

Williamson County Subdivision Regulations

9A. Model Subdivision Rules

- 9A.1 **Authority.** The regulations in this Chapter 9A are adopted by the Commissioners Court of Williamson County under the authority of Texas Local Government Code Chapter 232, Subchapter C, and Water Code Sec. 16.350. These provisions require governmental entities to elect to operate under Subchapter C, and to substantively adopt the Model Subdivision Rules promulgated by the Texas Water Development Board, in order for their citizens to be eligible for financial aid from the Economically Distressed Areas Program. The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including Water Code, Chapter 7 and §§16.352, 16.353, 16.3535, 16.354, and 16.3545, and Local Government Code, §232.037 and §232.080.
- 9A.2 **Construction.** To insure compliance with the state mandate, this chapter shall be construed under the following principles.
- 9A.2.1 It is the desire of Williamson County to comply with the mandate completely, but in a manner that will provide minimum disruption to the existing regulatory scheme that has served it well for over twenty-five years. This chapter shall be construed liberally to accomplish that intent.
- 9A.2.2 To the extent of any irreconcilable conflict between this chapter and any provision contained elsewhere in these Regulations, this chapter shall prevail. These rules supercede any other conflicting regulations of the county.
- 9A.2.3 To the extent that any court or state administrative agency finds that there is an irreconcilable conflict between this chapter and the provisions of the Model Subdivision Rules adopted or amended by the Water Development Board, the provision of the Rules shall prevail and be substituted into this chapter as fully and completely as if originally adopted verbatim as a part of these Regulations.
- 9A.2.4 If any part of these regulations is found to be invalid by a court of competent jurisdiction, that finding shall not affect the validity of the remainder of these regulations, which shall remain in effect as if adopted without any such part.
- 9A.3 **Scope of Standards.** The establishment of residential developments with two or more lots of five acres or less

where the water supply and sewer services do not meet the minimum standards of this chapter is prohibited. The requirements in this chapter shall apply (in addition to all other requirements of these Regulations) to every division of a tract of land into two or more parts that would be considered a subdivision required to file a plat under Section 2.1 of these Regulations. To the extent permitted by law, the regulations in this chapter shall apply to manufactured home communities and trailer parks. However, the following two situations, which are subject to all other applicable requirements of these and other regulations, are exempt from the requirements of this chapter:

9A.3.1 Subdivisions (including both original and amended plats) are exempt if they do not contain two or more lots of five acres or less. In the case of resubdivisions and property line adjustments, all the lots within the boundaries of the original subdivision are counted towards this limit.

9A.3.2 Subdivisions (including both original and amended plats) are exempt if every lot of five acres or less is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds. Any change in these restrictions to allow residential use will require amendment of the plat and compliance with this chapter.

9A.4 **Definitions.** Any term used in this chapter that is defined in the Model Subdivision Rules adopted or amended by the Water Development Board, whether in Sec. 364.18 or elsewhere, shall be construed in accordance with the definition in those Rules, as amended from time to time.

9A.5 **Water Facilities Development—Public water systems.**

9A.5.1 Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A to the Model Subdivision Rules promulgated by the Water Development Board. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with

connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

9A.5.2 Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the TNRCC. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§290.38-290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

9A.5.3 Subdividers must provide proof of compliance with these requirements in the Final Engineering Report submitted to the County Engineer pursuant to Sec. 9A.14.

9A.6 **Water Facilities Development—Nonpublic water systems.**

9A.6.1 Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, a test well or wells located so as to be representative of the quantity and quality of water generally available from the supplying aquifer shall be drilled by the subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. If there are existing representative wells already on or immediately adjacent to the tract to be subdivided, samples from those wells may be used and the drilling of further test wells is not required.

- 9A.6.2 The subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (30 years) quantity of the available groundwater supplies relative to the ultimate needs of the subdivision.
- 9A.6.3 The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§290.103, 290.105, 290.106 and 290.110, either: (1) without any treatment to the water; or (2) with treatment by an identified and commercially available water treatment system.
- 9A.6.4 Subdividers must provide proof of compliance with these requirements in the Final Engineering Report submitted to the County Engineer pursuant to Sec. 9A.14.
- 9A.7 **Transportation of potable water.** The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.
- 9A.8 **Wastewater Disposal—Organized sewerage facilities.**
- 9A.8.1 Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the TNRCC in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the TNRCC.
- 9A.8.2 Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1B to the Model Subdivision Rules promulgated by the Water Development Board. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to

the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Figure: 31 TAC §364.33(a)(2).

- 9A.8.3 Subdividers must provide proof of compliance with these requirements in the Final Engineering Report submitted to the County Engineer pursuant to Sec. 9A.14.

9A.9 On-site sewerage facilities.

- 9A.9.1 On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
- 9A.9.2 Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
- 9A.9.3 The TNRCC or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§285.4, 285.5 and 285.30- 285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(b), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.
- 9A.9.4 Subdividers must provide certification from the Health District in the Final Engineering Report of compliance with all these requirements, plus any additional requirements of the "Rules of the Williamson County and Cities Health District for On-Site Sewage Facilities" as approved and amended by the TNRCC.

9A.10 Greywater Systems for Reuse of Treated Wastewater.

- 9A.10.1 Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet

minimum criteria of 30 TAC Chapter 210 promulgated and administered by the TNRCC.

9A.10.2 On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

9A.11 **Sludge Disposal.** The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

9A.12 **Setbacks.** In areas that lack a nationally recognized fire code as listed in Local Government Code, §235.002(b)(2) and lack water lines sized for fire protection, setbacks from roads and right-of-ways shall be a minimum of 10 feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

9A.13 **Number of Dwellings Per Lot.**

9A.13.1 No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Any resubdivision of the lot that would allow residential use on more than one daughter tract will thus require amendment both of the plat and of the restrictions, which may require the consent of other landowners in the subdivision.

9A.13.2 Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design. Such materials shall be certified as adequate in the Final Engineering Report to the satisfaction of the County Engineer.

9A.14 **Final Engineering Report.** The final plat submitted to the County Engineer for review shall be accompanied by an engineering report, showing compliance with this chapter, bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall cover all of the matters related to the

provision of water and wastewater listed in Sec. 364.52 of the Model Subdivision Rules promulgated by the Water Development Board, as amended from time to time, such requirements being too voluminous to set out here verbatim, but are hereby adopted by reference.

9A.15 **Additional Information.** The county may, at its option, require additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process. Such information may include, but not be limited to: (1) layout of proposed street and drainage work; (2) legal description of the property; (3) existing area features; (4) topography; (5) flood plains; (6) description of existing easements; (7) layout of other utilities; (8) notation of deed restrictions; (9) public use areas; or (10) proposed area features.

9A.16 **Financial Guarantees for Improvements.** If an adequate public or non-public water system or sewerage facility is not currently available from a retail public utility, or are not yet constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the owner of the subdivided tract shall execute an agreement with the county to complete these improvements within three (3) years. The date must be stated in the plat or in a document attached to the plat. The agreement shall be in substantially the form attached in Appendix 2A to the Model Subdivision Rules adopted by the Water Development Board, secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meets the requirements set out fully in Sec. 364.54 of those Rules, as amended from time to time; such requirements being too voluminous to set out here verbatim, but are hereby adopted by reference. If the property is located within a city's extraterritorial jurisdiction, the county may enter into an interlocal agreement with the city providing that the city will enforce these requirements in lieu of county enforcement.

9A.17 **Review and Approval of Final Plats.**

9A.17.1 The county will review the final plat to determine whether it meets the standards set out in these Regulations, including but not limited to this chapter.

9A.17.2 The commissioners court shall refuse to approve a plat if it does not meet all the requirements prescribed by or under these Regulations and under

all applicable regulations relating to floodplain management and on-site sewage facilities.

- 9A.17.3 Final plat approval for subdivisions subject to this chapter shall not be granted unless the subdivider has accomplished the following: (1) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and (2) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these regulations and the approvals from TNRCC of the plans and specifications for such construction, including any change orders filed with these agencies; or (3) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in this chapter.

9A.18 Time Extensions for Providing Facilities.

- 9A.18.1 The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if: (1) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with \$364.54 are submitted which will be effective for the period of the extension; and (2) the court finds the extension is reasonable and not contrary to the public interest.
- 9A.18.2 If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
- 9A.18.3 An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards set out in this chapter.

9A.19 **Denial of Utility Service.** In counties subject to Subchapter C of Chapter 232, Local Government Code, state law provides for the possible denial of utility service to lots that should have been platted, but were not. The County Engineer is hereby authorized by delegation from the Commissioners Court to provide certification of compliance to lots that either were platted legally or were not required to be platted at the time they were created. Otherwise, the failure to plat must be cured before certification. In the case of lots illegally created on or after September 1, 1989, the Model Rules require the filing of a plat that complies with all the requirements of these Regulations, including this chapter (unless a variance is granted for good cause by Commissioners Court). The owner of an individual lot illegally created before September 1, 1989, may file a plat for that single lot by compliance with the following procedure:

9A.19.1 Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.

9A.19.2 Required plat. In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out 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, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the commissioners court, and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the commissioners court as provided in this section in lieu of the filing of a plat of the subdivision.

9A.19.3 Special criteria. The commissioners court may approve the plat of a residential lot which does not comply with the provisions of §§364.15(b) of this title (sale restrictions), 364.36 of this

title (Setbacks), 364.37 of this title (Number of Dwellings per Lot), 364.52 of this title (Final Engineering Report), and 364.54 of this title (Financial Guarantees for Improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done. Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.

- 9A.19.4 An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the commissioners court may request to support the application, including: (A) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989; (B) the name and address of the original subdivider or the subdivider's authorized agent, if known; (C) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and (D) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.
- 9A.19.5 Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the commissioners court that: (A) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdivider; (B) a plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it; (C) an existing, currently occupied residential dwelling is located on the lot; (D) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and (E) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.

9A.19.6.Final determination. The commissioners court shall make the final decision on an application for a waiver, following review and recommendation by the county planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

9A.20 **Oversight.** The owner, by submitting a plat, acknowledges the authority of the county and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.