BRAZOS COUNTY
COMMISSIONERS' COURT
ACTION FORM

DEPARTMENT **Road and Bridge** DEPT. NUMBER **56001000**

DATE OF COURT MEETING: July 5, 2016

ITEM: Consider and take action on adoption of revised Subdivision and Development Regulations for Brazos County.

SOURCE OF FUNDS: N/A

SUBMITTED BY:

R. Alan Munger, P.E.

R. Alan Munger, P.E., County Engineer

APPROVED BY:

Commissioner Lloyd Wassermann, Pct. 1

Commissioner Sammy Catalena, Pct. 2

Commissioner Kenny Mallard, Pct. 3

Commissioner Irma Cauley, Pct. 4

This Request is [/] APPROVED / DENIED [ ] by Commissioners' Court

E. Duane Peters, County Judge

7/5/16

Date

Brazos County Subdivision Regulations

EFFECTIVE DATE: JULY 5, 2016

RESOLUTION & ORDER

These Regulations shall be known as the Brazos County Subdivision Regulations ("Regulations"). This document supersedes and replaces all previous versions of Brazos County Subdivision Regulations.

These revised Regulations, as well as required review fees as itemized in the Fee Schedule in Appendix B, shall apply to all new Applications as herein defined, received on or after the date these Regulations were adopted by the Brazos County Commissioner's Court. Any Applications that were originally submitted prior to that date shall be subject to the Regulations that were in effect at the time of the original submission.

Compliance with these Regulations shall be prerequisite to the approval of any Subdivision by Brazos County, except insofar as they may conflict with any applicable state statute.

ACKNOWLEDGEMENTS

The following individuals contributed to the preparation and adoption of these Regulations:

BRAZOS COUNTY COMMISSIONERS COURT

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TABLE OF CONTENTS

Resolution and Order 2

Acknowledgements 3

Table of Contents 4

ARTICLE 1. General Provisions 7

Section A Authority 7

Section B Purpose 7

Section C Interpretation 8

Section D Coordination with other Jurisdictions 8

Section E Invalidity 8

Section F Health Issues 9

Section G Effective Date 9

Section H Compliance Required 9

ARTICLE 2. Definitions of Terms 10

Section A Definitions 10

ARTICLE 3. General Subdivision Requirements and Exceptions 22

Section A Subdivision of Property 22

Section B Exceptions to Plat Requirement 22

Section C Requirements for Exempted Property 23

Section D Loss of Exception 23

Section E Political Subdivisions 23

ARTICLE 4. General Platting Procedures 24

Section A Plat Application Procedures and Requirements 24

Section B Procedure Summary 26

Section C Subdivision Development Procedure Charts 26

Section D Brazos County Contacts 29

ARTICLE 5. Plat/Plan Types 31

Section A Types of Plat/Plans 31

ARTICLE 6. Subdivision Categories and Requirements 35

Section A Subdivision Categories 35

Section B Subdivision and Resubdivisions Within a City's ETJ 35

Section C Urban Subdivisions Outside the ETJ of any City 36
Section D Rural Subdivisions Outside the ETJ of any City 36
Section E Phased Subdivisions 36
Section F Resubdivisions 37
Section G Preliminary Plan Requirements 38
Section H Final Plat Requirements 38
ARTICLE 7. Minimum Standards of Design 39
Section A Urban Subdivisions Within or Outside the ETJ of any City 39
Section B Rural Subdivisions Within or Outside the ETJ of any City 40
Section C Streets 41
Section D Traffic Control and Signage 45
Section E Driveways 46
Section F Water Services (Domestic and Fire) 46
Section G Sanitary Sewer Service 47
Section H Drainage and Flood Control 47
ARTICLE 8. Private Subdivisions 49
Section A Private Subdivisions 49
ARTICLE 9. Traffic Impacts 52
Section A Traffic Worksheet 52
Section B Traffic Impact Analysis 54
ARTICLE 10. Financial Responsibilities of Guarantees 59
Section A Fiscal Surety for Subdivision Improvements 59
Section B Construction Bonds 60
Section C Maintenance Surety 61
Section D Forms of Surety 62
Section E Collection of Surety 63
Section F Release of Surety 64
Section G Developer Participation Contracts 66
ARTICLE 11. Construction and Maintenance 68
Section A General 68
Section B Inspection 68
Section C Storm Water Discharge Permit 71

ARTICLE 12. Final Construction Approval and Maintenance Acceptance of Infrastructure 72
Section A Final Approval of Construction 72
Section B Final Maintenance Acceptance of Infrastructure 72
ARTICLE 13. Variances 74
Section A Variances 74
ARTICLE 14. Penalties 75
Section A Penalties 75
APPENDIX A. Plat Application 76
APPENDIX B. Fee Schedule 87
APPENDIX C. Certificates and Dedications 89
APPENDIX D. Right-of-Way Access Permit 92
APPENDIX E. Statutory References 97
APPENDIX F. Requirements for Privately Maintained Streets 102
APPENDIX G. Plat Notes 107

ARTICLE 1. GENERAL PROVISIONS

Section A Authority

These Regulations are adopted under the authority of the Constitution and laws of the State of Texas, including particularly:

1. Texas Local Government Code
    a. Chapter 232, County Regulation of Subdivisions,
    b. Chapter 242, Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction, and
    c. Chapter 245, Issuance of Local Permits.

2. Texas Transportation Code
    a. Chapter 251, General County Authority Relating to Roads and Bridges,
    b. Chapter 252, Systems of County Road Administration,
    c. Chapter 253, County Improvement of Subdivision Roads,
    d. Chapter 254, Drainage on Public Roads, and
    e. Chapter 255, County Regulation of Sight Distances.

Section B Purpose

These Regulations have been prepared in general to aid in the orderly Development of Brazos County, Texas, and provide guidelines which will lead to a desirable environment. Specifically, they have been prepared for the following purposes:

1. To furnish the Owner with guidance and assistance in the expedient preparation and approval of his or her plat.

2. To protect the citizens of Brazos County by providing subdivision and Development guidelines for Residential Subdivisions, Commercial Subdivisions and Industrial Subdivisions.

3. To provide for the ability to construct Urban Subdivisions within the County and provide Development guidance for the same.

4. To provide for the welfare of the public by providing guidelines for the location, design, and construction of roadways, roadway intersections, drainage Improvements and other features that provide for the safety of the general public.

5. To provide for the proper arrangement and construction of Roads, and to ensure the proper relationship of Roads to existing or planned Roads.

6. To ensure adequate access for emergency response vehicles.

7. To ensure that Brazos County will not be burdened with substandard Roads in the future.

8. To establish orderly policies and procedures to guide Development of Brazos County.

9. To protect the citizens of Brazos County from an unreasonable tax burden resulting from substandard design and construction of public infrastructure or inadequate funding for maintenance of public facilities.

Section C Interpretation

In the interpretation and application of these Regulations, it is the intention of the Brazos County Commissioners that the requirements provided for herein shall be Minimum Requirements for the platting and developing of Subdivisions outside the corporate limits of a municipality and within Brazos County, and, where other court orders of the County are more restrictive in their requirements, such other court orders shall control.

Brazos County Subdivision Regulations are derived from Texas State statutes (Section A Authority) and any interpretations shall be in accordance with those statutes.

Section D Coordination with other Jurisdictions

All authority specifically provided to Brazos County, or agreed to between Brazos County and other local, state and/or federal agencies, shall be applied to the fullest extent. Specific platting and permitting requirements are subject to inter-local agreements which may exist for governing the Extraterritorial Jurisdictions ("ETJs") surrounding incorporated cities within Brazos County. In the event no inter-local agreement exists, all Development must be approved by both the municipality and Brazos County with final approval to be granted by the County. To the extent that other laws conflict, the more stringent provision shall prevail.

In addition to compliance with the Subdivision Regulations of Brazos County, and with municipalities having ETJ, the Development and use of real property in Brazos County may be subject to regulation by other jurisdictions including, but not limited to, the Texas Commission on Environmental Quality ("TCEQ"), the US Corps of Engineers ("USACE"), Federal Emergency Management Agency ("FEMA"), United States Environmental Protection Agency ("EPA"), United States Fish and Wildlife Service ("USFW"), and other County regulations.

Section E Invalidity

In the event that any portion of these Regulations should be held unconstitutional, or invalid, other parts hereof shall not be affected thereby and they shall be held in effect unless and until otherwise changed by the Commissioner's Court of Brazos County, Texas, and so recorded in its minutes.

Section F Health Issues

Owners of properties in Brazos County subdividing or re-subdividing the same shall familiarize themselves with the rules for sanitation and avoidance of water, air, or other types of pollution as established by Federal or State statute or regulation or by the Brazos County Health District. Special attention is called to regulations adopted by the Commissioner's Court of Brazos County, Texas relating to private sewage facilities.

Section G Effective Date

These Regulations shall be in full force and effect immediately upon their adoption by the Brazos County Commissioner's Court. Any Subdivision for which the Commissioner's Court has received a Preliminary Plan prior to the Effective Date of these Regulations shall be governed by those in effect at the time the plat was submitted for review.

Section H Compliance Required

As per the Texas Local Government Code Section 232.001 (See Appendix E.1), the Owner of any tract of land located outside the boundaries of any incorporated town or city in Brazos County, Texas that intends 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 Brazos County in accordance with Article 4 Section A.

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 of conveyance of an interest in land.

Article 2. Definition of Terms

Section A Definitions

For the purpose of these Regulations, certain words shall be interpreted as follows:

- Words in the present tense include the future tense.
- Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
- The word "Structure" shall include the word "Building."
- The word "Lot" shall include the words, "plot," "parcel," or "tract."
- The words "will" and "shall" are always mandatory and not merely directory.
- Words not specifically defined in Article 2 shall take their common dictionary meaning.

1. **100-Year Floodplain**
   Any land that would be inundated by a flood having a one percent (1%) chance of occurrence or exceedance in any given year.

2. **100-Year Storm**
   A storm having a one percent (1%) probability of occurrence or exceedance in any given year.

3. **AASHTO**
   American Association of State Highway and Transportation Officials.

4. **Abandonment**
   The legal process by which land dedicated to public use may revert to private use.

5. **Access Point**
   A location for vehicular traffic to enter and exit the proposed Subdivision utilizing a connection to a Public Road.

6. **Aerobic On-site Wastewater System**
   An on-site system of sewage disposal, which has been licensed by the Brazos County Health District, utilizing an aerobic treatment system designed to encourage use of the effluent for irrigation on the premises and with all effluent meeting the criteria established by the Brazos County Health District.

7. **Amending Plat**
   A plat solely for the purpose of correcting an error, omission, descriptions, relocations of Lot lines, scriveners or clerical errors. The Amending Plat must be approved by Commissioner's Court, after which it shall be recorded and is controlling over the preceding plat without vacation of that plat.

8. **Applicant**
   An individual seeking an action, a permit, or other approval under the provisions of these Regulations.

9. **Application (Plat/Plan)**
   A submittal that includes a completed plat/plan Application form along with all required attachments which shall be required as part of that submittal. These attachments may include, but are not limited to, drawings, drainage or geotechnical reports or electronic data files.

10. **Base Flood Elevation (BFE)**
    The water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year (also called the Base Flood).

11. **BCS Unified Design Guidelines**
    Engineering design guideline document produced jointly by the Cities of Bryan and College Station Texas.

12. **Block**
    A tract of land bounded by actual or platted Roads, waterways or other definite boundaries, or a combination thereof.

13. **Brazos County Engineering Design Guidelines (BCEDG)**
    The guidelines adopted by the Brazos County Commissioner's Court and administered by the Brazos County Engineer for Development within the unincorporated areas of Brazos County.

14. **Building**
    Any structure having a roof supported by columns or walls and built for the support, shelter or enclosure of persons, animals or movable property of any kind and which is affixed to the land.

15. **Building Setback Line**
    A line which marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a building plot.

16. **Business Day**
    A day other than Saturday, Sunday, or an official holiday as recognized by Brazos County.

17. **Cancellation Plat**
    A Cancellation Plat is a plat as defined in Section 232.008 of the Texas Local Government Code and is utilized outside a municipality or it's Extraterritorial Jurisdiction (ETJ).

18. **Commercial Subdivision**
    A Subdivision of property that is intended for a use other than Single-Family Dwelling.

19. **Commissioner's Court**

The duly elected governing body of Brazos County consisting of the County Judge of Brazos County and the four (4) County Commissioners.

20. **Common Area**

A parcel or parcels of land or an area of water, or a combination of land and water within a Development site provided and made legally available for the use and enjoyment of residents of a proposed project.

21. **County**

All references in these Regulations to the "County" shall mean Brazos County.

22. **County Attorney**

All references made in this document to "County Attorney" shall mean the Brazos County Attorney's Office.

23. **County Commissioner**

A duly elected and serving County Commissioner of Brazos County representing one of the four (4) County precincts.

24. **County Engineer**

All references in these Regulations to the "County Engineer" shall be construed to refer to the Brazos County Engineer or his/her designated representative.

25. **County Road**

A Public Road or Street which has been either: a) dedicated to public use and accepted for maintenance by the County, or b) acquired by the County through prescription, or c) constructed by and maintained by the County.

26. **Cul-De-Sac**

A Street having but one (1) outlet to another Street and terminating on the other end in a vehicular turnaround.

27. **Daughter Tract/Daughter Parcel/Daughter Lots**

Any of the tracts or Lots created by division of a Parent Tract, including the remainder of the Parent Tract itself.

28. **Dead-End Street**

A Street, other than a Cul-De-Sac, with only one outlet.

29. **Developer**

See Subdivider.

30. **Development**

Any manmade change to improved or unimproved real estate that requires a permit or approval from any agency of the city or County, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, clearing, drilling operations, storage of materials or the subdivision of property. Routine repair and maintenance activities are exempted.

31. **Dwelling Unit**

A residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating, and sanitation.

32. **Easement**

A grant of reservation by the Owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such Easement.

33. **Effective Date**

An Effective Date is the date upon which these Regulations were adopted with an order by Commissioner's Court.

34. **Engineer**

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction Plans and specifications for Subdivision development.

35. **Engineering Plans**

A set of drawings and/or specifications, which may include paving, water, wastewater, drainage, or other required Plans, submitted to the County for review in conjunction with a Subdivision or a Development that bear the seal and signature of a Licensed Engineer in the State of Texas. This person shall be designated as the Engineer of record.

36. **Extraterritorial Jurisdiction (ETJ)**

The unincorporated area that is contiguous to the corporate boundaries of a City, as defined by that City, and within various distances of the municipality depending on the number of inhabitants of a municipality. Within an Extraterritorial Jurisdiction (ETJ), cities have statutory authority to adopt rules governing plats and Subdivisions as described in Section 42.021 of Local Government Code.

37. **FEMA**

The Federal Emergency Management Agency.

38. **Final Maintenance Acceptance**

Maintenance acceptance by the Brazos County Commissioner's Court of public infrastructure Improvements constructed by the Developer in conjunction with the Development of land which may occur upon successful completion of the required maintenance period.

39. **Final Plat**

A map of a Subdivision intended to be filed for record with the applicable County records showing the location and boundaries of individual parcels of land subdivided into Lots, with Streets, alleys, Easements, etc., drawn to scale; includes a Final Plat, Replat, Amending Plat, Simplified Plat, and Vacating Plat meeting the requirements of these Regulations.

40. **Flood Insurance Rate Map (FIRM)**

An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

41. **Floodplain**

Any land area susceptible to being inundated by flood waters from any source, as defined by the Federal Emergency Management Agency (FEMA).

42. **Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one (1) foot.

43. **Freeboard**

An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or flood-proofed to be in accordance with state or community Floodplain management regulations.

44. **Homeowners Association (HOA) / Property Owners Association (POA)**

A legally formed nonprofit organization operating under recorded land agreements through which (a) each Lot and/or homeowner in a specific residential area is automatically a member and (b) each Lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of Common Areas, and (c) the charge if unpaid, becomes a lien against the nonpaying member's property.

45. **Industrial Subdivision**

See Commercial Subdivision.

46. **ITE**

The Institute of Transportation Engineers.

47. **Improvements**

Any or all Road pavements, curbs and gutters, sidewalks, utilities, drainage facilities, topsoil, trees, grading, signs and crosswalks, and may also include walkways, streetlights or any other items normally considered as public Improvements.

48. **Joint Review**

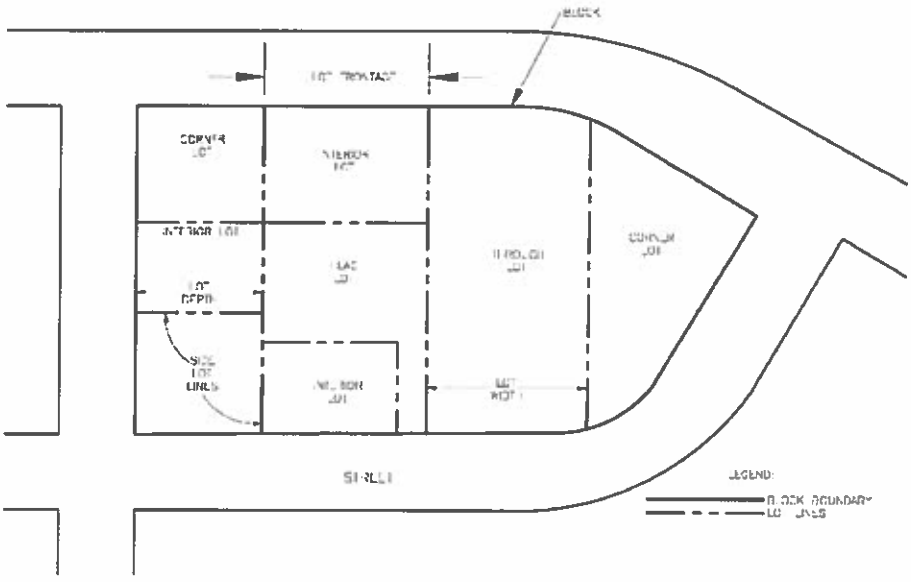
The review and approval of a Subdivision plat by both Brazos County and the municipality that also has jurisdiction over the proposed Subdivision.

49. **Large Construction Activities**

Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large Construction Activities also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of Development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large Construction Activities do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing Right-of-Ways, and similar maintenance activities.)

50. **Lot**

The physical and undivided tract or parcel of land as shown on a duly recorded plat. The following represent the various platted Lot types:



a. **Corner Lot:** A Lot located at the intersection of and abutting upon two (2) or more Streets.

b. **Double Frontage or Through Lot:** A Lot, other than a Corner Lot, which has frontage on more than one (1) Street.

c. **Flag Lot:** A key or flag shaped Lot shall mean a Lot having gross disparities in width between side Lot lines, sometimes resembling a flag or flag pole, a key, or some other Lot shape of comparable irregularity. Key or flag shaped Lots shall not be prohibited if otherwise in compliance with the minimum Lot size requirements of this and other applicable regulations of the County and, provided that no portion of any such Lot is less than one-hundred (100) feet in width.

d. **Interior Lot:** A Lot other than a Corner Lot.

51. **Manufactured Home Rental Community**

A plot or tract of land that is separated into two or more spaces or Lots that are rented, leased, or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for the use and occupancy as residences.

52. **Master Plan**

A plan for the overall utilization of a particular area, including its allocation for residential, commercial or manufacturing uses and the corresponding impacts.

53. **Minimum Requirements**

Requirements when defined as minimum shall be the minimum acceptable requirements. Such requirements may be increased by the County due to unique issues pertaining to each Subdivision.

54. **Multi-Unit Dwelling**

A residential structure providing complete, independent living facilities for two (2) or more families or households living independently of each other and including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit. Condominiums are included in this definition.

55. **Multi-Unit Residential Development**

Any area developed or used for a structure or combination of structures intended for residential use and designed to purchase, lease or rent space in two or more units.

56. **Non-Residential Development**

Any area developed for a use other than Single-Family Residential Development or Multi-Unit Residential Development.

57. **Notice of Intent (NOI)**

A written application to TCEQ requesting coverage under a general permit to discharge stormwater from a disturbed site.

58. **Off-site**

Located outside the boundary of a Development.

59. **On-site**

Located within the boundary of a Development.

60. **On-site Sewage Facility (OSSF)**

One or more systems of treatment devices and disposal facilities that are used only for disposal of sewage produced on the site where the system is located as permitted by the Brazos County Health District.

61. **Owner**

The person(s), Developer, proprietor, Subdivider, or their successors, possessing title and/or lien to the property to be subdivided. This can also refer to the Owner's surveyor, Engineer, lawyer, or planner who has been given authority to represent the Owner.

62. **Parent Tract/Parent Parcel**

The original tract/parcel owned by the Owner prior to any division.

63. **Peak Hour**

Peak Hours relate to times of day experiencing the greatest hourly traffic flow rates. Two (2) "peaks" are to be addressed by a TIA: The morning and afternoon Peak hours (or projected Peak Hours) of existing (or planned) Roadways serving the proposed land Development. Typically Roadway Peak Hours are between 7:00 and 9:00 am and between 4:00 and 6:00 pm.

64. **Phased Subdivision / Phased Development**

Any land Subdivision that is developed with more than a single phase of construction.

65. **Plans**

Construction drawings, specifications, bidding forms and other documents required for construction.

66. **Precinct Commissioner**

The Brazos County Commissioner in whose precinct the Subdivision is located.

67. **Preliminary Plan**

A map or drawing of a proposed Subdivision prepared and meeting the requirements of these Regulations. The purpose of this map is to show the phasing of proposed Improvements to the Owner's property, as well as any proposed or future planned Improvements on any adjacent properties. This map is also intended to show the existing topography to evaluate the existing and proposed drainage patterns.

68. **Private Subdivision**

A Subdivision as defined by these Regulations which by request of the Developer is to be gated thereby limiting access by the public and will contain privately maintained Streets. These Subdivisions may be an Urban Subdivision or Rural Subdivision as defined herein.

69. **Private Water Supply**

A drinking water supply that is not a public source of drinking water.

70. **Public Road**

Any road that is under the jurisdiction of and maintained by a public authority and open to public travel.

71. **Public Sanitary Sewer System**

Any public or private sewerage system for the collection of sewage that flows into a treatment and disposal system that is regulated pursuant to the rules of the Texas Commission on Environmental Quality and Chapter 26 of the Texas Water Code.

72. **Public Water System**

A Public Water System which provides the public piped water for human consumption, which includes all uses described under the definition of drinking water. Such a system must have a potential for at least fifteen (15) service connections or serve at least twenty-five (25) individuals at least sixty (60) days out of the year, or in accordance with the most recent TCEQ guidelines.

73. **Registered Professional Land Surveyor (RPLS)**

A person licensed, as of the date of the plan being presented, to practice land surveying by the Texas Board of Professional Land Surveying.

74. **Regulations**

The Brazos County Subdivision Regulations (this document), as amended.

75. **Remote Emergency Access**

A Road designed to provide emergency access to Lots that does not meet all road design requirements. It is further defined in the BCEDGs.

76. **Replat**

Any change to an approved plat to reflect any change in Street layout or other public improvement, Lot line, amount of land reserved for public use or the common use of Owners, or Easements shown.

77. **Residential Subdivision**

A Subdivision of property that is intended for Single-Family Dwelling use.

78. **Right-of-Way**

That portion of the Subdivision dedicated for Roads with the adjacent Lot lines being the boundaries of the Right-of-Way.

79. **Road**

The terms "Street" or "Road" are interchangeable and mean a vehicular way (including roadway cross culverts and bridges) and are used to describe all vehicular ways regardless of any other designation they may carry. All Roads shall be categorized into one of the following functional classifications:

a. **Arterial Roads**

Arterial Roads are those that are principally regional in nature and are used for through or high volume traffic and shall be divided into the following sub-classifications:

i. Roads which may serve vehicular traffic beyond the limits of the Subdivision; and/or connect one Collector or Arterial with one or more Collectors or Arterials.

ii. Roads included as an Arterial on a County or city thoroughfare plan.

b. **Collector Roads**

Collector Roads are those which connect Arterial Roads with Local Roads.

c. **Local Roads**

Local Roads are those which principally provide direct access to Lots within a Subdivision.

In addition to these functional classifications, all Roads shall also be categorized as follows:

d. **Urban Road**

For the purposes of these Regulations, an Urban Road is any Road with concrete curb and gutter and an underground storm sewer system.

e. **Rural Road**

For the purposes of these Regulations, a Rural Road is any Road with any pavement surface and roadside ditch for drainage and all utilities constructed outside paved areas. Concrete curb and gutter may be used if utilized with a roadside ditch for drainage.

80. **Simplified Plat**

A plat that is used solely for the purpose of subdividing land that is undeveloped or used for Single-Family Residential Development purposes into one (1) to four (4) Lots, or for creating one (1) Lot when the Daughter Tract exceeds ten (10) acres.

81. **Single-Family Dwelling**

A residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating and sanitation.

82. **Single-Family Residential Development**
Any area developed or used for single-unit structures intended for residential use contained on individually platted Lots.

83. **Site Generated Traffic**
Vehicular trips attracted to or produced by the proposed Development site.

84. **Small Construction Activities**
Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small Construction Activities also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of Development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small Construction Activities do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Small Construction Activities do not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing Right-of-Ways, and similar maintenance activities.

85. **Street**
See Road.

86. **Study Area Boundary**
The limits of the area for which the analysis is to be conducted. This area shall be determined by the limits as outlined herein or as decided upon with consultation with the County Engineer.

87. **Subdivider**
Any person or persons, firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain or use.

88. **Subdivision**
The division of a tract of land into two or more parts to lay out: (1) a Subdivision of the tract, including an addition; (2) Lots; or (3) Streets, alleys, squares, parks, or (4) 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 (Sec 232.001, Texas Local Government Code). The Brazos County Commissioner's Court has adopted guidelines and published them as the Brazos County Subdivision Regulations, stating when Owners are required to file a plat for a Subdivision. A Subdivision has the same meaning as an addition.

For the purpose of these Regulations, Subdivisions shall be classified as either Urban or Rural, as follows:

a. **Rural Subdivision**
Rural Subdivisions are any Subdivision with minimum Lot sizes equal to or greater than one acre in size.

b. **Urban Subdivision**

Urban Subdivisions are any Subdivision with minimum Lot sizes less than one acre in size.

89. **TCEQ**

The Texas Commission on Environmental Quality and its successors.

90. **Thoroughfare Plan**

Official long range planning document adopted by Brazos County Commissioner's Court that establishes a future roadway network system that will accommodate projected growth and Development.

91. **Traffic Impact Analysis (TIA)**

A Traffic Impact Analysis (TIA) provides information on the projected traffic expected from a proposed Development. A TIA also evaluates the impact of proposed Development on the Roadways in the immediate proximity of the proposed Development. The TIA should identify any potential traffic operational problems or concerns and recommend appropriate actions to address such problems or concerns.

92. **TxMUTCD**

The latest edition of the Texas Manual on Uniform Traffic Control Devices.

93. **TxDOT**

The Texas Department of Transportation.

94. **Utility Provider**

All persons, firms, corporations, partnerships, municipality or other private authorities providing gas, electric, water, sewer, drainage facilities, telecommunications, cable television or other services of a similar nature for public consumption.

95. **Vacating Plat**

A Vacating Plat is a plat as defined in Section 212.013 of the Texas Local Government Code and is utilized within a municipality or it's Extraterritorial Jurisdiction (ETJ).

96. **Variance**

A permit or approval that allows for a departure from the required standards of these Regulations and/or the Brazos County Engineering Design Guidelines (BCEDG). Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape or dimensions of a site, location of existing structures on the site, or geographic, topographic or other physical conditions on the site or in the immediate vicinity. Financial and/or economic hardships are not sufficient grounds for the granting of a Variance.

Article 3. General Subdivision Requirements and Exceptions

Section A Subdivision of Property

The Owner or Owners of any tract of land situated outside the boundaries of any incorporated town or city in Brazos County, Texas, who, subsequent to the Effective Date of these Regulations, has divided or will divide the same in two (2) or more parts for the purpose

(i) of laying out any Subdivision of any such tract of land, or

(ii) for laying out Lots, or

(iii) to lay out, Streets, parks, alleys, or squares, including an addition, or other portion intended for public use, or for the use of the purchasers or Owners of such Lots fronting on or adjacent to the Streets, alleys, squares, parks or other parts of such tract,

must comply with the rules and Regulations adopted herein and as provided in Texas Local Government Code Section 232.001 (See Appendix E.1).

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

Section B Exceptions to Plat Requirement

In accordance with Texas Local Government Code Section 232.0015 (See Appendix E.2), a plat is not required if the Owner's division of a tract of land into two (2) or more parts, does not include laying out part of the tract with Streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or Owners of Lots fronting on or adjacent to the Streets, alleys, squares, parks or other parts; and if the following conditions are met:

1. the land is to be used primarily for agricultural use as defined by Section I-d, Article VIII, Texas Constitution or for farm ranch, wildlife management or timber production use within the meaning of Texas Constitution, Article VIII, Section I-d-1; or

2. the Owner divides the tract into four (4) or fewer parts, if each Daughter Tract is sold, given or otherwise transferred to a person who is related to the Owner within the third degree of consanguinity or affinity as determined under the Texas Government Code, Chapter S73; or

3. all of the Lots are more than ten (10) acres in area; or

4. if all the Lots are sold to Veterans through the Veterans Land Board program; or

5. if the land to be subdivided belongs to the state, any state agency, board or commission, the permanent school fund or any other dedicated funds of the state; or

6. if the Owner of the Parent Tract is to retain part of the Daughter Tract and the remainder of the Parent Tract is to be transferred to another person who will further subdivide the Daughter Tract in accordance with these Regulations; or

7. all Daughter Tracts created from the division of one Parent Tract are to be transferred to persons who owned an undivided interest in the Parent Tract and a plat is filed as required herein before any further Subdivision occurs.

Section C Requirements for Exempted Property

Even if a particular division of land is not subject to the requirement of platting, aspects of the Development and sale of the land will be subject to the following:

The applicable portions of the County's current Regulations and Development permit procedures including but not limited to rules for driveway permits, OSSF, Floodplain hazard management, and 9-1-1 addressing.

Section D Loss of Exception

A tract which has qualified for an exception from these plat requirements shall lose such exception if it ceases to meet the requirements set forth in Section B above.

Section E Political Subdivisions

These Regulations shall not apply if the Owner of the land to be divided is

(i) a political subdivision of the state;

(ii) the land is in the flood plain; and

(iii) the Lots are sold to adjacent landowners.

Article 4. General Platting Procedures

Section A Plat Application Procedures & Requirements

Unless otherwise specifically exempted in these Regulations, a plat is required when a Parent Tract is divided into two or more Daughter Tracts. Exemptions to platting are defined in the Texas Local Government Code Section 232.0015 (See Appendix E.2) and further explained in the Brazos County Platting Flowchart contained herein.

1. If the property to be platted lies entirely within the corporate limits of a city, the Owner shall consult directly with that city pertaining to all platting procedures and requirements.

2. If the property to be platted lies entirely outside of the corporate limits of a city and all ETJs, platting procedures and requirements shall be in accordance with these Regulations.

3. If the property to be platted lies fully or partially within the ETJ of a city, the platting procedure shall be accomplished in accordance with the current, applicable inter-local agreement (HB 1445, 77th Regular Legislative Session) between the County and that city.

4. It is the obligation of the Applicant to submit all information necessary as required by the plat Application and these Regulations to permit proper review. Incomplete submissions will be rejected and a new Application must be filed.

5. The plat Application, review and approval procedure for all plats will be the same as that for a Final Plat for Subdivisions within the County, and shall be as follows:

    a. The Applicant shall submit a complete Application and the appropriate review fee. Confirmation of receipt does not approve the Application, nor waive requirements for additional information which may be needed to review the plat.

    b. The County Engineer will review the Application for completeness and compliance with these Regulations.

    c. The County Engineer will return written comments and recommendations to the Applicant or, in the case of a Joint Review, to the appropriate city.

    d. The Applicant shall address the comments and recommendations and, if necessary, set a meeting with the County Engineer to resolve the comments.

    e. The Applicant shall resubmit the necessary documentation with the appropriate changes for additional review and/or consideration by the County Engineer. Once all revisions have been completed and addressed to the satisfaction of the County Engineer, the Brazos County Commissioner's Court shall have sixty (60) days to act upon the Application.

f. No plat shall be considered by the Brazos County Commissioner's Court until all conditions of approval have been met. No approval in any form including, but not limited to, the County Judge's signature or verbal Commissioner's Court action shall be given on any Subdivision until the Owner has provided all necessary recorded Easements, and has met every Subdivision requirement or has obtained a Variance.

g. An Application submittal shall expire forty-five (45) days after the date the Application is filed if:

    i. The Applicant fails to provide the documents or other required information.

    ii. The County Engineer provides the Applicant no later than ten (10) Business Days after the date the Application is filed written notice of the failure that specifies the necessary documents or other information and the date the Application will expire if the documents or other information is not provided; or,

    iii. The Applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

h. An Application shall expire five (5) years after the date of the Application if the project becomes dormant, as defined by the Texas Local Government Code, as amended.

i. If a plat or Variance is approved with condition(s), all conditions must be met prior to filing the plat for record.

j. A Preliminary Plan is valid for a period of two (2) years from the date of approval by the Brazos County Commissioner's Court. Each Final Plat which is a phase of an approved Preliminary Plan shall extend the expiration date of the Preliminary Plan an additional two (2) years from the date the Final Plat was approved by the Commissioner's Court.

k. A revised Preliminary Plan may be required if there has been a revision to the applicable Flood Insurance Rate Map since the approval of the original Preliminary Plan.

l. It shall be unlawful to cause to be recorded, any Preliminary Plan of land with the Brazos County Clerk.

m. Following approval of a Final Plat by the Brazos County Commissioner's Court, the Applicant shall submit the Final Plat to the Brazos County Engineer for recording in accordance with the requirements of the Brazos County Clerk's office. Applicant is responsible for all filing fees.

n. If a Final Plat is not recorded within two (2) years of the approval by the Commissioner's Court, the approval of the Final Plat expires. A single six (6) month extension may be granted by the Commissioner's Court.

Section B Procedure Summary

1. Any Owner or Developer of any Lot, tract, or parcel of land located outside the corporate limits of a city and within the County jurisdiction who creates a Subdivision of land shall conform to the general procedure described as follows unless indicated otherwise herein:

    a. Preliminary Plan

    b. Final Plat and construction Plans

    c. Construction of Improvements

    d. County Final Approval of Improvements

    e. County Final Maintenance Acceptance of Improvements

    f. Filing of the Final Plat

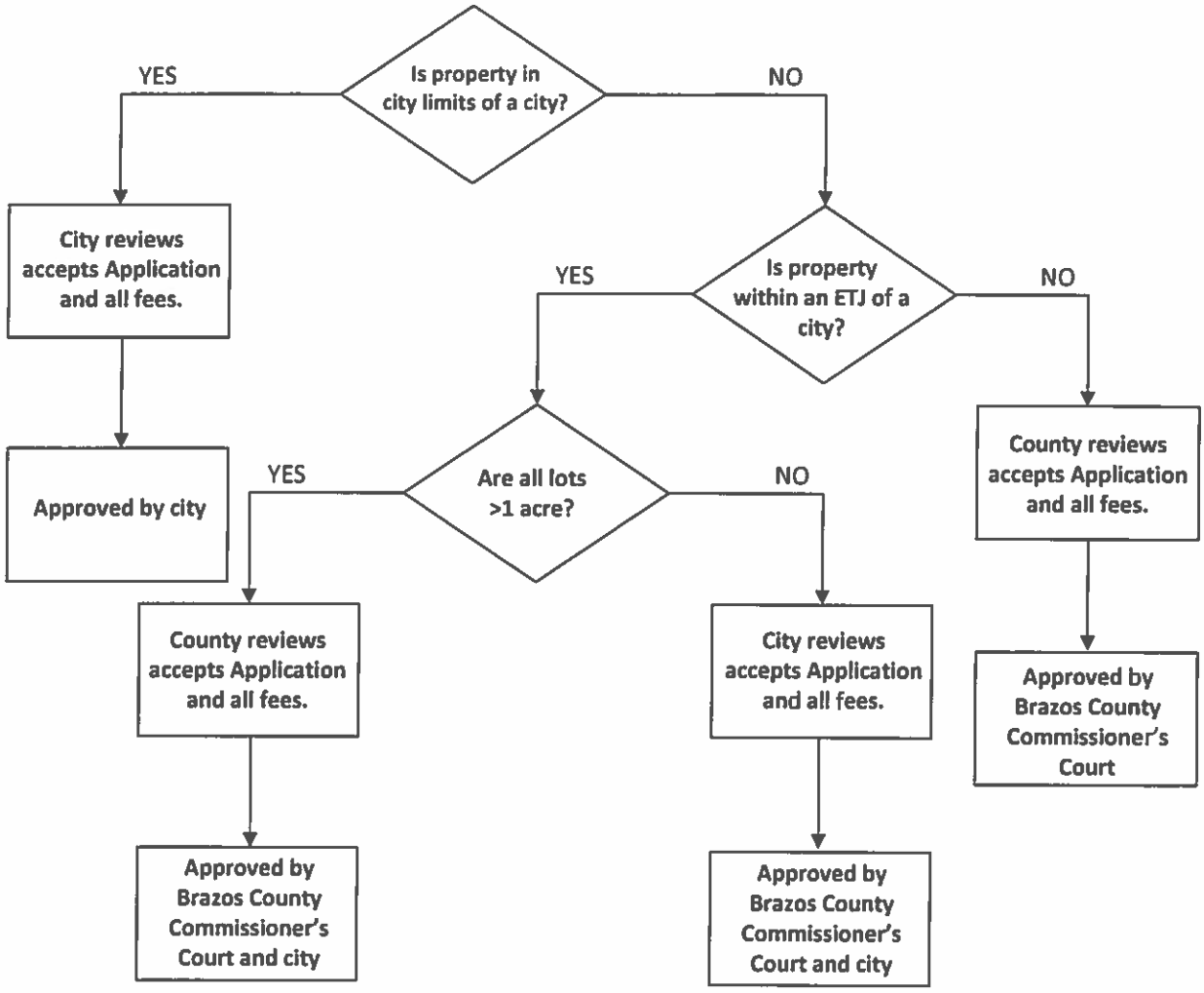
2. The detailed steps within each phase of the Subdivision procedure are covered in Articles 3, 4, 5, and 6 of these Regulations.

Section C Subdivision Development Procedure Charts

Flow charts indicating the sequence of the steps involved in obtaining approval for Subdivision Development are shown on the following pages.

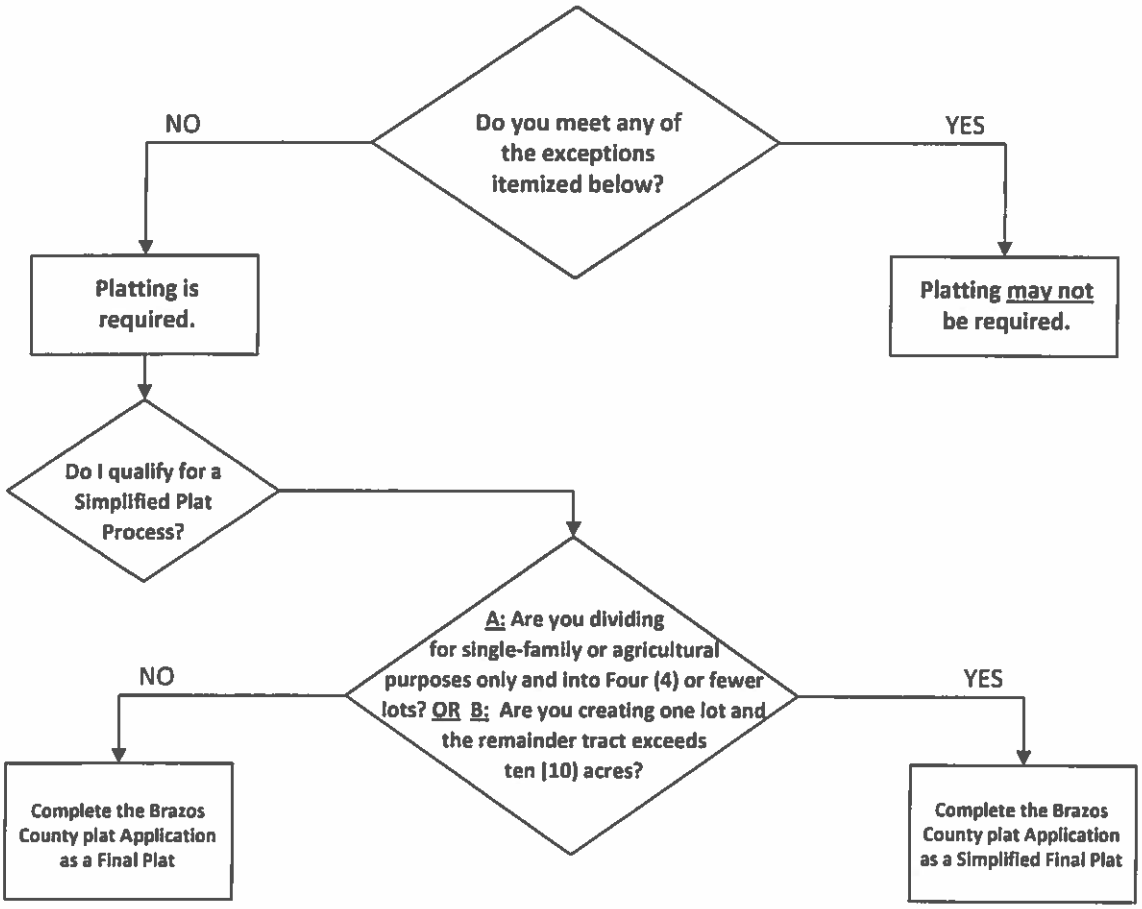
BRAZOS COUNTY REVIEW AUTHORITY AND APPROVAL FLOWCHART

Who receives reviews and approves my Preliminary Plan, Final or Simplified Plat?



BRAZOS COUNTY PLATTING FLOWCHART

If my property is in the County but not in the city limits and I am dividing my property, do I need to plat?



EXCEPTIONS **

1. Are all lots greater than ten (10) acres?
2. Are there four or fewer lots and all lots are being conveyed to family members for personal use and they all have access to a Public Road (3rd degree of consanguinity)?
3. Will the property be a Phased Subdivision with further preliminary planning?
4. Are you adjusting property lines between two property Owners and not creating more tracts?
5. Is the property being divided solely for the purpose of obtaining financing?
6. Is the division of property occurring due to foreclosure?
7. Is the division of property by final decree of a court and all tracts have access to a Public Road?
8. Is the division of property solely for agricultural use?
9. Is the division of property occurring to sell to a Veteran through the Veteran's Land Board Program?
10. Is the Owner the State of Texas or other agency of the State of Texas and is not creating a road?
11. Is the Owner a Political Subdivision of the State of Texas, land is in the Floodplain, and being sold to adjoiners?

**** These exceptions have been abbreviated. To assure you meet all requirements of an exception please refer to Texas Local Government Code Section 232.0015.**

Section D Brazos County Contacts

All correspondence relating to a plat submittal must be submitted to the County Engineer.

Brazos County Engineer:
2617 W. Hwy 21
Bryan, Texas 77803
Phone: 979-822-2127
Brazos County Road & Bridge Webpage

For information regarding the platting process, please contact the County Judge, the Precinct Commissioner in which the Development is proposed or the County Engineer:

Brazos County Judge:
200 S. Texas Avenue, Suite 332
Bryan, Texas 77803
Phone: 979-361-4102
Brazos County Judge Webpage

Brazos County Engineer:
2617 W. Hwy 21
Bryan, Texas 77803
Phone: 979-822-2127
Brazos County Road & Bridge Webpage

Brazos County Commissioner Precinct 1:
200 S. Texas Avenue, Suite 310
Bryan, Texas 77803
Phone: 979-361-4106
Brazos County Precinct 1 Webpage

Brazos County Commissioner Precinct 2:
200 S. Texas Avenue, Suite 310
Bryan, Texas 77803
Phone: 979-361-4115
Brazos County Precinct 2 Webpage

Brazos County Commissioner Precinct 3:
200 S. Texas Avenue, Suite 310
Bryan, Texas 77803
Phone: 979-361-4105
Brazos County Precinct 3 Webpage

Brazos County Commissioner Precinct 4:
200 S. Texas Avenue, Suite 310
Bryan, Texas 77803
Phone: 979-361-4111
Brazos County Precinct 4 Webpage

Fees for Subdivision review and inspection can be paid to Brazos County and received at the office of Brazos County Road & Bridge.

Brazos County Road & Bridge Department:
2617 W. Hwy 21
Bryan, Texas 77803
Phone: 979-822-2127
Brazos County Road & Bridge Webpage

For information regarding On-site Sewage Facilities and their associated fees in Brazos County, please contact the Brazos County Health District.

Brazos County Health District:
201 N. Texas Avenue
Bryan, Texas 77803
Phone: 979-361-4340
Brazos County Health District Webpage

For information regarding Street naming and 911 addressing, please contact the Brazos County Emergency Communications District.

Brazos County Emergency Communications District:
System Administrator
P.O. Box 911
Bryan, Texas 77806
Phone: 979-779-0911
Brazos County Emergency Communications District Webpage

Article 5. Plat/Plan Types

Section A Types of Plat/Plans

There are several types of plats that may be used to subdivide or alter boundaries of a property. A description and the proper use of each of these plats is described below.

1. **Preliminary Plan**
   A Preliminary Plan is required for all Subdivisions that do not meet the definition of a Simplified Plat, Replat, Amending Plat, or a Vacating Plat. A Preliminary Plan is required for all Subdivisions to be developed in more than one (1) phase.

   The purpose of the Preliminary Plan is to allow the County Engineer and the Commissioner's Court to review the overall layout of the Development with respect to Roads, water, sewer or OSSF, and drainage.

   Preliminary Plans shall include all required information as stated on the Application administered by the County Engineer a copy may be found in Appendix A.

2. **Simplified Plats**
   A Simplified Plat may be used solely for the purpose of subdividing land that is undeveloped or used for Single-Family Residential Development purposes into one (1) to four (4) Lots, or for creating one (1) Lot when the Daughter Tract exceeds ten (10) acres.

   A Simplified Plat may be used to record such Subdivision of property, or to record the remainder of a tract created by the simplified platting of a portion of the property provided that:

   The Daughter Lots are undeveloped or used for Single-Family Residential Development or agricultural purposes; and,

   a. Neither the Lot(s) nor Daughter Tract(s) of land or any portion thereof has been previously recorded as a Simplified Plat within one (1) year of an Application for a Simplified Plat involving any portion of the same Lot(s) or tract(s).

   The following additional standards for approval apply to all Simplified Plats.

   a. All tracts, parcels, Lots or sites created by a Simplified Plat shall have direct access to a Public Road.

   b. All Regulations and requirements apply to Simplified Plats as well as any other Subdivision of land.

   c. No new Roads shall be created on the Simplified Plat.

A Simplified Plat meeting all requirements of the County shall be placed on the agenda of the Brazos County Commissioner's Court. Simplified Plats shall be approved provided they comply with all appropriate County orders and are attested to by the signature of the County Judge.

Simplified Plat approval and acceptance by the County does not relieve the Owner from obligations, including fees, required by other sections of this or other orders of the County pertaining to the improvement of the property or extension of services as required to make the property suitable for Development.

Easements for access, utilities and drainage may be recorded on Simplified Plats.

A Simplified Plat may be vacated, revised (replatted), or superseded in total or in part by compliance with the procedures and requirements of these Regulations.

Prior to filing, a certificate from the Brazos County Tax Accessor's Office must accompany the plat to be recorded, showing that all taxes owing to the state, County, school district, and/or any other political subdivision have been paid in full to date.

Simplified Plats shall include all required information as stated on the Application administered by the County Engineer a copy may be found in Appendix A.

3. **Final Plat**

The Final Plat is a legal document defining the physical configuration and rules governing Development and operation of a Subdivision. The Final Plat shall be approved and recorded prior to the sale of any Lots in a Subdivision, or commencement of any construction activities on the proposed Lots created by the plat. The Final Plat shall not be approved prior to approval of the Preliminary Plan but may be approved concurrently with the Preliminary Plan subject to approval by the County Engineer and the appropriate County Commissioner(s).

The Final Plat shall be submitted concurrently with the construction Plans. The Final Plat shall not be recorded prior to:

a. Construction of the required public Improvements in a manner sufficient to satisfy County infrastructure design requirements; or

b. Posting with the County of fiscal surety for the construction of public Improvements as specified in these Regulations.

Every Final Plat shall include all required information as stated on the Plat Application administered by the County Engineer a copy may be found in Appendix A.

4. **Replats.**

A Replat is the process of creating a new land Subdivision, thereby changing the number of Lots or modifying the Lot configuration, from a previously platted parcel. All restrictions which were applicable on the original Subdivision shall apply to the Replat. All covenants, Easements, notes and/or restrictions shown on the original Subdivision cannot be removed through the Replat process. Replats shall not be approved unless,

   a. All applicable requirements of Section 232.040 of the Texas Local Government Code, as amended, are met; and

   b. All applicable requirements of Section 232.041 of the Texas Local Government Code, as amended, are met; and

   c. Every Replat shall include all required information as stated on the Application administered by the County Engineer a copy may be found in Appendix A.

5. **Amending Plats**

An Amending Plat is a Replat addressing minor changes, correction of clerical errors, or limited modifications affecting a limited number of property Owners or Lots.

   a. It is commonly used to:

      i. Correct errors and omissions in course or distance, real property descriptions, monuments, Lot numbers, acreage, Street names, adjacent recorded plats, and other clerical error or omission.

      ii. Move a Lot line between adjacent Lots (with various limitations depending on the circumstances).

      iii. Replat Lots on an existing Street if:

         1. all Owners join in the Application;

         2. the amendment does not remove deed restrictions;

         3. the number of Lots is not increased; and

         4. new Streets or municipal facilities are not required.

   b. The Owner of a previously recorded Lot may create an Amending Plat so long as;

      i. the changes do not affect these Regulations or any other applicable County regulations; and

      ii. the changes do not attempt to amend or remove any existing covenants or restrictions; and

iii. all applicable requirements of Section 232.011 of the Texas Local Government Code, as amended, are met.

c. Every Amending Plat shall include all required information as stated on the Application administered by the County Engineer a copy may be found in Appendix A.

6. **Vacating / Cancellation Plats**

A Vacating or Cancellation Plat is a Replat to eliminate the Subdivision of property reflected by a prior plat. Vacating Plats shall not be used without the consent of all property Owners in the plat, even if only a portion of the plat is to be vacated.

a. The vacation or cancellation of an existing plat shall be accomplished in accordance with the applicable provisions outlined in Section 212.013, 232.008, 232.0083 and/or 232.0085 of the Texas Local Government Code.

b. Every Vacating / Cancellation Plat shall include all required information as stated on the Application administered by the County Engineer a copy may be found in Appendix A.

If a Simplified Plat, Final Plat, Replat, Amending Plat or a Vacating Plat is not recorded within five (5) years of the approval by the Commissioner's Court, the approval of the plat expires. A single six (6) month extension may be granted by the Commissioner's Court.

All plat certifications that must be provided on the plat can be found in Appendix C.

Article 6. Subdivision Categories and Requirements

Section A Subdivision Categories

1. Subdivision Categories and Jurisdiction
   All Subdivisions in Brazos County are classified into two categories; (1) Urban; or, (2) Rural.

   a. **Urban Subdivisions**
      Urban Subdivisions contain Lots less than one (1) acre in size and infrastructure appropriate to an urban setting. Urban Subdivisions within a city's ETJ shall comply with city regulations and are reviewed by the city and Brazos County. The infrastructure may be accepted and maintained by the city or privately (see Article 8) in accordance with these Regulations. Urban Subdivisions outside of a city's ETJ shall comply with Brazos County Regulations, are reviewed by the County, and infrastructure shall be privately (see Article 8) maintained in accordance with these Regulations.

   b. **Rural Subdivisions**
      Rural Subdivisions contain Lots equal to or greater than one (1) acre in size and infrastructure appropriate to a rural setting. Rural Subdivisions shall comply with Brazos County Regulations, will be reviewed by the County, infrastructure may be accepted, and maintained by the County or privately (see Article 8) in accordance with these Regulations.

Section B Subdivision and Resubdivisions Within a City's ETJ

Subdivisions and Resubdivisions within the ETJ of any city shall conform to the requirements as set forth below.

1. Subdivisions within the ETJ of any city shall conform to the Subdivision and construction requirements then in effect of such city, except that:

   a. no utilities shall be placed in the Street rights-of-way, but shall be placed in utility Easements provided for that purpose; except that with a one-hundred (100) foot Right-of-Way this provision may be waived by Commissioner's Court.

   b. the entire width of all Street rights-of-way shall be cleared; and

   c. any requirements of these Regulations that exceed the requirements of said city or are not imposed by said city shall be met.

   The Commissioner's Court shall be the final authority of whether or not a particular requirement of these Regulations shall be imposed on proposed Subdivisions within the ETJ of a city, regardless of whether or not assurance is received from the applicable city that the entire Subdivision will be annexed prior to the expiration of the two (2) year maintenance period provided for in Article 10 of these Regulations. The plat shall require approval(s) in accordance with the inter-local

agreement applicable to each particular municipality. Any surety filed shall be payable to Brazos County in accordance with Article 10.

2. In Subdivisions within the ETJ of a city, wherein the Subdivision meets the definition of a Rural Subdivision the Owner shall submit the Application to Brazos County. In Subdivisions within the ETJ of a city, where the Subdivision meets the definition of an Urban Subdivision the Owner shall submit the Application to the respective city. In the case of either an ETJ Rural or ETJ Urban Subdivision, approval of the plat must be received from both the city's Planning and Zoning Commission and the Brazos County Commissioner's Court.

3. In existing Subdivisions within the ETJ of a city, wherein the property is being resubdivided and meets the definition of a Rural Subdivision the Owner shall submit the Application to Brazos County. In existing Subdivisions within the ETJ of a city, wherein the property is being resubdivided and meets the definition of an Urban Subdivision the Owner shall submit the Application to the respective city. In the case of either an existing ETJ Rural or ETJ Urban resubdivision, approval of the plat must be received from both the city's Planning and Zoning Commission and the Brazos County Commissioner's Court.

4. It shall be duty of the person filing the plat or Replat to ascertain if the tract or Subdivision falls within the ETJ of a city.

Section C Urban Subdivisions Outside the ETJ of any City

Subdivisions outside the ETJ of any city where any Lot is less than one (1) acre shall conform to the design requirements contained within the BCS Unified Design Guidelines:

1. Except that any requirements contained in these Regulations that exceed requirements within the BCS Unified Design Guidelines shall be met.

2. The Commissioner's Court shall be the final authority of whether or not a particular requirement of these Regulations shall be imposed outside the ETJ of any city in the County.

Section D Rural Subdivision Outside the ETJ of any City

Any Subdivision located outside the ETJ of any city where all Lots exceed one (1) acre in size, except Lots exempt under Article 3 Section B hereof, shall conform to the following requirements as set forth in Article 7;

Section E Phased Subdivisions.

1. When a Subdivision is to be platted as a phased and related Development, a Master Plan shall be submitted with the Preliminary Plan of the first portion to be subdivided. The Master Plan is considered a non-binding planning tool and a source of planning information for the County. It shall include the following information:

a. The boundaries of the entire Development with the locations of adjacent platted Subdivisions and adjoining unplatted property including the names of the record Owners of each tract.

b. The proposed phasing plan including the boundaries of each individual phase and the proposed sequential order for platting.

c. The location, width and names of all existing or platted Streets or public rights-of-way and all existing Easements within and adjacent to the Development.

d. The layout and width of proposed arterials, thoroughfares and Collector Roads, and the general configuration of proposed Streets and alleys.

e. The general arrangement and designations of land uses with specification of any sites designated for special use (e.g., for parks, open space, detention, or other public facilities).

f. The approximate location of the boundary of the existing and proposed 100-Year Floodplain and the location and width of drainage Easements, channels, creeks and water courses within the Development.

g. The location of proposed drainage courses and of any necessary Off-site drainage Improvements.

h. The location of all existing and proposed utilities and pipelines.

2. When a Subdivision is platted and developed in phases, each individual phase must stand alone and be capable of functioning independently with respect to utilities, drainage, flood detention and access.

Section F Resubdivisions.

Resubdivision of Lots of any size outside the ETJ of any City shall conform to the following requirements:

1. Texas Local Government Code Section 232.009 and 232.009S.

2. The Commissioner's Court finds (a) the revision will not interfere with the established rights of any Owner of any part of the subdivided land; or (b) each Owner whose rights may be interfered with has agreed to such revision.

3. The cost incurred by the County for notice to the public generally and Owners of Lots in the Subdivision to be resubdivided shall be reimbursed to the County by the party seeking such resubdivision or revision.

Section G Preliminary Plan Requirements

Preliminary Plans shall include all required information as stated on the Application administered by the County Engineer a copy may be found in Appendix A.

1. The Preliminary Plan shall also include the following information:

    a. The following language shall be placed on the Preliminary Plan:

    The Preliminary Plan shall name the responsible entity for the operation and maintenance of any Road, Building, park, equipment, pools, plantings, lawns or other legal interests, if it is proposed that they are to be shared by Owners of the real property within the Subdivision.

    b. All Preliminary Plan requirements listed herein shall be in conformance with the Article 7 Minimum Standards of Design.

Section H Final Plat Requirements

Every Final Plat shall include all required information as stated on the Application administered by the County Engineer, a copy may be found in Appendix A.

1. All Final Plat requirements listed herein shall be in conformance with the Article 7 Minimum Standards of Design.

Article 7. Minimum Standards of Design

The following minimum standards for all Subdivisions shall also apply as set forth below.

Section A Urban Subdivisions Within or Outside the ETJ of any City

1. Technical Standards

    a. All public infrastructure for all Urban Subdivisions shall be designed and constructed in accordance with the most current BCS Unified Design Guidelines and all other applicable local, state, and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the applicable city or County Engineer.

    b. All Urban Subdivisions shall meet all traffic study requirements as outlined in Article 9 of these Regulations.

    c. Urban Subdivisions located within the ETJ of a city shall comply with the adopted Subdivision regulations for that city. Urban Subdivisions located outside the ETJ of a city shall comply with the subdivision regulations of the closest city or the city whose growth area contains the Urban Subdivision, as determined by the County Engineer.

2. Lots

    a. The front Building Setback Line on any Road facility maintained by TxDOT and major Arterials as defined in the BCEDG shall be fifty (S0) feet from the edge of the Right-of-Way.

    b. The front Building Setback Line on all other Roads shall be twenty-five (2S) feet from the edge of the Right-of-Way.

    c. The rear Building Setback Line on all properties shall be twenty (20) feet.

    d. The side Building Setback Line on all properties shall be seven and a half (7.S) feet.

    e. The side Street Building Setback Line on all properties shall be fifteen (1S) feet.

3. Utilities

    a. A ten (10) foot wide public utility Easement must be provided for public use on each side of all Streets. Where conditions make this impractical, an Easement on only one (1) side of the Road may be provided, not less than fifteen (15) feet in width. There shall also be a ten (10) foot wide utility Easement along the rear of all Lots.

b. No utilities shall be placed under any Street. All utilities shall be within the designated utility Easements. If Street crossing is required, utility must be in an approved encasement.

c. All existing utilities, and pipelines which require relocation or adjustment in order to avoid conflict with proposed Streets, utilities, or other improvements shall be relocated, adjusted, or modified at no expense to Brazos County. Owner shall bear the responsibility for compliance with federal, state, and local regulations and requirements regarding such utilities and pipelines.

Section B Rural Subdivisions Within or Outside the ETJ of any City

1. Technical Standards

   a. All public infrastructure shall be designed and constructed in accordance with the Brazos County Engineering Design Guideline Standards and all other applicable local, state, and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the County Engineer.

   b. All plats must be drawn in accordance with to these Regulations and include the information provided on the formal Application form and checklist administered by the County Engineer. All Blocks, corners, and angles in Streets and alleys shall be marked according to the "Minimum Standards of Practice" approved by the Texas Board of Professional Land Surveying.

2. Lots

   a. Lots must have a minimum Road frontage of one-hundred (100) feet except in the bulb of a Cul-De-Sac where they must meet a minimum of seventy (70) feet at the Right-of-Way.

   b. Lots must front on a Public Road unless the Lot is within a Private Subdivision and fronts on a privately maintained Road as defined in Article 7, Section C.1.d or C.1.e.

   c. The front Building Setback Line on any Road facility maintained by TxDOT and major Arterials as defined in the BCEDG shall be fifty (50) feet from the edge of the Right-of-Way.

   d. The front Building Setback Line on all other Roads shall be twenty-five (25) feet from the edge of the Right-of-Way.

   e. The rear Building Setback Line on all properties shall be twenty (20) feet.

   f. The side Building Setback Line on all properties shall be ten (10) feet.

   g. The side Street Building Setback Line on all properties shall be twenty-five (25) feet.

h. Flag Lots that do not meet the minimum criteria as defined herein shall not be approved.

i. All Corner Lots or Double Frontage Lots shall take access to the lesser of the two Streets.

3. Utilities

a. A sixteen (16) feet wide public utility Easement must be provided for public use on each side of all Streets. Where conditions make this impractical an Easement on only one side of the Road may be provided, not less than twenty (20) feet in width. There shall also be a ten (10) foot wide utility Easement along the sides and backs of all Lots.

b. All utility Easements shall lie and be situated completely within the Subdivision boundaries. The Owner shall coordinate utility installations with all utility companies prior to submission of the Final Plat.

c. All utility Easements adjacent to a Street Right-of-Way must be cleared.

d. No utilities shall be placed under any Street. All utilities shall be within the designated utility Easements. If Street crossing is required, utility must be in an approved encasement.

e. All existing utilities, and pipelines which require relocation or adjustment in order to avoid conflict with proposed Streets, utilities, or other Improvements shall be relocated, adjusted, or modified at no expense to Brazos County. Owner shall bear the responsibility for compliance with federal, state, and local regulations and requirements regarding such utilities and pipelines.

Section C Streets

1. **Permitted Streets.**

All Streets appearing within a Subdivision, whether maintained by the County, city or privately, shall be constructed in accordance with the BCEDG or BCS Unified Design Guidelines and shall be classified as one of the five (5) following types of Streets (referred to collectively as "Permitted Streets").

a. Type A (Rural-Publicly Maintained Road) - Publicly dedicated, paved and to be maintained by the County and constructed pursuant to the BCEDG; or

b. Type B (Urban-Publicly Maintained Road) – Publicly dedicated, paved and to be maintained by a city (upon agreement by that city) and constructed pursuant to the city's design standards; or

c. Type C (Urban-Privately Maintained Road - Paved) – Publicly dedicated, paved and to be maintained by an HOA or other County approved entity in perpetuity and constructed pursuant to the city's design standards; or

d. Type D (Rural-Privately Maintained Road - Paved) - Privately dedicated, paved and to be maintained by a HOA or other County approved entity in perpetuity and constructed pursuant to the BCEDG; or

e. Type E (Rural-Privately Maintained Road - Unpaved) – Privately dedicated, unpaved and to be maintained by a HOA or other County approved entity in perpetuity and constructed pursuant to the BCEDG. This type of Street may only be used for access to a maximum of six (6) Lots.

2. **Dedication to Public**

Any dedication to the public shall be accomplished by a certification on the plat dedicating the Right-of-Way to the public forever.

3. **Construction Standards**

The construction standards for permitted Streets is set forth in the Brazos County Engineering Design Guidelines (BCEDG).

4. **Publicly Maintained & Dedicated Paved Streets**

Paved Streets dedicated to the public shall be required in all Subdivisions not satisfying the criteria for unpaved Streets or private Streets, as set forth herein. All paved Streets shall be designed and constructed in accordance with the standards set forth herein.

5. **Compliance with Thoroughfare Plans**

a. Arterial and Collector Roads shall be located and designed in accordance with the Bryan/College Station Metropolitan Planning Organization (BCSMPO) plan, the Brazos County Long Range Thoroughfare Plan, or any other Thoroughfare Plans as may be applicable.

b. Collectors and Arterials shall be placed to facilitate the safe and efficient movement of traffic to and through the Subdivision. The Street layout shall provide adequate circulation throughout the Subdivision.

c. Right-of-Way widths of thoroughfares shall be in accordance with the BCEDG.

6. **Street Projections and the Adjoining Street System**

a. New Roads shall connect to an existing Public Road.

b. Roads shall be laid out to align with existing Roads in adjoining or nearby Subdivisions, leaving the possibility of connecting to such Subdivisions with minimum Road construction. There shall be no gaps between the Subdivision and the Public Road system.

c. Where Streets in an adjoining Subdivision dead-end at the property line of the new Subdivision, the said Streets shall be continued through the new Subdivision. Where no adjacent connections are platted, the Streets in the new Subdivision must in general be the reasonable projections of Streets in the adjacent subdivided tracts. All Streets in new Subdivisions shall be platted so that a continuation of said Streets may be made in other Subdivisions in the future.

d. Where part of a Street has been dedicated in an adjoining Subdivision adjacent to and along the common property line of two (2) Subdivisions, enough width of Right-of-Way must be dedicated in the new Subdivision to provide the minimum Right-of-Way as specified in the BCEDG.

e. Where adjoining areas are not platted, the Subdivision shall provide Street projections to such areas by projecting a public Street to provide Street connection or Street frontage to land locked tracts that do not otherwise have frontage to a public Street.

f. When land is subdivided into larger parcels rather than ordinary building Lots, such parcels shall be arranged so as to allow for the opening of future Streets and logical further Subdivisions.

7. **Adequate Street Access.**

a. Adequate Street access must be provided for new Subdivisions.

b. Any plat or any portion of a plat which is part of a Phased Subdivision having more than one-hundred fifty (150) Dwelling Units or a combination of Lots and Dwelling Units in excess of one-hundred fifty (150) shall have a minimum of two (2) Access Points to an existing Public Road. One external Street connection is required for a Street serving as Road access for one hundred fifty (150) or fewer Lots. If there shall be greater than five hundred (500) Dwelling Units or a combination of Lots and Dwelling Units there should be three (3) Access Points to an existing Public Road.

c. A minimum of one (1) external Street connection shall not be located over a potential hazard such as high-pressure gas line or a creek where the one-hundred (100) year Floodplain overtops the Street, regardless of its classification.

d. When there are more than one-hundred fifty (150) Lots to be served by external Street connections, the Commissioner's Court may allow a Remote Emergency Access where Development phasing or constraints of the land prevent the provision of a second Street connection.

e. The Owner must improve all existing Roads within the plat, as well as all boundary Roads to which the proposed Subdivision will have direct access, to meet the requirements of these Regulations. The exclusion from the plat of a Road that would provide access to future Lots will not be permitted. Lots intended specifically for future Roads will not be approved.

8. **Intersections.**

   a. In cases where new Streets intersect with established Streets, the new Streets shall be a continuation without offset.

   b. All Streets are 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, at a minimum fifty (50) feet radius. All Streets intersecting at an angle less than seventy-five (75) degrees will be denied.

9. **Cul-De-Sacs and Dead-End Streets.**

   a. Dead-End Streets may be platted where the Commissioner's Court and the County Engineer deem appropriate and where the land adjoins property not subdivided, in which case, the Streets shall be carried to the boundaries thereof.

   b. All Dead-End Street must end with an approved temporary turn around per the BCEDG. No driveway access to temporary turn around will be allowed.

   c. Where a Dead-End Street is designed to be so permanently, a Cul-De-Sac shall be provided at the closed end. Maximum length of Cul-De-Sacs shall be two thousand five hundred (2,500) feet or contain a maximum of thirty (30) or fewer Lots. All Cul-De-Sacs shall be designed per the BCEDG.

10. **Street Design Criteria.**

   a. All Street Rights-Of-Way shall be in accordance with the BCEDG.

   b. All Streets as platted shall meet the minimum separation distance as defined in the BCEDG.

   c. Street pavement sections shall be designed in accordance with the BCEDG.

   d. All Street geometrics shall be designed in accordance with the BCEDG.

   e. No Street shall have an abrupt offset, "jog", or sharp turn. For maintenance and safety reasons, the County favors and encourages sweeping curves when planning the proposed Subdivision.

f. All Streets and Roads shall be marked in accordance with the BCEDG and shown on the construction Plans.

g. Intersections shall be provided along Road segments that have homes taking direct access onto them at a maximum spacing of two thousand five hundred (2,500) feet between stop conditions or ninety (90) degree turns. Subdivisions wherein all Lots are greater than five (5) acres are exempt from this requirement.

h. The County may require an internal Road system that minimizes driveways to existing County or other Public Roadways. The County may also require that Lots bordering on an existing Arterial Road shall not have access to that Roadway.

i. Where a proposed Subdivision abuts an existing County Road having less than the minimum required Right-of-Way, the Owner shall dedicate their portion of the additional Right-of-Way to meet minimum County requirements.

j. No squares, "islands", or other obstructions to traffic shall be reserved within the Right-of-Way; with the exception of medians when approved by the Brazos County Commissioner's Court. If exceptions are permitted, traffic lanes shall still be required to be twelve (12) feet in width with additional shoulder and appropriate delineation.

11. **Subdivision names, Street names and Addresses.**

    a. The name of the proposed Subdivision must not be the same or similar to any other Subdivision in Brazos County.

    b. All Roads shall be named, with prior approval from Brazos County 911 addressing coordination. Roads must be named in a manner to avoid confusion in identification. Roads that are extensions of existing Roads must carry the same name. Roads that are not continuous or contain a ninety (90) degree bend shall have different names.

Section D Traffic Control and Signage

1. Traffic control signs (such as stop, yield, and speed limit signs) shall be designed by an Engineer and installed by the Owner of said Subdivision in compliance with the TxMUTCD and at the locations as indicated on the approved construction Plans. Other traffic control signs, as shown on the construction Plans, shall be installed to indicate any unusual traffic or Road hazard or conditions that may exist. All traffic control devices shall be placed in compliance with the TxMUTCD and the construction cost shall be borne by the Owner. In addition, all traffic control devices and signage must be installed before final approval of all infrastructure by the County.

2. A speed limit of thirty (30) miles per hour ("mph") for Local Roads, thirty (30) mph for Collector Roads and forty (40) mph for Arterial Roads within all platted Subdivisions is hereby adopted. Any existing Subdivision or Roadway which has signage that differs from these limits is hereby grandfathered. This limit may be changed only by Commissioner's Court upon the basis of an

engineering and traffic investigation showing that the prima facie maximum reasonable and prudent speed for a particular Road (or part of a Road) should be different. The placement of a stop sign or a yield sign on the minor Road at intersections shall be evaluated on a case-by-case basis in accordance with the TxMUTCD.

3. Signage that differs from the standard signage that is maintained by the County shall be maintained by the Owner. The signage shall be maintained in such a fashion to comply with the TxMUTCD requirements.

4. For all privately maintained roads, the Developer shall install at his/her own expense signage on each Road clearly stating the Road is privately maintained.

Section E Driveways

1. Rural Subdivision driveway spacing shall be in accordance with the BCEDG. Urban Subdivision driveway spacing shall be in accordance with the BCS Unified Design Guidelines.

2. Driveway entrances directly onto freeways, major and minor Arterial Roads are discouraged by the County. The Commissioner's Court may deny a plat for final approval if the Lots within such Subdivision provide for direct driveway entrance onto and off of highways and Arterials.

3. Driveway culverts for all Lots shall be designed by an Engineer and shall be shown on a table on the plat. The table shall include the Lot number, culvert length, size and invert elevations. This information shall also be placed in the deed restrictions, if any, for the Lots in the Subdivision. Design requirements are outlined in the BCEDGs.

Section F Water Service (Domestic and Fire)

1. Where an adequate supply of water is available, the installation of fire hydrants is required per BCS Unified Design Guidelines.

2. Where there is not an adequate supply of water, the Brazos County Commissioner's Court requires a limited fire suppression system that requires a Developer to construct:

    a. For a Subdivision of fewer than fifty (50) houses, two thousand five hundred (2,500) gallons of storage; or

    b. For a Subdivision of fifty (50) or more houses, two thousand five hundred (2,500) gallons of storage with a centralized water system or five thousand (5,000) gallons of storage.

3. All Urban Subdivisions must have access to a Public Water System for domestic supply and fire hydrant protection in accordance with the applicable municipality regulations as determined by the County Engineer.

4. All Rural Subdivisions must have access to either a Public Water System or provide Private Water Supply in accordance with Texas Local Government Code Section 232.0032 (See Appendix E.3).

5. Water service to individual Lots shall be in accordance with BCS Unified Design Guidelines or applicable rural water supplier regulations.

Section G Sanitary Sewer Service

1. Rural Subdivisions may have OSSF systems. Urban Subdivisions shall connect to an approved Public Sanitary Sewer System.

2. All Lots shall meet the minimum Lot size for the type of sanitary sewer service being used.

3. For determining the area required for an On-site Sewage Facility (OSSF), the minimum Lot size shall be in accordance with the current regulations of the Brazos County Health District or with the requirements of any other agency responsible for issuing permits for On-site sewage disposal as may be designated by the Brazos County Commissioner's Court.

Section H Drainage and Flood Control

1. The plat shall show all natural drains and water courses as they exist on the ground. The plat shall also show all existing and proposed contours at intervals of two (2) feet for grades up to five percent (5%) and intervals not more than five (5) feet for grades over five percent (5%).

2. The 100-Year Floodplain elevation must be clearly delineated on the plat per current FEMA Flood Insurance Rate Maps ("FIRM"). Those Lots containing acreage within the 100-Year Floodplain must delineate the minimum finished floor elevation. No Building shall be constructed on any Lot where the finished slab level will be lower than two (2) feet above the 100-Year Floodplain elevation.

3. Drainage courses designated on FEMA FIRM Panels shall be located within a drainage Common Area designated on the plat. This drainage Common Area shall not be a part of any Lot within the plat. The size of the Common Area shall be based upon a width no less than the top of bank plus twenty (20) feet on both sides of the drainage course or floodway plus twenty (20) feet on both sides of the floodway, whichever is greater.

4. All other drainage ways must be located within a drainage Easement sized based on developed flows from a ten (10) year event. This drainage Easement may be located within a platted Lot but shall not count toward the minimum Lot size for OSSF permitting purposes.

5. In general, a drainage Easement shall be a minimum of ten (10) feet in width and a combined drainage and utilities Easement shall be a minimum of twenty (20) feet in width.

6. Maintenance responsibility for drainage will not be accepted by the County other than that accepted in connection with draining or protecting the Road system, and which is adjacent to the publicly dedicated Right-of-Way. Maintenance responsibility for detention and water quality ponds will remain with the Owner or other County approved entity

7. Storm water detention basins, when needed, shall be designed, constructed and maintained in accordance with the BCEDG. When a Development shall have several sections, the ultimate detention area must be dedicated if not located in the first platted section. Detention is to be designed by a Registered Professional Engineer using a basis of a 2, 10, and 100-Year Storm. Exceptions may be allowed when the Owner can demonstrate that downstream property shall not be adversely affected. The drainage criteria utilized in the BCS Unified Stormwater Design Guidelines shall be used to demonstrate No Adverse Impact.

8. If the Subdivision is required to provide Off-site storm water detention, then surety will be required for the construction of the detention facility prior to beginning construction of the Subdivision Improvements.

9. Drainage systems shall be designed in accordance with the BCEDG. All data and calculations must be presented to the County Engineer as part of the construction Plans associated with the plat.

10. Layouts that will cause unsatisfactory drainage conditions, or that will unduly complicate maintenance of Streets, will not be accepted.

Article 8. PRIVATE SUBDIVISIONS

Section A Private Subdivisions

Subdivisions having privately maintained Streets (Street Types C, D and E as outlined in Article 7.C.1) shall be established only under the terms set forth in these Regulations, and pursuant to any other regulations or guidelines for private Street Developments as may be adopted for use by the County either as part of these Regulations or as separate regulations or policies. All privately maintained Streets in a Rural Subdivision shall be designed and constructed in accordance with the County's standards for publicly dedicated Streets. All privately maintained Streets in an Urban Subdivision shall be designed and constructed in accordance with the BCS Unified Design Guidelines for publicly dedicated Streets. The term privately maintained Street shall be inclusive of alleys, if such are to be provided within the Subdivision.

If an Owner wishes to utilize privately maintained Streets or gate any portion of the Subdivision, it is considered a Private Subdivision and must meet the following criteria:

1. Privately maintained Streets shall be permitted only within a Subdivision satisfying all of the following criteria:

    a. If the Subdivision is gated, the Streets to be restricted to private maintenance shall not include Arterial Roads or Collector Roads.

    b. If the Subdivision is not intended to be gated, the private maintenance may extend to Arterial Roads only if the County Engineer is satisfied that the maintenance entity will have sufficient power, authority, and fiscal means to maintain the roadway.

    c. A Homeowners Association/Property Owners Association or district, as approved by the Brazos County Commissioner's Court, which includes all property to be served by the privately maintained Streets, will be formed.

    d. The Subdivision conforms to any other special guidelines for privately maintained Street Developments as may be approved separately by the County.

2. The Final Plat for a Subdivision with privately maintained Streets shall include the following note which shall be conspicuously displayed on the plat:

    "It is understood that on approval of this plat by the Commissioner's Court of Brazos County, Texas, the building of all Streets, Roads and other public thoroughfares delineated and shown on this plat as privately maintained, and all bridges and culverts necessary to be constructed or placed in such Streets, Roads other public thoroughfares, or in connection therewith, shall remain the responsibility of the Owner, Homeowners Association/Property Owners Association, or other maintenance entity and/or Applicant of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioner's Court of Brazos County, Texas. The Commissioner's Court assumes no obligation to build the Streets,

Roads and other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith." See Appendix F.1 for additional acknowledgements that may be required for private Streets.

3. The Subdivision plat must contain a statement that the Streets shall be maintained to such a standard which will allow emergency vehicles access for the Road design speed in perpetuity by the Owner and all future Owners of property within this Subdivision.

4. The Subdivision Final Plat, property deeds and Homeowners Association/Property Owners Association documents shall note that certain County services may not be provided for privately maintained Streets. Among the services which may not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports.

5. On the Subdivision Final Plat shall be language whereby the Homeowners Association/Property Owners Association or district, as Owner of the privately maintained Streets and appurtenances, agrees to release, indemnify, defend and hold harmless the County, any other governmental entity, and any public utility entity for damages to privately maintained Streets that may be occasioned by the reasonable use of the privately maintained Streets by same, or for damages and injury (including death) arising from the condition of the privately maintained Streets, use of access gates or cross-arms, or use of the Subdivision by the County or any other governmental or utility entity.

6. Homeowners Association/Property Owners Association documents or district by-laws, as applicable, shall reference Appendix F.2 and shall contain provisions that describe how the Homeowners Association/Property Owners Association or district may make application to the County to accept privately maintained Streets. The Homeowners Association/Property Owners Association documents shall also provide for the County's right to assess the property Owners for the cost of remediation of Improvements whether a voluntary or involuntary conversion is pursued under these Regulations.

7. The plat must contain a note that states "every deed shall contain a notice to the grantee that all designated Streets are privately maintained, that the property Owners shall be perpetually liable for maintenance, and that the quality of the Roads must be maintained as to not affect access by public service agencies such as police, fire, and emergency medical services."

8. A sign shall be placed at the entrance of the Subdivision clearly stating that the Streets in this Subdivision are privately maintained Roads. The location of this sign shall be shown in the construction Plans.

9. Any Owner that gates the entrances to the Subdivision shall provide either a crash gate or a knox lock and a letter of approval from all of the affected emergency response agencies stating their approval of full time access to and from the Subdivision.

10. Roads or Streets that are shown on the County's Thoroughfare Plan such as highways, major or minor thoroughfares, Arterials, or Collectors, shall not be used, maintained or constructed as privately maintained Streets.

11. A privately maintained Street Subdivision shall not cross or interfere with an existing or future Collector or Arterial Road.

12. The County may deny the creation of any privately maintained Street if, at its sole discretion, if the County determines the privately maintained Street would negatively affect traffic circulation on public Streets; would impair access to the subject or adjacent property; would impair access to or from public facilities including schools or parks; or would cause possible delays in the response time of emergency vehicles.

13. No privately maintained Street shall be constructed off of an existing private Street. Proposed privately maintained Streets must have access to a County Road or State maintained Road.

14. Layout requirements for Subdivisions with privately maintained Streets can be found in Appendix F.1.

15. The County shall not pay for any portion of the cost of constructing or maintaining a privately maintained Street.

16. Applications for Subdivisions with privately maintained Streets must include the same Plans and engineering information required for public Streets and utilities. County requirements pertaining to review and approval of Improvements shall apply, and fees charged for these services shall also apply. The County may periodically inspect privately maintained Streets, and may request any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.

17. A site plan showing the design and location of all proposed access restricted entrances shall be submitted for review by the County Engineer, along with the Engineering Plans for the Subdivision, and must be approved by the County along with approval of the Preliminary Plan.

Article 9. Traffic Impacts

Section A Traffic Worksheet

1. The purpose of this Section shall be to establish policies governing traffic flow and safety on Street facilities within the Brazos County limits, in accordance with the Texas Transportation Code governing traffic flow. The purpose of these policies is to protect the general health, safety and welfare of the public by reducing traffic congestion, improving traffic safety and flow, and ensuring that Site Generated Traffic can be adequately and safely served by the existing and future Street system.

2. All proposed Single-Family Residential Developments (100 Lots or greater), Multi-Unit Residential Developments, or Non-Residential Developments are required to submit the Brazos County Trip Generation Threshold Analysis Worksheet provided below, prepared by a Licensed Professional Engineer in the State of Texas, with experience in Transportation Engineering, to determine if the Development is expected to generate:

    a. 1,000 or more vehicle trips per day; OR

    b. Add 100 or more parking spaces; OR

    c. Generate 150 or more vehicle trips in the peak direction (i.e. inbound or outbound) during the site's peak traffic hour (typically AM, PM or Saturday peak);

    All Developments must utilize their "total" buildout, including any future phases, to determine if they fall below the one-hundred (100) Lot threshold.

3. Three (3) copies of the Threshold Analysis Worksheet shall be submitted for review concurrently with the submittal of the Preliminary Plan or Site Plan.

Brazos County, Texas – Trip Generation Threshold Analysis Worksheet

This form is to be completed to determine if a Traffic Impact Analysis is required.

Submittal Date: _____

Development Name: _____

Location: _____

Applicant: _____ Contact Phone #: _____ Contact email: _____

Proposed Land Use and Trip Generation Date For Buildout of Development

Trips shall be calculated using the most recent version of the ITE Trip Generation Manual

Land Use Type	Units*	ITE Code	Daily Total (Weekday)	AM Peak Hour			PM Peak Hour			Sat Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
		TOTALS										

seal/signature/date

Notes:

#1 – A Traffic Impact Analysis ("TIA") will be required when the Development is expected to generate one thousand (1,000) or more vehicle trips per day OR one hundred (100) or more vehicle trips in the peak direction (i.e. inbound or outbound) during the site's peak traffic hour.

#2 – The County Engineer may require a TIA at any stage of a Development whether it meets this criteria or not if special circumstances exist that may warrant a TIA.

#3 – If a TIA is needed based on this Threshold Worksheet, the Developer shall contact the County Engineer to determine the actual study requirements regarding time periods, Study Area intersections, Study Area Boundary, etc.

* Units should be based on what is used for the trip generation rate (ie. Gross Floor Area, Acreage, etc), be sure to specify in the box.

Applicant Signature _____ Date: _____

Section B Traffic Impact Analyses.

If a Traffic Impact Analysis ("TIA") is required based upon criteria determined through completion of the Threshold Analysis Worksheet, the TIA shall be prepared and sealed by a licensed professional Engineer in the State of Texas with experience in Transportation Engineering.

If required, three (3) copies of the TIA shall be submitted for review concurrently with the submittal of the Preliminary Plan or Site Plan.

This section establishes requirements and procedures pertaining to traffic impact analyses ("TIAs"). This Article is intended to inform the applicant of the County's expectations to ensure safe and adequate access to the Development and adequate traffic flow on existing and proposed Roads.

The TIA is intended to form the basis for design of any proposed access/Road system to ensure coordination of the proposed Development with the transportation needs resulting there from. The County and the Developer share responsibility to identify and solve transportation issues arising from land Development.

1. **Purpose.**

   The goal of a TIA submitted is twofold: to assess the adequacy and safety of proposed access to adjacent existing or planned Roads (or designs proposed for such access or Roads); and to determine effects the Development may have on current Road systems in its study area. Generally, the TIA uses current and anticipated near-term traffic volumes and Road configurations for the analysis. The process should ensure that the Road system is, or will be, adequate to accommodate the proposed Development and that safe and adequate access will be provided for travel between the Development and the public roadway system.

   Where the TIA shows levels of service falling below acceptable minimums on Road systems in its study area the TIA will recommend appropriate mitigation measures and demonstrate their effectiveness. Example mitigation techniques may include adding/lengthening deceleration/turn lanes, improving driveway access, providing connectivity, and modifying traffic control devices. Combinations of these techniques and other techniques can be considered. A TIA for a Development should not recommend mitigation measures that are inconsistent with any traffic or Road provisions of the County's Thoroughfare Plan. The Brazos County Commissioner's Court shall consider the findings of the TIA in approving or disapproving plats to the extent allowed by law.

2. **Definitions.**

   a. Trip Generation Rates.
      Trip Generation Rates are used to estimate the amount of vehicular traffic generated by proposed Development. TIAs shall use rates set forth in the latest edition of the Trip Generation Report published by the Institute of Transportation Engineers ("ITE"), unless

the Report does not adequately address the type or intensity of the proposed Development. In this event the Applicant or his agent shall submit projected vehicle trips to the County Engineer for approval.

b. Design Year.
The design year is the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of Development occupancy, and shall include consideration of nearby development that has been approved and will contribute traffic volume to the proposed project's study area.

c. Peak Periods.
Peak periods relate to times of day experiencing the greatest hourly traffic flow rates. Two (2) "peaks" are to be addressed by a TIA: The morning and afternoon peak hours (or projected peak hours) of existing (or planned) Roads serving the proposed Development. Typically Road peak periods are between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m.

d. Base Volumes.
Base volumes shall be based on current traffic counts adjusted to the expected date of Development occupancy plus volumes generated by nearby future development (all phases) that has been approved by the County or city. In all cases where traffic counts are needed and are not available, the developer or his agent shall be required to collect such data according to guidelines approved by the County Engineer.

e. Level of Service (LOS).
Level of service is a measure of the extent of congestion experienced on roadways. It is measured through analysis of traffic operating conditions on Road links and at intersections, using techniques presented in the latest edition of the Transportation Research Board's Highway Capacity Manual.

3. **Methodology.**

a. TIA Scope of Work Determination Meeting.
A TIA scope of work consultation with the County Engineer is required to discuss whether a TIA is required and, if so, the relevant aspects thereof. The study area will be defined to include nearby land developments (existing or approved), the street network to be examined (the "study network"), and the minimum extent of analysis. In addition, details of the procedures, assumptions, data collection, and analysis methodology(ies) will be determined at this meeting. Traffic from other nearby developments that have been approved but not yet constructed will be accounted for in the TIA as determined by the County Engineer. The County Engineer may require other specific assumptions such as the percent of trucks to match local conditions.

b. TIA Content.

Submittals of TIAs for Development shall include the following:

i. Study Area.

A map(s) delineating the TIA study area, including land areas to be considered and all existing/planned Roads therein, and the "study network" (those Roads and intersections requiring specific analyses).The study area will be determined by identifying the geographical area most affected by the proposed development as determined by the County Engineer after conferring with the Applicant. In general the study area will cover all intersections through which at least ten (10) percent of the proposed development's site traffic passes, and shall extend to and include at least the first traffic signal in all directions if within one (1) mile of any portion of the site. Existing Roads and intersection capacities shall be shown.

ii. Existing Development.

A description of existing development including land area (gross and net), square footage, density of hotel rooms, dwelling units, etc.

iii. Thoroughfare Network.

A description of existing thoroughfares, signals, signal phasing and traffic volumes within the study area;

iv. Proposed Development.

A description of the proposed development including land area (gross and net), square footage, density of hotel rooms, dwelling units, etc. Also a description of anticipated Road conditions expected by the date of occupancy of the proposed development shall be included.

v. Proposed Access.

Identification of the proposed access driveways for the development. This shall include the location and number of lanes, proposed traffic controls, and relationship to on-site circulation features for each proposed point of access. It must also include any proposed modifications to adjacent Roads. Once the TIA and an access plan has been approved, the final location and design of all access points shall meet or exceed the current access management and Road design policies of the entity responsible for the condition of that portion of adjacent Road.

vi. Impact Determination.

A determination of the level of service for all Roads and intersections in the study area shall be included and motor vehicle safety conditions along all the Road frontage of the Development. The analysis shall contain the following minimum information:

1. Proposed Trip Generation.
   A calculation of the total trip generation by use within the study area assuming full development and occupancy, including both peak hour and twenty-four-hour information show any reductions attributed to passers-by, mixed use, etc. show trip generation by use in tabular form with land use trip generation rates and trips generated.

2. Trip Distribution and Assignment.
   A calculation of trips generated by the proposed development as added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions (and the bases therefore) and assignment calculations must be provided.

3. Level of Service Analysis.
   A depiction shown in tabular form, twenty-four-hour and peak hour volume/capacity ratios for links and intersections within the study area. This analysis should be done for the following traffic conditions: existing traffic, existing traffic plus projected traffic. Capacity analyzes must be shown for all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.

4. Neighborhood Traffic Analysis.
   If the TIA calculations show that a proposed site project increases traffic on a minor collector or local residential roadway (street) by at least ten (10) percent, a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic on the affected roadways. Mitigation to lower this traffic may be required.

5. Conclusions.
   A summary of findings must be reported. It must show all adjacent Roads and intersections noting those that fail to provide level of service D or better, and the percent increase in total traffic produced by the proposed Development. In addition the report must demonstrate that the proposed access design will provide safe and adequate access to the Development. It also must identify any safety and operational problems (e.g., driveways, sight distances, median openings, and signalization) within the study.

vii. Mitigation.
A description of the mitigation measures proposed for meeting acceptable traffic service thresholds shall be shown. Where the development is contributing five (S) percent or more of the traffic at locations failing to meet level of service D or better the total trips should be mitigated by the Applicant to low enough levels

to achieve the required standard (or to pre-development levels, whichever is greater). Acceptable measures for mitigating negative traffic impacts include any one (1), or a combination of, those listed below.

1. Modifying the density or intensity of the Development, such as a reduction in square footage or the percentage of commercial use to result in traffic levels meeting level of service D or better;

2. Phasing approval and construction of a Development until additional Road capacity becomes available;

3. Improving the access plan by dealing with features such as overall site arrangement, the placement and design features of access points, provision of additional access points to Roads not immediately adjacent to the property, provision of alternate controls, or adjustments in the Development's circulation system;

4. Making off-site improvements including the construction of additional lanes, increases in storage lane capacities, or modification of signalization, to list some examples.

viii. Costs of Mitigation.
Mitigation improvements which are attributable to the proposed development shall be funded at the Developer's expense. Any other improvements shown which are consistent with the County Thoroughfare Plan may request reimbursement by the County in accordance with its cost sharing policies.

4. **Criteria for Approval.**
The County shall consider the following standards in determining whether a proposed Development meets an acceptable level of service:

a. Design Requirement.
The proposed Development is consistent with the County's Thoroughfare Plan and is consistent with the design requirements of the Texas Department of Transportation on Roads maintained by such agency.

b. Level of Service D.
The desirable minimum level of service for the County is a level of service D as that term is described in the Transportation Research Board's Highway Capacity Manual.

c. Determination of Adequate Mitigation.
Notwithstanding anything to the contrary herein, the County Engineer and the Brazos County Commissioner's Court, shall, based on recommendations by a qualified traffic engineer, determine whether adequate mitigation has occurred to meet an acceptable level of service utilizing the requirements set forth herein.

Article 10. Financial Responsibilities and Guarantees

Section A Fiscal Surety For Subdivision Improvements

1. Fiscal surety is a financial commitment provided to the County to ensure that the infrastructure required to support the associated Subdivision will be constructed. In approving the creation of new Lots, the County will require that appropriate fiscal surety be posted prior to recordation of the plat unless the Applicant elects to have the plat held in abeyance and to construct the improvement prior to recordation. These Regulations are framed recognizing that the County considers the standard form for fiscal surety for the construction period to be a surety bond and cash for the performance (maintenance) period. Alternate forms of surety may be accepted by the County as long as the financial instrument and associated surety agreement satisfy the above requirements.

2. Construction Surety – If the Applicant elects to file the plat prior to construction, then in order to assure that the Streets, drainageways and other public Improvements are constructed in a timely manner and in accordance with the BCEDG, the Owner of the Subdivision shall file a construction bond, executed by a surety company authorized to do business in the State of Texas, and made payable to County of Brazos County, Texas in the amount of one hundred and ten percent (110%) of the cost of construction.

3. Maintenance Period Surety – In order to guarantee that Streets, drainageways and other public Improvements were properly constructed and have been maintained in good condition for two (2) years following approval of the public infrastructure, the Owner/Developer shall deposit cash, file a Maintenance Bond executed by a surety company authorized to do business in Texas, or provide a letter of credit made payable to Brazos County in an amount no less than ten percent (10%) of the construction cost of the Improvements.

4. If the construction surety option is used, then it must be filed with the County prior to approval of a Subdivision plat for recording and must be maintained throughout the time of the construction of the Improvements. Fiscal surety for the maintenance period must be filed with the County prior to commencement of the maintenance period and shall be maintained throughout the maintenance period. If any form of fiscal surety is scheduled to expire prior to the end of the activity it secures, the County will take any action required to get the fiscal extended by the Owner or the County will collect the funds from the Surety per Article 10 Section E and hold them in trust until the activity being secured is completed. If the Surety for a recorded Subdivision should expire before construction of the Improvements has been completed, it shall be re-posted by the party responsible for the construction of such Improvements before construction continues.

5. Construction and maintenance bonds shall provide that, should these bonds be unenforceable as a statutory bond, the obligees shall be bound by their contract as a common law obligation.

6. In approving a Final Plat, the Commissioner's Court may order that the plat be held in abeyance and not filed or recorded until the Owner has:

    a. Submitted construction surety or completed construction of the required Improvements and provided a maintenance surety for the maintenance period; and

    b. Provided proof that the Final Plat has been approved by any other governmental entity with platting or other jurisdictional authority; and

    c. Met any other prerequisites set by the Commissioner's Court.

7. Upon approval by the Commissioner's Court and determination that any prerequisites for filing have all been met, the Final Plat will be filed of record in the Records of Brazos County, along with any applicable covenants and/or restrictions, at the Owner's expense. If it is determined that any prerequisites for filing have not been met or if any other governmental entity with jurisdictional authority requires changes to the plat as it was previously approved by the Commissioner's Court, the Commissioner's Court may reconsider the Application and approve modifications, or the Commissioner's Court may withdraw its previous approval.

Section B Construction Bonds

1. The amount of the construction bond shall not exceed the estimated cost of construction of the Streets, drainageways and other public Improvements, and including 10% to cover the administering of rebidding of the proposed construction should this become necessary. The estimate will be based on construction Plans which are acceptable to the County and current costs for such work which has been based on an estimate for the construction of all Roads and drainage facilities prepared by a Texas Registered Professional Engineer.

2. Construction surety bonds to be filed with the County Engineer shall be provided in a form approved by the County prior to the approval of a Subdivision plat for recording, or shall be provided as directed by the County Engineer if no plat is filed.

3. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States and if it is licensed to write such bonds in the State of Texas.

4. The construction bond shall require that the Owner of the Subdivision will begin construction of Streets, drainageways and other public Improvements shown on the Subdivision plat, or otherwise located, as soon as possible after the date of approval of the plat by the Commissioner's Court, or as directed, and shall diligently complete such construction in accordance with County standards and specifications within a period agreed to between the Owner and the County Engineer, not to exceed two (2) years.

5. The construction bond shall remain in full force and in effect until all Streets, drainageways, and other public Improvements in the Subdivision have been completed to the satisfaction of the County Engineer or his agent, and the obligation has been released by official action of the County Engineer.

6. In the event any or all of the Streets, drainage facilities or other public Improvements are not completed, and if the Contractor or Owner refuses to correct defects called to his attention in writing by the County Engineer, the unfinished Improvements shall be completed at the cost and expense of obligees as provided below in Article 10 Section E.

7. The construction period may be extended by mutual agreement of the Commissioner's Court and Developer provided this extended agreement includes an increase in the bond amount to cover cost increases accrued since the date of the original agreement.

Section C Maintenance Surety

1. The Owner shall provide cash, a maintenance bond, or a letter of credit as surety against damages or defective work which may occur or be identified during the two (2) year maintenance period which begins after approval of the public Improvements. The maintenance surety will bind the Owner or contractor to maintain the newly constructed facilities and to correct any defects in materials, workmanship (including utility backfills and driveway locations), or design inadequacies, or damages, which may be discovered within the two (2) year maintenance period.

2. If cash surety is elected by the Owner, it shall remain as security for a period of twenty-four (24) months unless it is required longer as stated below. If a bond or letter of credit is elected by the Owner, it shall remain as security for a period of thirty (30) months unless it is required longer as stated below.

3. The Subdivision will not begin the required two (2) year maintenance period until such cash, bond or letter of credit are furnished and approved by the County. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States and if it is licensed to write such bonds in the State of Texas.

4. The Owner must correct or cause the Contractor to correct at his/her own expense, damages or defects due to improper construction or maintenance within thirty (30) days after receiving written notice of such defects from the County. If the Owner fails or refuses to correct such defects within the thirty (30) day period, or to provide acceptable assurance that such work will be completed within a reasonable time thereafter, Brazos County may elect to correct or cause to be corrected any such damages or defects, charging any and all incurred expenses against the maintenance surety.

5. Surety shall be released by official action of the County Engineer if the project exists in a good state of operation and repair which meets County standards for the period of two (2) years from the date of official release of construction surety. If repairs are required within six (6) months, prior to the surety expiration date, then the surety shall be extended for a one (1) year period.

6. The Developer shall request periodic inspections at six (6) month intervals of all Streets for which maintenance surety is held. The inspection shall be made by the County representative in concert with the Developer during the period of liability covered by the maintenance surety; and, in the event any or all of the Streets, drainageways and other public Improvements are not being properly maintained, the Owner will be so advised in writing and if, after a reasonable time, he fails or refuses to perform proper maintenance of Streets, drainageways and other public Improvements, they may then be maintained at the cost and expense of obligees as provided below.

Section D Forms of Surety

The following forms of surety are considered acceptable for insuring a Developer's promise to properly construct and maintain Streets, drainage facilities and other public Improvements in a Subdivision in Brazos County:

1. Surety Bond

    a. Construction and maintenance bonds are considered to be the standard form of fiscal surety for Subdivision Improvements in Brazos County and they shall meet the requirements of this Section when used.

2. Cash Deposit.

    a. The offer of cash in lieu of bond shall be accompanied by a cash surety agreement signed by the Developer or his agent. On the date that the Commissioner's Court approves cash surety in lieu of bond, the County Judge shall sign the agreement and copies shall go to the Developer, to official records, and to the County Treasurer.

    b. The conditions of the cash surety agreement are as stated on the forms provided by the County. The general conditions of the cash surety agreement are the same as those stated for the construction and maintenance bonds.

    c. The cash surety agreement shall be provided in a form approved by the County.

3. Letter of Credit

    a. The County, at its sole discretion, may accept a letter of credit as fiscal surety for the construction of Improvements and/or the subsequent maintenance period.

b. The offer of letter of credit in lieu of bond shall be accompanied by a letter of credit surety agreement signed by the Developer or his agent. On the date that the Commissioner's Court approves a letter of credit surety in lieu of bond, the County Judge shall sign the agreement and copies shall go to the Developer, to official records, and to the County Treasurer.

c. The conditions of the letter of credit surety agreement are as stated on the forms provided by the County. The general conditions of the letter of credit surety agreement are the same as those stated for the construction and maintenance bonds.

d. The letter of credit surety agreement shall be provided in a form approved by the County.

Section E Collection of Surety

1. The construction surety will remain in full force and in effect until all public Improvements have been approved and are performing to County standards at the end of the construction period. The maintenance surety will remain in full force and in effect until all public Improvements have passed inspection and have been approved for Final Maintenance Acceptance by the County at the end of the two (2) year maintenance period.

2. In the event any or all of the Improvements fail to meet County standards and the Owner fails or refuses to correct defects or damage called to his attention in writing by the County, the County may collect the surety to complete the Improvements. The County Engineer is authorized to execute notices of intent to collect on posted surety without the necessity of Commissioner's Court action, but the Commissioner's Court must authorize the collection of the surety.

3. Recovery on construction bonds and maintenance surety shall not be limited or exhausted by one or more recoveries of less than the total amount of such surety.

4. The County may draw upon any surety posted under this agreement upon the occurrence of one or more of the following events:

    a. The failure of the Owner to construct or complete the Improvements to applicable County standards;

    b. The Owner's failure to renew or replace the surety at least forty-five (45) days prior to its expiration;

    c. The acquisition of the property or a portion of the property by the issuer of the surety or other creditor through foreclosure or an assignment or conveyance in lieu of foreclosure;

    d. The arrangement by the Commissioner's Court for the completion of one or more of the Improvements; or

    e. The determination by the Commissioner's Court that the completion of one or more of the public Improvements is in the public interest.

5. The collection on surety and the implementation of construction to complete necessary Improvements to the extent possible with the resulting funds does not constitute Final Maintenance Acceptance of the Improvements for maintenance. The County is not a Subdivision Developer and, if it undertakes the performance of such construction through a third party contractor, the County is acting as a third party trustee on behalf of the public.

6. Request for collection of securities must be approved by the Commissioner's Court and signed by the County Judge and, in the case of collection for construction, only after it as been determined that failure to complete construction, extend the surety instrument's period of coverage, or correct deficiencies is not due to weather, acts of God, strikes or other reasons beyond the Developer's control.

Section F Release of Surety

1. Substantial completion shall be defined as the date ten (10) days prior to the date that, in the opinion of the Owner or his/her consulting Engineer, all work will be finished. On this date, the Owner will:

    a. notify the County Engineer or his/her representative in writing that the work has been substantially completed;

    b. request a punchlist of any unfinished work from the County Engineer or his/her representative to be completed in the (10) working days;

    c. provide a complete compilation of all testing reports associated with the project construction; and

    d. submit a letter of substantial completion by the Owner's consulting Engineer, indicating his/her concurrence that all construction has been completed in compliance with the approved construction plan and specifications.

2. Within five (5) working days after the Owner has given the County Engineer or his/her representative written notice that the work has been substantially completed, the County Engineer or his/her representative will review the work and provide a written punchlist with photographic documentation to the Owner and the Contractor. The punchlist will include:

    a. Any remaining items discovered which do not comply with the construction documents;

    b. County requirements not completed; and

    c. Any other items required for the issuance of the approval of construction letter.

3. If needed, a construction approval meeting will be held at the site of the work and at a time agreed to by the County Engineer and the Owner. The Owner will invite contractors to the meeting as appropriate and will invite attendance by the Owner's consulting Engineer. An approval of construction letter will be issued by the County within five (5) days of the On-site meeting if all items listed below in Section F are in order. If there are exceptions, a letter of exception will be issued instead with reasons stated for the exceptions. An approval of construction letter will then be issued when the exceptions are cleared. The approval of construction letter will be issued contingent upon the following documents being supplied to the County:

    a. A construction and materials test report;

    b. Owner's consulting Engineer's letter of substantial completion;

    c. Construction Plans, certified as "As-Built Drawings" and containing the following language, if applicable, by the Owner's consulting Engineer; provided as one paper copy and one digital .pdf file;

    "I, _____, General Contractor for _____ Development, certify that the Improvements shown on this sheet were actually built, and that said Improvements are shown substantially hereon. I hereby certify that to the best of my knowledge, that the materials of construction and sizes of manufactured items, if any, are stated correctly hereon."

    _____ (General Contractor)

    "I hereby attest that I am familiar with the approved drainage plan and associated construction drawings and furthermore, attest that the drainage facilities have been constructed within dimensional tolerances prescribed by the Brazos County Engineering Design Guidelines and in accordance with the approved construction Plans or amendments thereto approved by Brazos County."

    _____
    Licensed Professional Engineer
    State of Texas No. _____

    d. The cash, bond, or letter of credit for the two (2) year maintenance period for public Improvements; and

    e. If applicable, a copy of the Conditional Letter of Map Amendment ("CLOMA") or Revision ("CLOMR") from FEMA and the completed application for a CLOMA or CLOMR.

4. After the approval of construction letter has been issued, the construction will be monitored by the County for the two (2) year maintenance period. If damages, failures, or defects appear, the Owner will be notified to make corrections.

5. In addition to the contractor's two (2) year warranty on construction, Developers of proposed Roads which will not be maintained by the County, including private Roads, shall demonstrate financial responsibility for Street and drainage infrastructure by providing proof of the following:

    a. Escrowed funds totaling, or insurance covering, ten percent (10%) of the construction cost for emergency repairs; and,

    b. Mechanisms for collecting dues from associated property Owners; or property tax assessments established and sufficient to support annual maintenance costs and to support a sinking fund for Street rehabilitation.

6. In lieu of leaving ten percent (10%) of the fiscal surety in place for the maintenance period, the Owner may submit cash, a maintenance bond or a letter of credit in a total sum of ten percent (10%) of the cost of the construction of the public Improvements guaranteeing the work and warranties. The Subdivision will not begin the required two (2) year maintenance period until such cash, bond, or letter of credit are furnished and approved by the County. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States, and if it is licensed to write such bonds in the State of Texas.

7. After the approval of construction letter has been issued, the Improvements will be monitored by the County during the two (2) year maintenance period. If failures or damages appear, the Owner will be notified to make corrections. Upon expiration of the two (2) year maintenance period, and if no damages or defects have been identified and reported to the Owner by the County Engineer, the County will release the maintenance surety.

8. The County Engineer shall notify the Commissioner's Court of the satisfactory construction and maintenance (during the maintenance period) of public and private Improvements. The Commissioner's Court may then authorize accepting public Improvements for permanent County maintenance. The County is under no obligation to accept the public Improvements for permanent County maintenance. Upon Final Maintenance Acceptance of the public Improvements, the County will fully release all posted surety for public Improvements.

9. Sections or phases of Subdivisions must be completed in their entirety. There will be no partial releases of surety.

Section G Developer Participation Contracts

1. Without complying with the competitive sealed bidding procedure of Texas Local Government Code, Chapter 262, the Commissioner's Court may enter into a contract with a Developer of a Subdivision or land in the unincorporated area of the County to construct public Improvements, not including a Building, related to the Development. If the contract does not meet the requirements of Article 10 Section G of these Regulations, then Texas Local Government Code, Chapter 262 applies to the contract if the contract would otherwise be governed by that chapter.

2. The Developer shall construct the Improvements in accordance with the contract, and the County shall participate in the cost of the Improvements.

3. The County shall limit their participation to not exceed thirty percent (30%) of the total contract price. In addition, the contract may also allow participation by the County at a level not to exceed 100 percent (100%) of the total cost for any oversizing of Improvements required by the County, including but not limited to increased capacity of Improvements to anticipate other future Development in the area. The County is liable only for the agreed payment of its share, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by an order of the Commissioner's Court.

4. The Developer must execute a performance bond for the construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Government Code.

5. In the order adopted by the Commissioner's Court under Item 3 above, the County may include additional safeguards against undue loading of cost, collusion, or fraud.

Article 11 – Construction and Maintenance

Section A General

1. Unless otherwise authorized, a preconstruction conference is required prior to the start of any construction. The meeting shall include the contractor, County Engineer, and the Developer's Engineer. If the construction has been divided among multiple contractors, the Developer shall designate one representative for the entire Development. Only one preconstruction meeting will be held.

2. Any utility lines to be located under Road pavement structures shall be encased (or sleeved) and backfilled per the BCEDG.

3. The Owner shall submit construction Plans for Roads, drainage, traffic signage and utilities within a platted Subdivision to the County Engineer for approval prior to beginning construction. Two (2) full-size paper copies of the construction Plans is required for review. These Plans shall show the location of water, sanitary sewer and storm sewer utilities, and shall show proposed Easements for privately-owned utilities (electric, cable television, gas, telephone, etc.) These Plans shall be designed in accordance with the BCEDG.

4. All required safety Plans and traffic control Plans shall be submitted for approval to the County Engineer prior to the start of any construction.

Section B Inspection

1. All construction, such as Road work, drainage structures, and curb and gutter, may be subject to inspection during construction by the County, and shall be constructed in accordance with the BCEDG.

2. Periodic inspections will be performed by the County during construction of both proposed County maintained infrastructure Improvements and private maintained infrastructure Improvements. Inspections should be scheduled by the Contractor at the following intervals:

    a. Subgrade when:

        i. All tests for subgrade have passed.

        ii. The subgrade conforms to the Construction Plans.

        iii. Rough grading of all ditches, including erosion control, is complete.

        iv. All culverts, headwalls, and safety end treatments (SETs) are installed; for cast-in-place concrete structures, inspection of placement of reinforcing bars shall be performed prior to pouring of concrete.

        v. Prior to placement of any base material.

b. Base when:

   i. All tests for base have passed.

   ii. The base conforms to the construction Plans.

   iii. Prior to application of prime coat.

c. Placement of asphalt or concrete pavement surface;

d. Other periodic inspections during testing; and

e. Final inspection when:

   i. All tests for pavement have passed.

   ii. All Improvements are complete and as-built drawings have been submitted per Article 10, Section F, 3.C.

A request for inspection must be received by the County Engineer in writing via email (inspections@brazoscountytx.gov) and must include the Subdivision name, current date, inspection requested (subgrade, base etc.) and desired date and time of inspection.

Subgrade and base inspections must be scheduled by 2PM CST of the Business Day prior to the date requested for the inspection. All geotechnical reports shall be complete and submitted with the request for inspection. At least two (2) Business Days' notice is required in advance of date requested for final inspections.

The reinforcing steel in cast-in-place concrete structures must be inspected prior to pouring of concrete. Inspection should be scheduled at least two (2) Business Days' in advance of date requested for the inspection. All cast in place structures should meet BCEDG standards. Cast in-place concrete structures with uninspected reinforcing steel will be considered defective and must be removed and replaced at Developer's expense.

3. If testing or inspection does not occur for the subgrade and/or base while the surface is exposed, the Developer will be required to have an independent testing laboratory, acceptable to the County, perform additional testing at the Developer's expense. Such testing may include core samples or additional density tests at fifty (SO) foot intervals measured longitudinally along the Road. During the progress of the work, all materials, equipment and workmanship may be subjected to such inspections and tests as will assure conformance with the County requirements. All testing shall be done by an independent testing laboratory acceptable to the County and at the Developer's Contractor's expense. All final test reports submitted to the County Engineer must be sealed by a professional Engineer registered in the state of Texas. The County shall approve the location of all testing. Testing locations shall be selected at varying distances from the centerline of the Road. The Developer's Contractor is solely responsible for coordination with the testing laboratory, for scheduling of the tests, and for timely delivery of the results to the County

Engineer. Additional testing may be required, at the Developer's expense, at the discretion of the County Engineer.

4. Minimum Testing Requirements

    a. Subgrade

        i. Raw subgrade (when lime or cement stabilized subgrade is not required for pavement design)

            1. Soil characteristics including liquid limit, plastic limit, plasticity index, and sieve analysis.

            2. Density tests are required at a minimum of every three hundred (300 feet) (measured longitudinally along the Road) with three (3) tests required in each Cul-De-Sac and eyebrow.

            3. Standard proctor tests are required for each existing soil type.

        ii. Chemically Treated Stabilized Subgrade

            1. Soil characteristics including liquid limit, plastic limit, plasticity index, and sieve analysis.

            2. Density tests are required at a minimum of every three hundred (300) feet (measured longitudinally along the Road) with three (3) tests required in each Cul-De-Sac and eyebrow.

            3. Standard proctor tests are required for each existing soil type.

            4. Pulverization gradation tests are required at a minimum of every three hundred (300) feet (measured longitudinally along the Road) with three (3) tests required in each Cul-De-Sac and eyebrow.

            5. Core or probe tests are required to show thickness of the subgrade every five hundred (500) feet (measured longitudinally along the Road) with one (1) test required in each Cul-De-Sac and eyebrow.

    b. Base

        i. Material tests shall be performed in accordance with BCEDG Standards.

        ii. Density tests are required at a minimum of every three hundred (300) feet (measured longitudinally along the Road) with three (3) tests required in each Cul-De-Sac and eyebrow.

        iii. Core or Probe tests are required to show thickness of the base every five hundred

(500) feet (measured longitudinally along the Road) with three (3) tests required in each Cul-De-Sac and eyebrow.

c. Hot Mix Asphaltic Concrete ("HMAC")

   i. A mix design is required to be submitted for the HMAC.

   ii. Density tests are required at a minimum of every five hundred (500) feet (measured longitudinally along the Road) with three (3) tests required in each Cul-De-Sac and eyebrow.

   iii. Core tests are required to show thickness of the HMAC every five hundred (500) feet (measured longitudinally along the Road) with three (3) tests required in each Cul-De-Sac and eyebrow.

d. Portland Cement Concrete

   i. A mix design is required to be submitted for the concrete.

   ii. Concrete shall be tested for slump, air content, and compressive strength in accordance with ACI 318.

Section C Storm Water Discharge Permit

Under current TCEQ regulations, construction activities including clearing, grading and excavation, must be permitted for storm water discharge unless the operations result in the disturbance of less than one (1) acre total land area which is not part of a larger common plan of Development.

For Large Construction Activities disturbing five (5) acres or more of land, the Developer must complete and post a site notice in conformance with TCEQ, and complete and submit a Notice of Intent ("NOI") for storm water discharges associated with construction activity under the National Pollution Discharge Elimination System ("NPDES") General Permit. The NOI shall be submitted to TCEQ by the Developer at least seven (7) days prior to commencement of construction.

For Small Construction Activities, disturbing one (1) acre to less than five (5) acres of land, including the larger common plan of Development, the Developer must complete and post a site notice in conformance with TCEQ, and complete and submit a Low Rainfall Erosivity Waiver Form. If the site is not eligible for a waiver, the Developer must submit a NOI to TCEQ under the NPDES General Permit and comply with its requirements.

A Storm Water Pollution Prevention Plan ("SWPPP") must be developed and implemented in accordance with TCEQ requirements for all construction activities disturbing one (1) acre or more of land, including the larger common plan of Development. During construction, a copy of the SWPPP shall be available On-site. All construction activities shall maintain the erosion control measures as stated in the SWPPP throughout the entirety of the project. TCEQ may be contacted if it appears that any activity is not in compliance with the SWPPP.

Article 12 – Final Construction Approval and Maintenance Acceptance of Infrastructure

Section A Final Approval of Construction

1. The enforcement of plat restrictions resides with the Commissioner's Court of Brazos County; however, in an ETJ both the city and the Commissioner's Court of Brazos County shall have the right and authority to enforce plat restrictions. This enforcement shall occur through appropriate legal procedures to prohibit the construction or connection of utilities, or issuing of permits unless or until the requirements of the plat restrictions have been achieved.

2. Any alterations from approved Plans resulting from construction or otherwise shall be prepared by the Owner at no cost to Brazos County, and to the satisfaction of the Commissioner's Court and County Engineer, in their sole discretion.

3. If Improvements to existing TxDOT controlled Roads are required, construction of such Improvements shall be complete and copies of correspondence from TxDOT stating TxDOT's acceptance of Improvements shall be submitted to the County Engineer prior to requesting a final inspection by Brazos County.

4. Upon completion of construction and verification by the County Engineer that all public infrastructure has been completed in accordance with the conditions stated in Article 10 Section F. The County Engineer shall issue an approval of construction letter.

Section B Final Maintenance Acceptance of Infrastructure

1. The Owner of the platted Lots is responsible for maintenance of all Roads within Subdivision until such time as the construction of the Roads have been accepted by the County. The filing of a Final Plat does not constitute Final Maintenance Acceptance or maintenance responsibility by the County.

2. The County will consider accepting a Road for maintenance only after dedication to the public of the Right-of-Way and final approval of all roadway construction by the County.

3. At the end of construction of the Subdivision, but prior to consideration of Final Maintenance Acceptance of the infrastructure by the County, the Owner shall provide a maintenance surety in accordance with Article 10.

4. The Owner shall request four (4) months prior to the conclusion of the designated maintenance surety period, as defined in Article 10, a final inspection of all infrastructure.

5. The County will assume no responsibility for drainage ways or Easements in the Subdivision outside of the Road Right-of-Way. Maintenance and liability of Improvements including but not limited to landscaping, illumination, sidewalks, water quality ponds, or any other Improvements required by other governmental agencies shall not be the responsibility of the County.

6. If landscaping, irrigation, sidewalks, illumination, water quality ponds, etc. are proposed within the Right-of-Way, the Owner and all future Owners of property within this Subdivision shall be responsible for the maintenance and liability of these features.

7. Prior to consideration of Final Maintenance Acceptance, any damage to existing County facilities resulting from construction shall be repaired by the Owner at no cost to Brazos County, and to the satisfaction of the Commissioner's Court and County Engineer, in their sole discretion.

8. The County's acceptance of any public infrastructure for maintenance is optional.

Article 13. Variances

Section A Variances

1. The Commissioner's Court of Brazos County 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.

2. Any person who wishes to receive a Variance shall apply to the County Engineer. All Variance request shall be submitted in writing to the County Engineer. The request must state the provisions to which a Variance is being sought while illustrating the necessity for the Variance. It must be further shown that the Variance will not create adverse impacts to the public interest.

3. The decision of the Commissioner's Court whether to grant or deny a Variance is at its complete discretion, and shall be final.

4. No Variance shall be granted regarding bonding.

5. Financial hardship to the Applicant shall not be deemed sufficient reason to constitute the recommendation of a Variance.

Article 14. Penalties

Section A Penalties

1. Section 232.005 of the Texas Local Government Code provides for the enforcement of the State Subdivision laws and of these Regulations.

2. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the BCEDG and other Appendices incorporated herein. Such offense is a Class B misdemeanor, as defined in the Texas Local Government Code as amended.

3. Under Texas Law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an Engineer, a title insurer, or any other person who assists in violating these Regulations may also face criminal penalties.

4. Besides prosecuting a criminal complaint, the County Attorney or other prosecuting attorney for the County may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, and to recover damages.

5. A tract that has been subdivided without compliance with these Regulations will be ineligible to obtain a permit for the construction or modification of a private sewage facility located on the tract.

APPENDIX A

Brazos County Road & Bridge Office
2617 SH 21 West
Bryan, TX 77803
Telephone: (979) 822-2127
Fax: (979 775-0456
Email: plats@brazoscountytx.gov

PLAT APPLICATION

SUBJECT PROPERTY INFORMATION			
APPLICATION DATE *:	RESUBMITTAL:	☐ YES	☐ NO
PROJECT / SUBDIVISION NAME:			
PROJECT ADDRESS OR LOCATION:			
LEGAL DESCRIPTION:			
IF RESUBMITTAL, PROJECT FORMERLY KNOWN AS:			
NUMBER OF LOTS:	TOTAL ACREAGE		
JURISDICTION : ☐ _____ CITY LIMITS ☐ _____ ETJ ☐ OUTSIDE ALL CITY LIMITS AND ETJs			

* **Notification of Application completeness will be given within 10 days of Application date. All incomplete Applications will be rejected. This Application shall expire five (5) years from the Application date of the project.**

TYPE OF APPLICATION		
☐ MASTER PLAN	☐ SIMPLIFIED PLAT	☐ PRELIMINARY PLAN
☐ FINAL PLAT	☐ AMENDING PLAT	☐ REPLAT

APPLICATION PURPOSE		
☐ RESIDENTIAL	☐ MANUFACTURED HOME RENTAL COMMUNITY	☐ COMMERCIAL
☐ OTHER (Please explain):		

FLOODPLAIN		
IS ANY OF THE PROPERTY LOCATED IN A FLOODPLAIN OR FLOOD HAZARD AREA?	☐ YES	☐ NO

Acknowledgment: The flood hazard boundary maps and other flood data used by Brazos County in evaluating flood hazards to proposed Developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of a Floodplain Permit in accordance with the Brazos County Flood Damage Prevention Ordinance does not imply that Development outside the areas of special flood hazard will be free from flooding or flood damage. Issuance of a permit shall not create liability on the part of Brazos County or any officer or employee of Brazos County in the event flooding or flood damage does occur.

TxDOT RIGHT-OF-WAY		
WILL ANY CONSTRUCTION OCCUR IN TxDOT RIGHT-OF-WAYS?	☐ YES	☐ NO

DIGITAL FILE SUBMISSION			
COUNTY ENGINEER	☐ ADOBE (.pdf file)	☐ AutoCAD (.dwg file)	(Email To: plats@brazoscountytx.gov)
911 ADDRESSING	☐ ADOBE (.pdf file)	☐ AutoCAD (.dwg file)	(Email To: gis@brazoscountytx.gov)

CONTACT INFORMATION		
APPLICANT INFORMATION		
FIRM NAME:		
CONTACT:		
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	
EMAIL:		

PROPERTY OWNER INFORMATION		
FIRM NAME:		
CONTACT:		
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	
EMAIL:		

ENGINEER INFORMATION		
FIRM NAME:		
CONTACT:		
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	
EMAIL:		

SURVEYOR INFORMATION		
FIRM NAME:		
CONTACT:		
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	
EMAIL:		

OTHER INFORMATION		
FIRM NAME:		
CONTACT:		
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	
EMAIL:		

PROPERTY OWNER CONSENT / AGENT AUTHORIZATION		
By my signature, I hereby affirm that I am the property Owner of record, or if the Applicant is an organization or business entity, that authorization has been granted to represent the Owner, organization or business in this Application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the Development/Subdivision of this property.		
SIGNATURE:	PRINTED NAME:	DATE:
SIGNATURE:	PRINTED NAME:	DATE:
By signing this form, the Owner of the property authorizes Brazos County to begin proceedings in accordance with the process for this type of Application indicated on page one of this Application. The Owner further acknowledges that submission of an Application does not in any way obligate the County to approve the Application and that although County staff may make certain recommendations regarding this Application, the Commissioner's Court may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.		

CALCULATIONS OF FEES					
MASTER PLAN:	No charge	SIMPLIFIED PLAT:	$100	PRELIMINARY PLAN:	$150 + $5 per lot
FINAL PLAT:	$150 + $10 per lot	AMENDING PLAT:	$100	REPLAT:	$150

RECEIPT BY BRAZOS COUNTY (Official Use Only)	
DATE APPLICATION RECEIVED: ____ / ____ / ____	DATE APPLICATION RECEIVED / REJECTED: ____ / ____ / ____
SIGNATURE:	SIGNATURE:
Receipt of this Application by Brazos County does not provide confirmation or acceptance of a complete Application, nor does it waive requirements for any additional information not contained as part of this Application which may also be needed as a part of the review process.	

Application Check List:

Copies of finished plat with corrections *(if* any):

- ☐ Three (3) hard copies to Brazos County
- ☐ One (1) .pdf copy to Brazos County
- ☐ One (1) .dwg copy to Brazos County
- ☐ One (1) hard copy to Brazos County Health District
- ☐ One (1) hard copy to Brazos County 911
- ☐ One (1) hard copy to local Water District or Company

Letters of approval (to be sent by the approving institution directly to Brazos County Engineering):

- ☐ Letter from Brazos County Health District - For On-site sewage evaluation.
- ☐ Letter from Brazos County 911 - For Road names.
- ☐ Letter from Water District or Company. - Stating water availability, etc.

If property is within an Extraterritorial Jurisdiction (ETJ) of a City:

- ☐ Approval notification from appropriate City.

Applicant attests that they have signed this Application in the capacity designated, if any, and further attests that they have read document and the statement contained herein and any attached are true and factual. All Applicants are encouraged to review the County Regulations prior to any plat submittal. It is understood that this Application is not finished or dated until all documents listed above are filed at the Brazos County Engineering Office and all applicable blanks are filled in the Application above.

SIMPLIFIED FINAL PLAT REQUIREMENTS

Every Simplified Plat shall include all of the following:

- ☐ Title Block with the following information:
  - ☐ Name, address, telephone and email address of Subdivider, recorded Owner, Engineer and surveyor.
  - ☐ Proposed name of Subdivision. (Subdivision name & Street names will be approved through the Brazos County 911.) (Replats need to retain original Subdivision name.)
  - ☐ Date of preparation. (Include the date of any revisions on the plat.)
  - ☐ Engineer's scale in feet.
  - ☐ Total area intended to be developed.
  - ☐ Proposed number of Lots to be developed.
  - ☐ Re-plat or Amending Plat, existing Lot and Block description or Abstract name and number.
- ☐ North arrow.
- ☐ Drawn on 24" x 36" sheet to scale of 100-feet per inch or larger.
- ☐ Subdivision boundary indicated by heavy lines. Boundary must include all of Parent Tract.
- ☐ All horizontal control and vertical elevations depicted on the plat shall be tied to NAD83 and NAVD 1988 Datum.
- ☐ A vicinity map, drawn at a scale appropriate to show all nearby major Roadways and sufficient in detail to identify the location of the proposed plat.
- ☐ All adjacent property Owner's names, deed record, or Subdivision name, Block and Lot number, and existing use.
- ☐ All parcels within the boundary of the Subdivision shall have a Block and Lot number shown on the face of the plat drawing.
- ☐ County boundaries, City limits, Extraterritorial Jurisdiction (ETJ) boundaries, school district boundaries and Subdivision section and/or phase boundaries.
- ☐ Road names and Right-of-Way width for all Roads. (Existing and proposed)
- ☐ All existing and proposed plat boundary lines, phase/section lines, and Lot lines with bearings and dimensions.
- ☐ Utility Services. (Water, wastewater, electrical, natural gas, cable, phone, etc.)
- ☐ Pipelines: label company with volume and page.
- ☐ All certification language as found in Appendix C.
- ☐ Easements and rights-of-way shall be dedicated to the public. The dedication of all Easements and rights-of-way shall be accomplished free of liens. The dedication shall be accompanied by the Certificate of Ownership and Dedication language found in Appendix C. The Owner's and any lien holder's dedication, and restrictions if any duly acknowledged in the manner required for acknowledgement of deeds, shall also be provided.
- ☐ All proposed Easements and existing Easements of record that have a designated route shall be shown on the plat with bearings and dimensions. The Owner shall be responsible for coordinating with all Utility Providers the location of all utility Easements that are shown on the Final Plat.
- ☐ Building Setback Lines for each proposed Lot as defined herein. For Subdivisions located within an Extraterritorial Jurisdiction (ETJ), this may be shown on the drawing or included as a plat note.

- ☐ Metes and bounds description of the property to be subdivided shall be certified by a Registered Professional Land Surveyor (RPLS), describing a beginning point and reciting bearings and distances to a corner of the original land grant survey of which the Subdivision is a part, according to the best available data. (Shown on drawing; not separate description)
- ☐ All Subdivision external corners, angle points, points of curvature and points of tangency shall be set by a Registered Professional Land Surveyor (RPLS) before the plat is recorded and shall be a TxDOT "Light Duty Setting" monument with an aluminum or bronze disk as specified in Appendix C of the TxDOT Survey Manual of April 2011. Alternately, Bernsten® Standard Aluminum Base monument (or equivalent as approved by the County Engineer) embedded and backfilled with compacted sand may be used. All Daughter Lots, Blocks and rights-of-way within the Subdivision shall be fully monumented in compliance with the Texas Board of Professional Land Surveying Act and the Board Rules set by a Registered Professional Land Surveyor (RPLS) before the plat is recorded.
- ☐ Primary control points or descriptions and ties to such control points, to which, later, all dimensions, angles, bearings, Block numbers, and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. All boundaries shall be tied to a County control monument.
- ☐ The plat note regarding Owner's responsibilities as found in Appendix G.4, if not contained in the Owner's dedication.
- ☐ The On-site Sewage Facility (OSSF) setback as required by the Brazos County Health District.
- ☐ The location, zone classification and panel Effective Date of the 100-Year Floodplain as identified on the most current Brazos County Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA).
- ☐ If there are any areas within the plat that include a FEMA-mapped Floodplain with a Zone A classification, or if there exists within or adjacent to the plat any water courses whose upstream drainage basin is larger than 64 acres, the plat shall also show the extent of the 100-Year Floodplain as determined by an engineering study under the seal of a Registered Professional Engineer. This study shall be sufficient in scope to determine and establish a BFE for all points within the plat.
- ☐ BFE's shall be shown for all points within the plat, as determined by the results of an engineering study. For plats where a FEMA-mapped Floodplain with a Zone AE classification exists within the plat, the BFE established by the accompanying FEMA- published flood study may be substituted for the engineering study.
- ☐ A minimum lowest finished floor elevation (FFE) for Buildings shall be established for each Lot within the plat. This minimum FFE shall be twelve (12) inches higher than the highest spot elevation that is located within five (5) feet outside the perimeter of the Building, or two-feet above the BFE, whichever is higher.
- ☐ If any areas within the plat include a 100-Year Floodplain (as determined by the results of an engineering study or as established by FEMA), a benchmark shall be established by the Owner within or immediately adjacent to the boundary of the plat. The location, description and elevation of the benchmark are required to be identified on the face of the plat. The elevation of this benchmark shall utilize the same vertical datum as that used in the engineering study to determine the FFE.
- ☐ A separate drawing containing both existing and proposed topographic information at 2-FT contour intervals along with the plat boundaries, Easement locations (existing & proposed), and culverts (existing & proposed).
- ☐ The certification language as found in Appendix C for both the Commissioner's Court approval and the County Clerk's filing certificate shall be located on the face of the plat. These signatures shall be obtained after approval by the Brazos County Commissioner's Court.
- ☐ If any Lot within the plat will be served by a well or an On-site Sewage Facility (OSSF), a letter must be provided by the Brazos County Health District stating they have examined the plat and that it is in compliance with the Brazos County On-site Sewage Facility (OSSF) Regulations, Construction Standards for On-site Sewage Facility (OSSF) Regulations as published by the Texas Commission

on Environmental Quality (TCEQ). This letter must be signed by a representative of the District prior to Final Plat approval.

- ☐ If the plat contains a water well site, there shall be a depiction of the TCEQ separation requirements per Title 30, Part 1, Chapter 290, Subchapter D Rule §290.41.
- ☐ If rural route mailboxes are proposed, the plat note as found in Appendix G.2 for placement of such mailboxes shall be shown on the face of the plat.
- ☐ If any areas of the plat are located outside of all incorporated areas, the plat note as found in Appendix G.1 regarding the requirement to obtain a unique Development Permit from the Brazos County Floodplain Administrator prior to locating or altering a structure or land shall be placed on the plat.
- ☐ It is the responsibility of the Owner to assure that the proposed name of the Subdivision is not duplicated. Subdivisions with different sections are considered unique. The Owner shall check with the County Clerk's records for verification.
- ☐ Driveway culverts for all Lots shall be designed by a Licensed Professional Engineer.
- ☐ If entrances or driveways are proposed fronting Texas Department of Transportation (TxDOT) controlled highways, farm-to-market Roads, or others, copies of correspondence with TxDOT are required to be submitted with the Preliminary Plan stating that the general entrance or driveway configuration is within TxDOT's guidelines. Formal approval of the layout from TxDOT is required prior to approval of Final Plat.
- ☐ The diameter and length for each driveway culvert shall be shown on a table on the plat. This information shall also be placed in the deed restrictions for the Lots in the Subdivision.
- ☐ The Owner shall provide a letter of serviceability from an entity or entities providing water service or a letter stating that no service is available within 300 feet of the Subdivision and certifying that the Lots are suitable for private wells.
- ☐ Any Improvements proposed within the Right-of-Way including, but not limited to, irrigation, landscaping, sidewalks, Subdivision identification signs, etc. shall be maintained in accordance with an executed license agreement between the County and the Owner.
- ☐ This check list along with the required copies of the plat shall be submitted to the County Engineer for approval.
- ☐ Location and size of all existing and proposed subsurface and surface water drainage facilities, including water bodies on or immediately adjacent to the subject property and detention basins, if needed.
- ☐ All existing and proposed water courses or manmade drainage channels shall be located within a Common Area to be maintained by Owner.

MASTER PLAN / PRELIMINARY PLAN REQUIREMENTS

Every Master Plan / Preliminary Plan shall include all of the following:

- ☐ Title Block with the following information:
  - ☐ Name, address, telephone and email address of Subdivider, recorded Owner, Engineer and surveyor.
  - ☐ Proposed name of Subdivision. (Subdivision name & Street names will be approved through the Brazos County 911.)
  - ☐ Date of preparation. (Include the date of any revisions on the plan.)
  - ☐ Engineer's scale in feet.
  - ☐ Total area intended to be developed.
  - ☐ Proposed number of Lots to be developed.
  - ☐ Abstract name and number.
- ☐ The Preliminary Plan shall carry the legend "PRELIMINARY PLAN FOR REVIEW PURPOSES ONLY".
- ☐ North arrow.
- ☐ Drawn on 24" x 36" sheet to scale of 100-feet per inch or larger.
- ☐ Subdivision boundary indicated by heavy lines. Boundary must include all of Parent Tract.
- ☐ All horizontal control and vertical elevations depicted on the plan shall be tied to NAD83 and NAVD 1988 Datum.
- ☐ A vicinity map, drawn at a scale appropriate to show all nearby major Roadways and sufficient in detail to identify the location of the proposed plan.
- ☐ All adjacent property Owner's names, deed record, or Subdivision name, Block and Lot number, and existing use.
- ☐ All parcels within the boundary of the Subdivision shall have a Block and Lot number shown on the face of the plan drawing.
- ☐ County boundaries, City limits, Extraterritorial Jurisdiction (ETJ) boundaries, school district boundaries and Subdivision section and/or phase boundaries.
- ☐ Road names and Road designation (whether the Road will be public or privately owned), pavement width and Right-of-Way width for all proposed Roads within and all existing Roads abutting the plan. (Proposed and existing)
- ☐ All existing and proposed plan boundary lines, phase/section lines, and Lot lines with bearings and dimensions.
- ☐ Utility Services. (Water, wastewater, electrical, natural gas, cable, phone, etc.) (Existing and proposed.)
- ☐ Pipelines: label company with volume and page.
- ☐ The Preliminary Plan (including the entire Parent Tract if only a portion of that tract is to be subdivided) shall be shown on a single sheet, regardless of its acreage. The Preliminary Plan may also be shown on multiple sheets if necessary to show all detail and required information as required by this section.
- ☐ Size, in acres, of all Daughter Tracts.
- ☐ Centerline tangent lengths and curve data for all proposed Roads.
- ☐ Easements and rights-of-way shall be dedicated to the public. The dedication of all Easements and rights-of-way shall be accomplished free of liens.

- ☐ All proposed Easements and existing Easements of record that have a designated route shall be shown on the plan with bearings and dimensions. The Owner shall be responsible for coordinating with all Utility Providers the location of all utility Easements that are shown on the Final Plat.
- ☐ Building Setback Lines for each proposed Lot as defined herein. For Subdivisions located within an Extraterritorial Jurisdiction (ETJ), this may be shown on the drawing or included as a plan note.
- ☐ Metes and bounds description of the property to be subdivided shall be certified by a Registered Professional Land Surveyor (RPLS), describing a beginning point and reciting bearings and distances to a corner of the original land grant survey of which the Subdivision is a part, according to the best available data. (Shown on drawing; not separate description)
- ☐ Primary control points or descriptions and ties to such control points, to which, later, all dimensions, angles, bearings, Block numbers, and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. All boundaries shall be tied to a County control monument.
- ☐ The plat note regarding Owner's responsibilities as found in Appendix G.4, if not contained in the Owner's dedication.
- ☐ The On-site Sewage Facility (OSSF) setback as required by the Brazos County Health District.
- ☐ The location, zone classification and panel Effective Date of the 100-Year Floodplain as identified on the most current Brazos County Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA).
- ☐ If there are any areas within the plat that include a FEMA-mapped Floodplain with a Zone A classification, or if there exists within or adjacent to the plat any water courses whose upstream drainage basin is larger than 64 acres, the plat shall also show the extent of the 100-Year Floodplain as determined by an engineering study under the seal of a Registered Professional Engineer. This study shall be sufficient in scope to determine and establish a BFE for all points within the plat.
- ☐ BFE's shall be shown for all points within the plat, as determined by the results of an engineering study. For plats where a FEMA-mapped Floodplain with a Zone AE classification exists within the plat, the BFE established by the accompanying FEMA- published flood study may be substituted for the engineering study.
- ☐ A minimum lowest finished floor elevation (FFE) for Buildings shall be established for each Lot within the plat. This minimum FFE shall be 12-inches higher than the highest spot elevation that is located within five feet outside the perimeter of the Building, or two-feet above the BFE, whichever is higher.
- ☐ If any areas within the plat include a 100-Year Floodplain (as determined by the results of an engineering study or as established by FEMA), a benchmark shall be established by the Owner within or immediately adjacent to the boundary of the plat. The location, description and elevation of the benchmark are required to be identified on the face of the plat. The elevation of this benchmark shall utilize the same vertical datum as that used in the engineering study to determine the FFE.
- ☐ A drawing containing both existing and proposed topographic information at 2-FT contour intervals along with the plat boundaries, Easement locations (existing & proposed), and culverts (existing & proposed).
- ☐ If the plat contains a water well site, there shall be a depiction of the TCEQ separation requirements per Title 30, Part 1, Chapter 290, Subchapter D Rule §290.41.
- ☐ It is the responsibility of the Owner to assure that the proposed name of the Subdivision is not duplicated. Subdivisions with different sections are considered unique. The Owner shall check with the County Clerk's records for verification.
- ☐ The Owner shall provide a letter of serviceability from an entity or entities providing water service or a letter stating that no service is available within 300 feet of the Subdivision and certifying that the Lots are suitable for private wells.
- ☐ If entrances or driveways are proposed fronting Texas Department of Transportation (TxDOT) controlled highways, farm-to-market Roads, or others, copies of correspondence with TxDOT are required to be submitted with the Preliminary Plan stating that the general entrance or driveway

configuration is within TxDOT's guidelines. Formal approval of the layout from TxDOT is required prior to approval of Final Plat.

- ☐ For Road widening and drainage purposes the Owner shall dedicate the Right-of-Way. In the case of drainage that is provided for the Lots, it shall be located outside of the Right-of-Way in a private drainage Easement. In the case of drainage that is provided for the Roadway, it shall be located within the Right-of-Way.
- ☐ Indicate the centerline length of each Road in the proposed Subdivision and its design speed.
- ☐ If the Roads within the Subdivision will be privately maintained, include the appropriate note(s) per the requirements of Article 8 of these Regulations.
- ☐ Locations of existing and proposed private alleys.
- ☐ Locations of existing and proposed public areas.
- ☐ Locations of other public Improvements, including but not limited to parks, schools and other public facilities.
- ☐ The location of proposed cluster mailboxes, as required.
- ☐ All proposed Off-site Easements for infrastructure construction must be shown on the Preliminary Plan.
- ☐ Proposed phasing. Each phase must be able to stand alone to meet requirements of these Regulations.
- ☐ Location and size of all existing and proposed subsurface and surface water drainage facilities, including water bodies on or immediately adjacent to the subject property and detention basins, if needed.
- ☐ If the proposed Preliminary Plan is to be a Private Subdivision (containing privately maintained Roads), the title of the plan shall contain the phrase, "A Private Subdivision". Refer to Article 8 for additional requirements.
- ☐ This check list along with the required copies of the plan shall be submitted to the County Engineer for approval.
- ☐ Include a description of contributing drainage to the proposed Subdivision. The submittal shall include the area, slope and type of Development in the contributing area.
- ☐ Drainage narrative in compliance with the BCEDG.
- ☐ Clearly indicate the method of sanitary sewage treatment and/or disposal such as, but not limited to, municipal sewer service, private sewage disposal system and On-site sewage facilities including the size and location of all proposed sewer mains and manholes. Preliminary grades for each main between manholes and the depth at each manhole shall also be shown.
- ☐ All existing and proposed water courses or manmade drainage channels shall be located within a Common Area to be maintained by Owner.

FINAL PLAT APPLICATION REQUIREMENTS

Every Final Plat must include all of the items provided on the Simplified Plat checklist as well as the following:

- ☐ For Road widening and drainage purposes the Owner shall dedicate the Right-of-Way. In the case of drainage that is provided for the Lots, it shall be located outside of the Right-of-Way in a private drainage Easement. In the case of drainage that is provided for the Roadway, it shall be located within the Right-of-Way.
- ☐ If public Roadways are to be built as part of the plat, the plat note regarding the responsibility for construction of Roadways as found in Appendix G.3 shall be placed on the face of the plat.
- ☐ The plat note regarding Owner's responsibilities as found in Appendix G.4, if not contained in the Owner's dedication.
- ☐ Indicate the centerline length of each Road in the proposed Subdivision and its design speed.
- ☐ If more than four mailboxes are to be provided within the Subdivision, cluster mailboxes shall be provided and the location of such shall be indicated on the plat.
- ☐ If the Roads within the Subdivision will be privately maintained, include the appropriate note(s) per the requirements of Article 8 of these Regulations.
- ☐ Locations of existing and proposed private alleys.
- ☐ Locations of existing and proposed public areas.
- ☐ Locations of other Public Improvements, including but not limited to parks, schools and other public facilities.
- ☐ All Off-site Easements for infrastructure construction must be shown on the Final Plat with a volume and page listed to indicate where the separate instrument Easements were filed. Separate instrument Easements must be filed prior or concurrently with Final Plat.
- ☐ Proposed phasing. All phasing shall be in accordance with the approved Master Plan and/or Preliminary Plan and each phase must be able to stand alone to meet requirements of these Regulations. Infrastructure costs should be separate for each phase of the Subdivision.
- ☐ Location and size of all existing and proposed subsurface and surface water drainage facilities, including water bodies on or immediately adjacent to the subject property.
- ☐ If the proposed Final Plat is to be a Private Subdivision (containing privately maintained Roads), the title of the plat shall contain the phrase, "A Private Subdivision". Refer to Article 8 for additional requirements.
- ☐ In the case of an On-site Sewage Facility (OSSF), the Developer shall be responsible for providing a Development Plan, as performed by a Professional Sanitarian, a Licensed Professional Engineer, or person certified as required by TCEQ Title 30 TAC Chapter 285. The sewage disposal plan shall be performed according rules and regulations established by the Brazos County On-site Sewage Facility (OSSF) Order and TCEQ Title 30 TAC Chapter 285.

APPENDIX B

Brazos County Subdivision Regulations
Fee Schedule

	March 1, 2017	January 1, 2018

PLATTING SERVICES (Plus Public Notice Fees)

Preliminary Plan	$150 + $5 per lot	$150 + $10 per lot
Final Plat	$150 + $10 per lot	$200 + $20 per lot
Amending Plat	$100	$100
Simplified Final Plat	$100	$100
Replat	$150	$200
Vacation of Right-of-Way / Easements	$100	$100
Variance Request	$0	$0

DEVELOPMENT AND INSPECTION SERVICES

Driveway Culvert Permit				
New Residential	Private Install	$100	Private Install	$100
Existing Residential (includes modifications, i.e. extra pipe, etc.)	Private Install	$50	Private Install	$50
New Commercial	$100		$100	
Existing Commercial (includes modifications, i.e. extra pipe, etc.)	$50		$50	
Subdivision Construction Inspections	0.5% of Infrastructure Cost		1% of Infrastructure Cost	
Re-Inspection Fee	$50 - $100		$50 - $100	

ON-SITE SEPTIC FACILITY PERMIT SERVICES

Residential	See Brazos County Health District	See Brazos County Health District
Commercial	See Brazos County Health District	See Brazos County Health District
Modification	See Brazos County Health District	See Brazos County Health District
Re-Inspection	See Brazos County Health District	See Brazos County Health District

OTHER

Floodplain Permit		
Single-Family Lot outside of Floodplain	$20	$20
Single-Family Lot within Floodplain	$100 + Bond	$100 + Bond
Non-Single-Fam/Commercial Outside Floodplain	$100	$100
Non-Single-Fam/Commercial Within Floodplain	$500 + Bond	$500 + Bond
Manufactured Home Park in Floodplain	$100	$100
All other Developments in Floodplain (paving, storage sheds, pools etc.)	$100	$100
Junk/Auto-Salvage/Wrecking Yards Permit	$25	$25
Subdivision Construction Inspections	0.5% of Infrastructure Cost	1% of Infrastructure Cost
Re-Inspection Fee	$50 - $100	$50 - $100
Pipeline Crossing Permit	$500 + Bond	$500 + Bond
Plan Review for Commercial Development	$300.00	$300.00
Infrastructure Development Plan (For Manufactured Home and RV Parks)	$200 + $10 per lot	$200 + $10 per lot
Copy of Plat (24x36)	$20 per page	$20 per page
County Roll Map (24x36)	$15 per page	$15 per page
County Roll Map (36x48)	$20 per page	$20 per page
Cost of Public Notifications	Varies	Varies
Tax Certificates for Platting	See Tax Office Rates	See Tax Office Rates

APPENDIX C

CERTIFICATES AND DEDICATIONS

PRELIMINARY PLAN CERTIFICATION

Preliminary Plan Commissioner's Court Approval:

The Commissioner's Court of Brazos County, Texas voted affirmatively to recommend conditional approval of this Preliminary Plan, subject to conditions enumerated in minutes of this date.

Dated this _____ day of _____, 20_____."

_____
County Judge
Brazos County, Texas

FINAL PLAT CERTIFICATION

Certificate of Ownership and Dedication as follows:

"I (or we) _____ Owner(s) and developer(s) of the land shown on this plat and designated herein as _____, a Subdivision in Brazos County, Texas, and whose name(s) is/are subscribed hereto, hereby dedicate to the use of the public forever all Rights-of-Way, Easements, and other public places shown herein."

_____
Signature

With appropriate acknowledgement(s).

A Certificate of Mortgagee, if any, as follows:

"The undersigned, holder of a deed of trust lien or other encumbrance against the property subdivided herein, hereby joins in the dedication of all Streets, alleys, parks, and utility Easements to the public as set forth in the Owner's Certificate hereon.

Dated this _____ day of _____, 20_____."

_____
Mortgagee

A Certificate of Surveyor as follows:

"I, _____, Registered Professional Land Surveyor (RPLS), in the State of Texas, hereby certify that this plat is true and correct, was prepared from an actual survey of the property made on the ground under my supervision."

_____
Surveyor

A Certificate of Engineer as follows:

"I, _____, Registered Engineer, certify that proper engineering consideration has been given to the Improvements described herein."

_____
Engineer

A Certificate of Approval as follows:

"This Subdivision plat was duly approved by the Commissioner's Court of Brazos County, Texas, as the Final Plat of such Subdivision on the _____ day of _____, 20_____.

Signed this the _____ day of _____, 20_____."

_____
County Judge
Brazos County, Texas

A Certificate of the County Clerk as follows:

"I, _____, County Clerk of Brazos County, Texas, do hereby certify that this plat, with its certificates of authentication was filed for record on the _____ day of _____, 20_____, and duly recorded in Volume _____, Page _____, Official Records of Brazos County, Texas."

_____
County Clerk
Brazos County, Texas

APPENDIX D

Brazos County Road & Bridge Office
2617 SH 21 West
Bryan, TX 77803
Telephone: (979) 822-2127
Fax: (979 775-0456
Email: access@brazoscountytx.gov

RIGHT-OF-WAY ACCESS PERMIT APPLICATION

SUBJECT PROPERTY INFORMATION			
APPLICATION DATE:	RESUBMITTAL:	☐ YES	☐ NO
PROJECT / SUBDIVISION NAME:			
PROJECT ADDRESS OR LOCATION:			
COUNTY ROAD:	COMMISSIONER PRECINCT:		
LEGAL DESCRIPTION:			
IF RESUBMITTAL, PROJECT FORMERLY KNOWN AS:			

TYPE OF APPLICATION		
☐ DRIVEWAY	☐ SIDEWALK	☐ MAILBOX
☐ CULVERT	☐ OTHER	

APPLICATION PURPOSE		
☐ RESIDENTIAL	☐ MANUFACTURED HOME RENTAL COMMUNITY	☐ COMMERCIAL
☐ OTHER (Please explain):		

FLOODPLAIN		
IS ANY OF THE PROPERTY LOCATED IN A FLOODPLAIN OR FLOOD HAZARD AREA?	☐ YES	☐ NO

Acknowledgment: The flood hazard boundary maps and other flood data used by Brazos County in evaluating flood hazards to proposed Developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of a Floodplain Permit in accordance with the Brazos County Flood Damage Prevention Ordinance does not imply that Development outside the areas of special flood hazard will be free from flooding or flood damage. Issuance of a permit shall not create liability on the part of Brazos County or any officer or employee of Brazos County in the event flooding or flood damage does occur.

TxDOT RIGHT-OF-WAY		
WILL ANY CONSTRUCTION OCCUR IN TxDOT RIGHT-OF-WAYS?	☐ YES	☐ NO

DIGITAL FILE SUBMISSION			
COUNTY ENGINEER	☐ ADOBE (.pdf file)	☐ AutoCAD (.dwg file)	(Email To: plats@brazoscountytx.gov)
911 ADDRESSING	☐ ADOBE (.pdf file)	☐ AutoCAD (.dwg file)	(Email To: gis@brazoscountytx.gov)

CONTACT INFORMATION		
APPLICANT INFORMATION		
FIRM NAME:		
CONTACT:		
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	
EMAIL:		

PROPERTY OWNER INFORMATION		
FIRM NAME:		
CONTACT:		
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	FAX:	
EMAIL:		

PROPERTY OWNER CONSENT / AGENT AUTHORIZATION		
By my signature, I hereby affirm that I am the property Owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the Owner, organization or business in this Application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the Development/Subdivision of this property.		
SIGNATURE:	PRINTED NAME:	DATE:
SIGNATURE:	PRINTED NAME:	DATE:
By signing this form, the Owner of the property authorizes Brazos County to begin proceedings in accordance with the process for this type of Application indicated on page one of this Application. The Owner further acknowledges that submission of an Application does not in any way obligate the County to approve the Application and that although County staff may make certain recommendations regarding this Application, the Commissioner's Court may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.		

CALCULATIONS OF FEES			
NEW RESIDENTIAL:	$100	NEW COMMERCIAL:	$100
EXISTING RESIDENTIAL:	$50	EXISTING COMMERCIAL:	$50

RECEIPT BY BRAZOS COUNTY (Official Use Only)	
DATE APPLICATION RECEIVED: ____ / ____ / ____	DATE APPLICATION RECEIVED / REJECTED: ____ / ____ / ____
SIGNATURE:	SIGNATURE:
Receipt of this Application by Brazos County does not provide confirmation or acceptance of a complete Application, nor does it waive requirements for any additional information not contained as part of this Application which may also be needed as a part of the review process.	

County will assist as follows:

SIZE ONLY: _____
(Note: In subdivisions and on roads not maintained by Brazos County, the County will only size Culvert; the Owner will be responsible for installation)

CULVERT LOCATION (if the property is located in a subdivision, please provide the lot and block number; if not in a subdivision, provide approximate distance from the nearest intersecting road and whether the entrance is on the left or right side of the roadway):

Culvert/Driveway location must be staked with T-posts or wooden posts at least 3-feet long with flagging at top of stakes and placed approximately 25-feet apart.

County will determine/verify size of culvert.

The Commissioners Court of Brazos County, Texas hereby authorizes you (Applicant) to (re) construct facilities on the County right-of-way for Development of access to your property abutting

_____ located _____
provided you agree to and comply with the aforementioned responsibilities and requirements.

Commissioners Court of Brazos County, Texas

_____
County Engineer / Designee

APPLICANT / PROPERTY OWNER CERTIFICATION:

This permit shall not be valid until Applicant signs the statement in which he/she agrees to comply with conditions herein.

I, the undersigned, hereby agree to accept and comply with the terms set out in this permit for construction of access driveway facilities on road right-of-way.

Should the Applicant/property owner elect to install a driveway improvement within the right-of-way constructed of concrete pavement, brick or stone pavers, or other rigid material the Applicant/ property owner shall become solely responsible for the structure. Should removal of a portion or entire driveway or mailbox become necessary for any reason deemed by Brazos County, the cost of removal, and the cost for replacement, shall be the sole responsibility of the property owner.

I certify that I have read the Brazos County regulations and agree to abide by them.

I further acknowledge and agree that the obligations and duties contained herein shall be binding on Property Owners, heirs, successors, and assigns.

Signature: _____ **Printed Name:**_____

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on _____ by

_____.

_____ NOTARY PUBLIC

Printed Name: _____

My Commission Expires:_____

Appendix E

E.1 Texas Local Government Code Section 232.001

Section 232.001. PLAT REQUIRED.

A. The Owner of a tract of land located outside the limits of a municipality must have a plat of the Subdivision prepared if the Owner divides the tract into two or more parts to lay out:

1. a Subdivision of the tract, including an addition;
2. Lots; or
3. Streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or Owners of Lots fronting on or adjacent to the Streets, alleys, squares, parks, or other parts.

A-1. A division of a tract under Subsection (a) includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

B. To be recorded, the plat must:

1. describe the Subdivision by metes and bounds;
2. locate the Subdivision with respect to an original corner of the original survey of which it is a part; and
3. state the dimensions of the Subdivision and of each Lot, Street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or Owners of Lots fronting on or adjacent to the Street, alley, square, park, or other part.

C. The Owner or proprietor of the tract or the Owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

D. The plat must be filed and recorded with the county clerk of the county in which the tract is located.

E. The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

F. Repealed by Acts 1995, 74th Leg., ch. 979, Sec. 29, eff. June 16, 199S.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 624, Sec. 3.05, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 422, Sec. 8, eff. Sept. 1, 1991; Acts 1995, 74th Leg., ch. 979, Sec. 29, eff. June 16, 1995; Acts 1999, 76th Leg., ch. 129, Sec. 1, eff. Sept. 1, 1999.

E.2 Texas Local Government Code Section 232.0015

Sec. 232.0015. EXCEPTIONS TO PLAT REQUIREMENT.

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.

B. Except as provided by Section 232.0013, this subchapter does not apply to a Subdivision of land to which Subchapter B 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:

1. the Owner does not lay out a part of the tract described by Section 232.001(a)(3); and
2. the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

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 Section 232.001(a)(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 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:

1. all of the Lots of the Subdivision are more than 10 acres in area; and
2. the Owner does not lay out a part of the tract described by Section 232.001(a)(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 Section 232.001(a)(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 Section 232.001(a)(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:

1. the Owner of the land is a political Subdivision of the state;
2. the land is situated in a floodplain; and
3. the Lots are sold to adjoining landowners.

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:

1. the Owner does not lay out a part of the tract described by Section 232.001(a)(3); and
2. one new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter.

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:

1. the Owner does not lay out a part of the tract described by Section 232.001(a)(3); and
2. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further Development of any part of the tract.

Added by Acts 1989, 71st Leg., ch. 624, Sec. 3.04, eff. Sept. 1, 1989. Amended by Acts 199S, 74th Leg., ch. 979, Sec. 3, eff. June 16, 1995; Acts 1999, 76th Leg., ch. 129, Sec. 2, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 523, Sec. 8, eff. June 20, 2003.

E.3 Texas Local Government Code Sec. 232.0032

Sec. 232.0032. ADDITIONAL REQUIREMENTS: USE OF GROUNDWATER.

A. If a person submits a plat for the Subdivision of a tract of land for which the source of the water supply intended for the Subdivision is groundwater under that land, the commissioners court of a county by order may require the Plat Application to have attached to it a statement that:

1. is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and
2. certifies that adequate groundwater is available for the Subdivision.

B. The Texas Commission on Environmental Quality by rule shall establish the appropriate form and content of a certification to be attached to a Plat Application under this section.

C. The Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule shall require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the Subdivision information that would be useful in:

1. performing groundwater conservation district activities;
2. conducting regional water planning;
3. maintaining the state's groundwater database; or
4. conducting studies for the state related to groundwater.

Added by Acts 1999, 76th Leg., ch. 460, Sec. 2, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 99, Sec. 2(b), eff. Sept. 1, 2001. Renumbered from Sec. 232.0031 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(85), eff. Sept. 1, 2001.

Amended by:
Acts 2007, 80th Leg., R.S., Ch. 515 (S.B. 662), Sec. 2, eff. September 1, 2007.
Acts 2007, 80th Leg., R.S., Ch. 1430 (S.B. 3), Sec. 2.30, eff. September 1, 2007.

Appendix F

F.1 Requirements for Privately Maintained Streets

Private streets must meet the following special requirements in addition to all of the standard requirements for public streets:

A. Primary access into a private street subdivision shall be from a major roadway, which has a minimum right-of-way of sixty (60) feet, or from a larger roadway, as shown on the County's Thoroughfare Plan. Restricted access entrances shall not be allowed from alleys or private driveways or parking lots.

B. Any private street (and any other type of gated entrance) which has an access control gate or cross-arm must have a minimum uninterrupted pavement width of twenty-four (24) feet at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. If an overhead, or lift-up, barrier is used, it must be a minimum of sixteen (16) feet in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty (50) feet in front of and behind the location of the device. All gates and cross-arms must be of a breakaway design. A minimum vehicle stacking distance of one hundred (100) feet shall be provided from the right-of-way line of the public road from which the private street subdivision is accessed to the first vehicle stopping point, which is usually an access request keypad, a telephone, or a guard's window. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below.

C. A paved turnaround space must be located in front of (i.e., prior to passage of) any restricted access entrance barrier, between the access request device and the barrier or gate, to allow vehicles that are denied access to safely exit onto public streets without having to back up, particularly into the public street upon which the entrance is located. The design and geometry of such turnaround shall be of such pavement width and having such inside turning radius that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:

    1. Larger passenger vehicles, such as full-sized vans and pickup trucks,

    2. Passenger vehicles with short trailers up to twenty-four (24) feet in length, such as small flatbed, camping or box-type trailers,

    3. The types of service and utility trucks that typically visit or make deliveries to neighborhoods that are similar to the proposed private street subdivision, such as utility service vehicles, postal or UPS delivery trucks, and two- to three-axle flatbed or box-type trucks used by contractors and moving companies.

D. The County Engineer or the Commissioners Court may require submission of additional drawings, plans or exhibits demonstrating that the proposed turnaround will work properly, and that vehicle turnaround movements will not compromise public safety on the entry roadway or on the adjacent public street(s).

E. Any public water, sewer and drainage facilities, streetlights, and traffic-control devices, such as traffic signs, placed within the Private Subdivision shall be designed and constructed to County standards. All private traffic-control devices and regulatory signs shall conform to County standards.

F. The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained nor regularly patrolled by the County. All restricted access entrances must provide a reliable means of ensuring County, emergency access, and access by utility or public service providers, such as postal carriers and utility companies, with appropriate identification to the subdivision. The method to be used to ensure County and emergency access into the subdivision shall be approved by the County and by all applicable emergency services providers prior to engineering release for construction of the subdivision. If the association or district fails to maintain reliable access as required herein, the County may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The applicable association or district documents shall contain provisions in conformity with this Section which may not be amended without the written consent of the County.

F.2 Procedures to Convert Privately Maintained Streets to Public Streets

A. A subdivision with privately maintained streets may request that the County convert the privately maintained street to a public street as follows:

1. An entity responsible for maintaining the private streets within a subdivision may make application to the County to accept privately maintained streets under the following conditions:

    i. An application is made which includes evidence that a majority of the owners of the lots within the subdivision are favorable to the action.

    ii. An inspection has been completed to the satisfaction to the County which assesses the conditions of the privately maintained streets relative to the requirements for streets at the time the application is made.

iii. The application includes a plan for addressing any deficiencies noted in the inspection and for the removal of or licensing agreement for all non-standard improvements in the right-of-way (gates, guard house, aesthetic elements, landscaping requiring special maintenance, etc.).

iv. The privately maintained streets connect directly to an adjacent public right-of-way which has already been accepted for public maintenance.

2. Upon receipt of the application, the County will determine if the conversion is in the best interest of local residents and the citizens of the County. The County will:

i. Review the application and inspection to confirm that the improvements meet the current street requirements or, if they do not, that a plan has been provided for any remediation that may be required including fiscal security as required.

ii. Confirm that the final condition of the privately maintained street will not contain any unapproved elements in the horizontal clear zone or elements which would require maintenance practices which are not typical for County crews.

iii. Hold a public hearing to receive public input on the requested action.

3. After the County has determined that it is willing to accept the privately maintained street, the Applicant will have a surveyor prepare the dedication documents as required by current codes.

4. In no event shall the County be obligated to accept the privately maintained streets as public and any acceptance by the Commissioner's Court is at its sole discretion.

B. The County may, as required to provide for the public's health, safety and welfare, utilize the following procedure to convert unmaintained private streets to public streets:

1. Notify the responsible entity that deficient conditions have been reported and that repair or restoration is required.

2. Post signs as needed warning the general public which is leaving the public right-of-way and entering the private street that unsafe conditions exist.

3. Inspect the private street to determine the cost of remediation and prepare a plan to cover the cost of remediation via a property tax assessment and/or inclusion of all or part of the remediation in a future bond election.

4. Hold a public hearing to receive public input on a proposed plan for remediation and acceptance.

5. During a subsequent Commissioners Court meeting, determine by vote whether or not to pursue the conversion plan. The Commissioners Court is not obligated to have such a vote on the same subdivision any more frequently than once every four years.

6. Utilize dedication documents or the condemnation process as needed to convert the private streets to public streets.

7. Implement the remediation and initiate cost recovery per the plan.

Appendix G

G.1 Development Note

No structure or land within this plat shall hereafter be located or altered without first obtaining a Development Permit from the Brazos County floodplain administrator.

The minimum lowest finished floor elevation shall be one (1) foot higher than the highest spot elevation that is located within five (S) feet outside the perimeter of the building, or two (2) feet above the Base Flood Elevation ("BFE"), whichever is higher.

G.2 Mailboxes

Rural mailboxes shall be set five (S) feet from the edge of the pavement or behind curbs, when used. All mailboxes within county arterial right-of-way shall meet the current TxDOT standards. Any mailbox that does not meet this requirement may be removed by Brazos County.

For Single-Family Residential Developments, Multi-Unit Residential Developments or Manufactured Home Communities, Neighbor Delivery and Collection Box Units ("NDCBUs"), or community mailboxes, shall be required. If possible, these mailbox units should be installed on low volume intersecting roadways or on private property. Locations for the NDCBUs shall be shown on the construction Plans.

G.3 Roadway Construction

In approving this plat by the Commissioner's Court of Brazos County, Texas, it is understood that the building of all roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owner(s) of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioner's Court of Brazos County, Texas. Said Commissioner's Court assumes no obligation to build any of the roads, or other public thoroughfares shown on this plat, or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system.

G.4 Owner's Responsibilities

It is the responsibility of the owner, not the County, to assure compliance with the provisions of all applicable state, federal and local laws and regulations relating to the platting and Development of this property.

The County assumes no responsibility for the accuracy of representations by the other parties in this plat. Floodplain data, in particular, may change. It is further understood that the owners of the tract of land covered by this plat must install at their own expense all traffic control devices and signage that may be required before the roads in the subdivision have finally been accepted for maintenance by the County.