MILAM COUNTY

SUBDIVISION AND DEVELOPMENT REGULATIONS

TABLE OF CONTENTS

ARTICLE I 1
1. Preamble and Purpose 1

ARTICLE II 3
2. Definitions 3
2.1 Acre 3
2.2 Applicant 3
2.3 Commissioners Court 3
2.4 County 3
2.5 County Clerk 3
2.6 Development 3
2.7 Final Plat 3
2.8 Lot 3
2.9 Original Tract 3
2.10 Owner 3
2.11 Permitted Street 3
2.12 Preliminary Plat 3
2.13 Regulations. 3
2.14 Subdivision 3

ARTICLE III 4
3. General Subdivision Requirements 4
3.1 General Requirements 4
3.2 Subdivision Approval Process 5
3.3 Transmittal Materials 5
3.4 Communication with Precinct Commissioner 5
3.5 Application Materials 5
3.6 Record Plat 6
3.7 Application Review Periods 6
3.8 Technical Review Procedure 6
3.9 Application Fees 7
3.10 Subdivisions within ETJ of a Municipality 7
3.11 Wastewater and Development Permits 7
3.12 Water Availability Requirements 7

ARTICLE IV 9
4. Exemptions 9
4.1 Exempted Subdivisions 9
4.2 Registration 10
4.3 Certificate of Exemption 10

ARTICLE V 11
5. Preliminary Plat 11
5.1 Information 11

5.2 Street Design 14
5.3 Drainage 14
5.4 On-Site Sewage Rules 14
5.5 Approval of Preliminary Plat 14
5.6 Construction Activities 14
5.7 No Conveyance of Lots 14
5.8 Expiration 14

ARTICLE VI 15
6. Final and Record Plat 15
6.1 Information 15
6.2 Standard for Approval 16
6.3 Approval of a Final Plat 16
6.4 Additional Requirements for County Maintained Streets 16
6.5 Additional Requirements for Streets to be Maintained by a Homeowners Association 17
6.6 Record Plat 17

ARTICLE VII 18
7. Street Design and Construction 18
7.1 Permitted Streets 18
7.2 Dedication to Public 19
7.3 Design of Public Improvements 19
7.4 Access to Permitted Streets, Flag Lots 19
7.5 Commercial Driveways 19
7.6 Shared Access Driveways 19
7.7 Publicly Maintained and Dedicated Paved Streets 20
7.8 Privately Maintained Unpaved Streets 21
7.9 Privately Maintained Paved Streets 21
7.10 Permit Required for Construction in Right of Way 22

ARTICLE VIII 22
8. Acceptance of Road Maintenance and Development Permits 22
8.1 Owner's Maintenance Responsibility 22
8.2 County Acceptance of Maintenance 22
8.3 Performance Bond 24
8.4 Installation of Utility Lines 24
8.5 Temporary Construction Erosion Controls 24
8.6 Construction of Roads Prior to Final Plat 24

ARTICLE IX 25
9. Water and Wastewater Standards 25
9.1 Compliance with On-Site Sewage Rules 25

ARTICLE X 25
10. Drainage and Flood Control 25

10.1 Storm Water Runoff into County Drainage Facilities 25
10.2 Sizing of Drainage Facilities 25
10.3 Conveyance of 100-Year Storm Frequency Flows 25
10.4 Completion of Drainage System Prior to Acceptance of Road Maintenance 25
10.5 Drainage Design Methodology 26
10.6 Easements. 26

ARTICLE XI 26
11. Revision and Cancellation 26
11.1 Revision 26
11.2 Review Period 27
11.3 Public Notice 27
11.4 Criteria for Approval 27
11.5 Cancellation 27

ARTICLE XII 28
12. Variances 28
12.1 Criteria for Variance 28
12.2 Application Materials 29
12.3 Discretion to Grant Variances 29

ARTICLE XIII 29
13. Enforcement; Penalties 29
13.1 Category of Offense 29
13.2 Enforcement Actions 29
13.3 Enforcement of Plat Notes 29
13.4 Severability 29

APPENDIX I 32
APPENDIX II 33

July 14, 2008

If a developer has a tract of land that has been surveyed by a registered professional surveyor prior to July 14, 2008, for the purpose of resale, that property will be grandfathered, if the developer submits an affidavit from the surveyor for court approval on or before 10 A.M. on August 11, 2008.

MILAM COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS

ARTICLE I

1. Preamble and Purpose

1.1 These Subdivision and Development Regulations have been adopted by Order of the Milam County Commissioners Court to provide a framework for the orderly and efficient development of rural Milam County.

1.2 These Subdivision Regulations have been adopted based on the following findings:

a) The Commissioners Court of Milam County has the authority to regulate the subdivision process pursuant to Local Government Code, §232.001 et. seq;

b) The Commissioners Court of Milam County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Milam County and these Regulations are a necessary component of such regulation;

c) The Commissioners Court of Milam County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Milam County;

d) The Commissioners Court of Milam County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations within the County and to regulate associated development;

e) The Commissioners Court of Milam County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances or injury to public health;

f) The Commissioners Court of Milam County has the authority and obligation to protect the public health, safety and welfare of the citizens of Milam County;

g) These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to Tex. Rev. Stat. Ann. Art. 2352 (general control over all roads, highways and bridges), Tex. Rev. Stat. Ann. Art. 6702-1 (authority to adopt and implement a system for the laying out, opening, altering and discontinuing of roads), Tex. Rev. Stat. Ann. Art. 6626a (regulations of roads and streets and other facilities to

control drainage and storm water runoff within real estate subdivision developments), Tex. Rev. Stat. Ann. Art. 4477-8 (county solid waste disposal systems), Tex. Rev. Stat. Ann. Art. 1443, 1443a and 1436b (regulation of water and gas utility lines within county right-of-way), Tex. Rev. Stat. Ann. Art. 4477-7e (authority to adopt standards for on-site sewerage facilities), Tex. Rev. Stat. Ann. Art. 4477-9a (regulation of public highways for litter control), Tex. Local Gov't Code Ann. Section 232.001, et seq. (authority to adopt and enforce subdivision regulations and require plat approval), Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities), Tex. Health and Safety Code Ann. Sections 366.032 and 368.011 (authority to adopt rules relating to on-site sewerage facilities), Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Tex. Water Code Ann. Section 16.311, et seq. (authority to set standards for construction within floodplain and to guide development of future development to minimize damage caused by floods), Tex. Water Code Ann. Section 54.2271 (regulation of municipal utility districts), Tex. Water Code 26.032 (authority to adopt rules to prevent pollution or injury to public health arising from use of on-site sewerage facilities), and Tex. Water Code Sections 26.171 and 26.175 (regulation of water quality by counties);

h) The Commissioners Court has considered the potential burden on landowners and taxpayers of substandard development or poor quality road construction;

i) These Regulations are enacted to preserve and protect the resources, public health and private property interests of Milam County.

1.3 The Commissioners Court of Milam County, following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

ARTICLE II

2. Definitions. All capitalized terms used in these Regulations shall have the meaning ascribed to them in this Article II.

Acre – A unit of area equal to 43,560 square feet.

Applicant – An Owner or its authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.

Commissioners Court – The Commissioners Court of Milam County.

County – Milam County, Texas.

County Clerk – The County Clerk of Milam County.

Development – All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces.

Final Plat – A map of a proposed Subdivision of land prepared in a form suitable for filing of record with all necessary survey drawings, notes, information, affidavits, dedications and acceptances as required by these Regulations.

Lot – Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract.

Original Tract – The original tract of land owned by an Owner prior to the proposed Subdivision.

Owner – The owner of the land subject to the proposed Subdivision.

Permitted Street – As defined in Section 7.1.

Preliminary Plat – A map of proposed Subdivision of land showing the general dimensions and boundaries of each Lot, the layout of the proposed streets, drainage improvements, utility infrastructure, if any, easements, and other information required by these Regulations.

Regulations – The Milam County Subdivision and Development Regulations.

Subdivision – The division of a tract of land situated within Milam County and outside the corporate limits of any municipality into two or more parts and calling for or related to the laying out of any of the following: (i) roads or streets, (ii) alleys, (iii) squares, (iv) parks, (v) public utility easements, (vi) public rights of way, (vii) drainage improvements, (viii) other parts of the tract intended to be dedicated to public use, or accepted for maintenance by the County, (ix) or parts of the tract intended for the common use of purchasers or owners of lots fronting on or

adjacent to such streets, alleys, squares, parks, public utility easements, public rights of way, drainage improvements or other parts.

a) A division of a tract under this subsection 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 deed or other executory contract to convey, or in a lease (other than agricultural and hunting leases), or by using any other method of a conveyance of an interest in land.

b) A division of land shall be considered as relating to the laying out of streets, whether public or private, if:

1) The division occurs prior to the later to occur of: two (2) years from the date of the completion of construction of any street onto which the Lot has frontage or, in the case of public streets, the expiration of the performance or maintenance bond for any such street;

2) The division of land creates one or more Lots without practical, physical vehicular access onto a Permitted Street or with less than fifty feet (50') of direct frontage onto a Permitted Street or calls for driveways onto Permitted Streets that are spaced fewer than fifty feet (50') apart;

3) The division of land will affect drainage on, in or adjacent to a public street or any county drainage ditch, swale, culvert of other drainage facility; or

4) Other circumstances exist which, in the determination of the Commissioner of the affected precinct, cause such division of land to be related to the laying out of streets or related to drainage for any street or road to which any Lot has access.

It is the intent of the Commissioners Court of Milam County that the term "subdivision" be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

ARTICLE III

3. General Subdivision Requirements

General Requirements. Any Owner who subdivides a tract of land shall:

a) Comply in all respects with these regulations; and

b) Prepare and submit to the Commissioners Court an application for approval or registration of the proposed Subdivision in accordance with the terms and procedures set forth in these regulations.

Subdivision Approval Process. No Subdivision shall be permitted until the Owner has satisfied each of the following steps in the order indicated:

a) Approval of Preliminary Plat by the Commissioners Court.

b) Approval of Final Plat by the Commissioners Court.

c) Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.

Transmittal Materials. All submissions to the Commissioners Court pursuant to these Regulations, including amendments or supplemental materials, shall be delivered to the County and shall be accompanied by a letter of transmittal indicating:

a) the name, address and phone number of the Owner and, if different, the developer or applicant;

b) the name, address and phone number of any person submitting the materials on behalf of the Owner;

c) the name of the proposed Subdivision;

d) the size and location of the Original Tract or, if a reference number has previously been assigned, the reference number of the Subdivision application; and

e) a detailed description of the requested actions.

Communication with Precinct Commissioner. The owner or its agent is recommended to contact the Commissioner in whose precinct the proposed Subdivision is located prior to the submission of the initial application for approval of the Subdivision.

Application Materials. Each application for Preliminary Plat or Final Plat shall include the following:

a) Eight 18" x 24" blue line copies of the Preliminary Plat or eight 18" x 24" original copies of the Final Plat provided that the County may require up to four additional copies of the Preliminary Plat;

b) The applicable application fee;

c) A tax certificate showing that all taxes currently due, with respect to the Original Tract have been paid;

d) A completed application form in the current form promulgated by the County; and

e) All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit.

f) Any subdivision proposal with more than 5 lots shall be required to set at least 2 ground control GPS points with coordinate values listed in the Texas State plane coordinate system central zone. Said points to be brass caps set in concrete a minimum of 1 foot in diameter at least 3 feet deep.

Record Plat. Two duplicate 18" x 24" photographic process mylar of archival quality shall be presented to the County Clerk for recording as the Record Plat. All writing and drawings on the Record Plat must be large enough to be easily legible following recording. Submittal of the final plat shall also include a copy of the drawing in digital format. (DWG. Or DGN.files)

Application Review Periods. The County review period for an application for a Preliminary Plat or Final Plat shall begin on the first business day after a completed application is submitted and shall expire after (30) business days.

a) An application for a Preliminary Plat or Final Plat shall be deemed to be complete for purposes of this Section 3.7 when all of the materials required under Section 3.5 are delivered to the County in accordance with Section 3.3 together with:

   i. for Preliminary Plats, those items required in Article V, and;

   ii. for Final Plats, those items required in Article VI.

Technical Review Procedure. Upon receipt of a completed application, the County shall conduct a technical review of the Application and make a recommendation to the Commissioners Court as to whether the application is in compliance with these Regulations.

a) In the event the County determines that the Application is not complete, then the County shall provide the Applicant with written comments detailing the outstanding or deficient items.

b) Upon receipt of the County's written comments, the Applicant shall submit to the County additional information or a revision to the Application, together with a written response to each comment of the County. The Applicant may request that the application be forwarded to the Commissioners Court without addressing the County's comments, in which event the County will make its recommendation and itemize the deficient or outstanding items for the Commissioners Court.

c) The County may review any supplemental materials submitted by an Applicant until the expiration of twenty (20) working days after such supplemental materials were submitted to the County.

d) All Applications whose technical review period expired on or before Wednesday of any week, shall be posted by the County for consideration by the Commissioners Court at the next regularly scheduled meeting of the Commissioners Court. The County may post an Application for consideration at any time prior to the expiration of the review period if the review process has been completed.

e) The County shall forward the results of its technical review and its recommendations with respect to the Application to the Commissioners Court.

Application Fees. The Applicant shall pay a non-refundable fee in the amount set forth in Schedule 1 of these Regulations together with each Application for a Preliminary Plat and Final Plat approval. Schedule 1 may be amended from time to time by the Commissioners Court without amending or affecting the remainder of these Regulations.

Subdivisions within ETJ of a Municipality. Whenever an Original Tract lies within the extraterritorial jurisdiction of a municipality and is subject to the subdivision regulations of such municipality, the applicant should obtain approval of the application from the municipality.

Wastewater and Development Permits. The County shall issue no On-Site Sewage Facility or development permit on any parcel of land unless that property is in compliance with all the requirements of these Regulations and the Milam County Rules for On-Site Sewerage. For current Rules for On-Site Sewer Regulations contact Milam County designated representative of said Regulations. Exceptions being:

a) A division of land occurring before June 1, 1984 shall be considered grand fathered;

b) A complete application for subdivision approval received by the County prior to the effective date of these Regulations shall be considered solely on the basis of the Regulations in effect at the time the complete application was received by the County.

Water Availability Requirements. While these rules are intended to preserve and protect the water resources of Milam County, the Commissioners Court of Milam County does not make any warranty – express, implied, or otherwise – that subdivisions that comply with these rules will be able to meet the water needs of those purchasing lots within the subdivision.

Applicability: This section shall apply to all individuals seeking plat approval from the Milam County Commissioners Court.

Exemptions:

a) All subdivisions of five lots or less in which all lots average at least 2 acres each.

b) All subdivisions of ten lots or less in which all lots are larger than ten acres.

c) All subdivisions in which all lots are restricted by plat note to be served only by rainwater collection or surface water sources.

d) All subdivisions of property for the purpose of conveyance to family members up to the second degree of consanguinity in which all lots average at least 2 acres, and in which each lot is to be used only for their personal single family residence.

Requirements:

1. Subdivisions to be served by individual private water wells:

   Use of existing wells will be permitted if the wells fully meet these regulations. Well analyses shall be performed by a State of Texas Registered Professional Engineer or Hydro geologist, qualified to perform the hydro geological testing, geophysical well logging and aquifer pump testing. The following information shall be provided to Commissioners Court for each well tested.

   a) Identify the hydro geological formation by well driller's log and approved geophysical logging methods. Provide a map and list of all known wells within 1,000 feet of the proposed subdivision boundaries (or a distance where measurable draw-down effects from the proposed subdivision well are expected). Each well is to be located by latitude and longitude.

   b) Obtain the static water level to the nearest one tenth foot and equate to the mean sea level elevation. Milam County reserves the right to maintain selected monitor well sites for long-term data acquisition of static water levels in order to track regional water level trends. The test and monitor wells shall contain a one inch plug to facilitate possible future water level monitoring.

   c) The bacterial and chemical analysis of the test well as required for public water supplies.

   Individuals marketing these subdivision lots shall provide each purchaser with a summary of all the above referenced data.

2. Subdivisions to be served by TCEQ permitted public water supplies:

   Individuals proposing to serve a new subdivision by a public water supply system shall provide to Commissioners Court the following information:

a) Certification that the public water supply system has sufficient capacity and acceptable water quality to serve all the proposed development for the subdivision.

b) A map identifying the service boundaries of the public water supply as authorized in their Certificate of Convenience and Necessity.

c) A projection of the annual water usage generated by the new subdivision at build-out.

d) When new wells are being constructed to serve a TCEQ permitted water supply, provide a map and list of all known wells within 1,000 feet of the proposed subdivision boundaries (or a distance where measurable draw-down effects from the proposed subdivision wells are expected).

ARTICLE IV

4. Exemptions

4.1 Exempted Subdivisions. The following subdivisions shall be exempt from Section 3.2 and shall not be required to obtain plat approval under these regulations:

a) Any division of land in which all the lots of the subdivision are more than 10 acres in area and the owner does not lay out a part of the tract as described by Section 232.001 (a)(3) of the Texas Local Government Code.

b) Any division of land into four or fewer parts in which the owner does not lay out a part of the tract as described by Section 232.001 (a)(3) of the Texas Local Government Code 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, Texas Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner in the third degree by consanguinity or affinity, the platting requirements of these regulations shall apply.

c) Any division of land in which the owner does not lay out a part of the tract described by Section 232.001 (a)(3) of the Texas Local Government Code and 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 timer production use within meaning of Section 1-d-1, Article VIII, Texas Constitution, however, if any tract described herein above ceases to be used primarily for agricultural use or for farm, ranch, wildlife management or timber production use, the platting requirements of these regulations shall apply.

d) Any division of land in which the owner does not lay out a part of the tract as described by Section 232.001 (a)(3) of the Texas Local Government Code if all the lots are sold to veterans through the Veterans' Land Board Program.

e) The provisions of this article 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 or of any political subdivision thereof unless the subdivision lays out a part of the tract described by Section 232.001 (a)(3) of the Texas Local Government Code.

f) Any division of land in which the owner does not lay out a part of the tract described by Section 232.001 (a)(3) of the Texas Local Government Code and 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 article.

g) Any division of land in which the owner does not lay out a part of the tract described by Section 232.001 (a)(3) of the Texas Local Government Code and 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 said tract.

4.2 Registration. An Owner whose subdivision is exempt from the platting requirements of these Regulations shall register the division with the County Clerk and submit the following to the County Clerk:

a) A duplicate copy of the conveyance instrument, with legible metes and bounds description attached there to;

b) A survey plat prepared by the registered professional land surveyor showing the boundaries of the Lots, adjacent roads and adjacent property owners;

4.3 Certificate of Exemption. On request of the Owner, the County shall issue a certificate for presentation to the County Clerk certifying that the division of land is exempt from any platting requirements.

ARTICLE V

5. Preliminary Plat

Information. A proposed Preliminary Plat shall include the following:

a) General Information

1) Name of the proposed Subdivision, which shall not be the same or deceptively similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision.

2) The boundary lines and total acreage of the Original Tract and the Subdivision.

3) A note stating the total number of Lots within the proposed subdivision and the average size of Lots, and the total number of Lots within the following size categories: 10 acres or larger, larger than 5.0 acres and smaller than 10 acres, 2.00 acres or larger up to 5.00 acres, larger than 1.00 acre and smaller than 2.0 acres and smaller than 1.00 acre.

4) Approximate acreage and dimensions of each Lot.

5) The location of any proposed parks, squares, greenbelts, schools or other public use facilities.

6) Names of adjoining subdivisions or owners of property contiguous to the proposed Subdivision.

7) Name and address of the surveyor and/or engineer.

8) Name and address of the Owner, and developer or applicant if not the Owner.

9) Area map showing general location of Subdivision in relation to major roads, towns, cities or topographic features.

10) North arrow, scale and date. The scale shall not exceed 1" = 200'.

11) Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction of any city.

12) The location of school district boundaries and a statement clearly indicating in which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district then the plat shall

clearly state the number of acres within the Lot that lies within each school district.

b) Flood Plain and Drainage Information

1) Elevation contours at no greater than ten foot (10') intervals, based on NGVD '29 or '88 datum.

2) All Special Flood Hazard Areas identified by the most current flood Insurance Rate Maps published by the Federal Emergency Management Agency.

3) For each lot containing 100-year floodplain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a method satisfactory to the County.

4) For each subdivision containing 100-year floodplain, at least one benchmark showing NGVD '29 or '88 elevation, as well as latitude and longitude.

5) If any new roads or alleys are proposed, then a drainage plan depicting the anticipated flow of all drainage onto and from the subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100 year floodplain boundaries, ravines, bridges and culverts.

6) The location and size of all proposed drainage structures, including on-site retention or detention ponds and easements and the impact of lot and street layouts on drainage.

7) Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission on Environmental Quality in 30 Texas Administrative Code §213.3) and a statement certified by the surveyor or engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all such features in accordance with the terms of these Regulations.

c) Street and Right of Way Information

1) Location, length and right-of-way widths of all proposed streets and a depiction of how all proposed streets shall connect with previously dedicated, platted or planned streets within the vicinity of the Subdivision.

2) Location, size and proposed use of all proposed access easements, or Shared Access Driveways, if any.

3) A statement indicating whether the Applicant shall seek County maintenance of the roads or approval of a homeowner's association for road maintenance or designation of roads as private roads.

4) The number of feet of frontage of each Lot onto a Permitted Street.

5) A designation of the classification of each road or street to be constructed or existing streets abutting any Lot (County maintained curbed and guttered street, County maintained, or Private non - county maintained) as determined in accordance with Section 7.3 below.

6) Proposed location of all depth gauges, as required under Article 10, at all road crossings where the 100 year frequency flow or lesser frequency storm event is anticipated to flow over the road surface and any proposed gates or warning devices. Note: the Commissioners Court may require gates or warning devices at such locations.

7) If seeking access to public or state roads the driveway spacing should meet the current regulations for access driveways to state highways as published in TXDOT manual.

d) Water, Wastewater and Utilities Information

1) Designation of the entity supplying electric, phone and gas utilities to Lots, or a statement that such utility is not available.

2) The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable, twenty (20) foot utility easements shall be established on each side of all right of ways for proposed streets or roads.

3) Designation of the water and sewer utility provider for the Subdivision, if known, and the source of the water intended to serve each Lot within the subdivided area (i.e. surface water, ground water from a specified aquifer, etc.) or, if the source of water is not known, a statement to that effect.

4) Certification that all Lots have been designated in compliance with the rules of Milam County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Milam County On-Site Sewage Rules and any request for a variance under the Rules of Milam County for On-Site Sewage Facilities.

Street Design. A proposed Preliminary Plat shall satisfy the requirements of Article VII relating to design of streets and shall contain a written certification from a Registered Professional Engineer that the location and dimensions of streets as set forth and laid out on the Preliminary Plat are in accordance with these Regulations.

Drainage. If any new roads or alleys are proposed, then a proposed preliminary plat shall satisfy the requirements of Article X relating to Drainage and shall contain a written certification from a Registered Professional Engineer stating that the location and approximate sizes of the drainage structures set forth in the Preliminary Plat are in accordance with the County's Drainage Design Criteria.

On-Site Sewage Rules. A proposed preliminary plat shall satisfy the requirements of the Rules of Milam County for On-Site Sewage Systems.

Approval of Preliminary Plat. The Commissioners Court shall approve a Preliminary Plat if it satisfies each of the requirements set forth in Article V and all other provisions of these Regulations.

Environmental Regulations:

A proposed preliminary plat shall satisfy the requirements of the rules of:

1) The Unites States Fish and Wildlife Service and/or the Texas Parks and Wildlife Department and/or the E. P. A. and

2) Any other person or political subdivision whose approval will be required before construction can begin.

Construction Activities. Approval of a Preliminary Plat does not authorize any construction or Development activities, except as permitted in Section 8.6 below, but merely authorizes the Applicant to proceed with the preparation of a Final Plat.

No Conveyance of Lots. Conveyance of lots depicted on a Preliminary Plat shall not be permitted until the Final Plat has been approved and the Record Plat filed with the County Clerk.

Expiration. Approval of a Preliminary Plat shall expire and be of no further force and effect in the event a Final Plat for a portion of the Subdivision is not filed within twelve (12) months following the date of the Commissioner's Court approval of the Preliminary Plat.

ARTICLE VI

6. Final and Record Plat

Information. A proposed Final Plat shall comply with the requirements of the approved Preliminary Plat and shall include the following:

a) General Information

1) Bearings and dimensions of the boundary of the Subdivision and all Lots, parks, greenbelts, easements or reserves. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated as required by Texas Board of Professional Land Surveying.

2) Description of monumentation used to mark all boundary, lot and block corners, and all points of curvature and tangency on street rights-of-way.

3) Location of original survey line. The subdivision shall be located with respect to an original corner of the original survey of which it is part.

4) Lot and block numbers for each Lot.

5) Acreage of all Lots, calculated to the nearest one-Thousandth of an acre.

b) Flood Plain and Drainage Information

1) For subdivisions containing 100 year floodplain, benchmarks and finished floor elevations of each lot in accordance with the Milam County Flood Damage Prevention Ordinance.

2) For each subdivision containing 100 year floodplain, the two monuments required in section 3.5(f) will have elevations listed in NGVD 1988 or newer datum.

c) Street and Right of Way Information

1) Total length of all streets, to the nearest one-tenth mile, and a declaration as to which category of streets will be constructed, as described in Section 7.7 (paved, public streets to be maintained by the County), Section 7.8 (unpaved, private streets to be maintained by an approved homeowners association) or Section 7.9 (paved, private streets maintained by an approved homeowners association).

2) Total area of all rights-of-way to be dedicated to the public.

3) The items required under Section 6.4 (County Maintained Streets) or Section 6.5 (Homeowner Association Maintained Streets), as applicable.

4) The following statement shall appear prominently on the Final Plat: "In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless (a) Approved by TXDOT on State roads or the Commissioner in whose precinct the proposed subdivision is located of Milam County. (b) the driveway satisfies the minimum spacing requirement for driveways set forth in Sections 7.4 and 7.5 of the Milam County Subdivision Regulations."

d) Water, Wastewater and Utilities Information

1) The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to an individual water supply or state-approved community water system. Prospective property owners are cautioned by Milam County to question the seller concerning ground water availability.

2) The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by Milam County."

e) Other Plat Notes and Certifications

1) The following statement shall appear prominently on the plat: "No construction or development within the subdivision may begin until all Milam County Subdivision and Development Regulations have been satisfied."

2) Certifications and Plat Notes.

Standard for Approval. The Commissioners Court shall approve a Final Plat if it satisfies each of the Requirements set forth in Articles VI, VII, VIII, IX and X.

Approval of a Final Plat. Approval of a Final Plat shall not authorize any construction or Development activities, except as permitted under Section 8.6 below, but merely authorizes the Applicant to proceed with preparation of a Record Plat.

Additional Requirements for County Maintained Streets. Concurrently with the filing of an application for Final Plat approval, an Applicant seeking to construct streets or drainage improvements that will be accepted by the County for maintenance, shall submit the following:

a) Construction Plans for all streets and drainage improvements within the subdivision and signage plans for all streets;

b) A certification under the seal of a Professional Engineer that the Construction Plans and pavement designs are in compliance with these Regulations;

c) The anticipated cost, per linear foot, of each street; and

d) The total estimated construction cost of all of the streets and drainage improvements proposed to be constructed within the subdivision.

Additional Requirements for Streets to be Maintained by a Homeowners Association. Concurrently with the filing of an application for Final Plat approval seeking approval of a homeowners association to maintain the streets within the Subdivision the Applicant shall submit the following:

a) Construction Plans for all streets and drainage improvements within the subdivision and signage plans for all streets;

b) Ready-for-execution copies of the articles of incorporation and bylaws of the homeowners association; and

c) The minimum annual assessments that will be imposed upon members of the homeowners association.

Record Plat. Within twelve (12) months following approval of the Final Plat, the Applicant shall present a Record Plat to the County for final approval and delivery to the County Judge for execution. The Record Plat shall contain, or be submitted with, the following:

a) All revisions necessary to comply with any conditions to approval of the Final Plat stipulated by the Commissioners Court;

b) Submissions satisfying one of the following:

i) Streets to be Constructed After Recording Plat. The Road Construction Security required under Section 8.3 with executed articles of incorporation and bylaws for an approved homeowners association, if applicable, together with any modifications made to the Signage Plans or Construction Plans following review by the County, certified under the seal of a professional engineer to be in compliance with these Regulations and approved by the Commissioner in whose precinct the proposed Subdivision is located; or

ii) Streets Constructed Before Recording Plat. A certification from the Commissioner in whose precinct the proposed subdivision is located that

all Permitted Streets reflected on the Record Plat have been constructed in accordance with the Regulations and inspected by the Commissioner in whose precinct the proposed Subdivision is located, together with As Built Plans for such streets, the Maintenance Bond described in Section 8.2 below, and executed articles of incorporation and bylaws for an approved homeowners association; if applicable;

c) All items required in Section 3.5 above, including filing fees and tax certificates; and

d) If the Record Plat is approved prior to completion of construction of all Permitted Streets, an acknowledgement that no Development Permit will be issued for any Lot until completion of sub-grade of the Permitted Street serving the Lot and, if applicable, installation of all underground utilities.

e) By submitting a Record Plat, the Owner acknowledges that he or she is aware of and will comply with all Orders of Milam County regarding construction and development in effect at the time the Subdivision application was submitted, including:

1) Order requiring all construction within County right-of-way, including driveways and drainage improvements and the cutting of any existing roads for installation of utilities, to obtain approval from the County prior to commencement, to be inspected prior to completion, prohibiting cutting of certain roadways within three (3) years of construction thereof and imposing fines for noncompliance.

ARTICLE VII

7. Street Design and Construction

7.1 Permitted Streets. All streets, whether maintained by the County or a homeowners association, shall be constructed in accordance with these Regulations and shall be classified as one of the three following types of streets (referred to collectively as "Permitted Streets"):

a) Publicly dedicated, paved and to be maintained by the County and constructed pursuant to Section 7.7;

b) Private, not paved and to be maintained by a Homeowners Association in perpetuity (or until constructed to then-applicable County standards for acceptance of maintenance, and accepted for maintenance by resolution of the Commissioners Court) and constructed pursuant to Section 7.8; or

c) Private, paved and to be maintained by a Homeowners Association in perpetuity (or until constructed to then-applicable County standards for

acceptance of maintenance, and accepted for maintenance by resolution of the Commissioners Court) and constructed pursuant to Section 7.9.

7.2 Dedication to Public. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right of way easement in the property to the County for public use. No dedication shall be effective until the Record Plat is recorded. In no event shall any private lot extend into a dedicated roadway.

7.3 Design of Public Improvements. All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets and to permit continuity of improvements to adjacent properties.

7.4 Access to Permitted Streets, Flag Lots. Except with respect to Lots served by Shared Access Driveways, each Lot shall have the minimum direct frontage onto a Permitted Street set forth below and Driveways shall be spaced no closer than the minimum space intervals set forth below, depending on the classification of road onto which the Lot has frontage and the driveway has access:

Road Classification	Minimum Direct Lot Frontage	Minimum Driveway Spacing
County-maintained, curbed and guttered	100'	20'
County-maintained	100'	25'
Private (non-county-maintained)	100'	25'

a) Incentive for Qualifying Lots. Qualifying Lots will be exempt from the minimum lot frontage and driveway spacing requirements specified above if approved by the County Commissioner in whose precinct the proposed Subdivision is located and Commissioners Court with due regard to safety concerns. A Qualifying Lot is any Lot that (i) is restricted by plat note to development of a single family residence, (ii) has direct access onto a Permitted Street and (iii) satisfies the minimum Lot size requirements set forth in the Rules of Milam County for On-Site Sewage Facilities.

b) Flag Lots. Flag lots shall generally not be permitted.

7.5 Commercial Driveways. Driveways serving commercial development shall be spaced at the minimum intervals of one hundred fifty feet (150').

7.6 Shared Access Driveways. Up to one (1) Lot without independent access to a Permitted Street may obtain access to a Permitted Street by means of a Shared Access Driveway if approved by the Commissioners Court. An additional two (2)

Lots having independent access to a Permitted Street 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, preserve the rural character of the land and avoid excessive infrastructure costs when such costs would provide little or no social benefit. Shared Access Driveways are not intended to serve as a substitute for interior roads. Excessive use of Shared Access Driveways will not be permitted. Any application proposing shared access driveways shall also satisfy the following requirements:

a) A plat note must be conspicuously displayed on the plat stating:

   i) No more than three single family residences may share use of the Shared Access Driveway and if any other Development of a Dwelling Unit occurs on any of the Lots obtaining access through the Shared Access Driveway, then such new Dwelling Unit must be constructed on a separately platted lot with direct frontage onto and physical access to a Permitted Street prior to construction of the Dwelling Unit. A duplex will not be considered a single-family residence for purposes of this sub-paragraph.

   ii) The homeowners of the Single Family Residences obtaining access through the Shared Access Driveway shall be solely responsible for all maintenance of the driveway, including maintaining any drainage structures associated with the driveway. The driveway must be maintained at all times in a condition that will permit unencumbered vehicular access by emergency vehicles.

b) Each of the Lots sharing the use of the Shared Access Driveway shall hold equal, indivisible and unrestricted rights in the Shared Access Driveway, which rights shall be established by 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 or repairs of the Shared Access Driveway.

c) The Shared Access Driveway shall be no longer than one-quarter mile in length and must have a minimum distance of (1) 200 feet from any other driveway entering onto the Permitted Street and (2) 500 feet from any other Shared Access Driveway.

7.7 Publicly Maintained and Dedicated Paved Streets. Paved streets dedicated to the public shall be required in all Subdivisions except those satisfying the criteria for unpaved streets or private streets, as set forth below. All such paved streets shall be designed and constructed in accordance with the specifications set forth in the Milam County Road Design and Construction Specifications. The boundary lines of all Lots fronting onto a publicly dedicated right of way shall be contiguous with the boundary of the right of way.

7.8 Privately Maintained Unpaved Streets. All unpaved streets shall be designed and constructed in accordance with the Milam County Road Design and Construction Specifications attached as Appendix II. Unpaved streets shall be permitted within a subdivision only if each of the following criteria are satisfied:

a) All Lots with frontage or access onto the street shall be 10 acres or larger in size.

b) The following note shall be conspicuously displayed on the Plat:

[Owner], by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Milam County shall have no obligation whatsoever to repair or accept maintenance of the roads shown on this subdivision until and unless [Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Milam County and the roads have been accepted for maintenance by formal, written action of the County Commissioners Court and the roadway, with all required right of way, has been dedicated by the owners thereof, and accepted by the County, as a public street. [Owner] and all future owners of property within this Subdivision shall look solely to the _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision;

c) Restrictive covenants establishing a homeowners association, responsible for the maintenance of the roads within the subdivision, and shall be placed of record concurrently with the recording of the Record Plat; and

d) Restrictive covenants shall be imposed on all of the Lots with frontage or access onto the unpaved road prohibiting any Regulated Development and the future re-subdivision of any tract onto lots smaller than ten acres unless the road is first constructed to the County's standards then in effect for paved roads and accepted for maintenance by the County.

7.9 Privately Maintained Paved Streets. All private streets shall be designed and constructed in accordance with the standards specified in the Milam County Road Design and Construction Specifications for paved, publicly dedicated streets. Private streets shall be permitted only within a Subdivision satisfying each of the following criteria:

a) All Lots within the Subdivision shall have an average size greater than 2 acres in size or the Commissioners Court shall have entered into an approved Development Agreement with the Owner regarding the development of a master-planned community of no fewer than twenty (20) residential lots;

b) The following note shall be conspicuously displayed on the Plat:

[Owner], by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that they Milam County shall have no obligation whatsoever to repair or accept maintenance of the roads shown on this subdivision until and unless [Owner] and/or the _____ Homeowners Association has improved the roadways to the then current standards required by Milam County and the roads have been accepted for maintenance by formal, written action of the County Commissioners Court and the roadway, with all required right of way, has been dedicated by the owners thereof, and accepted by the County, as a public street. [Owner] and all future owners of property within this Subdivision shall look solely to the _____ Homeowners Association for future maintenance and repair of the roads and streets shown on this Subdivision; and

c) Restrictive covenants establishing a homeowners association shall be placed on record concurrently with the recording of the Record Plat.

7.10 Driveways Fronting State Roadways. If a driveway fronts a state roadway it will be required permission of TXDOT in the form of a letter or permit.

ARTICLE VIII

8. Acceptance of Road Maintenance and Development Permits

Owner's Maintenance Responsibility. The Owner shall remain responsible for all maintenance and repair of streets within a subdivision until the Commissioners Court, by formal written action or Minute Order, accepts 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 street shall not be deemed to constitute acceptance of the streets for maintenance.

County Acceptance of Maintenance. The County shall accept a road or street for maintenance when the following conditions have been satisfied:

a) The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Record Plat for the road or street has been recorded and the associated right of way has been dedicated to the public pursuant to these Regulations;

b) The Owner has submitted a written request to the County. If the Owner is no longer available, i.e. has ceased to transact any business or, in the case of an individual, has died, any person owning property with frontage or access onto the street may submit written request;

c) A registered professional engineer has performed and approved all required inspections and tests at the completion of each phase of construction of the

street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the developer to coordinate all inspections and laboratory tests with a registered professional engineer and not to proceed with construction until proper inspections and tests have been obtained, as required by these regulations. Any laboratory tests and test holes shall be at the expense of the developer. In no event will any base be placed on the street until the sub grade has been approved in writing by the registered professional engineer and inspected by the Commissioner in whose precinct the proposed Subdivision is located;

d) A registered professional engineer has inspected the street no earlier than 30 days prior to the Commissioners Court's acceptance of the maintenance obligation and has submitted to the Commissioners Court an Inspection Report stating that:

   1) The street, 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 the inspection;

   2) The requirements of Section 10.4 below, regarding construction of drainage structures and driveway drain pipes, has been satisfied; and

   3) The Milam County Commissioner in whose precinct the proposed Subdivision is located recommends acceptance of the street by the Commissioners Court.

e) And following has occurred:

   i) Two (2) years has expired from the date that all streets, drainage (including drain pipes) and other public improvements in the subdivision were first completed and inspected by a registered professional engineer and

   ii) The Owner has posted with the County cash, bond or a letter of credit in a form approved by the County (a "Maintenance Bond") to secure the proper construction and maintenance of the roads prior to County acceptance thereof in an amount equal to 10% of the construction costs of the streets for a term of two (2) years following acceptance by the County. The Maintenance Bond will also secure the Owner's compliance with Section 6.6 (e) above. Before release of the Maintenance Bond, the Commissioner in whose precinct the proposed Subdivision is located shall inspect the roads or streets and the Owner shall remedy all deficiencies prior to release of the Maintenance Bond. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the Maintenance Bond for payment. Note: A Maintenance Bond must be posted, regardless of the date the streets or roads are accepted by the

County, for all streets or roads completed prior to the recording of the Record Plat.

Performance Bond. This section applies if the Owner desires to file a Record Plat prior to completion of construction of all Permitted Streets and inspection by the Commissioner. The Owner shall continue to be responsible for all other requirements set forth in Section 8.2 above.

a) With the permission of the Commissioners Court, the Owner shall post a good and sufficient surety bond or letter of credit in an amount equal to 100% of the estimated construction costs of the streets and roads. The Commissioners Court must individually approve each application to post such a performance bond and the performance bond shall remain in effect until the streets and roads and all associated drainage improvements have been accepted by the County for maintenance pursuant to Section 8.2 above.

b) Before release of the performance bond, the Commissioner in whose precinct the proposed Subdivision is located shall inspect the roads and the Owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs.

Installation of Utility Lines. All utility lines planned to be constructed under a paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored from right-of-way to right-of-way or to a point at least 4 feet beyond the edge of pavement and must be approved in advance by the Commissioner in whose precinct the proposed Subdivision is located, unless otherwise approved by the Commissioners Court. Within the right-of-way, all underground pipelines and phone lines shall be buried to a depth of at least three (3) feet below the bottom of the ditch line. All such pipelines, conduits, wires, and cables which cross roads shall be cased from right-of-way to right-of-way and have a marker on each side of the road identifying their locations. Split casing will be acceptable on any lines where it is acceptable by the owner of the pipeline in question. Gas pipelines do not require casings but should have a concrete cap.

Temporary Construction Erosion Controls. All construction of roads or streets, whether public or private, shall comply with the Temporary Construction Erosion Controls Manual.

Construction of Roads Prior to Final Plat. Upon approval of a Preliminary Plat, an Owner may apply to the Commissioner to commence construction of roads, streets, utilities and drainage structures within the right of way. This application will be granted upon the Commissioner's review and approval of the Construction Plans and other materials required in Sections 6.4 or 6.5, as applicable. An Owner wishing to construct road, street or other improvements prior to the recording of a Record Plat shall be required to post a Maintenance Bond upon recording of the Record Plat satisfying the requirements of Section 8.2(e)(ii) above.

ARTICLE IX

9. Water and Wastewater Standards

Compliance with On-Site Sewage Rules. All Lots must be designed in compliance with the Rules of Milam County for On-Site Sewage Facilities. Milam County has a minimum lot size of 1 acre for On-Site Sewage Facilities.

ARTICLE X

10. Drainage and Flood Control

Storm Water Runoff into County Drainage Facilities. Storm water runoff from any Development may not be released into any county drainage ditch, swale, easement, culvert or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. The Commissioner in whose precinct the proposed Subdivision is located may require the submission of additional materials at the time of the Preliminary or Final Plat application to assure the proposed subdivision will be in compliance with this Section.

Sizing of Drainage Facilities. All drainage facilities for residential (single family or duplex residences) subdivisions including ditches, drainage pipes, street curbs, gutter inlets, driveway or road culverts, and storm sewers shall be designed to intercept and transport runoff from the following frequency storm, based upon the classification of Permitted Street affected by the drainage structure, as set forth below. Based on a 10 year storm event calculation.

Drainage Facilities for Other Subdivisions. For all drainage facilities serving Lots not intended for use as single family or duplex development, drainage and all drainage facilities shall be designed by a Registered Professional Engineer according to 25-year storm event calculations.

Conveyance of 100-Year Storm Frequency Flows. In addition to 10.2 above, the drainage system shall be designed to convey all channelized or concentrated flows from a 100 year frequency storm within defined right-of-way or drainage easements, which shall not be narrower than twenty feet (20') in width.

Completion of Drainage System Prior to Acceptance of Road Maintenance. No streets will be accepted for maintenance by the County until all drainage structures, including drain pipes for all driveways constructed as of the acceptance date, have been (i) installed by the Owner or occupant(s) of the Lot(s) and (ii) inspected and approved by a registered professional engineer.

a) Incentive for Lots Larger than Five Acres. Not withstanding the preceding requirements, all county-maintained and private roads may be designed based on a ten-year storm frequency if all Lots in the subdivision are restricted by plat note limiting future development to one single family residence per Lot

and prohibiting TCEQ Regulated Development and the design of such drainage structures is approved by the County. All drainage construction will, however, be subject to the remainder of this Article 10. This incentive shall not apply to bridges.

b) A permanent depth gauge shall be placed at all road crossings where the 100 year frequency flow or lesser frequency is anticipated to flow over the road surface. The Commissioners Court may require installation of gates or warning devices at all or some of such locations.

c) All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street.

d) This Section 10.4 does not apply to driveway culverts.

Drainage Design Methodology. Computations by a registered professional engineer to support all drainage designs shall be submitted to the County for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

a) All computations of flood plains, culverts, channels, etc. shall be based on fully developed upstream conditions.

b) A drainage area of 64 acres or greater is required within a contributing watershed to create a "flood plain." For areas of flow with less than 64 acres of contributing area, no flood plain shall be defined; however, any concentrated flow necessitates the dedication of a drainage easement.

Easements.

a) All flood plains and concentrated flows for the 100 year storm frequency shall be contained within a dedicated drainage easement or right-of-way.

b) Development will be allowed within the flood plain or within a drainage easement only on a case by case basis, and in any event any structures constructed within the flood plain must be above the base floor elevation. No development whatsoever will be permitted in the floodway.

ARTICLE XI

11. Revision and Cancellation

Revision. The Owner of an existing lot or lots in a platted subdivision may submit an application to revise the portion of the existing plat affecting such Lots, unless prohibited by restrictive covenants or plat notes filed pursuant to these Regulations, by submitting the following to the County:

a) Ten 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 County clearly setting forth the desired amendment;

b) A statement giving the reason for the proposed revision;

c) A filing fee equal to $100.00, plus $25.00 per affected lot.

Review Period. The County shall have the review period established in Sections 3.7 and 3.8 above.

Public Notice. After the date the County posts the re-subdivision for consideration by the Commissioners Court, but before the application is considered by the Court, the applicant shall file proof that the Owner, at its expense, has delivered or published all notices required by Local Government Code Section 232.009, including:

a) A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the re-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 Local Government Code Section 232.009, the notice shall be published three (3) times during the period beginning on the 30th day and ending on the 7th day prior to the date of the Commissioners Court hearing; and

b) Delivery of notice of the application to all owners within the original subdivision by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

Criteria for Approval. The Commissioners Court may approve an application to revise a subdivision upon a finding that:

a) 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 and signed the revised plat; and

b) The plat as revised conforms to the requirements of the Regulations.

Cancellation. Any application to cancel an existing plat shall be submitted and considered in accordance with Article 232.008 of the Texas Local Government Code, which establishes, among other things:

a) The application shall be granted if it is shown that the cancellation of all or a part of the subdivision does not interfere with the established rights of any

purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation;

b) Notice of the application must be published in English in the County for at least three weeks before action is taken on the application;

c) Upon application of the owners of 75 percent of the property included in the subdivision, phase or identifiable part, the Commissioners Court shall authorize the cancellation upon notice and hearing as required under Local Government Code Article 232.008, provided that if the owners of at least 10 percent of the property affected file written objections with the Commissioners Court, the grant of an order of cancellation is at the discretion of the Commissioners Court; and

d) Establishing a certain private action for damages against the applicant for persons who protest unsuccessfully against a cancellation application.

In the event of any conflict or inconsistency between the summary set forth above and the actual terms of Article 232.008 of the Local Government Code, as amended, the terms of the Local Government Code shall control in all respects.

ARTICLE XII

12. Variances

Criteria for Variance. The Commissioners Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the Rules. Factors to be considered by the Court in evaluating a request for variance shall include:

a) The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted;

b) Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development;

c) That the granting of the variance will not be detrimental to the public health, safety and welfare, or injuries to other property or will not prevent the orderly subdivision of the land in the area in accordance with these Regulations; and

d) Whether there are special circumstances or conditions affecting the land or proposed development involved such that strict application of the provisions of these Regulations would deprive the applicant the reasonable use of his land and that failure to approve the variance would result in undue hardship to

the applicant. Pecuniary hardship, standing alone, shall not be deemed to constitute undue hardship.

Application Materials. Any person who wishes to receive a variance should apply to the County with a list of, and a detailed justification, for each variance requested.

Discretion to Grant Variances. The decision of the Court whether to grant or deny a variance is at its complete discretion, and will be final.

ARTICLE XIII

13. Enforcement; Penalties

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 Milam 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.

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:

a) Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; or

b) 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.

Enforcement of Plat Notes. The enforcement of plat notes or restrictions is generally the responsibility of the developer and other persons holding a property interest, whether in fee simple or by easement, in the subdivision. Plat notes shall reflect that the County may enforce any plat notes imposed pursuant to the Rules of Milam County for On-Site Sewage Facilities or Sections 6, 7 or 10 of these Regulations, any plat note limiting development to single family residences or prohibiting further re-subdivision of the tract in order to qualify for an incentive under these Regulations, or any plat note affecting County right of way or drainage or the public health, safety and welfare. Moreover, the Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction or connection of utilities or issuing of permits if the plat notes or restrictions have been violated.

Severability. In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, sections, appendices, or articles of

these Regulations. It is the express intent of the Milam County Commissioners Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

DATED _____

_____
Frank Summer, County Judge

_____
Clifford Whiteley, Commissioner, Pct. 1

_____
Kenneth Hollas, Commissioner, Pct. 2

_____
Dale Jaecks, Commissioner, Pct. 3

_____
Burke Bauerschlag, Commissioner, Pct. 4

_____
Barbara Vansa, County Clerk
Milam County, Texas

SCHEDULE I - APPENDIX I

MILAM COUNTY SUBDIVISION REGULATIONS
APPLICATION FEES

PRELIMINARY PLAT, WITH NO FLOOD PLAIN	$200, PLUS $10 PER LOT
PRELIMINARY PLAT, WITH FLOOD PLAIN	$500, PLUS $10 PER LOT
FINAL PLAT	$100, PLUS $5 PER LOT

APPENDIX II

Drainage

1. A drainage study shall be made by a Registered Professional Engineer on each road to insure proper drainage and, if necessary, additional right-of-way shall be obtained from adjoining property owners for drainage easement(s) as determined to be necessary by the Court and recommend in the drainage report. The drainage study shall be based on a 10-year frequency storm unless the Court will allow a lesser or require a greater storm frequency.

2. The exact dimensions and type of said permanent drainage, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision based on the drainage study and approved by the Court in its order granting or denying preliminary authorization of a subdivision plat or acceptance or refusal of a road dedication. (Culverts shall be minimum diameter of 18".)

The Texas Department of Transportation, Standard Specifications for Construction of Highways, Streets and Bridges (1993) are hereby adopted by the Milam County Commissioner's Court for the design and construction for any and all dedicated public roads to be maintained by Milam County, Texas. All roadways shall be designed and constructed based on Soil Investigation Report conducted by the Registered Professional Engineer.

A Registered Professional Engineer shall design all dedicated public roads. Construction of said roads shall be in accordance with the plans and specifications and approved by the Court.

The Court shall set the following minimums for the construction of dedicated roadways:

1. All dedicated roadways shall have a minimum fifty (50) foot right-of-way width.

2. The base crown shall be a minimum of twenty-four (24) feet with a 2% cross slope a minimum 20' pavement.

3. Roadway surface shall be a prime coat and two-course surface treatment or the roadway surface may consist of a prime coat and one course surface treatment placed prior to the placement of a minimum of a one and one half (1 ½) inches of hot mix asphaltic concrete pavement.

4. Minimum engineered 10-year life span road.

Facility Planning for Developing New Lots

All proposed land developments, whether platted or not, which will utilize On-Site-Sewage Facilities (OSSF) must submit to the permitting authority, planning materials to evaluate the development for overall site suitability. Planning materials must at a minimum contain the following:

- Overall site plan
- Topographic map
- 100 year flood plain map
- Soil profile analysis with a complete report detailing the types of OSSF's to be considered and their compatibility with area wide drainage and groundwater
- Comprehensive drainage and 100-year flood plain impact
- Planning materials must address suitable potential replacement areas for OSSF's
- Subdivisions utilizing individual water supply wells and OSSF's shall show the location of all existing and proposed water wells and a 100 foot radius sanitary control easement around each well
- All lots must meet minimum lots size requirements (Roadway easements and rights-of-way are excluded when calculating acreage)

This office will provide a response to the submitted planning material within 45 days of receipt of the complete submission.