

**SUBDIVISION RULES**

**OF**

**BOSQUE COUNTY, TEXAS**

**ADOPTED: 5/15/2023**

# **SUBDIVISION RULES**

**For**

## **BOSQUE COUNTY, TEXAS**

(Revised and Adopted: May 15, 2023)

### **ARTICLE I: AUTHORITY, PURPOSE & SCOPE**

#### **A. Authority**

These rules are adopted by the Commissioners Court of Bosque County, Texas, acting in its capacity as a governing body of Bosque County. These rules are adopted pursuant to Chapter 232 of the Texas Local Government Code.

#### **B. Purpose**

The purpose for which these Rules and Regulations are created is: to provide for the orderly, safe and healthful development of the area outside the limits of a municipality and within the County and to promote the health, safety and general welfare of the community; to establish orderly policies and procedures to guide development of the County; to provide for establishment of minimum specifications for construction and engineering design criteria to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the County for the correction of inadequate environmental conditions; to ensure that the development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, floods, erosion, landslides, or other such menaces; to provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; to provide roads that ensure safe, convenient and functional systems for vehicular circulation

#### **C. Conflicts**

In the event of a conflict between these rules and State Statutes, the State Statute will control. These rules are to be harmonized with city zoning where concurrent jurisdiction exists, but in the event of conflict, the most restrictive will control. In the event of a conflict with a homeowner's association rules, then the most restrictive will control.

#### **D. Administration**

The Commissioners Court of Bosque County, Texas shall administer these rules, which shall apply to all subdivisions whose plans, plats or re-plats are filed with the Bosque County Clerk on or after July 6, 2021.

E. Compliance Required

The owner intending to subdivide a tract of land into two or more parts to lay out a subdivision of the tract, including an addition, lots, 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, shall prepare and submit a plat for approval by the Commissioner's Court of Bosque County in accordance with Article 3.

A division of a tract shall include any 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.

F. Penalty for Violation

At the request of the Commissioner's Court, the county attorney or other prosecuting attorney for the county may file an action in a court of competent jurisdiction to:

1. Enjoin the violation or threatened violation of these rules and regulations established by or adopted by the Commissioners Court; or
2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with these rules and regulations established by, or adopted by the Commissioner's Court.

Further, a person commits a criminal offense if the person knowingly or intentionally violates a requirement of these Rules and Regulations established by, or adopted by the Commissioner's Court. An offense under this subsection is a Class B misdemeanor.

This Section is in accordance with Chapter 232.005 of the Texas Local Government Code.

## **ARTICLE II: DEFINITIONS**

For the purposes of this Court Order, certain terms or words herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense;

The singular includes the plural;

The word "person" includes a corporation as well as an individual;

The term "shall" is always mandatory.

The term "may" is directory.



Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

#### Arterial street

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

#### Subdivision

The term "subdivision" means the division of a parcel of land into two or more lots or tracts for the purpose of development, dedication of roads or easements, or for use for building development. A division of land for agricultural purposes into lots or tracts, not to exceed five (5) in number, of ten (10) acres or more and not involving a new road or alley shall not be deemed a subdivision. (Note: Each such tract must include not less than one-hundred feet (100') of road frontage per tract.)

The term also includes multi-unit residential developments, and other similar developments, as well as re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Note: The Bosque County Commissioners Court hereby retains the power and right to further define the term "subdivision" and to decide, on a case-by-case basis, whether or not these Subdivision Rules apply to any particular development within the Commissioners Court's jurisdiction.) The terms "subdivider" and "developer" are synonymous and shall include any person, agent, employee or trustee of any such entity who does or participates in the doing of any act toward subdivision of land within the scope of these rules.

#### Lot

Land occupied or to be occupied by a building and its accessory buildings and including open spaces are required by any applicable regulations which are part of the subdivision (such as parks), and having its principal frontage upon a public road or officially approved place.

#### Easement

An area for restricted use on private property upon which a public or private utility/entity/ HOA or Lot Owner responsible for maintenance shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

#### Base Flood Elevation



The height of the base (100-year) flood in relation to a specified datum, usually the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum of 1988.

#### Collector Street

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

#### Record Plat

The final plat drawing of a subdivision which has been approved in accordance with the requirements of these rules and has been filed for record with the County Clerk of Bosque County, Texas.

#### Commissioners Court

As used herein, "Commissioners Court" means the Commissioners of Bosque County, Texas.

### **ARTICLE III: PROCEDURE**

#### A. General

All property not subdivided into lots, blocks, and roads, or property to be resubdivided, outside the limits of a municipality and within the County or within its jurisdiction shall hereafter be laid out subject to the approval of the County Commissioners. Prior to the consideration of the plans and plats by the Commissioner's Court, the County Consulting Engineer and the Commissioner in whose precinct the proposed subdivision lies and/or the Commissioner's duly authorized representative shall check that the submittal is in accordance with this Court Order and make recommendations.

#### B. Platting Requirements

The Owner of a tract of land located outside the limits of a municipality must prepare a plat of the subdivision if the owner intends to divide the tract into two or more parts to layout:

1. A subdivision of the tract, including an addition;
2. Lots; or
3. Streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

A division of a tract includes a division regardless of whether it is made by using metes and bounds descriptions in a deed of conveyance or in a contract for a deed, by using contract of sale or other executory contract to convey, or by using any other method.

C. Exceptions to Plat Requirements

1. A Plat is not required if the development has 10 lots or less, the owner does not layout a part of the tract described by Article 3, Section B, Subsection 3 and no portion is located in the 100-year floodplain. Such a development is required to prepare a Final Plat in accordance with Bosque County Subdivision Rules.
2. A Plat is not required when a smaller tract is surveyed out of the parent tract solely for the purposes of obtaining financing for purchase or improvement of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified, as provided that each tract has 50 feet of frontage on a County Maintained Road and that each tract conforms to lot size criteria set forth in the Bosque County On-Site Sewage Facilities Order.
3. The following is a summary of the exceptions to platting requirements as outlined in Section 232.0015 of the Texas Local Government Code. This summary is included only for reference. The developer is responsible for obtaining the current version of Section 232.0015 of the Texas Local Government Code. The developer is also responsible for meeting all requirements of the Texas Commission on Environmental Quality (TCEQ) and submitting planning materials in accordance with the most current version of TCEQ Title 30 Texas Administrative Code (TAC) Chapter 285 and the Bosque County On-Site Sewage Facility Order even if platting the subdivision is not required.
  - a. To determine whether specific divisions of land are required to be platted, a county may define and classify the divisions. A county need not require platting for every division of land otherwise within the scope of this subchapter of the Texas Local Government Code.
  - b. This subchapter does not apply to a subdivision of land to which Subchapter B of the Texas Local Government Code applies.
  - c. A 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:
    - i. the owner does not lay out a part of the tract described by Article 3, Section B, Subsection 3
    - ii. the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.



- d. If a tract described by Subsection (c) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.
- e. A 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 described by Article 3, Section B, Subsection 3 to have a plat of the subdivision prepared 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 of the Texas Local Government Code apply.
- f. A 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:
  - i. All of the lots of the subdivision are more than 10 acres in area; and
  - ii. the owner does not lay out a part of the tract described by Section Article 3, Section B, Subsection 3
- g. A 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 described by Article 3, Section B, Subsection 3 to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.
- h. 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 described by Article 3, Section B, Subsection 3.
- i. A 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:
  - i. the owner of the land is a political subdivision of the state;
  - ii. the land is situated in a floodplain; and
  - iii. the lots are sold to adjoining landowners.
- j. A 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:



- i. the owner does not lay out a part of the tract described by Section Article 3, Section B, Subsection 3, and
  - ii. 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.
- k. A 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:
  - i. the owner does not lay out a part of the tract described by Section Article 3, Section B, Subsection 3; and
  - ii. 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.

#### D. Amending Plat, Re-Plat or Plat Revision, Minor Plat, Cancellation

##### 1. Amending Plat

- a. The County Judge is delegated the authority by the Commissioners Court to approve or deny an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes:
  - i. to correct an error in a course or distance shown on the preceding plat;
  - ii. to add a course or distance that was omitted on the preceding plat;
  - iii. to correct an error in a real property description shown on the preceding plat;
  - iv. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - v. to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or
  - vi. to correct an error in courses and distances of lot lines between two adjacent lots if:
    - a. both lot owners join in the application for amending the plat;
    - b. neither lot is abolished;
    - c. the amendment does not attempt to remove recorded covenants or restrictions; and
    - d. the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.
- b. The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat. It is the Applicant's responsibility to file the approved amending plat for recordation in the Official Public Records of Bosque County, Texas.

- c. Notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.
- d. The fee for Amending Plats will be as set from time-to-time by the Commissioners Court. The Applicant must submit the fee with its Application. The Applicant is also responsible for the filing fee to record the Amending Plat with the County Clerk's Office once approved.
- e. The County Judge is designated by the Commissioners Court to sign Amending Plats on behalf of the Commissioners Court.

## 2. Re-Plat

- a. The owner of real property in a tract that has been subdivided may apply to the Commissioners Court for permission to revise the recorded plat. The Application is subject to the same requirements as original plats except to the extent a requirement is deemed inapplicable to the Re-Plat by the County Judge or his/her designee.

### **Process Where a Public Interest or Public Property is Affected**

If a park, school, road or public property, or the public interest would be affected by the proposed revision:

- i. the Commissioners Court shall publish a notice of the application in a newspaper of general circulation in the County—which includes identification of the time and place at which the Commissioners Court will meet to consider the application and hear protests to the revision of the plat;
- ii. the notice must be published three (3) times during the period that begins on the 30th day and ends on the 7th day before the meeting;
- iii. except where the re-plat only combines existing tracts (lots), if all or part of the subdivided lots have been sold to non-developer owners, notice must also be given by certified or registered mail, return receipt requested, at each owner's address.

“Public Interest” as used above means an interest shared by residents of the County as a whole, and not just the residents of the subdivision, and will generally be the interests of the public under regulations relating to public health, welfare, or safety.

### **Process Where Public Interest or Public Property not Affected**

If the Commissioners Court determines that the revision to the Subdivision Plat does not affect a public interest or public property of any type, the foregoing notice requirements do not apply; rather, the following requirements apply:

- i. the Commissioners Court shall provide written notice to the owners of lots within 200 feet of the platted lot/lots to be revised, as indicated by most recent appraisal district records;
- ii. the notice of the application must be continuously posted on the County's website for at least 30 days preceding the date of the meeting at which the application is to be considered.

### 3. Ruling

The Commissioners Court shall grant the Re-Plat by order if:

- i. the revision will not interfere with the established rights of any owner of another lot in the Subdivision; or
- ii. each owner whose rights would be interfered with has agreed to the revision in writing.

### 4. Filing the Plat

It is the Applicant's obligation to file the approved Re-Plat in the Official Public Records of Bosque County, Texas.

### 5. Fee and Costs

The Applicant will pay a base fee determined by the Commissioners Court from time-to-time. Added to the fee will be the cost of all publications and mailings required for the process. The Applicant is also responsible for the filing fee of the County Clerk's Office for the recordation of the Re-Plat.

### 6. Conflict with Deed Restrictions

A Re-Plat that would conflict with the deed restrictions, if any, applicable to the property may not be approved.

### 7. OSSF Review

Depending on the nature of the revision, the Re-plat may have to go through the OSSF review and approval process.



## 8. Minor Plat

- a. Pursuant to its authority to designate decision-making on plats as set forth in Section 232.0025 of the Texas Local Government Code, and to provide for efficiency, provide for a less costly process for applicants, and avoid delay, the Commissioners Court designates the County Judge as the authority to approve, without bringing them before the Commissioners Court, a plat:
  - i. involving four or fewer lots fronting a public road, with access to utilities, and which do not require drainage improvements beyond ditch improvements and culverts [this type of Plat must go through the OSSF review and approval process before it can be approved unless the lots will be served by sanitary sewer service]; or
  - ii. necessary to show a change to an easement, an unopposed encroachment, unopposed changes in building lines, or similar such matters that do not justify the delay and expense of a Re-Plat. [If any change in Usable Acreage results, the Plat may be required to go through the OSSF review and approval process].
- b. These types of plats will be referred to as “Minor Plats”.
- c. The fee for Minor Plats will be as set from time-to-time by the Commissioners Court.
- d. The Applicant must submit the fee with its Application. The Applicant is also responsible for the filing fee to record the Minor Plat with the County Clerk’s Office once approved. The County Judge is designated by the Commissioners Court to sign Minor Plats on behalf of the Commissioners Court.

## 9. Cancellation of Plat

A Plat and subdivision may be cancelled only in the limited situations and in strict compliance with the procedures for cancellation contained in Chapter 232, Subchapter A of the Texas Local Government Code.

### D. Fee Schedule

Prior to the consideration and/or the approval of any Plat submitted to the Commissioner's Court, all applicable fees shall be paid by the Developer to the County Treasurer and a receipt or receipts shall be included with the submittal. The following fees have been established by the County to defray all costs associated with but not limited to the review, inspection, and maintenance of all plats and documents associated with the development of a subdivision or any part thereof. These fees shall become effective with the passage of this Court Order and will affect all subdivisions not finally approved by the Commissioner's Court prior to such passage. When the Plat is filed, a separate filing fee will be assessed at the time of filing.

Plat and Construction plans with roads	\$1,200.00 + \$75.00 per lot
Plat without roads	\$750.00
Plat Resubmittal	\$200.00 per each plat resubmittal in excess of three (3) submittals
Minor Plat	\$500.00
Construction Inspection	\$2,000 for up to the first one (1) mile (5,280 LF) of road + \$150.00 per one-half (½) mile (2,640 LF), or portion thereof, in excess of 1 mile
Additional Construction Inspection	\$500 per visit in excess of two (2) visits related to final inspection of improvements.
Plat Amendment / Re-Plat	\$300.00
Plat Cancellation	\$200.00

For the purposes of these Rules, “owner” shall mean the owner of a proposed subdivision, or said owner’s designated representative. On or after the effective date of these Rules, all owners of proposed subdivision, except those set Article 3 of these Rules, shall submit a Plat to the Bosque County Commissioners Court which complies with the minimum standards adopted by this Commissioners Court.

- E. Pre-Submittal Meeting (Optional) - Applicants will generally benefit from pre-submittal meetings, as once the Plat Package is filed staff will be concentrating on review and recommendation to the Commissioners Court. Matters discussed and worked-out in the pre-submission process may eliminate deficiencies that would otherwise be identified during the review and possibly become reasons for disapproval or conditions on approval by the Commissioners Court. Information provided for review as part of a pre-submission meeting does not constitute the filing of a Plat Application. One or more pre-submission meetings may be held.

### **PLAT REQUIREMENTS**

#### A. Requirements of the Plat

Each application for a plat shall be submitted to the Bosque County Judge’s Office. A complete application form as approved by the County (see Appendix C) and all the information specified in these rules relating to plats, respectively, which includes the required number of copies of the drawings(s) for each type of plat shall be accompanied by the following information and materials:

1. Three (3) copies or prints of the proposed subdivision drawn on a sheet minimum 18 inches wide and 24 inches long and a maximum size of 24 inches by 36 inches and drawn to a scale of 100 feet to the inch (1-inch equals 100 feet) shall be submitted in the number specified herein above.
2. Indicate the proposed phases of development (if applicable).
3. A statement indicating in which school district(s) the subdivision is located.



4. A note stating the total number of lots within the proposed subdivision, the smallest and largest lot size shown on the plat and the average size of lots.
5. Boundary lines, bearing and distances sufficient to locate the exact area proposed for the subdivision and shall identify the subdivision with respect to an original corner of the original survey of which it is a part, and distance and direction to the nearest State or U.S. Highway. All corners are to be marked with a permanent marker stamped with the name of the surveyor.
6. The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing roads and other features that may influence the layout of development of proposed subdivision. Adjacent unplatted land shall be so designated.
7. The location and widths of all roads existing or proposed within the subdivision limits. In case of easements, a written statement as to the easement use shall be included on the plat.
8. The location of all existing property lines, buildings, sewers, or water mains, gas mains, or other underground structures, easements or other existing features within the area proposed for subdivision.
9. Public and private wells shall include a sanitary easement of 150-foot and 100-foot radius, respectively.
10. Proposed arrangement of lots and proposed use of same; however, approval of a plat with uses so indicated, does not constitute approval of such uses.
11. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the Land Planner, Licensed Land Surveyor or Registered Professional Engineer platting the tract.
12. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
13. Scale, North arrow, date and other pertinent data.
14. Contours with intervals of five feet (5') or less shall be shown for the area. All elevations on the contour map shall be referenced to the latest U.S.C. and G.S. data.
15. All physical features of the property to be subdivided, including location and size of all water courses, ravines, bridges, culverts, existing structures, and other



features pertinent to subdivisions. The outline of wooded areas or the location of important individual trees may be required.

16. If the Subdivision does not intake all of the property owned by the developer a division line should be drawn differentiating property usage for roll back purposes.
17. The Plat shall also include a written narrative which provides explanation as to how the owner proposes to satisfy the various requirements of these Subdivision Rules.
18. Certification that all lots have been designed in compliance with the rules of Bosque County for on-site sewage facilities, together with all planning and evaluation materials required, including the preparation and submission of an on-site suitability report as specified by TCEQ Ch 285 (if applicable).
19. Subdivisions shall have a drainage plan. An engineering drainage plan shall be submitted with the plat unless waived by the Commissioners Court. The engineering drainage plan shall be prepared by a registered professional engineer for the State of Texas and qualified in the field of storm run-off and drainage design. The drainage study will show the width of the right-of-way required to provide property drainage ditches and structures in order to properly dispose of the expected storm flow run-off. A typical cross section of the road and drainage ditches shall be provided in the report.
20. A letter of verification of consultation with Middle Trinity Groundwater Conservation District.
21. Designation of the water and/or sewer utility providers(s) for the subdivision and the source of the water intended to serve each lot within the subdivision. If groundwater under the land is to be the source of water for the subdivision, provide certification by a professional engineer that there is adequate groundwater available to meet TCEQ requirements for residential development. Include the water provider's certificate of convenience and necessity (CCN) number.
22. Lots with access to State or U.S. highways must have the approval of Texas Department of Transportation.
23. A letter of verification of consultation with utility provider(s). Specification that utility service is available and will be extended to all lots and if it is not, how far the service is from the subdivision.
24. Paid Tax Certificate.
25. A letter of verification of consultation with Bosque County 911 addressing.

26. A letter of verification of consultation with Bosque County Floodplain Administration.

B. Submission To the Commissioner's Court and Post-Submission Process  
Commissioner's Court Action

Once a complete Plat Package and Application Fee is received, action must be taken on the Plat Package within 30 days by the Commissioners Court. The County Judge must assure that the matter is included as an agenda item on a Commissioners Court meeting held within the 30-day period. The County Judge or his/her designee shall give a recommendation to the Commissioners Court. The Commissioners Court may either approve the Plat Package, approve it with conditions, or disapprove it with reasons. Failure of the Commissioners Court to act on a Plat Package within the 30-day deadline results in the Plat being approved by operation of law.

Notes on 30-day period:

- a. if a groundwater availability certification is required, the 30 days does not begin to run until an otherwise complete Plat Package is on file AND the groundwater availability certification is received by the County Judge's Office;
- b. the Applicant (not the County) can request one 30-day extension in writing, and the extension will be deemed granted if the County Judge agrees to it in writing not more than 20 days after the Plat Package is received;
- c. the time is extended for delays caused by required decisions that are not within the County's control;
- d. if the County is required to undertake a takings impact assessment the period for decision may be extended by an additional 30 days.

It is within the County Judge's sole discretion as to whether to accept any corrections or updates to the Plat Package after the 30-day review period begins.

1. Notification to the Applicant of the Decision

No later than 10 days after the Commissioners Court's decision, the County Judge or his/her designee shall notify the Applicant of the decision in writing. If the decision was conditional approval the writing must specifically identify each of the conditions. If the decision was disapproval, the writing must specifically identify each of the reasons for disapproval.

For each condition or reason identified the writing, the writing must:

- a. State how it is directly related to the requirements of Subchapter A of Chapter 232 of the Texas Local Government Code; and
- b. cite the law, statute or order/ordinance provision that is the basis for the condition or reason.

The conditions or reasons must not be arbitrary.

2. Applicant's Response



Chapter 232 of the Texas Local Government Code gives a disappointed applicant the right to file a response to the conditions on approval or reasons for disapproval. The Applicant must file this response with the County Judge's Office. The County Judge or his/her designee must decide within 15 days of receipt of the response whether, in light of the response the Applicant has met the conditions for approval or resolved the reasons for disapproval. The County may not set a deadline for the response. The purpose of the response is for the Applicant to show the County Judge or his/her designee that he/she has corrected or met the conditions on approval or resolved the reasons for disapproval. The County Judge or his/her designee is delegated the authority by the Commissioner's Court to make this determination on its behalf.

### 3. Notification/County's Reply

The Applicant must be given notice of the County Judge's determination on his/her Response within 5 business days of said decision. If the Response does not meet the conditions on approval or resolve the reasons for disapproval the County Judge must send the Applicant a Reply as part of the notification. The Reply must state that the Application is approved with conditions or disapproved and identify the conditions or reasons with the same specificity as the initial notification of the Commissioner's Court decision, except that it cannot raise new conditions/reasons that were not part of the original notice. However, if the Applicant interjects new information in his/her response, that information may be addressed. [Note: more than one Response may be received over time, and each time this procedure must be followed].

The period during which a plat approved with conditions or disapproved can be responded to by the Applicant is not clearly stated by the law, but in no circumstance may such period exceed two (2) years.

If the Response meets the conditions on approval or resolves the reasons for disapproval, the County Judge is hereby expressly delegated the authority by the Commissioners Court to approve the Plat Package, and to execute a certificate approving the Plat as the act and deed of the Commissioners Court.

If the County Judge does not make the decision within 15 days of receipt of the Response, and the Response meets the conditions on approval or resolves the reasons for disapproval, the application is deemed approved by law.

If a Plat is deemed approved by operation of law, the County Judge or his/her designee shall obtain the Certificate(s) from County Officials showing the Plat is approved.

### 4. Effect Of Approval

- a. Plat approval does not constitute approval or acceptance of infrastructure.



- b. Regardless of whether the Plat is approved by the Commissioner's Court, by action of the County Judge on an Applicant Response, or deemed approved by operation of law, the Applicant must comply with the hereinafter stated regulations governing Subdivisions.
- c. Approval of a plat does not authorize any site grading, construction or development activities, but merely authorizes the Applicant to proceed with civil construction plan approval. Such approval does not constitute any acceptance by the County of maintenance of any roadways. Acceptance for maintenance shall require a separate order of the Commissioners Court entered at a date after the warranty period, as described in these Regulations, has expired.
- d. No construction of the Infrastructure may commence until the following have been completed:
  - i. civil construction plans for Road and Drainage Infrastructure Improvements have been approved by the County Consulting Engineer;
  - ii. a preconstruction meeting is held between the County Consulting Engineer, the Applicant, and the Contractor; and
  - iii. the Applicant's election as to how to secure the completion of the Road and Drainage Infrastructure Improvements has been implemented either:
    - 1) by the approved plat being held by the County Judge only to be released to the Applicant for recording once the Road and Drainage Infrastructure Improvements are accepted as complete by the County (and the Warranty and Maintenance Bond requirements are met); or
    - 2) the Applicant has provided an acceptable Performance Bond or other acceptable Financial Guarantee in Lieu of Bond to the County.

#### 5. Election Of The Applicant As To The Method Of Securing Completion Of Road And Drainage Infrastructure Improvements, And Requirements Of Financial Guarantees If Elected

##### a. Standard Election---Withholding Recordation

The standard election of Applicants is to have the approved final plat withheld from recordation with the Bosque County Clerk's Office by placing the approved final plat in trust with the County Judge only to be released to the Applicant for recordation with the Bosque County Clerk's Office upon the County Consulting Engineer finding that the Road and Drainage Infrastructure Improvements are complete (and the Warranty and Maintenance Bond requirements have been met). No lots may be sold until the final plat is recorded.

b. Financial Guarantee(s)

If the Applicant elects to secure the complete construction and installation with an acceptable financial guarantee (Performance Bond or Other Financial Guarantee in Lieu of Bond) certain requirements apply:

i. The duration of the Performance Bond or other performance guarantee shall be TWO (2) years starting from the date that the Final Plat is recorded in the Bosque County Clerk's Office. If required improvements are not complete by the expiration date of the guarantee, the County may, but is not required to, require cash payment by the Applicant or surety company or under the letter of credit of the cost to complete the work (to be held as security for completion of the work) or may require an extension of the guarantee for a specific period of time. Alternatively, the County may declare a default under the Performance Bond or other performance guarantee and draw upon/ make a claim against the Performance Bond or other performance guarantee to have the work completed by others. [If a Performance Bond is involved, the surety often opts to complete the work itself through others].

ii. The amount of the Performance Bond or other performance guarantee shall be based on an estimate of construction costs provided by a Professional Engineer registered in the State of Texas. The amount shall be sufficient to ensure satisfactory construction and installation of the Road and Drainage Infrastructure Improvements and must be approved by the County Consulting Engineer. Guarantees of performance must comply with Sections 232.004 and 232.045 of the Local Government Code where applicable. A Performance Bond must be issued by a surety authorized to write bonds in the State of Texas. Both the form of the Performance Bond and the surety must be acceptable to the County Judge's Office.

It is important to note that even if a Performance Bond or Other Financial Guarantee in Lieu of Bond is provided no residential or commercial construction is allowed until the Road and Drainage Infrastructure Improvements are accepted as complete by the County (and the Warranty and Maintenance Bond requirements are met). Any person who undertakes any residential construction on a lot before the Road and Drainage Infrastructure Improvements are accepted as complete by the County violates these regulations and



commits an offense hereunder. This restriction shall be included in the Restrictive Covenants for the subdivision development, and the Applicant, or its successors or assigns, shall ensure that this restriction is contained in any sale agreement for each lot.

## 6. Compliance With Subdivision Rules

Plat Package submissions and the development shown on the plat shall comply with the Subdivision Rules set forth in these Regulations except where otherwise provided in these Regulations or applicable provisions of Chapter 232 of the Texas Local Government Code.

## 7. Recording Of Plat

The approved Final Plat must contain all required information, certifications and Plat notes in order to be filed in the Official Public Records of Bosque County, Texas. Likewise, it must comply with the County Clerk's requirements for filing.

## 8. No New Road Or Drainage Infrastructure Improvements

If no new Road and Drainage Infrastructure Improvements are proposed, the recording of the Final Plat ends the subdivision process.

- C. Designated County Official – Bosque County designates the Bosque County Commissioners Court as that entity responsible for approval or rejection of the plat except where authority has been delegated by the court. During review of the plat, the Bosque County Commissioners Court shall, if deemed necessary by the Court, consult with the County Attorney, County Designated OSSF Agent and a Consulting Engineer.
- D. Certificate of Compliance by Commissioners Court – If the Bosque County Commissioners Court determines that the Plat has been properly carried out, the Commissioners Court shall issue a Certificate of Compliance within an additional five (5) business days after the final inspection is completed. The Commissioners Court may delegate issuance of the Certificate of Compliance to the County Judge's office.
- E. Corrective Action if Construction Not Approved – If the Bosque County Commissioners Court determines that the subdivision has not been properly carried out, then the owner shall be advised in writing and shall have thirty (30) days from the date of notification to make the required corrections or to perform the additional work required.

After being considered at a meeting of the Commissioners Court, with a quorum being present, the plat shall be acted upon by the Court. If the plat is approved by order of the Court, then the County Judge shall sign the plat and shall so state the date of approval. The following certification shall be provided on the plat:



"I hereby certify that this plat was approved this 15th day of May, 2023 by the Bosque County Commissioners Court, and maybe filed for record in the Plat Records of Bosque County by the County Clerk.

\_\_\_\_\_  
County Judge

## **ARTICLE IV:**

### **ROADS**

#### **A. Subdivision Design Requirements**

##### **1. Lots – General Provisions**

The purpose of this section is to provide general guidelines for the establishment of individual lots within subdivisions.

- a. Lots shall be of sufficient size and shape to allow for the construction of residential dwelling units that will meet the requirements of established building or construction codes, public health codes and local ordinances and orders.
- b. Lots shall be of sufficient size and shape to accommodate easements for all public and private utility services and facilities that are to serve the subdivision.
- c. Lots should be designed so far as possible, to have the side lot lines at right angles to the street on which the lots face or radial to curved street lines.

##### **2. Minimum Lot Size**

- a. The minimum lot size for lots not serviced by sanitary sewer shall be in accordance with the rules and regulations pertaining to the “On-Site Sewage Facilities Rules” for Bosque County.

##### **4. Lot Frontage**

- a. Lots shall be of sufficient width along roadways so as not to create any adverse drainage conditions or traffic hazards.
- b. Lots fronting along State maintained roadways shall adhere to the requirements of the agency having control over said roadways and associated right-of-way.

##### **5. Flag or Key Lots or Ingress-Egress Easements**

Flag or key lots shall generally not be permitted except under unusual circumstances. The staff portion of the lot or ingress/egress easement to the lot

shall not be longer than seven hundred fifty (750) feet and must be a minimum distance of two hundred (200) feet away from any other flag lot, key lot or lot with an ingress/egress easement. The minimum width of the staff or ingress/egress easement shall be thirty (30) feet for lots less than one (1) acre in size and fifty (50) feet for lots one (1) acre or greater in size. This type of lot shall also be restricted such that the staff portion of the lot is to be for access only and the construction of any buildings or structures within this area of the lot shall be prohibited. Lots in which the staff portion is at least one hundred (100) feet wide shall not be considered flag or key lots.

#### B. Roadway Layout

Internal streets shall be so laid out that their use by through traffic will be discouraged, but access may be provided to adjacent development.

The subdivision shall provide at least one point of access to an arterial or Collector Street and shall provide no less than one (1) entrance for each twenty-five (25) lots, including stubs for future development or connection to an existing major collector or arterial.

The Commissioners' Court may require gates and/or warning devices at all road crossings where a storm event is anticipated to flow over the road surface

All roads are preferred to intersect at ninety (90) degree angles; where this is not possible, the intersection on the side of the acute angle must be cut back, as specified by the Commissioner for the Precinct where the subdivision is located, but in no case will the cut-back be less than twenty-five feet (25').

Roads should avoid abrupt offsets insofar as possible. Roads should provide for continuation of appropriate projection of existing roads in surrounding areas. New roads of like alignment shall bear the names of existing roads and shall be dedicated at equal or greater widths than existing roads.

#### C. Right of Way

Road right-of-way widths shall be a minimum of 50 feet, depending upon the location and the city road plan with which the major thoroughfare is to be connected.

#### D. Design Criteria and Construction Standards for Streets

Proposed streets must conform to existing topography, as nearly as possible, in order that drainage problems may be reduced and/or avoided. Streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.

All streets shall be constructed in accordance with the Road Construction Standards of Bosque County attached hereto.

E. Cul-De-Sacs

A street ending in a cul-de-sac shall not be longer than six hundred feet (600'), as measured from the centerline of the intersecting street to the center point of the bulb, and shall have a properly designed turnaround at the closed end. If a central water system exists, with properly placed fire hydrants, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least eighty (80'), and a minimum bulb right-of-way diameter of at least one hundred feet (100'). If no central water system exists, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least one hundred feet (100'), and a minimum bulb right-of-way diameter of at least one hundred and twenty feet (120'). Dead end streets are prohibited.

F. Street Names and Signs

Street Names and Numbers

New streets and roads in a subdivision shall be numbered so as to provide continuity of names with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Bosque County. Developer shall coordinate with Bosque County 911 Addressing to ensure all streets/roads are numbered properly. All street numbers shall be approved by Bosque County Commissioner's Court. Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.

Street and Road Numbers/Names Required

The Developer shall install street or road name signs at all intersections in a subdivision. The proper installation of these signs is a part of the required construction standards of Bosque County. Final approval of the construction will not be given by the Bosque Commissioners Court until all signs are installed.

G. Shared Access Driveways

Up to one (1) lot without independent access to a public road may obtain access to that road by means of a shared access driveway if approved by the Commissioners Court.

An additional two (2) lots having independent access to a public road may also share the use of the shared access driveway. Shared access driveways are intended as a means to provide flexibility in the development process and to preserve the rural character of the land. Shared access driveways are not intended to serve as a substitute for interior roads.

Excessive use of shared access driveways will not be permitted. no more than ten percent (10%) of the total number of lots within a subdivision shall have shared access driveways.



Any plat submittal proposing shared access driveways shall also satisfy the following requirements: Each of the lots sharing use of the shared access driveway shall hold equal, indivisible, irrevocable and unrestricted rights in the shared access driveway, which rights shall be established by a recorded easement and the easement shall run with the land of each of the benefited lots. The easement instrument shall clearly state each lot's pro rata responsibility with respect to future maintenance and/or repairs of the shared access driveway.

The shared access driveway is to be no longer than seven hundred fifty (750) feet in length or as directed by the County and must have a minimum distance of two hundred (200) feet from any other driveway or shared access driveway entering onto the public road. The minimum width of a shared access driveway easement shall be thirty (30) feet for access to lot(s) less than one (1) acre in size and fifty (50) feet for access to any lot(s) one (1) acre or greater in size.

The postal address of each of the lots shall be based upon the public road from which the shared access driveway gains access and the mailboxes for each of the lots shall be located together (i.e., clustered) along the edge of the right-of-way.

#### H. Mailboxes

Mailboxes shall be set at least one (1) foot but no more than three (3) feet back from the curb, paving edge, or shoulder area of the permitted street upon which the property is addressed.

All mailboxes within County rights-of-way shall meet current TxDOT standards if the speed limit on the County Road is more than 40 miles per hour. Mailboxes in subdivisions with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, side streets, and other access points.

All mailboxes along arterials shall be of a "break-away" type design (this type of design is also encouraged along collector and local streets). Clustering of mailboxes is greatly encouraged.

#### I. Monuments

In all subdivisions and additions, monuments shall be established at the corners of each block and lot in the subdivision consisting of an iron rod or pipe that is easily distinguishable from any other markers, set flush with the top of the ground.

#### J. Private Streets

The term "private street" shall be inclusive of alleys if such are to be provided within the subdivision.

1. Subdivision Eligibility Criteria - Private streets shall not be intended for regional or local through traffic circulation.
2. Construction and Maintenance – The County shall not pay for any portion of the cost of constructing or maintaining a private street or for any utilities or related facilities that are adjacent to private streets.
3. Infrastructure – All required water, sewer and drainage facilities and signs placed along private streets shall be installed in accordance with County standards.
4. Plans and Inspections – Subdivisions with private streets must include the same engineering consideration and plans required for public streets and utilities.

K. Access to Gated Communities

Each vehicular gate to the gated community or multi-unit housing project must have a lockbox within sight of the gate and in close proximity outside the gate. The lockbox at all times must contain a key, card, or code to open the gate or a key switch or cable mechanism that overrides the key, card, or code that normally opens the gate and allows the gate to be opened manually.

1. If there are one or more pedestrian gates, at least one pedestrian gate must have a lockbox within sight of the gate and in close proximity outside the gate. The lockbox at all times must contain a key, card, code, key switch, or cable mechanism to open the gate.
2. If different pedestrian gates are operated by different keys, cards, or codes, the lockbox must contain:
  - a. each key, card, or code, properly labeled for its respective gate; or
  - b. a single master key, card, or code or a key switch or cable mechanism that will open every gate.
3. Access to a lockbox required by this section shall be limited to a person or agency providing fire-fighting or emergency medical services or law enforcement for the county.
4. If a gate is powered by electricity, it must be possible to open the gate without a key, card, code, or key switch if the gate loses electrical power.

L. Inspection of Roads

Two Commissioners have reviewed and approved all required inspections and tests at the completion of each phase of construction of the road, tests include Atterberg limits and moisture-density relationships for the subgrade and base, depth of base material, type and placement of the surface course (it is the responsibility of the developer to coordinate all



inspections and laboratory tests with the Commissioner's Court), and not to proceed with construction until proper inspections and tests have obtained, as required by the County Commissioner. All laboratory tests shall be at the expense of the developer. In no event will any base be placed on the road until the subgrade has been inspected at each phase of construction and approved in writing by the County Commissioner.

## **ARTICLE V: WATER DRAINAGE**

### **A. Lots and Private Property**

Lots and private property shall be graded so that surface drainage from said property shall be taken to roads as directly as possible. Drainage water from roads shall be taken to defined drainage courses.

### **B. Roads without Curbs and Gutters**

All roads without curbs and gutters shall have drainage ditches adjacent to and running parallel to said roads. Said drainage ditches shall have minimum depth of twelve (12") inches below the level of the sub grade.

### **C. Permanent Drainage Structures**

Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage courses, including drainage ditches with driveways and roads.

### **D. Types of Permanent Drainage Structures**

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

### **E. Driveway Drain Pipes**

Placement of driveway drain pipes and drain structures shall be made at the expense of the owner or developer upon receipt of a written approval of the County Precinct Commissioner prior to installation. No driveway drain pipe will be accepted unless it has a minimum drainage of fifteen inches (15") in diameter and a minimum length of twenty-two feet (22') if ends are concreted, however, the placement, length and diameter of a drain pipe must be inspected and approved by a County Commissioner prior to installation and it is within the Commissioner's discretion to alter the required size, length and placement if deemed necessary. Larger drain pipes shall be installed if necessary to handle drainage based upon a ten-year flow frequency. An easement shall be required from any affected property owner or owners when the natural flow of water is changed.



F. Embankments

All roadways subject to flooding and high waters and all roadway crossing streams must have reinforced embankments to prevent erosion of said embankments, as approved by the precinct Commissioner.

G. Permanent Obstacles

Permanent obstacle, such as concrete or rock rip rap, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the engineered drainage plan as submitted and listed in the order granting or denying authorization to the subdivision plat.

H. Open Drainage Channels and Ditches

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

I. Drainage Easements

All drainage easements in the land being authorized for development must be of adequate width, as determined by the Commissioners Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all land whose natural drainage runs through the property being authorized for development.

J. Drainage Plan

An engineering 20-year flood drainage plan shall be submitted with the plat unless waived by the Commissioners Court. The engineering drainage plan shall be prepared by a registered professional engineer for the State of Texas and qualified in the field of storm run-off and drainage design. The drainage study will show the width of the right-of-way required to provide property drainage ditches and structures in order to properly dispose of the expected storm flow run-off. A typical cross section of the road and drainage ditches shall be provided in the report.

K. Maximum Road Grades

Grades of roads shall be a maximum of twelve percent (12%). Exceptions to this rule may be granted by Commissioner's Court.

L. Backfill of Pipe

All pipe shall be backfilled at six-inch (6") lifts and tamped with air tamp, with water as needed.

M. Drainage Certification on Final Plat

All drainage methods (size, length, etc.) shall be in accordance with the drainage plan and must be noted on the final plat.

**ARTICLE VI: WATER AND SEWAGE DISPOSAL SYSTEMS**

A licensed Engineer or Sanitarian (per TCEQ Hierarchy) must review and approve the plat to assure that all County sanitation rules and regulations can be met.

A. Soil Analysis

If a State-approved disposal sewage system is not provided, the subdivider will have soil tests made in accordance with applicable Bosque County and State regulations then in effect for installation of private sewage facilities so that a minimum of ten percent (10%) of the proposed tracts or lots have been approved by a licensed sanitarian.

B. Lot Adequate Sizes to Meet Sanitation Requirements

All subdivision lots that have individual septic systems shall contain a minimum of 43,560 square feet (i.e., one (1) acre) for those with community water system and a minimum of 87,120 square feet (i.e., two (2) acres) for those without a community water system. It must be noted that size alone does not assure sanitation requirement can be met. The sub divider or owner shall ascertain and certify that an acceptable septic tank with a proper drain field can be installed on each tract platted or offered for sale, unless public sanitary sewer collection facilities are made available to the site. A licensed sanitarian may be contacted for the specifications. All subdivisions using a state permitted and approved sewage disposal system must meet all state requirements as to lot size. The owners or developer must ascertain and certify that lot sizes within the subdivision meet all state requirements.

C. All Habitable Structures Must Have Approved Sewage Systems

All habitable structures shall be connected to septic tanks or sewer systems conforming to the regulations and recommendations of the State and Bosque County. Septic tanks shall meet State and County regulations and must be inspected by a licensed sanitarian, a licensed professional engineer or a designated agent of the T.C.E.Q. before, during, and after construction.

[Note: Only one (1) habitable structure shall be connected to a single septic system.]

Additionally, the planning materials for an on-site sewage facility to be submitted for approval by the permitting authority shall be prepared by a professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells, locations of easements and a complete



report detailing the types of on-site sewage facilities to be considered and their compatibility with area-wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials.

D. Outdoor Toilets or Cesspools Prohibited

There will be no outdoor toilets or cesspools within any subdivision.

E. All Sewage Disposal Regulations of Bosque County, Texas, Must Be Met, With No Exceptions

F. Groundwater Certification

Where the intended source of water to serve a subdivision is groundwater under the land to be subdivided, whether the development is to be supplied by individual wells or from a central water system, no plat shall be approved unless the plat is accompanied by a certification prepared by a professional engineer that there is adequate groundwater from the intended source to serve the subdivision. This certification shall be in accordance with TCEQ requirements (Section 232.0031, Local Government Code).

## **ARTICLE VII: ACCEPTANCE OF ROAD MAINTENANCE AND BONDING REQUIREMENTS**

A. Owners Maintenance Responsibility.

The owner shall remain responsible for all maintenance and repair of the roads within a subdivision. The Commissioners Court, may by formal written action or minute order in accordance with this Article and Section 4.06 herein, accept the obligation to maintain and repair such roads. **The Commissioners Court's decision to approve a record plat or dedication of the right-of-way for a road shall not be deemed to constitute acceptance of the roads for maintenance.**

B. County Acceptance of Roadways

1. All streets and roads will not receive consideration for final approval by the Commissioners Court until at least two (2) years after original construction of streets and roads is completed. Subdivisions in which there has been insufficient use of the streets and roads to ensure their stability will not be considered for acceptance by the Commissioners Court until such time as there is sufficient development to insure street and road stability. Development will not be considered sufficient until such time as 75% of the existing lots have been developed, or, improvements have been added to the real estate which, when taxes are levied on such improvements, will provide tax revenues in the Road & Bridge dedicated funds equal or exceeding the "average dollar amount" computed, at the end of the fiscal year, to maintain the number of miles of county road with a like surface. The "average dollar amount" shall be defined as the total expenditures in the four Bosque County Precinct Funds, less no-road related



expenditures, divided by the total miles of accepted county roads.

2. The owner has submitted a written request to the County Commissioner. If the owner is no longer available (i.e., has ceased to transact business or, in the case of an individual, has died), any person owning property with frontage or access onto the road may submit the written request.
3. Two Commissioners have inspected the roads (first inspections) no earlier than thirty (30) days prior to the Commissioners Court's acceptance of the roadway, and has submitted to the Commissioners Court an inspection report stating that:
  - a. The road, in its current condition and with no repairs, upgrades or improvements, is in compliance with the regulations and all other guidelines in effect at the time of inspection.
  - b. The requirements of these Rules regarding construction of drainage structures and driveway drain pipes have been satisfied;
  - c. The County Commissioner recommends acceptance of the road and a (2) year maintenance bond to the Commissioners Court.
4. Maintenance of the subdivision roadways shall consist of mowing the right of ways, trimming of brush, grading of ditches and patching potholes. It does not mean repaving roadways.

### **Maintenance Bond**

Once the Commissioner's Court has voted to accept the subdivision roads the owner or applicant asking for acceptance of roads, must post cash, bond or a letter of credit (a "Maintenance Bond"), with the county auditor to secure the proper construction and maintenance of the roads prior to county acceptance thereof in an amount equal to twenty-five (25%) of the construction costs of the roads, for a term of two (2) years following acceptance by the county. At the conclusion of two (2) years, the county shall assume full maintenance responsibilities, if the following requirements have been met:

1. A final inspection (second inspection) shall be made within thirty (30) days of lapse of the twenty-four (24) month maintenance bond after acceptance of the roadway. If no maintenance is necessary, then the bonding requirements will be deemed to have been met.
2. The subdivider will be notified, in writing, of any work found not in compliance with these regulations. The Commissioners Court will establish a reasonable time for correction of the defective work, and the subdivider shall make the necessary corrections within the time set, or such corrections will be made by action taken upon the performance bond.

3. No road will be accepted for maintenance by Bosque County which contains a petroleum pipeline within the right-of-way, other than crossing pipelines.
4. The roads or roads in any subdivision will not be accepted for final maintenance by the Commissioners Court until all the requirements and conditions regarding road names and road signs have been complied with.

## **ARTICLE VIII: UTILITIES**

### **A. Easements** – must be a minimum of 10 feet.

Appropriate dedication of perpetual easements for utilities must be provided where needed. Subdivision plats must be coordinated with the utility companies, as to the proper location of utility easements and such easements or reference thereto must be shown on the subdivision plat. If public sanitary sewage systems are practically accessible, proper easements shall be dedicated for access to such public systems.

### **B. Utility Lines in Rear of Homes**

Utility lines which are to be above ground are preferred to be in the rear of homes or other buildings. Underground lines shall be prominently marked along the length of the lines.

### **C. County Not Liable**

Bosque County will not assume any liability for damage to utility lines suffered while maintaining roads.

## **ARTICLE IX: GENERAL PROVISIONS**

- A. **General** – The Commissioners Court of Bosque County recognizes that there are vast differences in terrain and population density in Bosque County. In instances when the Commissioners Court finds that extraordinary hardships or extreme practical difficulties will result from strict compliance with these Subdivision Development Rules and/or the purposes of these Rules may be fulfilled to a greater extent by an alternative proposal, the Commissioners Court may approve variances, or exceptions to these Rules so that substantial justice may be done and the public interest secured. Variances may be made, provided that the variance or exception shall not have the effect of nullifying the intent and purpose of these Rules, further provided that the variance is allowed by Texas law.
- B. **Evidence Required** – The Commissioners Court shall not approve variances or exceptions unless it shall make finding based upon evidence presented to it in each specific case that:
  1. The granting of the variance or exception will not be detrimental to the public health, safety or welfare, or injurious to other property;



2. The conditions upon which the variance request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
  3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Rules is carried out.
- C. Authority – Authority to make final approval of all variances and exceptions is vested in the Commissioners Court. Request for variances shall be filed at the time of application and may be taken up at only posted meeting of Commissioners Court while the application is pending.
- D. Severability

If any section or part of any section of these rules should be declared invalid by a court of competent jurisdiction, such declaration shall not invalidate or impair the validity or effect of any other section or part of any section of these rules.

E. Fire Protection

The County EMC and local fire chief will be consulted to determine the provision for adequate water supply for firefighting could be efficiently provided by the developer. A subdivision that is not served by fire hydrants as part of a centralized water system is required to provide a limited fire suppression system that consists of 2500 gallons of storage for less than 50 houses. The size of that storage will increase according to the number of houses in the subdivision.

F. Lot Purchasers

A copy of the Bosque County Subdivision Rules along with a Welcome Letter (Appendix B) must be furnished to each prospective purchaser of land within a subdivision by the developer.

G. Issuance of Permits

No permit which Bosque County is authorized to issue will be issued for any property that is not in compliance with these Regulations.

## **ARTICLE X. ENFORCEMENT; PENALTIES; APPEALS**

- A. Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations, including the road design and construction specifications incorporated into these regulations, the rules of Bosque County for on-site

sewage facilities, and any appendices attached to these regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

B. Enforcement Actions. At the request of the Commissioners' Court, the County Attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:

1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners' Court under these regulations; or
2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners' Court under these regulations.

C. Enforcement of Building Lines.

If a structure is erected, constructed or reconstructed in violation of a building setback line established in accordance with these regulations, then the Commissioners' Court, the District or County Attorney, or an owner of real property in the County may institute an injunction, mandamus, abatement or other appropriate action to prevent, abate, remove or enjoin the unlawful erection, construction or reconstruction (see Texas Local Government Code, Chapter 233, Section 233.006).

D. Appeal of Building and Setback Lines.

An owner of property who is aggrieved by an action or order adopted by the Commissioners' Court may appeal the decision within thirty (30) days after the date adopting the action or order.

A property owner in the County who is aggrieved by a final order of the Court may appeal to the district court or to another court with proper jurisdiction, in accordance with Section 233.007 of the Texas Local Government Code.

## **XI. APPLICABILITY**

- A. Effective Date – These Rules are effective upon the date of final approval by Commissioners Court.
- B. Date Construction Commenced – These Rules apply to any subdivision for which construction, or expansion (as defined herein), is commenced on or after the date that the original infrastructure standards were adopted by this Commissioners Court.
- C. Expansion of Existing Subdivision – These Rules are applicable to any expansion of any existing Subdivision after the original effective date of these Rules. "Expansion" includes



but is not limited to any improvement concerning roads, water systems, septic systems and/or utilities and is ultimately defined at the discretion of the Commissioners Court.

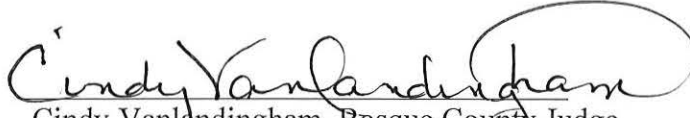
- D. Applicable Outside City Limits – These Rules are applicable in Bosque County outside the city limits of any incorporated city and outside the limits of the extra territorial jurisdiction of any incorporated city within Bosque County, Texas.

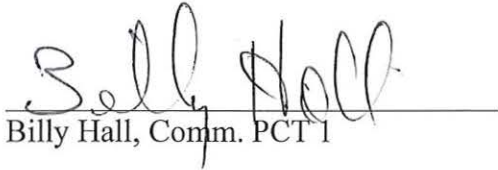
## **XII. INTERPRETATION – CONFLICT, SEVERABILITY, SAVINGS AND AMENDMENTS**

- A. Interpretation – In their interpretation and application, the provision of these Rules shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. These Rules shall be construed broadly to promote the purposes for which they are adopted. Furthermore, it is the intent of the Commissioners Court that these Regulations shall be interpreted in conjunction with the Court's orders relating to floodplain development, on-site sewage facilities and road requirements.
- B. Public Provisions – These Rules are not intended to interfere with, abrogate, or annul any other County regulation, state statute, or other provision of law except as provided in these Rules. Where any provision of these Rules or any other rule or regulation or other provisions of law are in conflict, the provision which is more restrictive or imposes higher standards shall control.
- C. Private Provisions – These Rules are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that were the provisions of these Rules are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Rules shall govern.
- D. Severability – If any part or provision of these Rules, or the application of these Rules to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the 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 Rules or application of them to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Rules, even without any such part, provision, or application which is judged to be invalid.
- E. Saving Provision – These Rules shall not be construed as abating any action now pending under or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving the right of the State or County under any section or provision existing at the time of adoption of these Rules, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Rules.

- F. Amendments – For the purpose of protecting the public health, safety, and general welfare or for any other valid purpose, the Commissioners Court may, from time to time, amend these Rules at a public meeting following public notice in the manner prescribed by law.

Adopted and finally approved by unanimous vote of the Bosque County Commissioners Court, in regular session, on this the 15th day of May, 2023.

  
Cindy Vanlandingham, Bosque County Judge

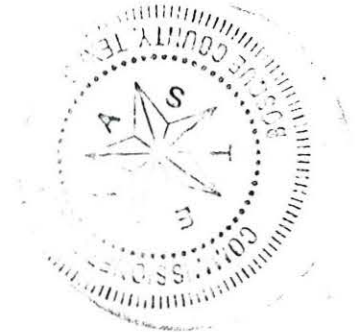
  
Billy Hall, Comm. PCT 1

  
Terry Townley, Comm. PCT 2

  
Larry Philip, Comm. PCT 3

  
Ronny Liardon, Comm. PCT 4

Attest:   
Tab Ferguson, Bosque County Clerk





**APPENDIX A**  
**ROAD CONSTRUCTION STANDARDS OF BOSQUE COUNTY**

## ROAD CONSTRUCTION STANDARDS OF BOSQUE COUNTY

### A. General Requirements

General requirements pertaining to subdivisions within Bosque County, Texas shall be as follows and shall, when appropriate, be reflected on the plat sought to be approved:

1. Unless otherwise approved by the Commissioners Court, provision must be made for the extension of existing dead-end streets within recorded adjacent subdivisions, if any. Proposed streets must conform to existing topography as nearly as possible in order to reduce drainage problems. Further, streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.
2. The minimum width of a street right-of-way within the subdivision shall be fifty (50) feet and the minimum width of a roadbed shall be twenty-six (26) feet with a four (4) Inch crown. (See TYPICAL SECTION Fig. I.)
3. The minimum gradient shall be four-tenths (0.4) percent and maximum gradient shall be twelve (12) percent. In addition to the requirement of a fifty (50) foot width for right-of-ways, and land adjacent to the right-of-ways must have a minimum of a three-to-one (3:1) slope (cuts and fills).
4. The road right of-way shall be cleared of trees and roots and the road bed graded up to an approved level and said road must have U-TYPE bar ditches. (Curb and Gutter-Type streets may be required in certain instances and may be substituted at any time, if desired.)
5. Drainage Pipe: The developer will be required to install corrugated metal pipe culverts according to the drainage plan submitted and approved by the commissioners Court. Grading at all culverts will be on a 3-1 slope (See Fig. 3 Typical Section).
6. The road sub-grade must be graded to the finished sub- grade level. The sub-grade shall be inspected and where the plasticity index (P.I.) of the raw sub-grade is 20 or less, the top 6 inches of sub-grade shall be scarified, mixed and re-compacted to a minimum of 95% of the maximum density as determined by TxDOT test method Tex -113 B at a moisture content between 2% below and 4% above the optimum

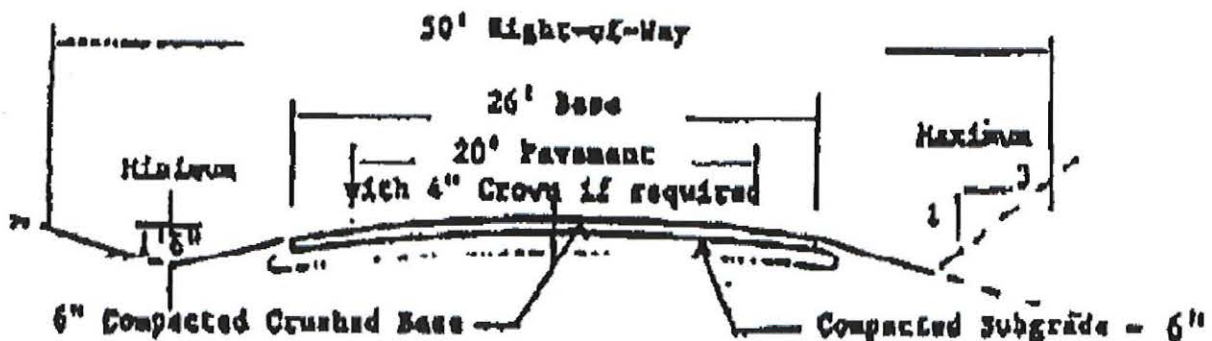


moisture content. Where the P.I. of the raw sub-grade is greater than 20, the top 6 inches of the sub-grade shall be stabilized with Hydrated Lime Slurry at a rate of 27 lbs. of Hydrated lime per square yard and compacted to 95% of maximum density as determined by TxDOT Test method Tex 121, Part II. Lime slurry shall be type B as defined in TxDOT Item 264, "Lime and Lime slurry and placement shall conform to TxDOT Item 260, "Lime Treatment for Materials Used as sub-grade" (Road Mixed)

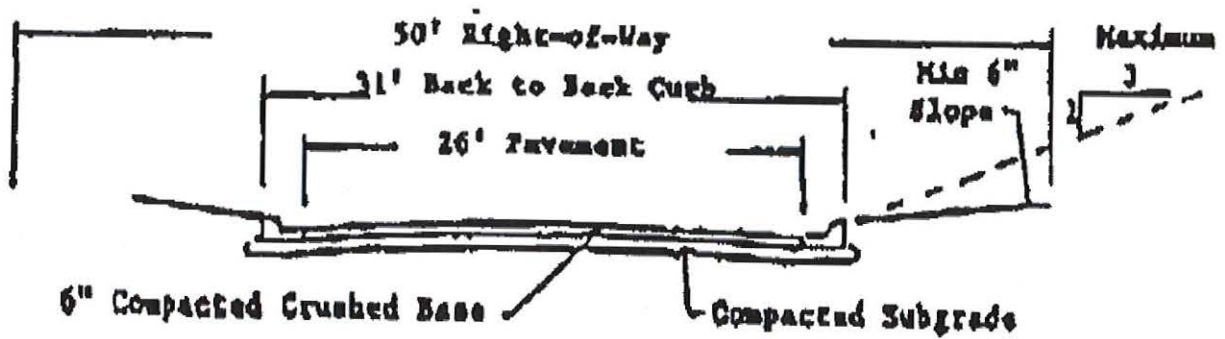
7. All embankment constructed under streets and roadways shall be constructed in layers not exceeding 8" in compacted thickness and shall be compacted to 95% of maximum density as determined by TxDOT Test Method Tex -113-E at a moisture content between 2% below and 4% above optimum moisture.
8. Flexible Base: After sub-graded has been completed and approved, the road bed shall be covered to a minimum width of twenty-six (26) feet and with a minimum compacted depth of 6" with crushed stone (TxDOT, Item 247, Grade A, number 2). The crushed stone shall be mixed, watered and compacted to a minimum 95% of maximum density as determined by TxDOT Test method Tex-113-E at a moisture content between 2% below and 4% above the optimum moisture content.

#### B. Roadway Sections

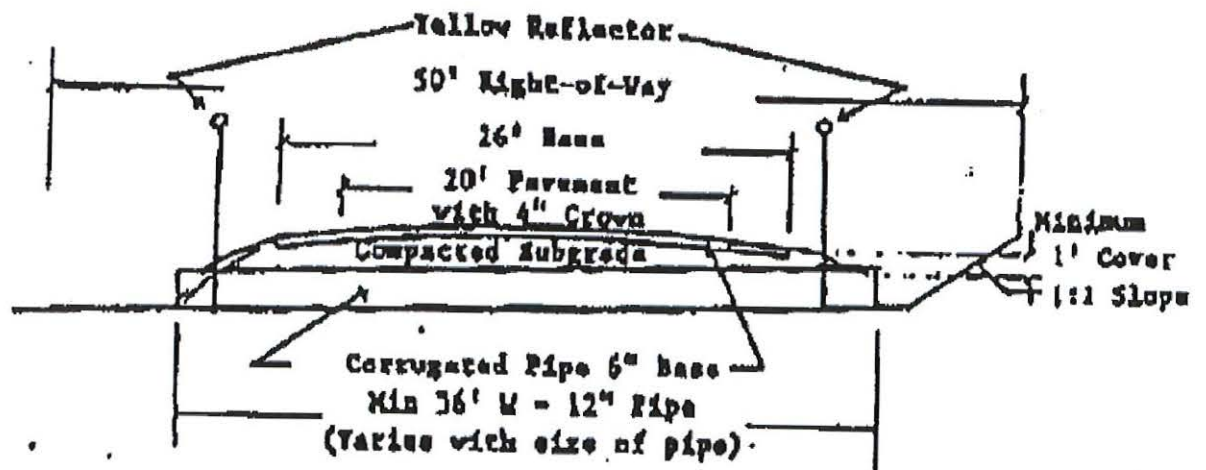
**TYPICAL SECTION – COUNTY ROAD  
FIGURE I**



TYPICAL SECTION - COUNTY ROAD  
FIGURE II



TYPICAL SECTION - COUNTY ROAD  
FIGURE III





**APPENDIX B**

**PROSPECTIVE BUYERS LETTER**



**BOSQUE COUNTY TEXAS  
COMMISSIONERS COURT**

Greetings,

Thank you for your interest in purchasing property in Bosque County. We think you'll find our style of living to be comfortable and affordable.

Life in rural parts of the state present unique challenges not found by our urban neighbors. this letter is meant to highlight some of these issues so you have a better understanding of the basic needs. The following is a list of questions you need to consider before purchasing property.

3. Is this subdivision on a school bus route?
4. What will be the source of water? If a well must be dug, how much additional cost will be added?
5. What will I do with my Garbage?
6. What are the sewage plans? If you must install a septic system how much will it cost?
7. What will be the source of electrical power and when will it be available? also, how much will it cost?
8. Who is responsible for putting in my driveway and drainage pipes, if necessary, between the road and property?
9. Is there any danger of this property flooding?
10. Is this property on a rural mail route?
11. What is to be done about fences?
12. Have the floodplain areas been marked on your prospective purchase plat?
13. Has the Bosque County Commissioners Court approved this subdivision?

Bosque County Commissioners are delighted you have chosen Bosque County to be your home and want to make the transition as pleasant as possible.

Bosque County Judge



**APPENDIX C**  
**PLAT APPLICATION**

