

**Archer County**  
Subdivision Regulations

Approved and Accepted by  
Archer County Commissioners Court  
On  
May 11, 2026

**INTRODUCTION**

The purposes of these Subdivision Regulations (“Regulations”) are to provide for the safety, health, and well-being of the general public by requiring that adequate streets, storm drainage, water, and sewage facilities be installed in all residential subdivisions and to provide guidelines for the construction and installation of such streets and facilities in a manner that will allow for the efficient maintenance and upkeep without imposing an extraordinary burden on the taxpayers of Archer County, Texas.

In specific cases where a literal interpretation of any section would create an undue economic hardship on the builder or developer, variances may be sought, provided the overall performance standards are met. It should not be inferred, however, that specific requirements might be ignored. Enforcement authority and penalties for violations are outlined and the Commissioners Court will pursue its legal rights to gain compliance.

In any case where questions arise as to the interpretation of the language in any section(s) of these regulations, then such question(s) will be directed to the County Commissioner having jurisdiction, for resolution. If a resolution is not forthcoming, the Applicant can appear before the Archer County Commissioners Court for a final resolution.

Applications for any subdivision approval shall be processed on a case-by-case basis and a given application may name only one (1) Subdivision as the subject for approval. The Commissioners Court may amend this Subdivision Rules Regulations Order to make non-substantive changes from time-to-time following notice and the vote of a simple majority of the Commissioners Court, and may adopt new, substantive requirements pursuant to this Order following public notice, hearing, and compliance with requirement of law.

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**Chapter 1**  
**GENERAL AND ADMINISTRATIVE PROVISIONS**

REGULATING THE FILING FOR RECORD OF SUBDIVISION PLATS AND OTHER REQUIREMENTS PERTINENT THERETO AND ESTABLISHING CONSTRUCTION STANDARDS FOR ALL SUBDIVISIONS SITUATED OUTSIDE THE BOUNDARIES OF ANY INCORPORATED CITY IN ARCHER COUNTY, TEXAS.

**THE STATE OF TEXAS, COUNTY OF ARCHER, IN THE COMMISSIONERS COURT OF ARCHER COUNTY, TEXAS, May 11, 2026:**

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

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

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

**WHEREAS:** Following public notice, investigation, and public hearing, the Commissioners Court declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

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

## 1.1. Definitions

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

### **AGRICULTURAL OPERATIONS--**

- (a) producing crops for human food, animal feed, planting seed, or fiber;
- (b) floriculture, viticulture, horticulture, or silviculture;
- (c) raising or keeping livestock or poultry;
- (d) wildlife management; and
- (e) planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

**APPLICATION--** A plat application for subdivision approval under these Regulations, which must include a complete plat, a survey, and all other materials and information detailing infrastructure (including utilities, drainage structures, and roads) to be constructed within a subdivision, to be submitted by a developer with their application as required by these Regulations, and as published in the application checklist as required by the Commissioners Court, which may be amended and republished from time to time, and is attached to these Regulations as Appendix A.

**BLOCK--** One or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines

**COMMON AREA--** An area held, designed, or designated for the common use of the owners or occupants of a townhouse project, planned unit development, apartment, condominium, mobile home park, or subdivision. Such common areas area to be clearly marked.

**COMMISSIONERS COURT--** The Commissioners Court of Archer County, Texas.

**COUNTY--** Archer County, Texas

**COUNTY ENGINEER--** A licensed engineer of the State of Texas retained by the County to provide engineering assistance to the County.

**DEVELOPER--** Any owner of land in the County who proposes to divide the land so as to constitute a subdivision of any kind, whether by sale, contract for sale, executory contract, rental agreement, or other arrangement.

**DEVELOPMENT--** The construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include:

- (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;
- (b) removal of trees or vegetation damaged by natural forces;
- (c) removal of vegetation or cultivating the soil for agricultural operations; or
- (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

**DRINKING WATER**--All water distributed by any agency or individual, public or private, for the purpose of human consumption, used in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

**DRIVEWAY**-- A surfaced area providing vehicular access between a street and an off-street parking or loading area. A driveway to a single-family residential structure is not a street.

**DRIVEWAY APPROACH**-- An area between the roadway and private property designed for and intended to provide vehicular access from the roadway to private property.

**DWELLING UNIT**-- A residential unit other than a mobile home providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.

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

**FLAG LOT**-- A lot that abuts a street by means of a strip of land that does not comply with the requirements of these Regulations for minimum lot width, is not less than 60 feet wide, and is used for access.

**FRONTAGE**-- A lateral dimension required for each lot to accommodate reasonable standards for minimum lot frontages on existing or proposed public roads or street and establish reasonable standards for the lot frontages in relation to curves in the road.

**FRONT LOT LINE**--

- (a) for an interior lot, the lot line abutting the street;
- (b) for a corner lot, the lot line designated as the front lot line by a subdivision or parcel map, or, if none, the shorter lot line abutting a street;
- (c) for a through lot, the lot line abutting the street that provides the primary access to the lot; and
- (d) for a flag lot, the lot line designated as the front lot line by a subdivision or parcel map, or if none, the line determined by the engineer to be the front lot line.

**LOT--** A parcel of real property with a unique designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the Office of the County Clerk; or a parcel of real property established under zoning or subdivision regulations. Each lot must have sixty (60) feet of frontage or front lot line to the adjoining road or street.

**NON-PUBLIC WATER SYSTEM--** Any water system supplying water for domestic purposes which is not a public water system.

**OSSF--** On-site sewage facilities as that term is defined in rules and regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285. The Archer County On-Site Sewage Facilities regulations in effect at the time of the adoption of these Regulations are attached hereto as Exhibit "A".

**PETITION FOR ROAD MAINTENANCE--** A petition filed with the Commissioners Court by a developer or property owner to accept a private road for public maintenance by the County.

**PLAT APPLICATION--** All documents necessary for compliance with this Regulation.

**PLATTED--** Recorded in the Official Plat Records of Archer County, Texas.

**PRECINCT COMMISSIONER--** The County Commissioner representing the precinct in which a majority of a subdivision is situated.

**PRIVATE DRIVEWAY--** An improved surface which permits ingress/egress to a particular lot or tract from a public road or street, and used for ingress and egress by the owners of the lot or tract or their invitees, whether the ownership or license of the property upon which the private driveway sits is in fee simple or by easement or use agreement. A private driveway, as defined herein, is not a road or street for the purposes of these Regulations, but any entrance from a public road under county maintenance will conform to the minimum dimensions required by the Regulations, and shall not provide access to another lot or tract not adjoining the public road.

**PUBLIC DATA--** Data compiled by the State of Texas, the United States or agencies of either the state or federal government for use by surveyors.

**PUBLIC WATER SYSTEM--** A system for the provision to the public of drinking water through pipes or other constructed conveyances. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and

located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual is deemed to be served by a water system if they live or work in a place to which drinking water is supplied from the system.

**PURCHASER**-- Includes purchasers of land by a deed of conveyance, an executory contract, or by using any other method to transfer title to real property.

**RENTAL PROPERTY**-- A house, duplex, or apartment complex serving full-time as a rental. A development built with the intention of use as rental property is a subdivision subject to this regulation.

**RENTAL-SHORT TERM**-- A rental property if rented for less than two weeks within a calendar year.

**RETAIL PUBLIC UTILITY**-- Any entity meeting the definition of a retail public utility as defined in Section 13.002, Texas Water Code.

**RIGHT-OF-WAY**-- Land dedicated or reserved for streets, utilities, or other public facilities. The Archer County Right-of-Way regulations in effect at the time of the adoption of these Regulations are attached hereto as Exhibit "B".

**ROADWAY**-- The portion of a street right-of-way used for vehicular travel.

**SEWERAGE FACILITES**--The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Regulations.

**SURVEYOR** -- A registered professional licensed surveyor or licensed state land surveyor as defined in Chapter 1071 of the Texas Occupations Code.

**SUBDIVIDE**-- To divide land into two or more lots or sites for the purpose of sale or development; to re-subdivide an existing lot; or to combine two or more lots into the same number or fewer lots with different boundaries.

**TAC**-- Texas Administrative Code, as compiled by the Texas Secretary of State.

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

**WATER FACILITIES**-- Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of drinking water.

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

### **1.2. Authority**

- a. Notwithstanding any provision to the contrary, and pursuant to Section 232.001, Texas Local Government Code, these Regulations apply to any subdivision of land in Archer County which divides the tract into two or more parts to lay out:
  - 1. A subdivision of the tract, including an addition;
  - 2. Lots; or
  - 3. Streets, squares, parks, or other parts of the tract intended to be dedicated to public use.
- b. A division of a tract to which these Regulations apply includes any division regardless of whether it is made by using a metes and bounds description, or any description of less than the whole tract, in a deed of conveyance, executory contract, or by using any other method to transfer title.
- c. A division of a tract to which these Regulations apply includes any division to lay out lots within the tract, regardless of whether there is a change of ownership of any part of the tract.

### **1.3. Plat and application required**

- a. A developer must present an application in compliance with these Regulations to the Commissioners Court for approval, unless the subdivision is exempt by state law, these Regulations, or by an act of the Commissioners Court in response to a request for a discretionary exemption.
- b. Unless otherwise exempt, no subdivided land may be sold or conveyed until the developer:
  - 1. Has received approval of an application by the Commissioners Court; and,
  - 2. Has filed for record an approved plat of the subdivision with the Archer County Clerk's Office.
- c. A utility may not provide utility services, including water, sewer, gas, and electric services, to property within a subdivision, unless the developer or owner provides the utility with a copy of a certificate of approval or a certificate of exemption from the Commissioners Court to confirm compliance with these Regulations.
- d. If a subdivision is located within the extraterritorial jurisdiction of a municipality, the developer is responsible for complying with the applicable regulations of the municipality, and the provisions of any applicable interlocal agreements between

the County and the municipality. Generally, in cases where the County and a municipality have regulations that differ and the interlocal agreement is silent on control, the more stringent regulations will control.

- e. A subdivision intended for rental or short-term rental property is subject to this regulation. Recreational Vehicles, Tiny Homes and Camp Ground grounds are subject to this provision. These subdivisions of land shall be treated as a Tier One subdivision.
- f. Each developer must submit a written, affirmative acknowledgment of the requirements of this section with their application.

#### **1.4. General exceptions to these Regulations**

Pursuant to Section 232.0015, Texas Local Government Code, if a proposed division of land is described by one or more of the following exemptions, the requirements of these Regulations are not applicable to that division of land.

- a. A division of a tract of land into agricultural tracts is exempt if:
  - 1. The owner does not lay out a part of the tract as streets, 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, squares, parks, or other parts of the tract; 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.
  - 3. If a tract described by this exemption ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the requirements of these Regulations will apply.
- b. A division of a tract of land into family tracts is exempt if:
  - 1. The division divides the tract into four or fewer parts; and,
  - 2. The division does not lay out a part of the tract as streets, 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, squares, parks, or other parts; and,
  - 3. Each of the parts 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 of the Texas Government Code.

4. If, within two years of the division, any part of the subdivided tract 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 requirements of these regulations apply.
- c. A division of a tract of land into rural home tracts is exempt if:
    1. All of the divided tracts are more than ten acres in area; and,
    2. The owner does not lay out a part of the tract as streets, 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, squares, parks, or other parts.
  - d. A division of a tract of land into veterans' tracts is exempt if:
    1. The owner does not lay out a part of the tract as streets, 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, squares, parks, or other parts; and,
    2. All the lots are sold to veterans through the Veterans' Land Board program.
  - e. A division of a tract of land into public tracts is exempt if:
    1. The land is owned by 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,
    2. The subdivision lays out a part of the tract as streets, 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, squares, parks, or other parts.
  - f. A division of a tract of land into public floodplain tracts is exempt if:
    1. The owner of the land is a political subdivision of the state; and,
    2. The land is situated in a floodplain; and,

3. All of the divided tracts are sold to adjoining landowners.
- g. A division of a tract of land into a tract for future development is exempt if:
1. The owner does not lay out a part of the tract as streets, 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, squares, parks, or other parts; and
  2. One new part is to be retained by the owner, and the other new part is to be transferred to a developer who will further subdivide the tract subject to these Regulations.
- h. A division of a tract of land into partitioned tracts is exempt if:
1. The owners do not lay out a part of the tract as streets, 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, squares, parks, or other parts; and,
  2. All parts of the subdivided tract are transferred to persons who owned an undivided interest in the original tract.
  3. Any further subdivision of a partitioned tract must comply with these Regulations.

### **1.5. Development tiers**

- a. Any subdivision of land in the County established after the effective date of these Regulations will be classified as either a First Tier development or a Second Tier development.
1. A First Tier development is any subdivision of a tract of land that lays out a part of the tract as streets, squares, parks, or other parts of the tract intended to be dedicated to public use. First Tier developments shall comply with these regulation.
  2. A Second Tier development is any subdivision of land that involves not more than four (4) lots or tracts, with each lot or tract having direct frontage or side-access to an existing, publicly maintained road or highway, and the developer does not propose to lay out, as a portion of the subdivision, any other internal streets, squares, parks, or other parts of the tract intended to be dedicated to public use . Driveways or Driveway Approaches or Private Driveways within the county road right-of-way must be approved by the Commissioners Court and any permits required by same must be satisfied.

- b. Any developer seeking to establish a Second Tier development that is intended for dwelling units or residential purposes must provide the Commissioners Court with the following:
  - 1. A plat of the Survey showing the linear dimensions and area/acreage of each lot or tract.
  - 2. A certificate from the developer confirming the availability of water and sewage service in compliance with these Regulations.
  - 3. A certificate from the developer confirming compliance with set-back lines in compliance with these Regulations.
  - 4. A certificate from the developer confirming the dedication of all necessary utility easements.
  - 5. A certificate from the developer confirming the installation of culverts in County Road right-of-way for purposes of a driveway or driveway approach in compliance with the minimum length dimension of thirty (30) feet for private driveways and thirty (30) feet for public driveways and such diameter dimension as may be required by the County Commissioners with jurisdiction over the development site, based upon the required passage of flow according to an engineered drainage study to convey the two-year storm event..
  - 6. A survey and engineered drainage study that shows sufficient topographic information adequate to demonstrate that the proposed subdivision will adequately drain and that any proposed development will not alter the natural flow of water to adjoining properties. A surveyor may rely upon current public data for this purpose.
  - 7. If OSSF is proposed for the Second Tier subdivision, a certificate from the Archer County Permit Officer stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements.
- e. All other requirements in these Regulations are applicable to First Tier developments, and not applicable to Second Tier developments.
- f. A property owner or developer may request the issuance of a certificate of exemption from the Commissioners Court for any subdivision of land covered by the exemptions in Section 1.4 of these Regulations.
- g. Lots of five acres or less are presumed to be for dwelling units or residential purposes, unless the land is restricted to nonresidential uses on the plat and all instruments of conveyance.

**1.6. Subdivision names**

The name of a subdivision may not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within the County, and may not be so similar in spelling or pronunciation to the name of any existing subdivision in the County as to cause confusion, unless the subdivision is contiguous to an existing subdivision and is an additional phase of that development.

**1.7. Conflict of laws**

- a. These Regulations supersede any prior regulations of subdivisions adopted by the Commissioners Court.
- b. If any other rule or regulation adopted under the authority of proper legal jurisdiction is in conflict with these Regulations, the most stringent rules will apply.
- c. These Regulations will not be interpreted to permit actions which would otherwise be prohibited by another valid County regulation which has not been superseded by these Regulations.

**1.8. Severability**

If any part or provision of these Regulations, or any application of these Regulations, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment will be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment will have been rendered and will not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Regulations without any such invalidated part, provision, or application.

**1.9. Agents**

Whenever an act is required by any person or entity under these Regulations, that act may be performed by an agent of that person or entity.

**1.10. Effective date**

- a. These Regulations apply to all subdivisions which are made subsequent to the effective date of these Regulations.
- b. Any subdivision existing prior to the effective date of these Regulations, whether or not a plat of the subdivision has been filed in the records of the County, and for which the owner or owners of lots within said subdivision wish to modify, expand, alter or otherwise change in any way the actual layout of the subdivision, must comply with these Regulations.

**Chapter 2**  
**Minimum Standards for Water and Sewage Service**

## **2.1. Scope of standards**

The establishment of any subdivision with two or more lots where the water supply and sewer services do not meet the minimum standards of these Regulations is prohibited. The developer shall acknowledge their obligation to provide potable water to all residents of the subdivision in sufficient quantity to satisfy this regulation.

## **2.2. Water facilities development**

- a. A subdivision must provide for an adequate supply of drinking water, either by connecting to an existing public water system, establishing a new public water system, drilling individual wells, or through any other non-public water system in accordance with any State requirements and these Regulations.
- b. Developers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility. The agreement must:
  - i. 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 subdivision.
  - ii. Reflect that the developer will pay the costs associated with connection to the public water system so that service is available to each lot or tract within the subdivision upon completion of construction of the water facilities described in the plat application, and detail the costs to be paid by the purchasers of lots or tracts within the subdivision pursuant to the tariff of the retail public utility.
- c. Where there is no existing retail public utility to provide adequate drinking water to a subdivision, a developer may provide drinking water by establishing a retail public utility and obtaining a certificate of convenience and necessity from the Texas Public Utility Commission.
- d. Where individual wells or other non-public water systems are proposed for the supply of drinking water to a subdivision, the developer must include in their plat application a groundwater availability study that complies with the requirements of 30 TAC Chapter 230, or in such other rules as may be published by TCEQ, and certifies the long-term quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision for a term of not less than 30 years. 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, Sections 290.104, 290.106, 290.108 and 290.109, either: without any treatment to the water; or, with treatment by an identified and commercially available water treatment system. The requirements of this section may be certified by an engineer or geoscientist licensed to practice in this state, or by a water well driller licensed in Texas and in good standing pursuant to Chapter 1901, Texas Occupations Code.

- e. The conveyance of drinking water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method of supplying drinking water, except on an emergency basis. Absence of a water system meeting the standards of these Regulations due to the negligence of the developer does not constitute an emergency.

### **2.3. Wastewater disposal**

- a. A subdivision must provide for adequate sewage and wastewater disposal, either by connecting to a public sewage disposal system, connecting to a privately owned sewage disposal system, or allowing purchasers to install OSSF which are compliant with TCEQ rules and these Regulations. If OSSF systems are to be utilized, the Plat must bear a notation that all such systems must comply with TCEQ regulations.
- b. Developers who propose to dispose of wastewater by connecting to existing sewerage facilities operated by a retail public utility must provide a certificate from the utility that:
  - 1. Provides 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 subdivision for a minimum of 30 years.
  - 2. Reflects that the developer will pay the costs associated with connection to the sewerage system so that service is available to each lot or tract within the subdivision upon completion of construction of the sewerage facilities described in the plat application, and detail the costs to be paid by the purchasers of lots or tracts within the subdivision pursuant to the tariff of the retail public utility.
- c. Developers who propose to establish a sewerage system must obtain a permit to dispose of wastes from TCEQ in accordance with 30 TAC Chapter 305 and obtain approval from TCEQ of engineering planning materials for such systems under 30 TAC Chapter 317.
- d. Sewerage facilities for the disposal of sewage in an amount no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
- e. 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.
- f. The Archer County Permit Officer, or another authorized agent of TCEQ, must:
  - 1. Review proposals for OSSF;
  - 2. Make inspections of such systems as necessary to ensure adequate service for a subdivision; and,

3. Certify that a plat application is in compliance with all applicable state statutes and TCEQ rules.
- g. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems within a subdivision, except on an emergency basis not to exceed thirty-days (30) in duration. Absence of a waste disposal system meeting the standards of these Regulations due to the negligence of the developer or owner does not constitute an emergency.

#### **2.4. Greywater systems for sludge and reuse of treated wastewater**

- a. Any plat application including the provision of sewage collection, treatment, and disposal which includes greywater reuse must meet minimum criteria of 30 TAC Chapter 210, and any other applicable rules published by TCEQ.
- b. Any proposal for on-site sewage disposal which includes provisions for greywater use must meet the minimum criteria of 30 TAC Chapter 285, and any other applicable rules published by TCEQ.
- c. The disposal of sludge from water treatment and sewerage facilities must meet the criteria of 30 TAC Chapter 312 and Chapter 317, and any other applicable rules published by TCEQ.

#### **2.5. Public utility easements**

- a. A developer must provide for utility service within a subdivision, with utility easements of no less than fifteen (15) feet to be provided adjacent to the public right-of-way.
  1. Surface utilities are to be placed within five (5) feet of the property line.
  2. Subsurface utilities are to be placed with ten (10) feet of the property line or in conformity with other law.
- b. All utility easements are to be described in any deed to any purchaser of a portion of a subdivision, and must be depicted on the plat.

#### **2.6. Public utility easements and fire-fighting standards**

- a. If water is provided to a subdivision by a public water system with adequate water capacity to support fire hydrants or filler plugs, and such fire hydrants or filler plugs must have a proper hose connection every 750 feet, or in compliance to fit the equipment of the fire department serving the jurisdiction.
- b. If fire hydrants or filler plugs are proposed to be installed in a subdivision in a plat application, the application must include a certificate from the public utility serving

the subdivision to confirm sufficient water capacity is available to operate the fire hydrants or filler plugs.

**2.7. Housing density**

- a. A subdivision that will rely upon OSSF and water wells must comply with TCEQ regulations and state law regarding the density of housing units.
- b. If OSSF or water wells or both are included in a plat application, the developer must provide with the application a statement that the subdivision complies with TCEQ density requirements or limitations.

**Chapter 3  
Minimum Standards for Roads and Streets**

**3.1. General requirements**

- a. Each subdivision shall contain an acknowledgment that the County will not be responsible for road maintenance unless subsequently accepted for county maintenance, and a petition to assume road maintenance will not be considered for a minimum of two years after completion of the road.
- b. Each subdivision shall also contain a statement regarding who will maintain subdivision streets, whether contained in a home owners association bylaws, deed restrictions, or other similar documents.
- c. A sixty-foot (60') right-of-way is required for all roads and streets, notwithstanding any provisions of these Regulations to the contrary. A Flag Lot access road must be at least twenty-feet (20') wide.
- d. A developer shall establish a set-back line of twenty-five (25') from the edge of any public road, or fifty-feet (50') from the edge of a major road. A "major road" is understood to include all state or federal highways, and any county-maintained road specifically designated by the Commissioners Court as a major highway.
- e. All streets and roads must conform with the construction standards set out in these Regulations.
- f. All material used in constructing roads and streets must be inspected and approved by the Precinct Commissioner.
- g. All underground lines for utilities or otherwise must comply with the Archer County Right-of-Way Ordinance, as amended from time to time.
- h. All permanent dead-end or cul-de-sac roads or streets must have a turn-a-round with a right-of-way diameter of not less than one hundred feet (100') with a turn radius of at least fifty-feet (50') of improved surface with a minimum of six inches

(6") of compacted rock) to accommodate large emergency response vehicles (i.e. firetrucks).

### **3.2. Intersections**

- a. Roads and streets must be designed and constructed so as to intersect with each other at ninety (90) degree angles.
- b. Where the terrain makes it impossible to design and construct roads and streets to intersect at ninety-degree (90°) angles, the developer may file a petition for a variance contemporaneously with the submission of the plat application.
  1. Said petition will state concisely why the condition of the terrain makes it impossible to comply with this regulation.
  2. The Commissioners Court must rule on said petition in its order granting or denying authorization of the plat application.
- c. If a variance for intersection construction is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of twenty-five (25) feet away from the point where the streets would have otherwise intersected. The Commissioners Court will specify the exact size of the cut-back, up to a maximum of fifty (50) feet, in its order granting or denying authorization of a plat application. No road or street may be constructed with an abrupt offset or "jog" in it.

### **3.3. Location of roads and streets**

- a. Where streets of an existing subdivision end at the property line, any new subdivision which is intended to utilize connecting roads and streets in the existing subdivision must be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision.
- b. When possible, roads and streets must be designed and constructed so as to permit the continuation or extension of said roads and streets in other subdivisions in the future.
- c. No streets or roads may be constructed across dams or embankments used for purpose of holding water.

### **3.4. Plat Approval is Not Acceptance of roads and streets for public maintenance**

- a. Approval of a developer's plat application does not mean that the Commissioners Court accepts any roads or streets within the subdivision for maintenance by the County. The decision to accept one or more roads or streets within a subdivision will be made only upon a petition for road maintenance and a separate order entered of record by the Commissioners Court.

- b. No petition for road maintenance will be considered any earlier than after two (2) years have elapsed from the date of completion of construction of the roads and streets of a subdivision, said date to be certified by the Commissioners Court.
- c. A petition for road maintenance may be made by a developer or by the owners of a majority of the lots or tracts within a subdivision.
- d. The Commissioners Court may grant a petition for road maintenance and accept one or more of the roads and streets of the subdivision upon a finding that the roads and streets to be taken into the County maintenance program serve a public purpose greater than the private benefit realized by persons living within the subdivision. Typically, subdivision roads to be deemed suitable for public maintenance will be limited to primary arterial or connecting streets that provide efficient interconnectivity with existing County or State maintained roads.
- e. A plat application must contain a certificate stating that the developer understands that approval of the plat application and filing of the plat does not mean that the County will be responsible for maintenance of subdivision roads and streets.

**3.5. Subgrade and flexible base**

- a. All roads and streets must be constructed with a stabilized subgrade. The subgrade material under all roads and streets must meet or exceed the following minimum requirements.
  - 1. Plasticity index value must be a minimum of ten (10) and a maximum of twenty (20).
  - 2. Subgrade must be bladed to a depth of twelve inches (12").
  - 3. Subgrade must be compacted with a weighted vibratory roller in six inch (6") maximum lifts.
  - 4. Subgrade must be watered, bladed, and rolled before any flexible base material is placed upon it.
  - 5. Subgrade must be at least twenty-four feet (24') wide.
- b. All roads and streets must have a flexible base.
  - 1. The flexible base material for all roads and streets in every subdivision may be only the following:
    - A. #1 crushed limestone rock;
    - B. Comparable gravel; or,

- C. Flex base approved by Texas Department of Transportation (TxDOT).
- 2. The flexible base must have a minimum compacted thickness of 8 inches compacted to 6 inches, and be at least twenty-four (24) feet wide.
- 3. If asphalt pavement is to be used, a flexible rock or comparable gravel base must be covered with a primer at least twenty-four (24) feet wide, and using at least one-third (1/3) gallon per square yard. Concrete paving will not require a primer. Flexbase must be thoroughly wetted before placement of concrete.
- c. The base must be an optimum design based upon site-specific soil conditions found within the subdivision and confirmed by an engineer's specifications.

### **3.6. Surface materials**

- a. Paved roads must have a traveled road-bed width of not less than twenty feet (20') and be paved with either:
  - 1. Hot mix (oil sand, D-mix, etc.) of asphaltic nature; or,
  - 2. A rock base with AC-5 or similar sealcoat surface treatment; or,
  - 3. A combination of these.
- b. Asphalt roads must have one prime coat and two courses penetration asphalt surface treatment or tack coat and hot mix, in accordance with the following:
  - 1. The paving material must have a thickness of not less than two (2) inches of hot mix asphaltic compacted, or two (2) courses of sealcoat surface treatment.
  - 2. A prime coat of asphalt must be applied to the base, the road blocked or barricaded, and allowed to set for an adequate period of time (a minimum of 24 hours). Two courses penetration asphalt surface treatment must then be applied by use of clean, tough and durable aggregate with the first layer of aggregate to be #3 (5/8") and the second layer of aggregate to be #4 (1/2"). Aggregates must be applied in quantities necessary to thoroughly and properly cover the improved road surface with asphalt.
  - 3. After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt property to the satisfaction of the Precinct Commissioner.
- c. All roads and streets constructed with concrete must consist of TxDOT Class C concrete (3600 psi at twenty-eight (28) days) being at least six inches (6") thick with one half inch (1/2") diameter rebar on centers no wider than eighteen inches

(18"). Control joints must be spaced every fifteen feet (15'). Expansion joints must be spaced every two hundred fifty-feet (250'), or at the beginning and ending of a radius.

### **3.7. Road crown**

The center line of the improved surface of each road and street must have a minimum elevation of 2% minimum cross slope from the elevation of the edge of said road or street, unless otherwise designed by an engineer when necessitated by terrain.

### **3.8. Seep areas**

- a. Seep areas must be marked by visual inspection made by the Precinct Commissioner and the developer during the pre-application meeting.
- b. Seep areas must be drained to a depth of a least eighteen (18") inches below subgrade elevation by use of subsurface drainage.
- c. After seep areas are drained, the subgrade is to be compacted as described in these Regulations.

### **3.9. Street numbers, signage, and dedication**

- a. All roads and streets must be numbered and marked by the developer in compliance with these Regulations, the Archer County addressing protocols, and the regulations of the regional 9-1-1 network managed by the Nortex Regional Planning Commission (NRPC).
- b. Upon receipt from NRPC of the assigned private road numbers, the developer shall provide the County with a certificate from NRPC confirming the private road numbers reserved for roads laid out in the subdivision.
- c. All road signs must be designed in conformity with the Texas Manual on Uniform Traffic Control Devices, and approved by the Precinct Commissioner.
- d. A developer must dedicate any new roads, streets, rights-of-way, or easements, in the manner required by law to set aside such roads, streets, rights-of-way, or easements to public use, after review and approval of the 911 coordinator.

### **3.10. Setbacks**

- a. The Commissioners Court finds that the establishment of set-back lines from all public roads in the County will promote the general welfare, pursuant to Section 233.032, Texas Local Government Code.
- b. The Commissioners Court prohibits the construction or location of a new building any closer than 25 feet from the edge of the right-of-way of any public road in the

County other than major highways and roads; and no closer than 50 feet from the edge of the right-of-way of any major highways and roads in the County.

- c. The Commissioners Court reserves the right to designate public roads that presently have, or are anticipated to have, higher densities of traffic as a result of development or other changes in the normal traffic burden previously experienced on any particular roadway as a major highway. The commissioners Court shall give public notice of any such designation prior to such designation. The following roads are, on the date of adoption of this regulation, deemed to be major highways
  - 1. Any state or federal highway.
  - 2. All designated county-maintained roads
- d. The Commissioners Court may designate as major highways and roads additional public roads that abut a subdivision at the time of the approval of a plat application for the subdivision.

#### **Chapter 4 Minimum Standards for Drainage**

##### **4.1. General requirements**

- a. An Engineering Report must contain drainage information sufficient to demonstrate a drainage design suitable for the subdivision in terms of size, number of lots, existing topography, detention ponds, or other suitable drainage provisions.
- b. The Commissioners Court may approve alternative drainage designs that demonstrate equivalent or greater performance in managing stormwater runoff, particularly with subdivisions with smaller footprints or existing natural drainage that can be effectively utilized.
- c. Lots in a subdivision must be graded so that surface drainage from the lots will flow to drainage courses as directly as possible.
- d. Drainage water from roads and streets must flow to defined drainage courses as directly as possible.
- e. Blocking the natural flow of water, constructing improvements in the area of a drainage easement, or filling in floodways within a subdivision are all prohibited.
- f. The location, dimension, description, and flow lines of existing drainage structures and drainage structures proposed to be installed within a subdivision must be shown on the survey, including existing topography of the subdivision by use of contour lines.
- g. If the contour lines on the survey indicate that a lot or lots within a subdivision may not drain, the Commissioners Court may not approve the plat application without

establishing the conditions that must be corrected to address the potential failure of drainage.

- h. A subdivision must not alter the flow of surface water to the detriment of any adjacent landowner, and must, to the extent necessary by prudent engineering design, provide for the diversion of surface water into natural drainage courses or holding ponds constructed within the subdivision for the purpose of diffusing runoff.

#### **4.2. Drainage ditches and structures**

- a. All roads and streets without curbs and gutters must have drainage ditches adjacent to and running parallel to said roads and streets. Said drainage ditches must have a minimum depth of eighteen inches (18") below the level of the edge of the adjacent road or street.
- b. Permanent drainage structures including, but not limited to, culverts, pipes, drainage boxes, and bridges, must be installed at all crossings or drainage courses, including drainage ditches with driveways, roads, and streets.
- c. Each tract or lot within a subdivision must have at least one permanent entrance entry from a road or street within the subdivision for a private drive, including sufficient drainage structures where necessary in conformity with the requirement of this regulation. Each lot shall have a minimum frontage or front lot line of sixty (60') feet frontage adjoining the road or street adjacent to the lot. This rule may be reduced to thirty (30') feet for manufactured home, RV, Tiny Home, and Camp Ground frontage to the adjoining street.
- d. Open drainage channels and ditches must be constructed with a proper cross slope grade and alignment which will facilitate proper functioning without destruction velocities of drainage waters.
- e. Any construction within the right-of-way of a road maintained by the County must be conducted pursuant to a permit for construction within the right-of-way, and must be in accordance with the Archer County Right-of-Way Ordinance, as amended from time to time.

#### **4.3. Drainage easements**

- a. A developer must dedicate drainage easements of adequate size to permit drainage and flood control for all lands whose natural drainage runs through the subdivision to allow for future maintenance of such drainage easements within the subdivision. The easements shall be dedicated to Archer County, with the adjacent property owners being required to maintain the easements as directed by the County.
- b. Reference to drainage easements must be included in each instrument of conveyance from a developer to a purchaser.

- c. Archer County will not maintain any drainage easements. The adjacent property owners are responsible in maintaining the drainage easements in a manner that adequately conveys stormwater as shown in the original design. Any modifications to the original design must be submitted and reviewed by the Commissioners Court. Local, State, and Federal permits may be required depending on the location and type of modifications requested.

**Chapter 5**  
**Minimum Standards Applicable to Tiny Homes, Recreational Vehicle Parks, or Camp Ground Facilities**

**5.1. Definitions**

- a. The following words and terms, when used in these Regulations, have the following meanings, unless the context clearly indicates otherwise.
  - 1. Operator—The person in charge of operating any recreational vehicle park, whether they are the owner of the recreational vehicle park or the occupant under a written or oral lease, or by any other arrangement whereby they exercise control over the recreational vehicle park.
  - 2. Recreational vehicle—Includes any of the following:
    - A. Camping trailer—A folding structure for temporary shelter mounted on wheels and designed for travel, recreation, and vacation use.
    - B. Motor home—A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
    - C. Pickup coach—A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
    - D. Travel trailer—A vehicular structure built on a chassis with body width not to exceed eight feet and body length less than 46 feet, that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.
  - 3. Recreational vehicle park (RV Park) —Any land designed to accommodate four or more recreational vehicles, and which exists as a privately owned and operated enterprise with or without charges for the parking of recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time. RV Parks shall comply with First Tier subdivision regulations. Hunting camps that are temporary are also excluded from this definition.

4. Recreational vehicle space—A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.
  5. Tiny Home—a dwelling unit or residential structure of less than 500 square feet.
  6. Camp Ground—an area intended for camping and is intended to address Camp Grounds for tents, temporary structures, or permanent structures intended to provide a camping experience.
- b. Use of either the singular or the plural form of a word will be interpreted, when necessary, to include the other form.

## **5.2. Regulation of recreational vehicle parks**

- a. A recreational vehicle park, tiny home development, or camp ground existing in the County prior to the adoption of these Regulations is exempt, unless expanded or altered in operations or intended purpose. Any recreational park developed after the effective date of this regulation is a subdivision subject to these Regulations.
- b. A developer of a recreational vehicle park, tiny home development or camp ground must have a plat prepared that complies with these Regulations.
- c. These Regulations do not apply to a property owner accommodating no more than three recreational vehicles or tiny homes on their property at any one time.
- d. Prior to commencement of any construction, the owner/developer must consult with the County Commissioner having jurisdiction over the site for review.

## **5.3. Infrastructure Requirements for Recreational Vehicle Parks, Tiny Homes, or Camp Grounds**

The subdivision plat application for a Recreational Vehicle Park, Tiny Home development, or a Camp Ground must include each of the following:

- a. A survey identifying the proposed community's boundaries and any significant feature of the community, including the proposed location of lots or spaces, utility easements and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this order.
- b. Reasonable specified description of means and methods to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Archer County Floodplain regulations as amended from time to time. The Archer County Floodplain

regulations in effect at the time of the adoption of these Regulations are attached hereto as Exhibit "C".

- c. Reasonable specified description of means and methods to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.
- d. Certification that adequate groundwater is available for the development. If groundwater is the source of water supply for the development, the developer is required to obtain certification, by a licensed professional engineer or geoscientist registered to practice in Texas, that adequate groundwater is available for the development, according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.
- e. Certification of adequate sewerage:
  - i. Reasonably specified description of means and methods to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or
  - ii. Reasonably specified description of means and methods for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code if estimated sewage flow does not exceed 5,000 gallons per day (gpd). These description of means and methods must meet minimum standards established under Chapter 285.4 of the OSSF rules and Archer County local order. Approval by the Archer County OSSF Inspector's certificate must be attached to the plat. See Appendix G.
  - iii. Reasonably specified description of means and methods for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if estimated flow exceeds 5,000 gpd. approval by Texas Commission on Environmental Quality must be attached to the plan
- f. Reasonably specified description of means and methods for streets or roads in the Recreational Vehicle Park, Tiny Home development, or Camp Ground to provide ingress and egress for fire and emergency vehicles. Therefore, the Commissioners Court finds that it is reasonably necessary that streets in these

communities should be built to a standard no more stringent than the requirements adopted by the Commissioners Court for subdivisions, as approved by the Precinct Commissioner. The road design and construction standards contained in the Archer County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable. Building Set Backs shall be as specified in this Archer County Subdivision Regulations. Drainage design for the development shall comply with this Archer County Subdivision Regulations.

- g. Only the Commissioners' Court may grant a variance when strict application of these standards would work an unusual hardship. Variances for OSSF can only be granted by Archer County OSSF Designated Representative.
- h. Each recreational vehicle park must provide recreational vehicle spaces, and each such space must be clearly defined.
- i. Recreational vehicle parks must be designed so as not to exceed a maximum of 20 recreational vehicle spaces per acre.
- j. Each recreational vehicle space must afford parking and maneuvering space sufficient so that the parking, loading, and movement of recreational vehicles will not necessitate the use of any public right-of-way or privately owned property which may abut the recreational vehicle park.
- k. Each recreational vehicle space that is provided with electrical service must be so served through an underground distribution system. Other buildings within a recreational vehicle park may receive electrical service through overhead facilities.
- l. Twenty percent (20%) of the recreational vehicle spaces within a recreational vehicle park must be not less than eighteen feet (18') by fifty feet (50').
- m. There must be at least ten feet (10') of open space between parallel rows of recreational vehicle spaces.
- n. Recreational vehicle spaces must be improved with either:
  - 1. Compacted crushed road base material and asphalt; or,
  - 2. Concrete adequate to support the weight of a recreational vehicle.
- o. Recreational vehicle spaces must not heave, shift, or settle unevenly under the weight of a recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.

**5.4. Recreational vehicle park, Tiny Home development or Camp Ground roads**

- a. All weather roads adequate to provide access to emergency vehicles and each recreational vehicle space, tiny home or camping space must be laid out, constructed, and maintained in good condition by the owner or operator of a recreational vehicle park, tiny home development, or camping space.
- b. All roads within a recreational vehicle park, tiny home development, or camp ground must be at least twenty-four (24) feet wide.
- c. An entrance to a recreational vehicle park must be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

**5.5. Recreational vehicle park, Tiny Home development, or Camp Ground service building requirements.**

- a. A plat application for a recreational vehicle park, tiny home or camp ground must address the minimal standards established in this subchapter.
- b. Each recreational vehicle park, tiny home or camp ground must provide and maintain one or more service buildings for the use of patrons. The service buildings must include:
  - 1. Flush toilet(s) and sink(s), together with shower and dressing room accommodation for women, provided in an individual compartment or stall with lockable exterior access.
  - 2. Flush toilet(s) and sink(s), together with shower and dressing room accommodation for men, provided in an individual compartment or stall with lockable exterior access.
  - 3. At least one washing machine and dryer for clothing; and
  - 4. One slop sink, measuring not less than 14 by 14 inches square and 14 inches deep.
- c. The aforementioned service buildings will accommodate not more than 50 recreational vehicle spaces or tiny home sites.
  - 1. For each additional 1 to 30 recreational vehicle, tiny home or camp ground spaces after the first 50, the operator must provide and maintain one flush toilet, one shower with individual dressing accommodations, and one lavatory.
  - 2. For each additional 1 to 50 recreational vehicle or tiny home spaces after the first 50, the operator must provide and maintain one additional washing machine and one additional slop sink.
- d. All lavatories must comply with the Americans with Disabilities Act (ADA).

- e. Service buildings housing sanitation or laundry facilities must be permanent structures which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems, and confirm to the following minimum standards:
  - 1. Service buildings must afford appropriate illumination, be well ventilated with screened openings, and be constructed of moisture-proof materials so as to permit frequent cleaning and washing.
  - 2. Floors must be constructed of concrete or other equally impervious material, so as to permit frequent cleaning and washing, and include floor drains which are connected to the sanitary sewer.
  - 3. Chemical cleaners used in a recreational vehicle park must be used only in accordance with TCEQ rules.
  - 4. The lavatory and other sanitation facilities for males and females either must be in separate buildings or separated, if in the same building, by soundproof walls.
  - 5. All service buildings must be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any person or constitute a nuisance.
  
- f. An operator must provide and maintain garbage receptacles as follows:
  - 1. A minimum of one (1) fly tight, water tight, rodent proof dumpster for the first fifty (50) recreational vehicle spaces, with one (1) additional dumpster for each additional fifty (50) recreational vehicle spaces or fraction thereof.
  - 2. Refuse container stands must be provided for all refuse containers. Such container stands must be designed so as to prevent their containers from being tipped, to minimize spillage and container deterioration.
  - 3. The storage, collection, and disposal of refuse in a recreational vehicle park must be conducted as to create no health hazards.
  - 4. All dumpsters must be screened from public view.
  
- g. Fuel containers in a recreational vehicle park, tiny home development or camp ground must comply with the following restrictions:
  - 1. Bottled gas must not be used at individual recreational vehicle, tiny home or camp ground space unless the containers are properly connected by copper or other suitable tubing.
  - 2. Bottled gas cylinders must be securely fastened in place.

3. No cylinders containing bottled gas may be located in a recreational vehicle or tiny home within five (5) feet of a door thereof.
- h. An operator must provide and maintain fire protection equipment as follows:
1. A recreational vehicle park, tiny home development, or camp ground must be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the recreational vehicle park, tiny home development, or camp ground as to satisfy the applicable regulations of the County. In the absence of any County regulations regarding fire extinguishing equipment, for each acre in the subdivision (rounded up to the nearest whole acre), the operator must provide and maintain two (2) portable fire extinguishers with a minimum rating of 2a-20 B:C which shall be conspicuously marked and readily accessible in the event of a fire.
  2. No open fires will be permitted within a recreational vehicle park or tiny home development, except that this will not be construed to prevent barbecuing in a secure pit or grill.
- i. An operator must maintain the entire area of a recreational vehicle park, tiny home development, or camp ground free of dry brush, leaves, and weeds.

#### **5.6. Further recreational vehicle park regulations**

- a. Persons developing recreational vehicle parks should be aware that this order is not the exclusive law or regulation controlling development in the County. The following is only a partial list of regulations that may apply:
1. All subdivisions within the extra territorial jurisdiction of a municipality may also be subject to city subdivision regulations, or as per any interlocal cooperation agreements.
  2. All recreational vehicle parks are subject to regulations of general applicability, including public health nuisances under Chapter 341 and 343, Texas Health and Safety Code. The developer must address solid waste disposal, rodent and insect harboring, fly breeding, and improper water disposal in accordance with these Chapters.
  3. Other agencies with regulatory authority that may apply to a recreational vehicle park include, but are not limited to, Emergency Services Districts, TCEQ, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corps of Engineers.

#### **5.7 Manufactured Home Rental Community**

A Manufactured Home Rental Community (“MHRC”), as defined by Section 232.007, Texas Local Government Code, shall abide by these Regulations. A MHRC is not a subdivision, and Sections 232.001-232.006 of the Texas Local Government Code do not apply to a MHRC. Therefore, any and all proposed MHRCs shall be required to abide by all applicable sections of these Regulations. This Section shall not be interpreted as precluding the Commissioners from adopting a Manufactured Home Rental Community Plan at a later date. Furthermore, the developer of a Manufactured Home Rental Community shall pay the review fees as provided in Appendix P.

## **Chapter 6**

### **Plat Applications for Subdivision Approval**

#### **6.1. Pre-application meeting**

- a. The Developer shall request in writing a meeting with the Precinct Commissioner and the County Engineer in sufficient time to allow a meeting with a developer at least fifteen (15) days prior to submission of a plat application to the Commissioners Court, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.
- b. The Commissioners Court will provide written notification to the applicant of any deficiencies in the application, requests for additional information, and the final decision on the application.

#### **6.2. Applications for subdivision approval**

- a. Before a subdivision is approved under these Regulations, the developer must file a plat application with the Commissioners Court, including a plat, a survey, and all other documentation or other information listed in Appendix A, or as may be amended and republished from time to time.
- b. Each plat required by this subdivision regulation shall include an Engineering Drainage Report to identify and detail compliance with required drainage to address a 100-year flood, provide a statement of compliance with applicable TCEQ standards, street construction standards, and state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use.
- c. If a developer submits a plat application to the Commissioners Court that does not include all of the documentation or other information required by these Regulations, the Commissioners Court must notify the developer of the missing documents or other information, not later than the 10th business day after the date the Commissioners Court receives the incomplete plat application. The Commissioners Court must allow a developer reasonable time to submit the missing documents or other information.

- d. A plat application is considered complete when all documentation or other information listed in Appendix A is received.
- e. The plat application shall include an acknowledgment letter from any other government agencies (i.e. Texas Department of Transportation) that may have regulations pertinent to the proposed development. Should another government agency have any rules or regulations that are more stringent than these Regulations and are applicable to the developer's plat application, the more stringent of the two shall be controlling. The acknowledgment letter shall include a statement from the government agency approving the plat as presented, or a statement that the agency does not approve the application with a list of the agency's concerns.
- f. Acceptance by the Commissioners Court of a completed plat application will not be construed as approval of the documentation or other information.

### **6.3. Plat application**

- a. A developer must submit a plat application including detailed documentation of all infrastructure to be constructed in a subdivision, including plans, drawings, and statements of the estimated costs to make each category of proposed improvements (i.e. water, wastewater, drainage, roads, etcetera).
- b. All engineering plans submitted as part of a plat application must bear the signed and dated seal of a professional engineer registered in the State of Texas, and a certificate in substantially the form as Appendix F.
- c. A plat application must discuss the availability and methodology of providing drinking water, sewerage, and electrical service to each individual lot within a subdivision, and
- d. Where water, sewerage, and electricity are to be provided by an existing public utility, the developer must submit an executed public utility certificate in substantially the form as Appendix D.

### **6.4. Oversight**

- a. A developer, by submitting a plat application, acknowledges the authority of the County and state agencies to lawfully enter and inspect the subdivision property for purposes of execution of their statutory duties and the enforcement of these Regulations.
- b. Any inspection of a subdivision will not release the developer from any obligation to comply with these Regulations.

- c. The Commissioners Court may refuse to approve or authorize any plat application, unless such plat application meets the full requirements as set forth in these Regulations.

#### **6.5. Plat Application fees**

- a. All fees due to the County for the filing of a plat application must be paid to the County Clerk contemporaneously with the submission of the application.
- b. All fees due to the County after the approval of a plat application must be paid to the County Clerk within ten (10) days of approval of the application.
- c. Fees are published in these Regulations under Appendix P, which may be amended and republished from time to time by the Commissioners Court.

### **Chapter 7 Plat and Survey Requirements**

#### **7.1. Subdivision plat and survey requirements**

- a. A plat and a survey depicting the subdivision must be submitted with each application.
- b. A plat must contain, at a minimum, the following information on the face of the plat, or attached to the plat by referenced addendum:
  - 1. Name and mailing address of the developer.
  - 2. Name of the subdivision.
  - 3. North directional indication arrow.
  - 4. Location map showing the subdivision in relation to major roads, towns, cities, and topographic features.
  - 5. A description of the exterior boundary of the subdivision by metes and bounds, which locates the subdivision with respect to a corner of the original survey of which it is a part ("corner of the original survey" refers to a properly monumented survey point as determined by the surveyor suitable to recognition as the original corner of the tract being subdivided by commonly accepted surveying practice).
  - 6. Total area/acreage within the subdivision.
  - 7. Total number of lots within the subdivision.
  - 8. Area/acreage of roads, including:

- A. Length of roads.
  - B. Street right-of-way widths.
  - 9. The area/acreage of each lot.
  - 10. The bearing and distance for each lot boundary line, with a minimum frontage of sixty (60') feet to the adjoining road or street.
  - 11. Areas dedicated for public use.
  - 12. Rights-of-way or easements, including all drainage easements and utility easements.
  - 13. Proposed land use of all lots being subdivided, as follows:
    - A. Single family dwelling unit or residential.
    - B. Multi-family dwelling unit or residential.
    - C. Agricultural Operations.
    - D. Commercial.
    - E. Dedicated for public use.
  - 14. All 100-year floodplains.
  - 15. Road names or numbers for all roads or streets submitted after review and approval of NORTEX 9-1-1 for compliance with all protocols.
  - 16. Lot and block numbers, arranged in a systematic order and shown on the plat in a distinct and legible manner.
- c. The survey must contain, at a minimum, the following information on the face of the survey or attached to the survey by referenced addendum:
- 1. The real property records index information (instrument number or volume and page) and names of all current owners of property contiguous to the subdivision.
  - 2. The location of all existing permanent, man-made structures within the subdivision, including houses, barns, shacks, other buildings and structures, fences, walls, ponds and stock tanks.
  - 3. All major topographic features on or adjacent to the property as well as elevation contours at no greater than five-foot (5') intervals if in a

floodplain, and no greater than twenty-foot (20') intervals if not in a floodplain.

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

## **7.2. Registered professional land surveyor**

- a. The plat and survey must be prepared from an actual survey made on the ground by, or under the direct supervision of, a registered professional land surveyor, and their certificate to that effect must appear on said plat and survey.
- b. A plat application must bear the signed and dated seal of a professional surveyor registered in the State of Texas, and a certificate in substantially the form as Appendix E.
- c. The land surveying firm's name and license number, address, and telephone number must be listed on the plat and the survey.

## **7.3. Plat scale and filing**

- a. Plats must be based on a scale of not more than one inch (1") equals two hundred feet (200'). A plat must be drawn on paper measuring no less than eleven inches (11") by seventeen inches (17") and no longer than twenty-four inches (24") by thirty-six inches (36").
- b. If two or more pages are needed to depict a plat, a key (may be drawn to larger scale) showing the entire area must be drawn on the first page, and each page must be numbered in a way as to note its location within the set.
- c. A developer must submit the following copies of the plat:
  1. Two full size copies for filing in black ink for use by the Archer County Appraisal District's mapping department.
  2. Six (6) reduced size (legal size) copies of the plat and an electronic version such as a PDF format.

## **7.4. Digital map**

- a. A plat application must include a digital map.
- b. A digital map required under this subchapter may be required only in a format widely used by common geographic information system software. A digital map in a format

that is accepted by the Archer County Appraisal District at the time of the application will be suitable for compliance with this subchapter.

- c. A developer is exempt from the requirements of this subchapter if they submit with the application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subchapter was not reasonably accessible.

## **Chapter 8**

### **Plat Application Approval Procedure**

#### **8.1. Approval procedure**

- a. The Commissioners Court must approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the Commissioners Court.
- b. A plat application is deemed approved by the Commissioners Court without conditions unless the application is disapproved within 30 days. This 30-day period may be extended for a period not to exceed 30 days, if, not later than the 20th day after the date a completed plat application is received:
  - 1. Such extension is requested in writing by the developer and approved by the Commissioners Court; or Chapter 2007, Government Code, requires the County to perform a takings impact assessment in connection with the application; and
  - 2. The extension applies only to a decision wholly within the control of the Commissioners Court.
- c. If the Commissioners Court fails to timely approve, approve with conditions, or disapprove an application as required by these Regulations:
  - 1. The Commissioners Court must refund the greater of the unexpended portion of any application fee or deposit, or 50 percent of an application fee or deposit that has been paid;
  - 2. The application is granted by operation of law; and
  - 3. The developer may apply to the District Court for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the application's approval.
- d. The Commissioners Court may not require a developer to waive the time limits or approval procedures contained in this chapter.

#### **8.2. Conditional approval or disapproval**

- a. If the Commissioners Court conditionally approves or disapproves a plat application, it must provide the developer a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.
- b. Each condition or reason specified in the written statement may not be arbitrary, and must include a citation to the provision of these Regulations, or another statute or order, that is the basis for the conditional approval or disapproval.

### **8.3. Response to conditional approval or disapproval**

- a. After the conditional approval or disapproval of a plat application, the developer may submit to the Commissioners Court a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.
- b. The Commissioners Court may not establish a deadline for a developer to submit their response.

### **8.4. Approval or disapproval after response**

- a. If the Commissioners Court receives a response to a conditional approval or disapproval pursuant to Section 232.0027 Texas Local Government Code, it must determine whether to approve or disapprove the developer's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted.
- b. If the Commissioners Court receives a response to a conditional approval or disapproval, it the plat application will be approved if:
  - 1. The response adequately addresses each condition for the conditional approval or each reason for the disapproval; and,
  - 2. The Commissioners Court does not disapprove the plat application on or before the 15th day after the date the response was submitted and in accordance with Section 232.0026, Texas Local Government Code.
- c. If the Commissioners Court conditionally approves or disapproves a plat application following the submission of a response by a developer, the Commissioners Court:
  - 1. Must comply with Section 232.0026 Texas Local Government Code; and
  - 2. May disapprove the plat application only for a specific condition or reason provided to the developer for the original plat application under Section 232.0026, Texas Local Government Code.

### **8.5. Deadlines for completion of construction**

- a. The Commissioners Court may specify that construction of infrastructure must be started and completed within a reasonable time after the approval of a plat application.
- b. A deadline for completion may not exceed twenty-four (24) months, unless the developer identifies portions of the development to be constructed in phases including projected timelines for each phase, and must be specified by the Commissioners Court in its order granting or denying plat application. If the developer identifies portions of the development to be constructed in phases, the Commissioners Court, at its sole discretion, may extend the deadline for completion an additional twelve (12) months for a total of thirty-six (36) months.

## **Chapter 9**

### **Financial Guarantees**

#### **9.1. Financial guarantees for the construction of improvements**

- a. In its order granting approval of a subdivision, the Commissioners Court may require a developer to provide a financial guarantee sufficient to cover the cost of construction of all of the improvements to be constructed per the plat application. A required financial guarantee may be by bond, irrevocable letter of credit, or deposit of cash for 100% of the estimated cost of construction estimated by the engineer. See Appendix Q.
- b. A bond that is submitted for a financial guarantee must meet the following requirements:
  1. The bond must be payable to the County Judge of the County, or the Judge's successor in office, in their official capacity.
  2. The bond must be executed with sureties as may be approved by the Commissioners Court. The County will establish criteria for acceptability of the surety companies issuing bonds, including but not limited to:
    - A. Registration with the Secretary of State and be authorization to do business in Texas;
    - B. Authorization to issue bonds in the amount required by the Commissioners Court; and,
    - C. Being listed as a surety company in the most current United States Department of Treasury Circular 570.
  3. The bond must be conditioned upon construction or installation of the improvements established in an approved plat application, and upon construction of facilities within the time stated in the plat application, or within any extension of time granted by the Commissioners Court.

- c. A letter of credit that is submitted for a financial guarantee must meet the following requirements:
  - 1. A letter of credit submitted as a financial guarantee for combined amounts less than \$250,000 must be from a bank or savings and loan which meets the following qualifications:
    - A. Bank qualifications:
      - i. Must be federally insured; and
      - ii. Total assets of at least \$25 million.
    - B. Savings and loan association qualifications:
      - i. Must be federally insured; and,
      - ii. Tangible capital must be at least 1.5% of total assets if total assets are greater than \$25 million; or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million.
  - 2. Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000 must be from a bank or savings and loan which meets the following qualifications.
    - A. Bank qualifications:
      - i. Must be federally insured;
      - ii. Total assets must be at least \$75 million and primary capital must be at least 7.0% of total assets.
    - B. Savings and loan association qualifications:
      - i. Must be federally insured;
      - ii. Tangible capital must be at least 3.0% of total assets if total assets are greater than \$75 million; or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million.
- d. In the event any or all of the streets, roads, drainage and drainage structures, or other infrastructure within a subdivision as constructed by the developer should fail to meet the requirements of the plat application, the unfinished improvements may be completed at the cost and expense of obligees on the financial guarantee as provided.

- e. Should there be any deficiency or failure to comply with these Regulations, or should any guaranteed construction not be completed prior to the construction deadline, if any, the Commissioners Court will notify the developer of such deficiency or failure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the Commissioners Court may declare the bond or surety forfeited and order any active construction operations suspended. The Commissioners Court reserves the right to complete the work by means most advantageous to the citizens of the County and the ultimate owners of the subdivision, utilizing any or all of the financial guarantee as may be necessary to accomplish such completion.
- f. A financial guarantee for construction of improvements will remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision established in the plat application has been completed to the satisfaction of the Precinct Commissioner.
  - 1. In the event progress and final inspections indicate no departure from these Regulations, the Precinct Commissioner will certify completion to the Commissioners Court, and the Commissioners Court will release the financial guarantee.
  - 2. It is the responsibility of a developer to advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

## **9.2. Financial guarantees for maintenance**

- a. In its order granting approval of a subdivision, the Commissioners Court may require a developer to provide a financial guarantee sufficient to cover the cost of maintenance of some or all of the improvements to be constructed per the plat application. A required financial guarantee may be by bond, irrevocable letter of credit, or deposit of cash. A suggested form Letter of Irrevocable Credit is attached as Appendix Q.
- b. The conditions of a financial security for maintenance will be that the developer guarantees to maintain, to the satisfaction of the Precinct Commissioner, all of the streets, roads, drainage structures and drainage ditches and channels as described in the plat application, in a good state of repair for a period of two (2) years from the date of official release of construction security.
  - 1. The responsibility for maintenance of roads includes the repair of such items as drainage, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etcetera.
  - 2. The responsibility for maintenance of the drainage improvements includes removing debris, resodding eroded areas, and the installation of additional concrete riprap where designated by the Precinct Commissioner.

- c. The Precinct Commissioner will make periodic inspections of infrastructure construction for which maintenance security is held during the period of liability covered by the security. In the event any or all of the infrastructure construction are not being maintained in a good state of repair, the Precinct Commissioner will notify the developer in writing and, if after a reasonable time, the developer should fail or refuse to repair said items, such improvements will be maintained at the cost and expense of obligees on the financial guarantee for maintenance.
- d. In the event progress and final inspections indicate no departure from these Regulations, the Precinct Commissioner will certify completion of the term of maintenance by the developer to the Commissioners Court, and the Commissioners Court will release the financial guarantee.

**9.3. Bond Extensions**

- a. Where good cause exists, the Commissioners Court may extend the deadline for completion of construction for additional periods of time not to exceed six (6) months.
- b. The Commissioners Court may grant an extension to the deadline for completion of construction if the Commissioners Court finds the extension is reasonable and not contrary to the public interest.
- c. No extension may be granted for construction secured pursuant to these Regulations unless the developer provides additional security to cover the extended period of time.

**Chapter 10  
Revision and Cancellation of Plats**

**10.1. Petition for plat revision**

- a. A developer or an owner of property within a platted subdivision (referred to in this Chapter as "petitioner"), may submit an application to revise all or a portion of the existing plat, unless prohibited by restrictive covenants or plat notes filed pursuant to these Regulations.
  - 1. A developer may apply for a revision to any part of their subdivision.
  - 2. An owner of property within a platted subdivision may apply for a revision affecting their portion of the subdivision.
- b. Petitioners must submit the following to the Commissioners Court:
  - 1. Copies of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or, if submitted by a private homeowner

who is not the developer of the subdivision, other materials acceptable to the Commissioners Court clearly setting forth the desired amendment.

2. A statement explaining why the proposed revision is being sought.
  3. A certificate that the petitioner has complied with the requirements of Section 232.009, Texas Local Government Code.
  4. A filing fee, as specified in Appendix P, which may be amended and republished from time to time by the Commissioners Court. The amount of the fee must be based on the cost of processing the application, including publishing notices by the County as required under this chapter.
- c. After a petition for revision or cancellation of a plat is filed with the Commissioners Court, the Commissioners Court must publish a notice of the application in a newspaper of general circulation in the County.
1. The notice must include a statement of the time and place at which the Commissioners Court will meet to consider the application for revision or cancellation and to hear protests of same.
  2. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting.
- d. If all or part of a subdivision is owned by persons other than a developer, the Commissioners Court must also give notice to each of those owners by certified or registered mail, return receipt requested, at their address within the subdivision.
1. The Commissioners Court is not required to give notice by mail if the plat revision only combines existing tracts.
- e. If the Commissioners Court determines that a requested revision to a plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the above notice requirements will not apply to the petition and the applicant will:
1. Provide written notice of the petition to the owners of the lots that are within 200 feet of the subdivision plat to be revised, at the mailing addresses for those owners as maintained by the Archer County Appraisal District; and,
  2. The applicant will provide appropriate notice of the petition to the County, who will post notice of the petition continuously on the County website for at least 30 days preceding the date of the meeting to consider the petition for revision or cancellation until the day after the meeting.

- h. During a regular term of the Commissioners Court, the Commissioners Court must permit the revision of a subdivision plat if it is shown to the Commissioners Court that:
  - 1. The revision will not interfere with the established rights of any owner of a part of the subdivided land; or,
  - 2. Each owner whose rights may be interfered with has agreed to the revision.
- i. If a petitioner obtains unanimous written consent from all owners of the property within a subdivision agreeing to the proposed amendment, the necessity for notice under this subchapter are waived.

### **10.2. Petition for cancellation of subdivision**

- a. A developer or an owner of a portion of a subdivision may petition the Commissioners Court for permission to cancel all or part of a subdivision.
- b. A petition for cancellation must show that the cancellation of all or part of the subdivision will not interfere with the established rights of any person who owns any part of the subdivision or that the other owners agree to the cancellation. The existing public utilities must be considered when cancelling a subdivision.
- c. A filing fee, as specified in Appendix P, which may be amended and republished from time to time by the Commissioners Court. The amount of the fee must be based on the cost of processing the application, including publishing notices by the County as required under this chapter.
- d. Notice of an application for cancellation must be published by the County in a newspaper of general circulation within the County one day each week for at least three (3) consecutive weeks. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.
- e. The review and authorization of a petition for the cancellation of a plat by the Commissioners Court will be conducted as specified in Section 232.008, Texas Local Government Code.

### **10.3. Approval of petition**

- a. The Commissioners Court may approve a petition to revise or cancel a subdivision upon finding that the revision or cancellation will not interfere with the established rights of any owner of any part of the subdivision, or that each owner whose rights may be interfered has agreed to the revision; and that the plat as revised conforms to the requirements of these Regulations.

- b. Following the approval of the Commissioners Court, the petitioner may file with the County Clerk a revised plat, or part of plat, or another instrument that indicates the changes made to the original plat.

#### **10.4. Vacating plat**

- a. A developer may vacate a plat at any time before any lot in the subdivision is sold to a purchaser. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded in the manner prescribed for the original plat.
  - 1. If any lots or tracts in the subdivision have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of all parts of the subdivision.
  - 2. The County Clerk will write legibly on a vacated plat the word "Vacated" and enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
- b. On the execution and recording of a vacating instrument, the vacated plat has no effect.

#### **10.5. Amending plat by owners**

- a. The Commissioners Court may approve an amended subdivision plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amended plat is signed by the developer or owner of the subject property, and is solely for one or more of the following purposes:
  - 1. To correct an error in a course or distance shown on the preceding plat.
  - 2. To add a course or distance that was omitted on the preceding plat.
  - 3. To correct an error in a real property description shown on the preceding plat.
  - 4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
  - 5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.
  - 6. To correct any other type of scrivener or clerical error or omission in the plat previously approved pursuant to these Regulations, including lot numbers, acreage, street numbers, and identification of adjacent recorded plats.

7. To correct an error in courses and distances of lot lines between two adjacent lots if:
    - A. Both lot owners join in the petition for amending the plat;
    - B. Neither lot is abolished;
    - C. The amendment does not attempt to remove recorded covenants or restrictions; and,
    - D. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.
  8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
  9. To relocate one or more lot lines between one or more adjacent lots if:
    - A. The owners of all those lots join in the petition for amending the plat;
    - B. The amendment does not attempt to remove recorded covenants or restrictions; and,
    - C. The amendment does not increase the number of lots.
  10. To replat one or more lots adjacent to an existing road or street if:
    - A. The owners of all those lots join in the petition for amending the plat;
    - B. The amendment does not attempt to remove recorded covenants or restrictions;
    - C. The amendment does not increase the number of lots; and,
    - D. The amendment does not create or require the creation of a new road or street, or make necessary the extension of utility facilities.
- b. Notice, a hearing, and the approval of other owners of property within a subdivision are not required for the approval and issuance of an amended plat under this Subchapter 10.5.
  - c. Corrections under this subchapter may be made by a surveyor by filing a certificate of correction in the plat records.

## **Chapter 11** **Variance**

### **11.1. Conditions of Variance**

- a. The Commissioners Court may authorize a variance from these Regulations when, in its opinion, undue hardship will result from requiring strict compliance.
  - 1. Any person who wishes to receive a variance may apply to the Commissioners Court with a list of, and a detailed justification for, each variance requested.
  - 2. The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and will be final.
- b. In approving a variance, the Commissioners Court may prescribe conditions that it deems necessary or desirable to protect the public interest. In making their findings, the Commissioners Court will take into account the nature of the proposed use of the land involved and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
- c. No variance will be granted unless the Commissioners Court finds:
  - 1. That there are special circumstances or conditions affecting the land involved such that the strict application of these Regulations would deprive the applicant of the reasonable use of their land; and,
  - 2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and,
  - 3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these Regulations.
- c. Variances may be granted only when in harmony with the general purposes of intent of these Regulations so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, will not be deemed to constitute hardship.

### **11.2 Criteria for Variances**

- a. The Commissioners Court will review and evaluate all variance requests. In addition to the conditions outlined in Section 11.1.c, the Commissioners Court will consider the following factors:
  - 1. The extent to which the variance is necessary to enable reasonable use of the land.
  - 2. The impact of the variance on surrounding properties and the overall character of the area.

3. The potential for the variance to create safety or environmental concerns.
4. Whether the variance is consistent with the overall goals and intent of these Regulations.

Examples of situations where variances might be considered include:

1. Unique terrain features that make strict compliance with road or drainage standards impractical.
2. Innovative design concepts that deviate from standard lot sizes or layouts but provide equivalent or superior benefits.
3. Hardship cases where strict compliance would result in significant economic burden without a corresponding public benefit.

### **11.3 Variance Review Process**

11.3.1 The Commissioners Court will review variance requests and make a final decision on the requests within 30 days of receiving a complete application. If additional time is needed to review the variance request, the Commissioners Court will notify the applicant. The applicant will be notified in writing of the final decision, including the reasons for approval or denial.

## **Chapter 12 Enforcement**

### **13.1. Terms of enforcement**

- a. No part of any subdivision may be sold or transferred until the plat is approved and recorded, and all these Regulations have been complied with in full.
- b. A utility may not provide utility services, including water, sewer, gas, and electric services, to any structure located within a subdivision unless the owner or developer provides the utility with a copy of a certificate of county approval of subdivision to demonstrate compliance with these Regulations.
- c. The Commissioners Court may institute appropriate action in a court of competent jurisdiction to enforce the provisions of these Regulations, or the other standards referred to herein. The County reserves the right to seek all remedies, including injunction, prohibition, damages, and criminal penalties in the enforcement of these rules and regulations.

d. If deeds, contracts of sale, transfers of title, or other transactions dealing with real property in the County do not comply with these Regulations, the Commissioners Court may notify the transacting parties to comply with these Regulations. In the event the notified party refuses to comply with the requirements of these Regulations, the Commissioners Court may take appropriate action to obtain compliance.

f. Any person violating any provisions of these Regulations will be guilty of a Class B misdemeanor, and each act of the violation will constitute a separate offense.

### 13.2. Required disclosures

a. The following notations, to be printed in a bold font, in not less than 14-point type, is shall be noted on the plat, and included within all instruments of conveyance from a developer to a purchaser for any part of a subdivision:

**Approval of the subdivision plat for filing does not indicate any agreement or understanding that Archer County will assume responsibility for maintenance of roads, streets, or other areas dedicated to public use on the plat.**

b. Where a lot or tract in a subdivision is to be served by a private OSSF, an instrument of conveyance for that lot or tract from a developer must bear the following notations in bold, 14-point type:

**"Archer County makes no representation that adequate sewerage facilities will be legally feasible within this subdivision."**

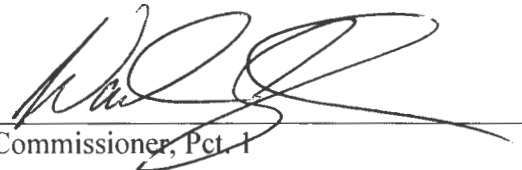
**"All OSSF systems must comply with regulations published by TCEQ."**

c. Where a lot in a subdivision is to be served by a private water supply, an instrument of conveyance or that lot or tract from a developer must bear the following notation in bold, 14-point type:


**"Archer County makes no representation that adequate water suitable for human consumption will be available within this subdivision."**

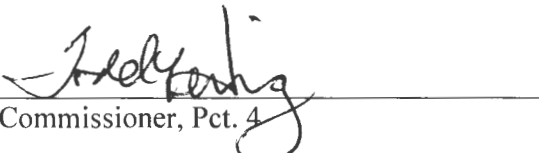
[Signature Page to Follow]

Passed and approved by Archer County Commissioners Court this 11th day of May, 2026.

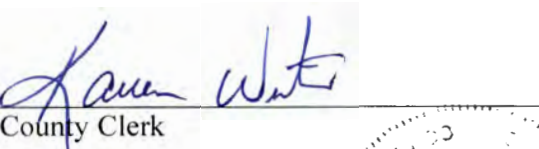
  
Commissioner, Pct. 1

Absent  
Commissioner, Pct. 2

  
Commissioner, Pct. 3

  
Commissioner, Pct. 4

  
County Judge

  
County Clerk



## Appendix A

### SUBDIVISION APPLICATION CHECKLIST

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

- \_\_\_\_\_ Meet with the Precinct Commissioner/County Engineer at least 15 days prior to the date of filing the application of the subdivision property, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.
- \_\_\_\_\_ Confirm whether the planned subdivision will be classified as First or Second Tier.
- \_\_\_\_\_ Check the proposed subdivision name for conflicts.

**The following items must be included in any plat application for approval of a First Tier subdivision:**

- \_\_\_\_\_ A plat of the proposed subdivision in compliance with these Regulations.
- \_\_\_\_\_ A plat of the subdivision showing the area/acreage of each lot or tract. Lots must have a minimum of sixty (60') feet of frontage to the adjoining road or street.
- \_\_\_\_\_ Six (6) reduced size (legal size) copies of the plat.
- \_\_\_\_\_ A digital map or a certificate regarding the availability of a digital map.
- \_\_\_\_\_ A signed receipt from the Archer County Appraisal District for a copy of the plat and digital map, if any, delivered in compliance with these Regulations.
- \_\_\_\_\_ A survey of the proposed subdivision in compliance with these Regulations.
- \_\_\_\_\_ An engineering report of the proposed subdivision in compliance with these regulations, including detailed drainage design sufficient to address a 100-year storm event.
- \_\_\_\_\_ A description by the developer of the manner and means of providing drinking water, sewerage, roads, electricity, and drainage structures.
- \_\_\_\_\_ All engineering specifications, drawings, and plans for infrastructure to be constructed comprising a plat application in compliance with these Regulations.
- \_\_\_\_\_ A certificate from each engineer confirming compliance of their specifications, plans, and drawings, in substantially the form as Appendix F.

\_\_\_\_\_ A certificate from NPRC confirming the private road numbers reserved for roads laid out in the subdivision.

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

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

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

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

\_\_\_\_\_ If OSSF is included in the plat application, a certificate from the Archer County Permit Officer stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements.

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

\_\_\_\_\_ Any acknowledgment letters required in accordance with Section 6.2.e of the Regulations.

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

**The following items must be included in any application for approval of a Second Tier subdivision:**

\_\_\_\_\_ A plat of the subdivision showing the area/acreage of each lot or tract. Lots must have a minimum of sixty (60') feet of frontage to the adjoining road or street.

\_\_\_\_\_ Certificates from the developer confirming the following:

\_\_\_\_\_ Availability of water, electricity, and sewage service.

\_\_\_\_\_ Compliance with set-back lines.

\_\_\_\_\_ Disclosure and Dedication of all necessary utility easements.

\_\_\_\_\_ Confirming the installation of culverts in compliance with the County ordinance on culverts.

\_\_\_\_\_ If OSSF is proposed for the Second Tier subdivision, a certificate from the Archer County Permit Officer stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements.

\_\_\_\_\_ An engineering report that shows sufficient topographic information adequate to demonstrate that the proposed subdivision will adequately drain and that any proposed development will not alter the natural flow of water to adjoining properties.

\_\_\_\_\_ Any acknowledgment letters required in accordance with Section 6.2.e of the Regulations.

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

**After an application is approved, the developer must:**

\_\_\_\_\_ File a plat of the proposed subdivision in compliance with these Regulations.

\_\_\_\_\_ Deliver a copy of the approved plat to NPRC.

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

\_\_\_\_\_ Ensure that the work described in the plat application is completed in a good and workmanlike manner, in accordance with these Regulations, the plat application, and any conditions of the order approving the application.

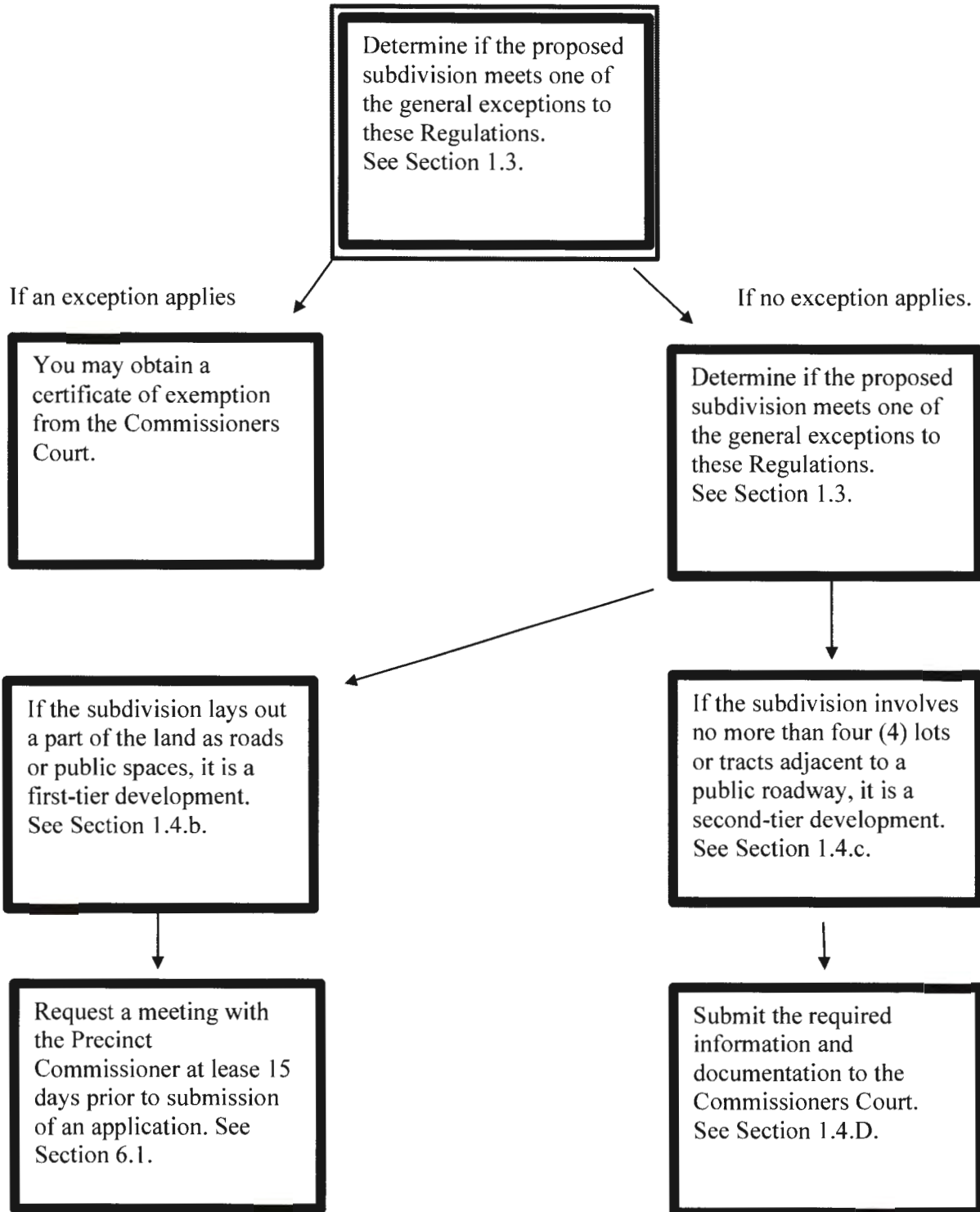
\_\_\_\_\_ Advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

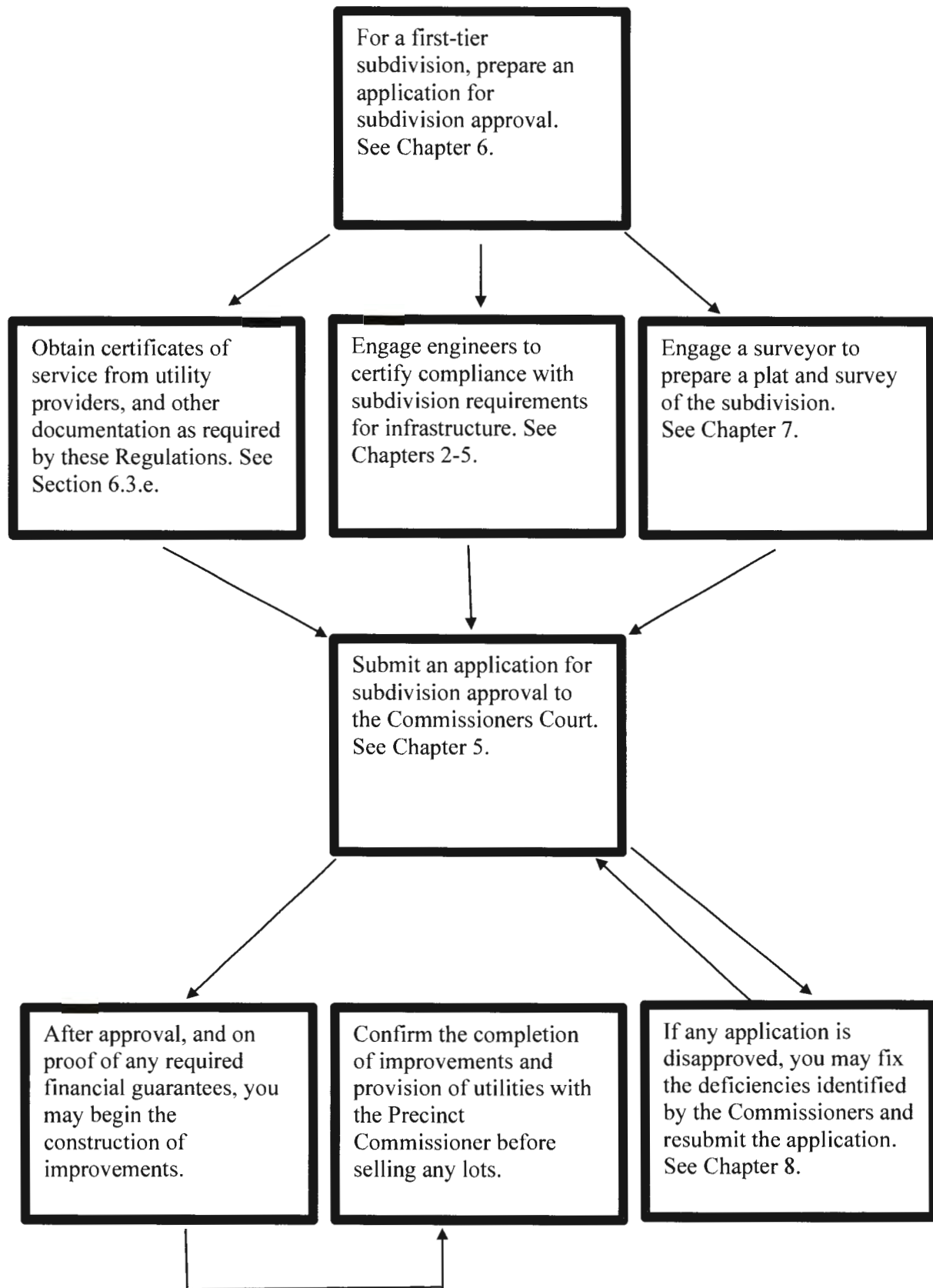
\_\_\_\_\_ All fees due to the County for an approved application must be paid to the County Clerk no later than ten (10) days after the approval of the application.

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

Appendix B

FLOW CHART OF SUBDIVISION APPROVAL





**Appendix C (1)**

**CERTIFICATE OF DEDICATION BY DEVELOPER**

(When the developer is an individual)

**KNOW ALL MEN BY THESE PRESENT**, that I, \_\_\_\_\_, ("Developer") am the developer of certain real property ("the Property"), being \_\_\_\_\_ acres of land out of the \_\_\_\_\_ Survey, Archer County, Texas, as conveyed by deed dated \_\_\_\_\_, and recorded as Instrument No.: \_\_\_\_\_, in the Real Property Records of Archer County, Texas.

**I DO HEREBY SUBDIVIDE THE PROPERTY**, and henceforth it shall be known as the \_\_\_\_\_ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and do hereby dedicate to the public (or "owners of the property shown hereon" for private streets) the use of the streets and easements shown hereon.

**WITNESS MY HAND**, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_  
Developer

**THE STATE OF TEXAS**           §  
**COUNTY OF ARCHER**         §

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**Appendix C (2)**

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

**KNOW ALL MEN BY THESE PRESENT**, that \_\_\_\_\_, ("Developer") is an entity organized and existing under the laws of the State of Texas, with its registered office located at \_\_\_\_\_, and is the developer of certain real property ("the Property"), being \_\_\_\_\_ acres of land out of the \_\_\_\_\_ Survey, in Archer County, Texas, as conveyed by deed dated \_\_\_\_\_ and recorded as Instrument No.: \_\_\_\_\_, in the Real Property Records of Archer County.

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

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

\_\_\_\_\_  
Signatory for Developer

**THE STATE OF TEXAS**           §  
**COUNTY OF ARCHER**         §

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument as an officer of \_\_\_\_\_ ("Developer") and acknowledged to me that the foregoing was executed in such capacity as the act of said corporation for the purposes and considerations therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**Appendix D**

**PUBLIC UTILITY CERTIFICATE**

Public Utility: \_\_\_\_\_

Public Utility Address: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Signature of Agent for the Public Utility

\_\_\_\_\_  
Date

**Appendix E**

**CERTIFICATE OF SURVEYOR**

Subdivision Name: \_\_\_\_\_

Surveyor's Name: \_\_\_\_\_

Surveyor's License No.: \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENT**, that I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the plat and survey of the subdivision comply with the plat and survey related requirements of the Archer County Subdivision Regulations, and I further certify that the plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

\_\_\_\_\_  
Registered Professional Land Surveyor

\_\_\_\_\_  
Date

**Appendix F**

**CERTIFICATE OF ENGINEER**

Subdivision Name: \_\_\_\_\_

Engineer's Name: \_\_\_\_\_

Engineer's License No.: \_\_\_\_\_

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

\_\_\_\_\_  
Registered Professional Engineer

\_\_\_\_\_  
Date

**Appendix G**

**CERTIFICATE OF ON-SITE SEWAGE FACILITY INSTALLER**

Subdivision Name: \_\_\_\_\_

OSSF Installer's Name: \_\_\_\_\_

OSSF Installer's License No.: \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENTS**, that I, the undersigned, a licensed On-Site Sewage Facility installer in the State of Texas, hereby certify that I have reviewed the On-Site Sewage Facilities in the plat application for the Subdivision, and the same complies with the related requirements of the Archer County Subdivision Regulations and rules published by TCEQ. Lot dimensions to be dictated by On-Site Sewage Facility standards established by the TCEQ.

\_\_\_\_\_  
OSSF Installer

\_\_\_\_\_  
Date

**Appendix H**

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

Subdivision Name: \_\_\_\_\_

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

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Date

**Appendix I**

**CERTIFICATE OF ROAD MAINTENANCE**

(When roads may, in the future, be accepted by Archer County for maintenance)

Subdivision Name: \_\_\_\_\_

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

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Date

Appendix J

CERTIFICATE OF COUNTY APPROVAL OF PLAT

THE STATE OF TEXAS           §  
COUNTY OF ARCHER           §

I, \_\_\_\_\_, County Clerk of Archer County, Texas, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, the Commissioners Court of Archer County, Texas, passed an Order authorizing the filing for record of the plat of \_\_\_\_\_, a subdivision of Archer County, Texas, that said Order has been duly entered in the minutes of the said Court in \_\_\_\_\_, and that the plat of the subdivision has been recorded at Glide \_\_\_\_\_, in the Plat Records of Archer County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Clerk, Archer County, Texas

**Appendix K**

**ARCHER COUNTY  
PERMIT TO CONSTRUCT DRIVEWAY WITHIN  
COUNTY ROAD RIGHT-OF-WAY**

Subdivision Name: \_\_\_\_\_

Developer: \_\_\_\_\_

County Road: \_\_\_\_\_

I, Commissioner \_\_\_\_\_ of Precinct No. \_\_\_\_\_ Archer County, Texas, ("the Precinct Commissioner") authorize \_\_\_\_\_, hereinafter called the Developer, to construct an access driveway within the County Road right of way abutting the County Road; subject to the following terms:

- A. The Developer is responsible for the culvert costs and installation.
- B. All construction and materials shall be subject to inspection and approval by the Precinct Commissioner.
- C. The County reserves the right to require any changes, maintenance, or repairs as may be necessary to provide protection of life or property on or adjacent to the County Road. Changes in design will be made only with approval of the Precinct Commissioner.
- D. Developer shall hold harmless the County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- E. Developer shall not erect any sign on, or extending over, any portion of the County Road right of way.
- F. Entrances must be constructed in such a way as to keep obstructions from being present in the right of way.
- G. Mail boxes must be mounted on break away stands and be located so that boxes may be serviced and used from off the pavement.
- H. This permit will become null and void if the above referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
- I. Developer will contact the Precinct Commissioner at least twenty-four (24) hours prior to beginning construction which is authorized by this permit.

\_\_\_\_\_  
Precinct Commissioner

\_\_\_\_\_  
Date

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction of an access driveway on the County Road right of way.

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Date

## Appendix L

### SUMMARY OF ARCHER COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips) **	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph
Number of Lanes	2	2	2	4
ROW Width	60'	60'	70'	100'
Width of Traveled Way	20'	20'	28'	48'
Width of Shoulders	4'	5'	6'	8'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade *	11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance ***	250'	350'	450'	550'
Steepest Ditch Fore Slope Grade	4:1	4:1	4:1	6:1
Flood Design (year event)	10	15	25	25

Any deviation from these standards must be the subject of an approved variance. \*

Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined by the Precinct

Commissioner of their designee. Factors to consider are lot dimensions or other plat restrictions and the potential for future development. \*\*

The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails shall be required wherever the ditch depth exceeds 8' from the edge of the shoulder to the bottom of the ditch on local streets, 6' from the edge of the shoulder to bottom of the ditch on minor collectors and 4' from the edge of the shoulder to the bottom of the ditch on all others larger than a minor collector.

Any development generating more than 15,000 average daily traffic counts will be designed according to TxDot standards.

Minimum Intersection Sight Distance shall be based on the speed limit of the connecting street.  
\*\*\*

**Appendix M**

**REVISION TO PLAT**

Subdivision Name: \_\_\_\_\_

Lots or Tracts to be revised: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Petitioner's Mailing Address: \_\_\_\_\_

Petitioner's Phone Number: \_\_\_\_\_

Lienholder (if any): \_\_\_\_\_

(If there is a Lienholder, attach an executed Lienholder's Acknowledgment, Appendix N)

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

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

\_\_\_\_\_  
Petitioner

**THE STATE OF TEXAS           §  
COUNTY OF ARCHER         §**

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**APPROVED BY THE COMMISSIONERS COURT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.**

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

\_\_\_\_\_  
County Clerk

**Appendix N**

**LIENHOLDER'S ACKNOWLEDGMENT OF PLAT REVISION**

Lienholder: \_\_\_\_\_

Lienholder is the holder of a lien against the property described within the Revision to Plat, said lien being evidenced by instrument of record at Instrument No.: \_\_\_\_\_, of the Real Property Records of Archer County, Texas, do hereby in all things subordinate to said Revision of Plat said lien. Lienholder hereby confirms that it is the present owner of said lien and have not assigned the same nor any part thereof.

\_\_\_\_\_  
Signatory on behalf of Lienholder

**THE STATE OF TEXAS           §**  
**COUNTY OF ARCHER           §**

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

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**Appendix O**

**CERTIFICATE OF DEVELOPER**

Subdivision Name: \_\_\_\_\_

Lots or Tracts to be revised: \_\_\_\_\_

Applicant: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

Applicant's Phone Number: \_\_\_\_\_

Lienholder (if any): \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Applicant

**THE STATE OF TEXAS           §  
COUNTY OF ARCHER         §**

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

## Appendix P

### SUBDIVISION DEVELOPMENT FEES

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

#### **Initial Application Fees:**

New First Tier Subdivision:	\$750.00
New Second Tier Subdivision	\$500.00
Replat of Existing Subdivision	\$250.00

#### **Approved Subdivision Fees:**

First Tier Subdivision:	\$750.00
Second Tier Subdivision	\$500.00
Replat of Existing Subdivision	\$250.00
Recording of Approved Plat:	\$250.00

#### **Manufactured Home Rental Community:**

Review fee:	\$500.00 plus \$100 per rental space up to 100 spaces \$15.00 for each space above 100
-------------	---

## Appendix Q

### IRREVOCABLE LETTER OF CREDIT

*[Letterhead of bank]*

*[Date of letter]*

Irrevocable letter of Credit No. *[number of letter of credit]*

Advising Bank: *[name of adviser]*

*[Address of adviser]*

Beneficiary: *[Archer County, Texas]*

*[Address of beneficiary]*

Amount: *[\$[dollar amount and currency of credit]*

Expiration date: *[date of expiration]*

Dear Judge:

*[Name of bank]* establishes an letter of credit in your favor, available by your drafts drawn at sight on us, and accompanied by documents specified below, covering full value of work to be described in invoice or request for payment as: *[description to be used]*.

Documents Required:

*[Statement of work performed, including all haulage, labor, equipment used and rate of equipment used or other expenses of the work performed].*

#### SPECIAL INSTRUCTIONS:

Documents must be presented to *[name of bank]* within five days after date of completion of the work but before expiration of this letter of credit

Work Performed: *[place of work]* on *[description of project]*

Latest Work date: *[last date for work]*

Partial Payments *[are/are not]* permitted.

*[Name of bank]* agrees with bona fide holders that all drafts drawn under and in compliance with the terms of this Letter of Credit shall be duly honored on presentation and delivery of the documents specified to the drawee, if drawn and presented for negotiation on or before the expiration date of this credit.

*[OPTIONAL: This Letter of Credit is subject to and governed by the law of the State of Texas, and the Uniform Customs and Practice for Documentary Credits (UCP), International Chamber of Commerce Publication Number 600.]*

*[Name of bank]*

By:

*[Name of authorized representative]*

*[Title of authorized representative]*

**Exhibit "A"**  
**ORDER ADOPTING RULES OF ARCHER COUNTY, TEXAS**  
**FOR**  
**ON-SITE SEWAGE FACILITIES**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS  
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality document, which is filed in the permanent records of the Commission. Given under my hand and the seal of office on

*Bridget C. Bohac*

SEP 28 2011

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

IN THE MATTER OF THE APPLICATION  
OF THE COUNTY OF ARCHER  
FOR A TEXAS HEALTH AND SAFETY  
CODE §366.031 ORDER

§ BEFORE THE EXECUTIVE  
§ DIRECTOR OF THE TEXAS  
§ COMMISSION ON  
§ ENVIRONMENTAL  
QUALITY

On September 23, 2011 the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the application of the County of Archer for an Order pursuant to §366.031, Texas Health and Safety Code (THSC), and 30 Texas Administrative Code (TAC) §285.10 of the rules of the Commission.

No person has requested a public hearing on the application, therefore the Executive Director, on behalf of the Commission, is satisfied that the County of Archer has satisfied the requirements of §366.031, THSC. The Commission finds that the County of Archer Order should be approved.

FINDINGS OF FACT

1. The County of Archer drafted a proposed Order which regulates on-site sewage facilities.
2. On September 30, 2010, the County of Archer caused notice to be published, in a newspaper regularly published and of general circulation, in the County of Archer area of jurisdiction, of a public meeting to be held on October 25, 2010.
3. The County of Archer held a public meeting to discuss its proposed Order on October 25, 2010.
4. The County of Archer Order regulating on-site sewage facilities was adopted on October 25, 2010 but not signed until August 18, 2011.
5. A certified copy of the minutes was submitted to the Texas Commission on Environmental Quality.
6. A certified copy of the County of Archer Order was submitted to the Commission.
7. The Order is at least equivalent to the standards of the Commission.

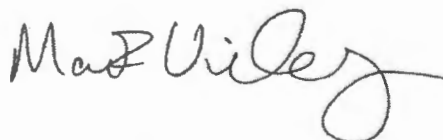
CONCLUSIONS OF LAW

1. The Commission has jurisdiction to issue Orders designating local governmental entities as authorized agents. TEXAS WATER CODE ch. 5 and TEXAS HEALTH & SAFETY CODE ch. 366.
2. The Commission may delegate uncontested matters to the Executive Director provided the required notice was given, the applicant agrees to the action and the application is uncontested. TEXAS WATER CODE § 5.122.
3. Notice of the County of Archer's intent to adopt a new County Order was properly provided. TEXAS HEALTH & SAFETY CODE § 366.031 and TEXAS ADMINISTRATIVE CODE § 285.10.
4. The County of Archer agreed to the proposed Order in writing.
5. The proposed Order is uncontested.
6. The County of Archer's proposed Order incorporates the Commission's rules on abatement or prevention of pollution and prevention of injury to the public health; meets the Commission's minimum requirements for on-site sewage disposal systems. TEXAS HEALTH & SAFETY CODE § 366.032.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The County of Archer is hereby authorized to implement its new County Order regulating on-site sewage facilities.
2. Any amendments to the County of Archer Order must be approved by the Commission.
3. The Office of Chief Clerk of the Commission is directed to forward a copy of this Order and the County of Archer's adopted Order, marked as Exhibit "A," to the County of Archer and all other parties and to issue the Order and cause it to be recorded in the files of the Commission.

Issued this date: September 23, 2011



Executive Director  
Texas Commission on Environmental Quality

EXHIBIT A

COUNTY OF § ARCHER

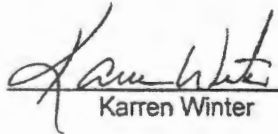
STATE OF § TEXAS

AFFIDAVIT

Before me, the undersigned authority, personally appeared who, being by me duly sworn, deposed as follows :

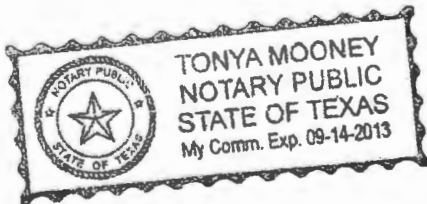
My name is Karren Winter, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

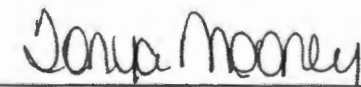
I am the custodian of the records of the County Clerks Office for the County of Archer, Texas. Attached hereto are five (5) pages of records known as On Site Sewerage Facilities Order. The records are kept by me as County Clerk, County of Archer, in the regular course of business with the knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The record attached hereto is the original or exact duplicate of the official record.

  
\_\_\_\_\_  
Karren Winter

BEFORE ME, the undersigned authority, a Notary Public in and for Archer County, Texas, on this day personally appeared Karren Winter, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18 day of Aug, 2011.



  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: 9.14.2013

ORDER ADOPTING RULES OF ARCHER COUNTY, TEXAS  
FOR  
ON-SITE SEWAGE FACILITIES

PREAMBLE

WHEREAS, the Texas Commission on Environmental Quality has established Rules for on-site sewage facilities to provide the citizens of this state with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code (THSC), Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of one-site sewage facilities; and

WHEREAS, due notice was given of a public meeting to determine whether the Commissioners Court of Archer County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Archer, Texas; and

WHEREAS, the Commissioners Court of Archer County, Texas finds that the use of on-site sewage facilities in Archer County, Texas is causing or may cause pollution, and is injuring or may injure the public health, and

WHEREAS, the Commissioners Court of Archer County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in Archer County, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF ARCHER COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct:

SECTION 2. THAT the use of on-site sewage facilities in Archer County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Order for Archer County, Texas be adopted entitled "On-Site Sewage Facilities", which shall read as follows:

RECEIVED

AUG 25 2011

Field Operations  
Support Division

## AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

### SECTION 4. CONFLICTS.

This order repeals and replaces any other On-Site Sewage Facility (OSSF) Order for Archer County.

### SECTION 5. CHAPTER 366.

The County of Archer, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the THSC and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Section 8 of this Order.

### SECTION 6. AREA OF JURISDICTION.

The Rules shall apply to all the area lying in Archer County, Texas, except for the area regulated under an existing Rule and the areas within incorporated cities.

### SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Archer County, Texas must comply with the Rules adopted in Section 8 of this Order.

### SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for on-site sewage facilities are hereby adopted, and all officials and employees of Archer County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

### SECTION 9. INCORPORATION BY REFERENCE.

The Rules, 30 TAC Chapter 30, Subchapters A and G, and Chapter 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.

### SECTION 10. AMENDMENTS.

The County of Archer, Texas wishing to adopt more stringent Rules for its On-Site Sewage Facility Order understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Commission on Environmental Quality requirement.

## AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

Listed below are the more stringent rules proposed by Archer County, Texas:

- 1) An application, planning materials, and construction inspection shall be required for all new construction, alteration, extension or repair of any on-site sewage facility (OSSF) regardless of the size of the tract of land.
- 2) The owner or person with legal responsibility of any existing OSSF shall have the system inspected before any sale and/or transfer of ownership rights. This includes all dwellings, permanent or temporary, and any place of business.
- 3) The Designated Representative shall file of record all affidavits required by the rules and all permits on every OSSF issued a use permit.
- 4) The permitting authority shall either approve or deny an OSSF application within 5 business days of receiving the application.
- 5) The permitting authority shall conduct a construction inspection within two (2) business days of a request for inspection.
- 6) All new lots for single family dwellings shall be one (1) acre minimum size when served by a public water supply.
- 7) All new lots for single family dwellings shall be of two (2) acre minimum size when served by a private well.
- 8) All lots for commercial use (including multifamily) shall be a minimum size of 2 acres and allow for doubling of the drain field.
- 9) Complaints shall be investigated within 5 business days.
- 10) Drip irrigation lines shall be placed at a minimum of 10" from grade.
- 11) Archer County shall prohibit the installation of surface application systems which spray effluent onto the ground.
- 12) All maintenance contracts covering units where maintenance activities are required shall be a minimum of 12 months.
- 13) Every maintenance contract must be signed by the owner of the system and provided to the permitting authority by the owner.
- 14) Back flush from water softeners or reverse osmosis or other water quality devices shall not be discharged into the OSSF.

### SECTION 11. DUTIES AND POWERS.

The OSSF Designated Representative (DR) (30 TAC § 285.2 (17)) of Archer County, Texas, must be certified by the TCEQ before assuming the duties and responsibilities.

### SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Treasurer Archer County, Texas. A fee of \$10.00 will also be collected for each on-site sewage facility permit to be paid to the On-Site Wastewater Treatment Research Council as required by the THSC, Chapter 367.

### SECTION 13. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Commissioners Court of Archer County, Texas.

### SECTION 14. ENFORCEMENT PLAN.

The County of Archer, Texas clearly understands that, at a minimum, it must follow the requirements in 30 TAC § 285.71 Authorized Agent Enforcement of OSSF's.

AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

This Order adopts and incorporates all applicable provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30, Subchapters A and G, and Chapter 285.

SECTION 15: SEVERABILITY.

It is hereby declared to be the intentions of the Commissioners Court of Archer County, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Order should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order, since the same would have been enacted by; the Commissioners Court without incorporation in this Order of such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

SECTION 16. RELINQUISHMENT OF ORDER.

If the Commissioners Court of Archer County, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the Commissioners Court, as the authorized agent, and TCEQ shall follow the procedures outlined in 30 TAC § 285.10 (d)(1) through (4).

After relinquishing its OSSF authority, the authorized agent understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10(d)(5) and §285.14 after the date that delegation has been relinquished.

SECTION 17. EFFECTIVE DATE.

This order shall be in full force and effect after its date of approval as required by law and upon the approval of the TCEQ.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 18<sup>th</sup> DATE OF August, 2011



APPROVED:

Gary W. Boesinger  
County Judge

ATTEST:

Lara White  
County Clerk

**Exhibit "B"**  
**REVISED ARCHER COUNTY**  
**RIGHT-OF-WAY ORDINANCE**

## **Revised Archer County Right-of-Way Ordinance**

The Commissioners Court of Archer County, Texas, on April 11, 2022, having considered the need for a comprehensive Ordinance on Rights-of-Way for all county roads in the unincorporated areas of Archer County in order to ensure the safety of all motorists, and meet the needs of law enforcement and first responders, while protecting the interests of property owners, public utilities, and Archer County, does hereby ADOPT this Right of Way Ordinance, which incorporates regulations previously adopted by Archer County.

On December 12, 2022, the Commissioners Court of Archer County, recognizing a need for clarity regarding culvert dimensions, duly amended Section 3.03 to add a procedure for determining culvert dimensions.

### ***Definitions as used in this Ordinance***

- a. “*Commissioners Court*” means the Commissioners Court of Archer County.
- b. “*Precinct Commissioner*” means the County Commissioner in whose precinct the mailbox, buried utility line, culvert, or point of entry is physically located.

## **Section One**

### **Temporary and Permanent Mailbox Regulations on Archer County Roads**

#### **1.01 Purpose.**

The adoption of these regulations is to ensure the safety of all motorists, the ease of service by postal carriers and 911 and law enforcement officials, as well as to ensure an effective and efficient flow of general traffic on all county roads.

#### **1.02 Regulations not retroactive; hazard or safety issue.**

- a. All temporary or permanent mailboxes installed prior to July 3, 2007 are hereby “grandfathered in” and are not susceptible to these regulations unless the mailbox is replaced or the Precinct Commissioner where the mailbox is located deems the mailbox to be a hazard impeding the flow of traffic or to be a safety hazard.
- b. If the mailbox is deemed by the Precinct Commissioner to be such a hazard or safety issue, the Precinct Commissioner will notify the homeowner in writing of such hazard or issue, and the homeowner will have thirty (30) days from the date of notice to bring the mailbox under current regulations. Failure to bring the mailbox into compliance with current regulations can result in official actions deemed necessary by the Commissioners Court.

### **1.03 New or replacement mailboxes.**

When a new mailbox is installed or a previously installed mailbox is to be replaced, it must comply with these regulations.

- a. All mailboxes shall have reflectors installed on both sides of the mailbox facing traffic.
- b. All mailboxes shall have the current 911 address attached to the mailbox.
- c. All mailboxes shall meet the specifications for mailboxes including dimensions and measurements, and lateral and longitudinal location placements as set forth in Exhibit "A", Mailbox Installation Guide.

## **Section Two Regulations for Buried Utility Lines Within County Right-of-Way**

### **2.01 Scope and purpose.**

The adoption of these regulations is to set forth predictable rules for the installation and maintenance of buried utility lines within county rights-of-way; and will be applicable to all roads, improved and unimproved, within Archer County, including, but not limited to, paved roads, gravel roads, and dirt roads.

### **2.02 Notice.**

Formal notice must be given of proposed installation of any buried lines, and/or cables, upon and along any right-of-way or easement of county roads in Archer County. This notice must be in writing and submitted for approval before the Archer County Commissioners Court prior to any work being performed. Each written request should contain detailed drawings, and plan specifications, of the proposed utility line, and shall be submitted in triplicate. The Precinct Commissioner must be notified prior to the beginning of construction in order to ensure all work has been approved in Commissioners Court. Notice must be made no later than seventy-two (72) prior to the next meeting of the Commissioners Court to be placed on the Agenda for consideration.

### **2.03 Brush disposal.**

Any brush, trees, debris, material etc. that are cut will be disposed of by the party responsible for the work which created it, and not left in the ditch, the right of way, or the road. Rocks that may be dug up by a plow, trencher, tractor or any other equipment must be disposed of properly. All services to be performed shall not interfere with, nor hinder the normal flow of traffic.

#### **2.04 Remediation of damage.**

Any damage to the roadway and/or county right-of-way caused by the work which caused the damage will be repaired to said roadway and/or county right-of-way's original condition and to the satisfaction of the Precinct Commissioner.

#### **2.05 Depth of underground lines.**

The depth of underground lines shall be as specified herein for each type of utility. Where placements at such depths are impractical or where unusual conditions exist, a civil engineer shall specify other protection as may be appropriate in lieu of the depth of bury required for the particular utility line. Any deviation from the specified depth must be requested in writing and approved by the Archer County Commissioners Court prior to the performance of such installation or maintenance. All buried lines must be marked with approved marking tape at least twelve (12") inches above in the same ditch line.

- a. High pressure gas and liquid petroleum lines will be constructed no less than forty-eight inches (48") lower than the lowest part of the drainage or bar ditch, and the drainage is to be considered at least two feet (2') below the center of the roadway.
- b. Fiber Optic lines will be constructed no less than forty-eight inches (48") lower than the lowest part of the drainage or bar ditch, and the drainage is to be considered at least two feet (2') below the center of the roadway.
- c. Communications cable will be constructed no less than thirty-six inches (36") lower than the lowest part of the drainage or bar ditch, and the drainage is to be considered at least two feet (2') below the center of the roadway.
- d. Water Lines will be constructed no less than thirty-six inches (36") lower than the lowest part of the drainage or bar ditch, and the drainage is to be considered at least two feet (2') below the center of the roadway; crossings to be encased.
- e. Underground Power line crossings and longitudinal shall be encased (placed in conduit) and buried a minimum of thirty-six inches (36") under roadway ditches, and sixty inches (60") below the pavement surface.
- f. Cable television and copper cable communication lines shall have a minimum depth of cover twenty-four inches (24") under ditches or eighteen inches (18") inches beneath the bottom of the pavement structure, whichever is greater.

#### **2.06 Location of utility lines.**

Utility lines shall be located to avoid or minimize the need for adjustment for future road improvements and to permit access to the utility lines for their maintenance with minimum

interference to road traffic. No line or cable shall be buried in the center of the ditch. All lines must be placed in the back slope, not to interfere with the drainage in the ditch. Any buried utility shall not be placed on top, or inside, of any existing culverts.

### **2.07 Encasement.**

Underground utility line roadway crossings shall be encased in the interest of safety, protection of the utility, protection of the roadway, and for access to the utility. Casing shall consist of a steel pipe or other separate structure around and outside the carrier line and shall be designed to support the load of the roadway and imposed loads thereon, including that of construction machinery. The strength of the casing shall equal or exceed structural requirements for drainage culverts and it shall be composed of materials of satisfactory durability under conditions to which it may be subjected.

### **2.08 Markers.**

The utility company shall place a readily identifiable and suitable marker at each right of way line where it is crossed by any:

- a. High pressure gas or liquid petroleum line, except where marked by a vent.
- b. Communication cables.
- c. Water line.
- d. Underground power lines.
- e. Cable television and/or copper cable.

### **2.09 Methods of installation.**

All lines placed under any existing roadway shall be bored in accordance with the Utility Accommodation Policy of the Texas Department of Transportation (latest version). No trenching or cutting of the county road is to be done without approval by Precinct Commissioner.

- a. The use of explosives for any excavations on the right of way incident to utility line installation shall not be permitted.
- b. Construction shall be in strict accordance to the latest Texas Manual on Uniform Traffic Control Devices for Streets and Highways, published by the Texas Department of Transportation, and all other applicable State and Federal laws governing utility construction.
- c. During installation, all traffic control devices (signs, markings, barricades, etc.) must be used to warn motorists of the construction activity and shall conform to TxDOT criteria. No open holes in the county road right-of-way will be left unattended or un-barricaded during, and after construction period.

### **2.10 Pedestals.**

Above-ground pedestals or other utility appurtenances installed as a part of an underground commercial line shall be located at or near the right of way line, well outside the road maintenance operation area.

### **2.11 Placement of utility lines.**

No line shall be placed through a culvert (road or access driveway pipe). Parallel water, high-pressure gas, and liquefied petroleum lines should be constructed on private property. When the line is to cross the county right of way and roadway all rules and regulations are to be followed.

### **2.12 Relocation of equipment.**

If future relocation of underground lines shall become necessary, for the purpose of widening the road, changing of a traffic lane, improving drainage, or any other necessity, the equipment installed in the county right-of-way will be required to be relocated.

- a. The Commissioners Court shall give a written forty-five (45) day notice before the date the relocation is to be made. This notice will identify the equipment to be relocated and shall indicate the location of the right of way where the equipment is to be relocated.
- b. The owner of the underground utility line shall pay the cost of repairing any damages made to the county road damaged by the relocation, and Archer County will not be held responsible for any liabilities and expenses incurred from the relocation of any said utility line.

### **2.13 Traffic structures.**

The attachment of utility lines to bridges and separation structures is discouraged, since the proliferation of such lines and their maintenance constitutes a hazard to traffic as well as complicating the widening or repair of such structures. Therefore, no lines shall be placed within fifty (50) feet of either end of a bridge unless written approval is obtained from the Archer County Commissioners Court in advance.

#### **2.14 Limitation of County liability.**

Archer County is not responsible for any damage that might occur to any existing utility line in the county right-of-way, or future line placed in the county right-of-way. Utilities shall be placed and maintained on the county right-of-way in accordance with any and all governing laws, rules, and regulations.

### **Section Three Culvert and Entry Applications and Regulations**

#### **3.01 Scope and purpose.**

The adoption of these regulations is to set forth predictable rules for the installation and maintenance of culverts and points of entry enabling property owners to access roadways Archer County.

#### **3.02 Permit required.**

Archer County requires a permit for culverts and/or entrances that are to be installed or modified within County maintained road right-of-way. Such permits are to be obtained through the Precinct Commissioner. The proposed location of the culvert must be clearly flagged or marked within twenty-four (24) hours of the date the culvert permit is issued. A sample copy of the permit is attached as Exhibit "B".

#### **3.03 Culvert length and dimensions.**

##### **a. Length**

Culverts shall be a minimum of thirty (30) feet in length. If the driveway over the culvert is concrete or asphalt (not asphalt millings), the drivable surface of the driveway must be a minimum width of twelve (12) feet between the curbs, if present. No culverts shall exceed sixty (60) feet in length with no more than two (2) sections banded together.

##### **b. Dimensions**

In the absence of a civil engineer's design for storm drainage, the Precinct Commissioner shall designate the minimum diameter of the culvert, taking into account such factors as uphill and downhill culvert sizes, elevation change, and drainage ditch depth, *inter alia*. Elevations of existing culverts on either side of the proposed new culvert location shall be determined at the actual bottoms of said culverts and not at silt levels.

### **3.04 Temporary culverts.**

All temporary culverts must be a minimum of twenty-four (24) feet in length, of correct material, and have an all-weather driving surface.

### **3.05 Inspections.**

a. The property owner or their representative must contact the Precinct Commissioner for each of the following three inspections:

- 1) Inspection of the placement of the culvert before any cover is placed.
- 2) Inspection prior to application of the driving surface; if concrete, forms must be in place.
  - i. The property owner must contact their Precinct Commissioner prior to covering the culvert with any material other than what may be necessary to keep the culvert in place. Following approval by the Precinct Commissioner, the driving surface material can be applied.

3) Final inspection after application of the driving surface. All driveway tie-ins to the road must be even with the road surface and edge of the existing driving surface (see attached drawings in Exhibit "B").

b. Installations and inspections not completed within six (6) months of application date will be voided and a new application will be required. Failure to have all inspections performed will void the permit and may result in the culvert being removed.

### **3.06 Culvert specifications.**

a. Archer County will only allow steel pipe, corrugated metal pipe (CMP), reinforced concrete pipe (RCP), or high-density polyethylene (HDPE) such as ADS N-12 pipe or equivalent culverts to be installed within Archer County road rights-of-way. All culvert material must be equal to new condition.

b. Culvert materials not allowed include plastic (PVC) or fiberglass pipe. The culvert must be a minimum of 30 feet in length. The cover material must be all weather material. If the material is going to be asphalt or concrete, the drivable surface of the driveway must be a minimum width twelve (12) feet.

### **3.07 Headwalls and walkways; expansion joints.**

a. Archer County does not require the installation of tapered headwalls on culverts installed within Archer County road rights-of-way, but leaves such installation to the discretion of the

property owner. If drainage work requires the removal of the headwalls, the County will not replace them and reimbursement will not be made.

b. Archer County will allow culverts under walkways on a case-by-case basis, but will not maintain the walk ways. If a drainage issue arises, the property owner must address it or the walkway will be removed and no reimbursement will be made.

c. An expansion joint shall be installed two feet beyond each side of the culvert pipe of a concrete drive or walk to facilitate removal of concrete as may be necessary to enlarge or regrade culvert during future drainage improvement projects.

### **3.08 Drainage.**

Culverts shall not be installed below the natural flow line of a drainage ditch. Each end of the culvert must be even with the ditch, not below it. In some cases, this will require the driveway surface over the culvert to have a rise. If the property owner does not want the rise, the property owner must obtain approval from the Precinct Commissioner before the culvert can be installed below grade. If the ditch is to be modified, it must be modified in such a way as to permit unimpeded flow into and out of the culvert and continuing down the ditch. This may require re-cutting the entire ditch in front of the property and beyond. Archer County grants no permission to excavate on another property owner's property. Permission must be obtained by the permittee and the work must be approved by the Precinct Commissioner prior to the commencement of work.

### **3.09 Modification of culverts.**

Any culvert that is being installed to widen an existing driveway will require the existing culvert and driving surface to be brought up to current requirements. If existing culvert meets requirements, no more than one section will be allowed to be added, and must match existing culvert profile and material. Joints must be factory tongue and groove, gasketed slip bell, or banded with appropriate materials designed for such purposes.

### **3.10 Culverts within subdivisions.**

Culverts within a subdivision must adhere to the requirements of this Ordinance unless an engineered drainage plan has been submitted to the Archer County Commissioners Court and has received approval by the Commissioners Court. Culverts in a subdivision will still require all inspections set forth in this Ordinance.

### **3.11 Responsibility for maintenance.**


All culverts installed in rights-of-way remain the property of the property owner, who is solely responsible for maintenance and upkeep, including ensuring that the flow of storm water is

unimpeded by damage to the culvert. Impeded flow constitutes a violation of this Ordinance which must be corrected by the property owner. Archer County does not maintain the driving surface over the culvert.

**3.12 Violations of this Ordinance.**

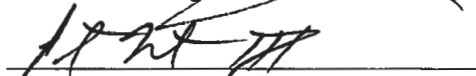
- a. All new culverts, or modifications of existing culverts, must meet the requirements of this Ordinance. Any such new or modified culverts found to be in violation of this Ordinance are subject to removal.
- b. Owners of non-conforming culverts will receive written notice from the Precinct Commissioner of the nonconformity, and thereafter the property owner shall have fourteen (14) days from the date of receipt of such notice to bring the culvert into compliance. The property owner must then notify the Precinct Commissioner that the non-conformity has been resolved and the Precinct Commissioner will then inspect the property to verify compliance.
- c. If the non-conformity has not been corrected within the fourteen (14) day period set forth in paragraph (b), the culvert will be removed without additional notice and the property owner for any cost associated with the culvert or the removal. Additionally, the property owner may be charged for the cost of removal and disposal of the culvert and/or driveway.

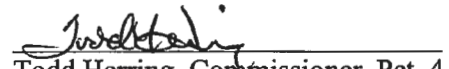
*As amended this 12th day of December, 2022.*

  
Randall C. Jackson, County Judge

  
Wade Scarbrough, Commissioner Pct. 1

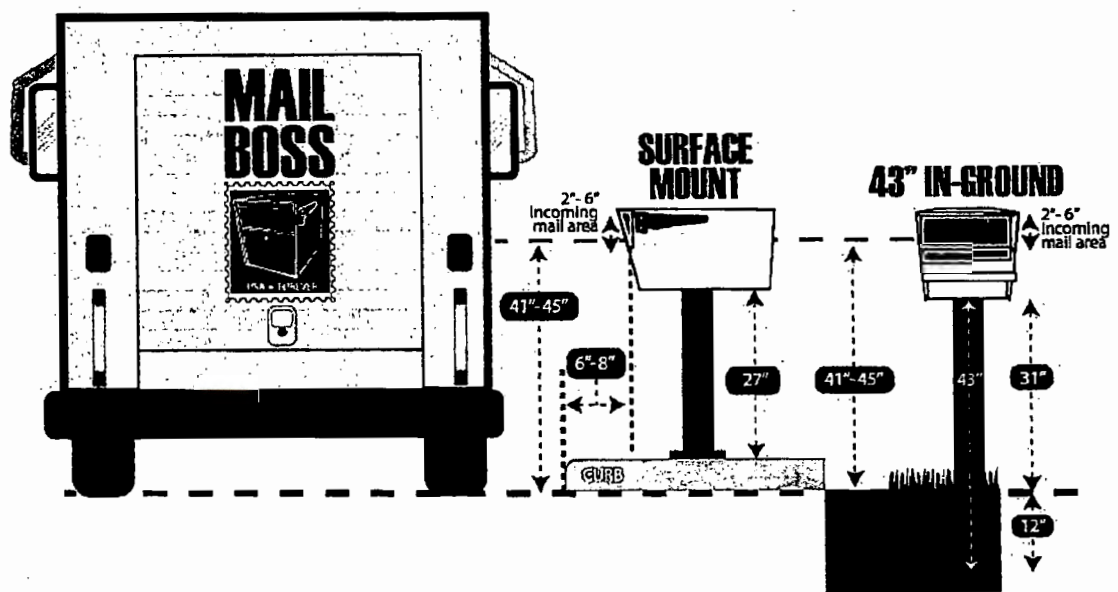
  
Darin Wolf, Commissioner, Pct. 2

  
Pat Martin, Commissioner Pct. 3

  
Todd Herring, Commissioner, Pct. 4



**Exhibit "A"**  
**Mailbox Installation Guide**



**Exhibit "B"**  
**Application for Entry/Culvert Permit**

# ARCHER COUNTY APPLICATION FOR ENTRY/CULVERT PERMIT

Precinct: \_\_\_\_\_ Commissioner: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Date permit applied for: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Six (6) months to complete the process, starts on this date.

Best Phone to Contact You: \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_ - Alternate Phone to Contact You: ( \_\_\_\_ ) \_\_\_\_ -

Email: \_\_\_\_\_

### 911 Address or Property/Parcel ID of proposed location of culvert.

This is the proposed location of the culvert. Address or Property/Parcel ID and Turn-by-Turn directions must be provided or the permit will be rejected. See page two of this Application for Turn-by-Turn directions.

911 Address or Property/Parcel ID: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Check one below New Install  Modification (must detail)

Signature of property owner or representative is required or the permit application will not be processed. Signing this permit application acknowledges the receipt of the permit and requirements. Failure to follow the requirements will result in removal of the culvert. There will be no reimbursement for permits, culverts or related materials as the result of removal due to improper size or installation.

Signed Name: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Printed Name: \_\_\_\_\_

COUNTY USE ONLY	
Site evaluated by: _____	Date: _____ Culvert Size: _____
Notified Owner/Representative: Date ____ / ____ / ____	Via (Circle One): Phone Email Fax Voice Mail
Placement Inspection by: _____	Date: _____ Pre-Cover inspection by: _____ Date: _____
Final Inspection by: _____	Date: _____
Comments: _____	Updated 12-13-21

**DETAILED TURN-BY-TURN DIRECTIONS AND MAP  
SHOWING  
PHYSICAL LOCATION WHERE CULVERT WILL BE  
INSTALLED**

Permit will not be processed without turn-by-turn directions to the property and culvert location.  
Culvert location must be flagged or otherwise clearly marked.

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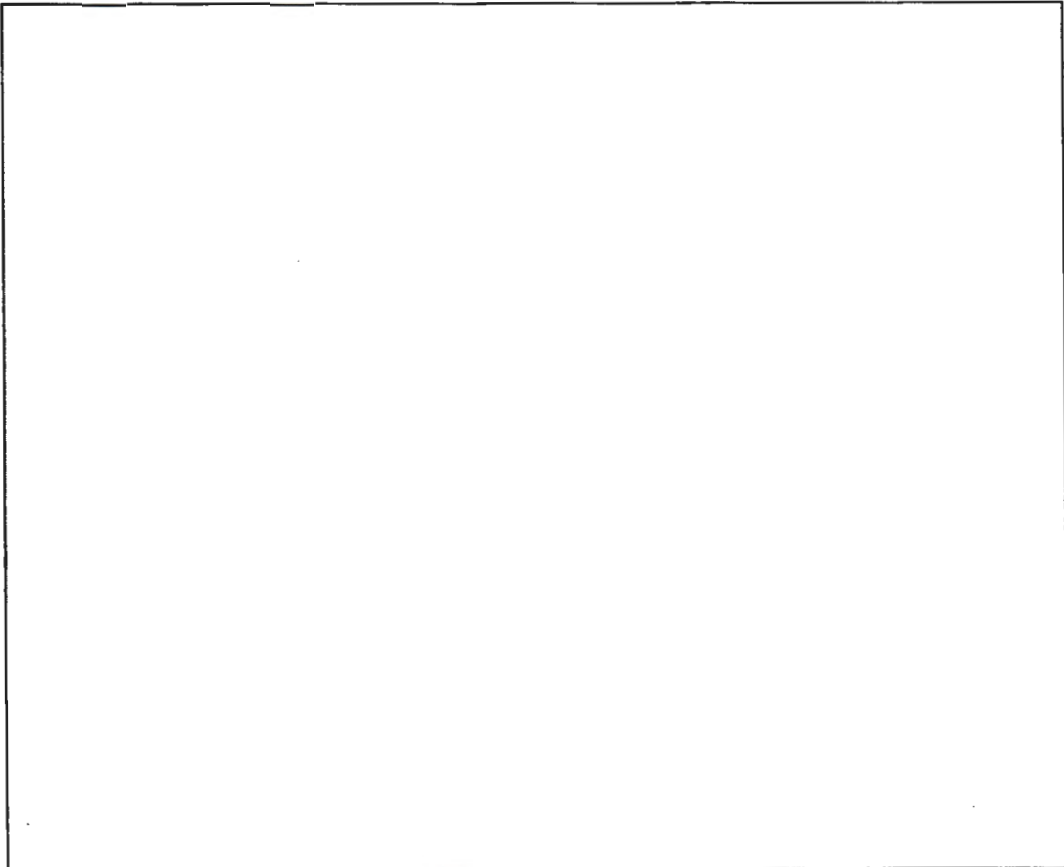
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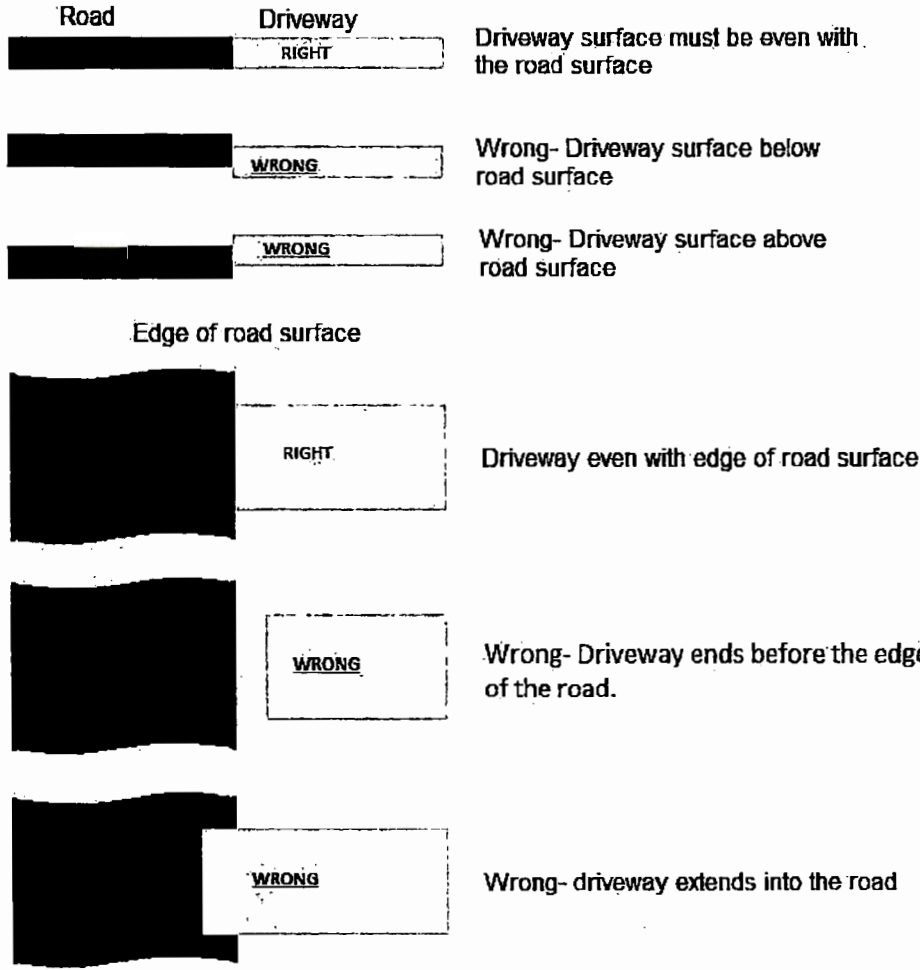
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**MAP TO LOCATION—REQUIRED**  
Additional room is provided on the back page.



**DRIVEWAY/ROADWAY INTERFACING:**



Permit number: \_\_\_\_\_

**Exhibit "C"**  
**FLOOD DAMAGE PREVENTION ORDER**

60.3(c)

## **FLOOD DAMAGE PREVENTION ORDER**

### **ARTICLE I**

#### **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

##### **SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioner's Court of Archer County, Texas does ordain as follows:

##### **SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of Archer County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

##### **SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this order to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

#### **SECTION D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this order uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **ARTICLE 2 DEFINITIONS**

Unless specifically defined below, words or phrases used in this order shall be interpreted to give them the meaning they have in common usage and to give this order its most reasonable application.

**ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**APPURTENANT STRUCTURE** - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

**AREA OF FUTURE CONDITIONS FLOOD HAZARD** - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

**AREA OF SHALLOW FLOODING** - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**BASE FLOOD** - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

**BASEMENT** - means any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL** - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT** - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD ELEVATION STUDY** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - see *Flood Elevation Study*

**FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain regulation, grading regulation and erosion control regulation) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - see *Regulatory Floodway*

**FUNCTIONALLY DEPENDENT USE** - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

**LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable

non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY** - means 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 a designated height.

**RIVERINE** – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA** – see *Area of Special Flood Hazard*

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VARIANCE** – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **ARTICLE 3 GENERAL PROVISIONS**

#### **SECTION A. LANDS TO WHICH THIS ORDER APPLIES**

The order shall apply to all areas of special flood hazard with the jurisdiction of Archer County.

#### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Archer County, Texas and incorporated areas" dated February 12, 2021, with accompanying Flood Insurance Rate Maps (FIRM) dated February 12, 2021. and any revisions thereto are hereby adopted by reference and declared to be a part of this order.

#### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this order.

#### **SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this order and other applicable regulations.

#### **SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This order is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this order and another order, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **SECTION F. INTERPRETATION**

In the interpretation and application of this order, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

#### **SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This order does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This order shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this order or any administrative decision lawfully made hereunder.

### **ARTICLE 4 ADMINISTRATION**

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The emergency management coordinator or their designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this order and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

#### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this order.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this order.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface

elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

### **SECTION C. PERMIT PROCEDURES**

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this order and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

#### **SECTION D. VARIANCE PROCEDURES**

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this order.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this order.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this order.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this order, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this order (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or orders.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is

protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**ARTICLE 5  
PROVISIONS FOR FLOOD HAZARD REDUCTION**

**SECTION A. GENERAL STANDARDS**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) **Manufactured Homes** -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

## **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this order.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this order.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this order.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

**SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### **SECTION E. SEVERABILITY**

If any section, clause, sentence, or phrase of this Order is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Order.

#### **SECTION F. PENALTIES FOR NON COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Commissioner's Court from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION G. CERTIFICATION OF ADOPTION**

**APPROVED:** *R Jackson*  
(community official)

**PASSED:** *January 11, 2021*  
(adoption date)

**ORDER BECOMES EFFECTIVE:** *January 11, 2021*  
(effective date)

I, the undersigned, Randall C. Jackson, do hereby certify that the above is a true and correct copy of an order duly adopted by the Commissioner's Court, at a regular meeting duly convened on January 11, 2021.

*R Jackson*  
Archer County Judge

*[Signature]*  
Commissioner Precinct #1

*[Signature]*  
Commissioner Precinct #2

*[Signature]*  
Commissioner Precinct #3

*[Signature]*  
Commissioner Precinct #4

