer shall give written notice of completion to the Commissioners' Court and request a hearing for the purpose 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 Haskell 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.**

10.2 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 Precinct Commissioner or designated County representative, a maintenance bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Haskell 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 Haskell 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. 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 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 Haskell 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:

Haskell 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 Haskell 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 Haskell County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.

10.3 Bond Extension:

A. Where good cause exists, the County may extend the period of time for completion of construction for an additional period of time not to exceed six (6) months.

B. The Commissioner's Court may grant an extension to the deadline for completion of construction if the Commissioners Court finds the extension is reasonable and not contrary to the public interest.

C. No extension may be granted for construction secured pursuant to these regulations unless the developer provides additional security to cover the extended period of time.

10.4 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.

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

Chapter 11
Time Extensions for Providing Facilities

11.1 Reasonableness

The commissioner's 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.

11.2 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.

11.3 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 these regulations.

Chapter 12
Changes to any Subdivisions Existing Prior to Effective Date of this Regulation

12.1 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 these regulations.

Chapter 13
Revision and Cancellation of Plats

13.1 Application for Plat Revision

The developer or 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:

1. 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;

2. A statement giving the reason(s) for the proposed revision;

3. A filing fee, as specified, which may be amended from time to time by the Commissioners Court; and

4. A certificate that the requirements of Texas Local Government Code 232:008 and 232:009 which provide for procedures to revise or cancel previously recorded plats have been complied with.

13.2 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.

13.3 Criteria for Approval

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

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

Appendix L-N.

13.4 Filing of Plat Revision

Following the approval of the Haskell 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.

13.5 Cancellation of Subdivision

A. A developer or owner of a subdivision may apply to the Commissioners Court for permission to cancel all or part of the subdivision.

B. 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 agree to the cancellation.

C. 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.

D. 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.

E. 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.

F. The authorization of the cancellation by the Commissioners Court shall be conducted as specified in Section 232.008 of the Texas Local Government Code.

Chapter 14
Variance

14.1 Conditions of Variance

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. Pecuniary hardship to the owner/subdivider/developer, standing alone, shall not be deemed to constitute hardship.

G. No Variance shall be granted as to required improvements.

Chapter 15
Enforcement

15.1 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.

15.2 Complete Application Required

The Commissioners Court of Haskell 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.

15.3 No Lot Sold Until 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.

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

15.5 Authority to Enforce Regulations

On behalf of Haskell 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 Haskell 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.

15.6 Penalty for Violation. The Commissioners Court of Haskell 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 Haskell 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.

15.7 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.

15.8 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 THIS the 25th day of November, 2025.

Kenny Thompson, County Judge

Jerry Don Garcia, Commissioner
Precinct 1

Bill Steele, Commissioner
Precinct 2

Matt Sanders, Commissioner
Precinct 3

Russell Beakley, Commissioner
Precinct 4

Attest: County Clerk

Belia Abila, Haskell County Clerk

Appendix A
SUBDIVISION APPLICATION CHECKLIST

The following tasks must be completed by the developer prior to filing any application for subdivision approval:

_____ Meet with the Precinct Commissioner at least 15 days prior to the date of filing the application of the subdivision property, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

_____ Check the proposed subdivision name for conflicts or similarly named subdivision that is not a subsequent phase of an existing subdivision.

The following items must be included in any plat application for subdivision approval:

_____ A plat of the proposed subdivision in compliance with these regulations.

_____ Six (6) reduced size (not less than letter sized) copies of the plat.

_____ A certificate of dedication from the owner if the owner is an individual or corporation in substantially the same form as Appendix ____.

_____ A certificate from fire department that the plat complies with these regulations in substantially the same form as Appendix B(1) or B(2).

_____ A digital map or a certificate regarding the availability of a digital map.

_____ A certificate from that the proposed subdivision will have adequate water availability.

_____ A survey of the proposed subdivision in compliance with these regulations.

_____ A certificate from the surveyor who prepared the plat and survey in substantially the form as Appendix E.

_____ A description by the developer of the manner and means of providing drinking water, sewerage, roads, electricity, and drainage structures.

_____ All engineering specifications, drawings, and plans for infrastructure to be constructed comprising a plat application in compliance with these regulations.

_____ A certificate from each engineer confirming compliance of their specifications, plans, and drawings, in substantially the form as Appendix F.

_____ Tax certificates confirming that no property taxes are due and unpaid for the subdivision.

_____ A certificate from the developer confirming that approval of the plat application and filing of the plat does not mean that the County will be responsible for maintenance of subdivision roads and streets.

_____ If water, sewerage, and electricity are to be provided by a public utility, the developer must submit an executed public utility certificate in substantially the form as Appendix C.

_____ If water is to be provided by private well, a Disclosure Statement shall be provided to the buyer prior to closing disclosing the nature of provision of water, together with certification of water availability and quality.

_____ If OSSF is included in the plat application, a certificate from a licensed On-Site Sewage Facility Inspector stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements or lot frontage, street width and all-weather capacity to handle emergency vehicles in substantially the form as Appendix I.

_____ If fire hydrants or filler plugs are included in a plat application, a certificate from the public utility serving the subdivision to confirm sufficient water capacity is available to operate the fire hydrants or filler plugs.

_____ All fees due to the County for the filing of an application must be paid to the County Clerk contemporaneously with the submission of the application.

Appendix A - Subdivision Application Checklist

Appendix B - Certificate of Dedication by Developer

Appendix C - Public Utility Certificate(s)

Appendix D - Certificate of Surveyor

Appendix E - Certificate of Engineer

Appendix F-Certificate of Private Road Maintenance

Appendix G- Certificate of Road Maintenance

Appendix H - Certificate of County Approval of Plat

Appendix I - Certificate of On-Site Sewage Facility Inspector

Appendix K – Certificate of Fire Department

Appendix L - Revision to Plat

Appendix M - Lienholder's Acknowledgement of Plat Revision

Appendix N - Certificate of Designated Representative's Approval

Appendix O -Affidavit for Recordation of Tax Certificate

Appendix P - Subdivision Construction Agreement Form

After an application is approved, the developer must:

_____ File one full size mylar and one full size bond paper original plat of the proposed subdivision in compliance with these regulations.

_____ Meet with the Precinct Commissioner to review all materials used in constructing roads in the subdivision.

_____ Ensure that the work described in the plat application is

completed in a good and workmanlike manner, in accordance with these regulations, the plat application, and any conditions of the order approving the application.

_____ Advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

_____ All fees due to the County for an approved application must be paid to the County Clerk no later than ten (10) days after the approval of the application.

_____ Submit proof of any required financial security to the Precinct Commissioner no later than thirty (30) days after the approval of the application.

APPENDIX B (1)
CERTIFICATE OF DEDICATION BY DEVELOPER
(When the developer is an individual)

KNOW ALL MEN BY THESE PRESENT, that I, _____, ("Developer") am the developer of certain real property ("the Property"), being _____ acres of land out of the _____ Survey, Haskell County, Texas, as conveyed by deed dated _____, and recorded in Volume _____ , Page_____ , of the Official Public Records of Haskell County, Texas.

(Note: if the subdivision lies in more than one original survey, determine acreage in each survey and submit a unique certificate for each portion of the subdivision in the original survey.)

I DO HEREBY SUBDIVIDE THE PROPERTY, and henceforth it shall 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 roads/streets) the use of the roads/streets and easements shown hereon.

WITNESS MY HAND, this the _____ day of _____, 20_____.

_____
Developer

THE STATE OF TEXAS §

COUNTY OF HASKELL §

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 they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____day of _____, 20_____

_____
Notary Public, State of Texas

APPENDIX B(2)
CERTIFICATE OF DEDICATION BY DEVELOPER
(When developer is a corporation or other legal entity)

KNOW ALL MEN BY THESE PRESENT, that _____, ("Developer") is an entity organized and existing under the laws of the State of Texas with its registered office located at _____, and is the developer of certain real property ("the Property"), being _____ acres of land out of the _____ Survey, Haskell County, Texas, as conveyed by deed dated _____, and recorded in Volume _____ , Page_____ , of the Official Public Records of Haskell County, Texas.

(Note: if the subdivision lies in more than one original survey, determine acreage in each survey and submit a unique certificate for each portion of the subdivision in the original survey.)

DEVELOPER DOES HEREBY SUBDIVIDE THE PROPERTY, and henceforth it shall be known as the _____Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and does hereby dedicate to the public (or "developer of the property shown hereon" for private roads/streets) the use of the roads/streets and easements shown hereon.

IN WITNESS WHEREOF Developer has caused this certificate to be executed by _____, duly authorized to act on behalf of Developer, this the _____ day of _____, 20_____.

_____
Developer

THE STATE OF TEXAS §

COUNTY OF HASKELL §

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 as an officer of _____ ("Developer") and acknowledged to me that the foregoing was executed in such capacity as the act of said corporation for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____day of _____, 20_____

_____
Notary Public, State of Texas

APPENDIX C
PUBLIC UTILITY CERTIFICATE

Public Utility: _____

Public Utility Address: _____

Subdivision Name: _____

"No structure in the subdivision may be occupied until it is connected to facilities maintained by the public utility, subject to approval by the Haskell County Commissioners Court."

"The plans for construction of improvements to access service from the public utility comply with all applicable laws and rules, including the Haskell County subdivision regulations."

"All fees to be paid by the developer and by the purchasers of parts of the subdivision are detailed in materials attached to this certificate."

"The public utility has or will have the capacity to meet the anticipated needs of the ultimate development and occupancy of the subdivision for a minimum of 30 years."

_____ _____

Signature of Agent for the Public Utility Date

Appendix D
CERTIFICATE OF SURVEYOR

Subdivision Name: _____

Surveyor's Name: _____

Surveyor's License No.:_____

KNOW ALL MEN BY THESE PRESENT, that I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the plat and survey of the subdivision comply with the plat and survey related requirements of Texas law and of the Haskell County Subdivision Regulations, and I further certify that the 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 Land Surveyor Date

Seal:

EXHIBIT E
CERTIFICATE OF ENGINEER

Subdivision Name: _____

Engineer's Name: _____

Engineer's License No.:_____

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that the plans I have created for the above-named Subdivision comply with the engineering related requirements of the Haskell County Subdivision Regulations.

_____ _____

Registered Professional Engineer Date

Seal:

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

Upon approval of the plat of the subdivision by the Commissioners Court of Haskell County, Texas, it is understood that all roads shown thereon are private roads and shall remain the property of the developer and the subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of the developer, then of subsequent owners of the subdivision, and will not be the responsibility of Haskell County.

_____ _____

Developer Date

Appendix G
CERTIFICATE OF ROAD MAINTENANCE
(When roads may, in the future, be accepted by Haskell County for maintenance)

Upon approval of the plat of the subdivision by the Commissioners Court of Haskell County, Texas, it is understood that all roads shown thereon are private roads and shall remain the property of the developer and the subsequent owners of the property developer and the subsequent owners of the property until such time as the Commissioners Court approves the dedication of the roads to the County for maintenance. Acceptance of the plat of the subdivision does not constitute acceptance of the roads shown hereon by Haskell County.

_____ _____

Developer Date

Appendix H
CERTIFICATE OF COUNTY APPROVAL OF PLAT

THE STATE OF TEXAS §

COUNTY OF HASKELL §

I, _____, County Clerk of Haskell County, Texas, do hereby certify that on the day of _____, 20_, the Commissioners Court of Haskell County, Texas, passed an Order authorizing the filing for record of the plat of _____, a subdivision of Haskell County, Texas, that said Order has been duly entered in the minutes of the said Court in Haskell County, Texas, and that the plat of the subdivision has been recorded at Volume____, Page _____ of the Official Public Records of Haskell County, Texas.

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

_____

County Clerk, Haskell County, Texas

Appendix I
CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR

Subdivision Name: _____

OSSF Inspector's Name: _____

OSSF Inspector's License No.:_____

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 reviewed the On-Site Sewage Facilities in the plat application for the Subdivision, and the same complies with the related requirements of the Haskell County Subdivision Regulations and rules published by TCEQ. Lot frontage to be dictated by On-Site Sewage Facility standards established by the TCEQ.

_____ _____

OSSF Inspector Date

Appendix J
SUMMARY OF HASKELL 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 or their designee. Factors to consider are lot frontage, 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 15,000 average daily traffic counts will be designed according to TxDot standards.

APPENDIX K

CERTIFICATE OF FIRE DEPARTMENT

THE STATE OF TEXAS §
§
COUNTY OF HASKELL §

I, _____, an authorized agent of the _____ Fire Department, have inspected the property described as the Subdivision of Haskell County, Texas, and I do hereby certify that the subdivision as platted will satisfy the requirements of the Haskell County Subdivision Regulation, specifically sections 2.2, 2.4.3 (d), 2.5(F), of said regulation, subject to final inspection as built upon the ground.

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

_____

COUNTY CLERK
HASEKLL COUNTY, TEXAS

Appendix L
REVISION TO PLAT

Subdivision Name: _____

Lots or Tracts to be revised: _____

Petitioner: _____

Petitioner's Mailing Address: _____

_____

Petitioner's Phone Number: _____

Lienholder (if any): _____

(If there is a Lienholder, attach an executed Lienholder's Acknowledgement, Appendix M)

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

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

_____

PETITIONER

THE STATE OF TEXAS §

COUNTY OF HASKELL §

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 they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of

_____, 20_____.

_____

Notary Public, State of Texas

APPROVED BY THE COMMISSIONER'S COURT ON THE _____ DAY OF _____, 20_____

_____ County Judge

_____ County Clerk

Appendix M
LIENHOLDER'S ACKNOWLEDGEMENT OF PLAT REVISION

Lienholder: _____

Lienholder is the holder of a lien against the property described within the Revision to Plat, said lien being evidenced by instrument of record in Volume _____, Page _____ of the Official Public Records of Haskell County, Texas, do hereby in all things subordinate to said Revision of Plat said lien. Lienholder hereby confirms that it is the present owner of said lien and have not assigned the same nor any part thereof.

_____
Signatory on behalf of
Lienholder

THE STATE OF TEXAS §

COUNTY OF HASKELL §

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

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

_____
Notary Public, State of Texas

Appendix N
CERTIFICATE OF DEVELOPER

Subdivision Name: _____

Lots or Tracts to be revised: _____

Applicant: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Lienholder (if any): _____

(If there is a Lienholder, attach an executed Lienholder's Acknowledgement)

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

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

_____
Applicant

Appendix O
AFFIDADAVIT FOR RECORDATION OF TAX CERTIFICATE

I (We), (owner/subdivider/developer(s))_____

_____

am/are the sole owner(s) of the property described in the plat of the subdivision to be known as

_____

(the "Subdivision"). The original tax certificate(s) attached to the plat of the Subdivision describe all of the property contained within the Subdivision and all taxing entities with jurisdiction over the Subdivision.

_____

(Signature(s))

_____

(Printed name(s))

THE STATE OF TEXAS §

COUNTY OF HASKELL §

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 they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL on this the _____ day of _____, 2025.

_____

Notary Public, State of Texas

Appendix P
SUBDIVISION DEVELOPMENT FEES

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

Plat Application Fee:	$1,000.00
RV Park/Tiny Home Development/ Campground Facility Application Fee:	$1,000.00 plus $10 per lot
Plat in a Designated Floodplain:	$275.00
Plat Revision:	$250.00 (plus advertising if applicable)
Recording of Plat or Plat Revision	$25.00 payable to County Clerk For the first page plus $1.00 for each additional page

PASSED AND APPROVED THIS the _____ day of _____, 2025.

_____
Kenny Thompson, County Judge

_____
Belia Abila, County Clerk

_____
Jerry Don Garcia, Commissioner
Precinct 1

_____
Bill Steele, Commissioner
Precinct 2

_____
Matt Sanders, Commissioner
Precinct 3

_____
Russell Beakley, Commissioner
Precinct 4

Appendix Q
IRREVOCABLE LETTER OF CREDIT

[letterhead of bank]

[Date of letter}
Irrevocable letter of Credit
No. _ Advising Bank:
[name of adviser]
[Address of adviser]

Beneficiary: *[Haskell County. Texas] [Address of beneficiary]*

Amount: *$[dollar amount and currency of credit]*
Expiration date: *[date of expiration]*

Dear Judge:

[Name of bank} establishes an irrevocable letter of credit in your favor, available by your drafts drawn at sight on us, and accompanied by documents specified below, covering full value of work to be described *in* invoice or request for payment as: *{description to be used].*
Documents Required:
[Statement of work performed, including all haulage, labor, equipment used and rate of equipment used or other expenses of the work performed].

SPECIAL INSTRUCTIONS:
Documents must be presented to [*name of bank]* within five business days after date of completion of the work but before expiration of this irrevocable letter of credit.
Work Performed: *[place of work]* on *[description of project]*
Latest Work date: *[last date for work]*
Partial Payments *[are/are not]* permitted.

[Name of bank] agrees with bona fide holders that all drafts drawn under and in compliance with the terms of this Irrevocable Letter of Credit shall be duly honored on presentation and delivery of the documents specified to the drawee, if drawn and presented for negotiation on or before the expiration date of this credit.
[OPTIONAL: This Irrevocable letter of Credit is subject to and governed by the law of the State of Texas, and the Uniform Customs and Practice for Documentary Credits (UCP), International Chamber of Commerce Publication Number 600.]

[Name of bank]
By:
[Name of authorized representative]
[Title of authorized representative]

Appendix R
Retainer for Engineer Review and Filing Fees

Haskell County will retain a licensed engineering firm to represent Haskell County in reviewing all final plats and applications.

All engineer review fees will be paid by the owner/subdivision/developers. A retainer must be deposited with the County Clerk's Office along with the subdivision application in the following minimum amounts:

Subdivision:	$2,500.00
RV Park:	$2,500.00
Tiny Home Development	$2,500.00
Campground Facility	$2,500.00

Other Development or Exceptional Situations:

Filed Plat:	$250.00
Filed Deed Restrictions:	$25.00 for 1st page+ $4.00 per each additional page
Exceptional Situations:	Retainer amount to be determined in consultation with the Engineer on a case by case basis.

If Engineer review fees exceed above-listed retainers, the owner/subdivider/developer must pay in full prior to approval of the subdivision. If engineer review fees are less than the above-listed

retainers, or the application is withdrawn, a refund of the unused fees will be issued.

PASSED AND APPROVED THIS the _____ day of _____, 2025.

_____
Kenny Thompson, County Judge

_____
Jerry Don Garcia, Commissioner
Precinct 1

_____
Bill Steele, Commissioner
Precinct 2

_____
Matt Sanders, Commissioner
Precinct 3

_____
Russell Beakley, Commissioner
Precinct 4

Attest: _____
Belia Abila, Haskell County Clerk

APPENDIX S
SUBDIVISION CONSTRUCTION AGREEMENT FORM

ADD A SPACE TO INSERT THE DESCRIPTION OF IMPROVEMENTS EXACTLY AS LISTED ON BONDS

6 **Parties.** This Subdivision Construction Agreement (the Agreement) is by and between the County and the Subdivider. The County is Haskell County, Texas, acting by and through its Commissioners Court, or authorized representative as designated by the Commissioners Court. The Subdivider is _____, who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the County.

7 **Effective Date.** This Agreement is effective on the date the County approves the final plat for the subdivision described in Paragraph 3 of this agreement (the Effective Date).

Recitals

8 Subdivider is the owner of the land included in the proposed final subdivision plat of the subdivision, as shown in the Official Public Records of Haskell County, Texas (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and

9 Subdivider seeks authorization from the County to subdivide the Property in accordance with the requirements imposed by Texas statutes and the County's ordinances, regulations, and other requirements; and

10 County ordinances require the completion of various improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and

11 The purpose of this Agreement is to protect the County from the expense of completing subdivision improvements required to be installed by the Subdivider; and

12 This agreement is authorized by and consistent with state law and the County's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

Subdivider's Obligations

13 **Improvements.** The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with County orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements

shall be constructed in conformity to the County's requirements, regulations, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the County prior to commencement of construction, and subject to inspection, certification, and acceptance by the County.

14 **Completion.** Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than two (2) years after the Effective Date (the Completion Date); provided, however, that if the Subdivider or the Issuer delivers to the County no later than the Completion Date a substitute Letter of Credit satisfying the criteria established by Paragraph 11 and which has an expiration date no earlier than one year from the Completion Date, then the Completion Date shall be extended to the expiration date of that substitute Letter of Credit or any subsequent substitute Letter of Credit provided in accordance with this Paragraph. Upon completion of each of the Improvements, the Subdivider agrees to provide to the County a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

15 **Warranty.** The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of two (2) years from the date the County accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdivider's agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a condition of the County's acceptance of dedication of any of the Improvements, the County may require the Subdivider to post a maintenance bond or other financial security acceptable to the County to secure the warranty established by this Agreement. If the Improvements have been completed but not accepted, and neither the Subdivider nor Issuer is then in default under this Agreement or the Letter of Credit, at the written request of the Subdivider or the Issuer the County shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to an amount equal to the face amount of the maintenance bond or other financial security acceptable to the County.

16 **Security.** To secure the performance of Subdivider's obligations under this Agreement, Subdivider agrees to provide adequate financial guarantees of performance in the form of a surety bond acceptable to the County, a cash deposit to be held by the County in escrow, or an irrevocable letter of credit in the amount of _____ Dollars ($_____) (the Stated Amount), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B. If a letter of credit is provided pursuant to this Agreement, it shall be in a standard form acceptable to the County, shall have an expiration date no earlier than two years from the date of its issuance, and shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established under the County's financial institution rating system in effect at the time the initial letter of credit is issued pursuant to this Agreement (the Issuer). During the term of this Agreement and subject to the terms of Paragraph 22 of this Agreement, the County may revise the standard form letter of credit it reasonably considers acceptable and necessary to

secure the performance of Subdivider' s obligations under this agreement. A letter of credit satisfying the criteria of this Paragraph (and any substitute or confirming letter of credit) is referenced to in this agreement as the "Letter of Credit."

17 **Reduction In Letter of Credit.** After the acceptance of any Improvement, the amount which the County is entitled to draw on the Letter of Credit shall be reduced by an amount equal to ninety percent (90%) of the Quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider or Issuer, and if neither the Subdivider nor Issuer is then in default under this agreement or the Letter of Credit, the County shall complete, execute, and deliver to the Issuer a reduction letter verifying the acceptance of the Improvement and documenting that the Stated Amount has been reduced by stating the balance of the Stated Amount remaining after the reduction required by the first sentence of this Paragraph. No later than sixty (60) days after its receipt of a written request to reduce the Stated Amount submitted by the Subdivider or the Issuer, the County shall determine the Estimated Remaining Cost and shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to the Estimated Remaining Cost if the County determines the Stated Amount exceeds the Estimated Remaining Cost. Notwithstanding the preceding sentence, the County shall not be required to authorize reductions in the Stated Amount more frequently than every ninety (90) days. As used in this Paragraph, "Estimated Remaining Cost" means the amount the County estimates to be the cost of completing all Improvements which are incomplete as of the time of such estimate.

County's Obligations

18 **Inspection and Certificate.** The County agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with County standards and specifications. The inspections and certifications will be conducted in accordance with standard County policies and requirements. The Subdivider grants the County, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.

19 **Notice of Defect**. The County will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the County may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.

20 **Use of Proceeds**. The County will disburse funds drawn under the Letter of Credit only for the purposes of completing the Improvements in conformance with the County's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Letter of Credit or any accrued interest earned on the funds. All funds obtained by the County pursuant to one or more draws under the Letter of Credit shall be maintained by the County in an interest-bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are disbursed by the County. The County may disperse all or portions of the Escrowed Funds as Improvements are completed and accepted by the County, or in accordance with the terms of a

written construction contract between the County and a third party for the construction of improvements. Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the County to the Issuer of the Letter of Credit no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

21 **Return of Excess Escrowed Funds**. No later than sixty (60) days after its receipt of a written request from the Subdivider or the Issuer to return Excess Escrowed Funds to the Issuer, the County shall disburse to the Issuer from the Escrowed Funds all Excess Escrowed Funds. For purposes of this Paragraph, "Excess Escrowed Funds" means the amount of Escrowed Funds exceeding one hundred

22 **Cost Participation by County.** If the County and Subdivider agree the County will participate in the expense of installing any of the Improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.

23 **Conditions of Draw on Security** The County may draw upon any financial guarantee posted in accordance with Paragraph 11 upon the occurrence of one or more of the following events:

(a)Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement;
(b)Subdivider's failure to renew or replace the Letter of Credit at least forty-five (45) days prior to the expiration date of the Letter of Credit;
(c)Subdivider's failure to replace or confirm the Letter of Credit if the Issuer fails to maintain the minimum rating acceptable to the County, in accordance with Paragraph 11 of this Agreement; or
(d)Issuer's acquisition of the Property or a portion of the Property, through foreclosure or an assignment or conveyance in lieu of foreclosure.

The County shall provide written notice of the occurrence of one or more of the above events to the Subdivider, with a copy provided to the Issuer. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraph (a), the County shall provide notice to the Subdivider and the Issuer of the specific default and the notice shall include a statement that the County intends to perform some or all of Subdivider's obligations under Paragraph 8 for specified Improvements if the failure is not cured. The notice with respect to a default under subparagraph (a) shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit, unless, in the reasonable opinion of the County, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and shall be given no less than five (5) days before presentation of a draft on the Letter of Credit. In the event of a draw based on subparagraph (a), the County shall be entitled to draw in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or

complete in accordance with the standards and specifications for such improvement. The subdivider hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraphs (b), (c), or (d), the notice shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit. In lieu of honoring a draft based on an event described in subparagraphs (b) or (c), the Issuer or the Subdivider may deliver to the County a substitute Letter of Credit if the event is described by subparagraph (b) or a substitute or confirming Letter of Credit if the event is described by subparagraph (c). If the Issuer has acquired all or a portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure, in lieu of honoring a draft based on an event described in subparagraph (d), the Issuer may deliver to the County a substitute or confirming Letter of Credit.

24 **Procedures for Drawing on the Letter of Credit.** The County may draw upon the Letter of Credit in accordance with Paragraph 18 by submitting a draft to the Issuer in compliance with the terms of the Letter of Credit governing such draft. The Letter of Credit must be surrendered upon presentation of any draft which exhausts the Stated Amount of such Letter of Credit. The County may not draft under a Letter of Credit unless it has substantially complied with all its obligations to the Issuer under this Agreement and has properly completed and executed the draft in strict accordance with the terms of the Letter of Credit.

25 **Measure of Damages.** The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the County's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Letter of Credit establishes the maximum amount of the Subdivider's liability.

26 **Remedies.** The remedies available to the County, the Subdivider, and Issuer under this Agreement and the laws of Texas are cumulative in nature.

27 **Provisions for the Benefit of Issuer.** The provisions of Paragraphs 9, 10, 11, 12, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, and 36 of this Agreement for the benefit of the Issuer may not be modified, released, diminished, or impaired by the parties without the prior written consent of the Issuer.

28 **Third Party Rights.** No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the County (including without limitation a trustee in bankruptcy) have any interest in or claim to funds drawn on the Letter of Credit and held in escrow by the County in accordance with this Agreement. Notwithstanding the preceding sentence, the Issuer shall have a right of

action to enforce any provision of this Agreement where the Issuer is specifically named as a beneficiary of such provision pursuant to Paragraph 22.

29 **Indemnification.** The Subdivider hereby expressly agrees to indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the County. Notwithstanding anything to the contrary contained in this agreement, the Subdivider does not agree to indemnify and hold the County harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the County, its agents, contractors, employees, tenants, or licensees.

30 **No Waiver.** No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the County, the Subdivider, or the Issuer, their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

31 **Attorney's Fees.** Should either party or the Issuer, to the extent Issuer is named as specific beneficiary, be required to resort to litigation to enforce the terms of this agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.

32 **Assignability.** The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the County. The County's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted the required security. The County agrees to release or reduce, as appropriate, the Letter of Credit provided by the Subdivider if it accepts substitute security for all or any portion of the Improvements. The County, in its sole discretion, may assign some or all of its rights under this Agreement, and any such assignment shall be effective upon notice to the Subdivider and the Issuer.

33 **Expiration.** This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision or if the Subdivision is vacated by the Subdivider.

34 **Notice.** Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Subdivider:
Attn:_____
Printed Name:_____
Office or Position:_____
Address:_____

if to County:
Printed Name:_____
Office or Position: County Judge
Address: 1 Avenue D, Haskell, Texas 79521

if to the Issuer: at Issuer's address shown on the Letter of Credit.

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

35 **Severability.** If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parities will be construed as if the part, term, or provision was never part of this Agreement.

36 **Personal Jurisdiction and Venue.** Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the Agreement or the Letter of Credit, will be deemed to be proper only if such action is commenced in District Court for Haskell County, Texas. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal. The Issuer, by providing a Letter of Credit pursuant to the terms of-this Agreement, expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

37 **Release Upon Completion.** Upon acceptance of all Improvements, the County agrees: (a) to complete, execute and deliver to the Subdivider and the Issuer a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Issuer the Letter of Credit and any Escrowed Funds not expended or obligated by the County for the completion of the Improvements.

38 **Captions Immaterial.** The numbering, order, and captions or headings of the paragraphs of this agreement are for convenience only and shall not be considered in construing this agreement.

39 **Entire Agreement.** This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date.

Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.

40 **Authorization to Complete Blanks.** By signing and delivering this agreement to the appropriate official of the County, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.

41 **Binding Agreement.** The execution and delivery of this agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the County. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date. These representations and agreements are for the benefit of the Issuer, and have been relied on by the Issuer in issuing the Letter of Credit.

EXECUTED by the parties to be effective as of the _____day of _____, 2025

_____ _____

County Judge Subdivider

[SIGNATURES OF THE PARTIES TO BE ACKNOWLEDGED]

EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY

EXHIBIT B: SUBDIVISION IMPROVEMENTS

Subdivision Improvements. Subdivider and County agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the County in an amount equal to the Estimated Cost of Completion listed below, as follows:

Description of Improvement(s)	Estimated Cost of Completion
a)	
b)	
c)	

MODEL SUBDIVISION RULES APPENDICES

Figure: 31 TAC §364.32(a)(l)

APPENDIX 1A. SAMPLE FORM FOR WATER SERVICE AGREEMENT

AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED _____SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit: The Utility is the governing board or owner of a retail public utility which supplies drinking water known as _____.

The Subdivider is _____,who is the owner, or the authorized agent of the owner, of a tract of land in Haskell County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to Haskell County for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's water distribution system has been connected to the Utility's water supply system.

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

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

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

required.

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

This Agreement is effective on _____, 20___.

The Utility

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

The Subdivider

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

Figure: 31 TAC §364.33(a)(2)

APPENDIX 1B. SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT

AGREEMENT REGARDING WASTEWATER SERVICE FOR
THE PROPOSED SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit: The Utility is the governing board or owner of a retail public utility which provides wastewater treatment and is known as _____.

The Subdivider is _____,who is the owner, or the authorized agent of the owner, of a tract of land in Haskell County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

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

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

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

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system: The Subdivider has paid the Utility the sum of $ _____which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the Utility's wastewater collection and treatment system.

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

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

This Agreement is effective on _____, 20___.

The Utility

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

The Subdivider

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