

IN THE COMMISSIONERS' COURT #
OF CHEROKEE COUNTY, TEXAS #

On this the 23rd day of December, 2025, the Commissioners' Court of Cherokee County met in Regular Session at the usual place in the County Courthouse of Cherokee County, Rusk, Texas, with the following members present, to-wit:

Chris Davis, County Judge
Kelly Traylor, Commissioner, Precinct No. 1
Steven Norton, Commissioner, Precinct No. 2
Patrick Reagan, Commissioner, Precinct No. 3
Billy McCutcheon, Commissioner, Precinct No. 4
Laverne Lusk, County Clerk and Ex-Officio Clerk of said Court.

And among other proceedings had, the following Order passed.

Upon a motion by Commissioner Traylor, duly seconded by Commissioner Reagan, it was unanimously adopted to approve the newly proposed Cherokee County Subdivision Regulations in unincorporated areas of Cherokee County, Texas.

I, Laverne Lusk, Clerk of the County Court, in and for aforesaid County and State, do hereby certify that the foregoing is a true and correct copy of the Original Order passed by Commissioners' Court at a Regular Meeting. Said Order is now on file and is to be recorded in the Commissioners' Court Minutes of Cherokee County, Texas.

Given under my hand and seal of Office at Rusk, Texas, this the 9th day of March, 2026.

Laverne Lusk
Laverne Lusk, County Clerk
Cherokee County
Rusk, Texas



Cherokee County
Subdivision Regulations

Approved and Accepted by
Cherokee County Commissioners Court on
December 23, 2025

INTRODUCTION

The purposes of these Subdivision 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 Cherokee 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 Cherokee 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 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 CHEROKEE COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF CHEROKEE, IN THE COMMISSIONERS COURT OF CHEROKEE COUNTY, TEXAS, December 23, 2025:

WHEREAS: The Commissioners Court finds it is in the best interest of Cherokee 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 Cherokee 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 CHEROKEE COUNTY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE ADOPTED:

1.1. Authority

- a. Notwithstanding any provision to the contrary, these regulations apply to any subdivision of land in Cherokee 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, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use. Common areas are to be clearly marked.
- 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.

1.2. 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; and,
 - 2. Has filed for record an approved plat of the subdivision with the Cherokee County Clerk's Office.
- c. A utility may not provide utility services, including water, sewer, gas, electric and broadband/fiber 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 inter-local agreements between the County and the municipality. Generally, in cases where the County and a municipality have regulations that differ, 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 Campgrounds are subject to this provision.
- f. Each developer must submit a written, affirmative acknowledgement of the requirements of this section with their application.

1.3. General exceptions to these regulations

- a. 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.
- b. A division of a tract of land into agricultural operation tracts is exempt if:
 - 1. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use.
 - 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.
- c. 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, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use.
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.
- d. A division of a tract of land into rural home tracts is exempt if:
 1. All of the divided tracts are more than ten (10) acres in area; and,
 2. The intent is to lay out a subdivision of the tract, including an addition, or lots,
 3. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use
 - e. 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, alleys, squares, parks, or other parts of the tract intended to be dedicated to public and,
 2. All the lots are sold to veterans through the Veterans' Land Board program.
 - f. 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, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use.
 - g. 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.
 - h. 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, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use.
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.
- i. 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, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use. 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.

1.4. 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.
- b. A First Tier development is any subdivision of a tract of land that lays out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use.
- c. 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, alleys, 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.
- d. 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 twenty-four (24') and such diameter dimension as may be required by the County Commissioners with jurisdiction over the development site, based upon the topographical requirements of that location.
 6. A survey 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 Cherokee County Code Enforcement Officer stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements, lot frontage, street width and all-weather capacity to handle emergency vehicles.
- 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 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.

1.5. 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.

1.6. 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.

1.7. 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.

1.8. 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.

1.9. 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.

1.10. Definitions

- a. 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; or
- (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, subdivision, or recreational vehicle park, tiny homes or campgrounds. Common areas area to be clearly marked.

COMMISSIONERS COURT--The Commissioners Court of Cherokee County, Texas.

COUNTY--Cherokee County, Texas

COUNTY SURVEYOR--The public officer holding the position of County Surveyor within Cherokee County, Texas.

DEVELOPER—any person or 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, use 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 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 this chapter 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 a sixty (60') feet of frontage or front or side lot line to the adjoining 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.

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 Cherokee 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 this regulation 1.4 (d)(5), 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.

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

SEWERAGE FACILITIES--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.

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.

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. Compliance with rules of the Neches & Trinity Valleys Groundwater Conservation District (NTVGCD) is required. A certificate of compliance must be issued by these agencies, and must be included in the original application of the Developer. (Neches & Trinity Valleys Groundwater Conservation District Local Rules is attached as an Appendix S to these regulations, but more recent rules may apply.)

2.2 Water Availability Requirements

- a. General: These Water Availability Requirements are adopted pursuant to Section 35.019 of the Texas Water Code and Section 2232.0032 of the Local Government Code. The Cherokee County Commissioners Court determined that the adoption of Water Availability Requirements is necessary to prevent current and future water use in Cherokee County from exceeding a safe and sustainable yield. The Neches & Trinity Valleys Groundwater Conservation District Rules are applicable, and are attached as Appendix S. These water Availability Requirements apply to all applications for approval of a plat for a Subdivision wholly or partially within Cherokee County, except for the following situations.

- 1. Replats and Amending Plats that do not increase the number of lots within the subdivision; and

2. Subdivisions that have one well on each lot provided that a well log report for every well is furnished to the County and to prospective buyers of each lot.
- b. Before any subdivision plat is approved, the developer must establish to the reasonable satisfaction of the Commissioners Court that an adequate quantity and quality of ground water, or water from surface water sources which meet the standards established by the TCEQ, exists to support the development and occupation of the subdivision. The Neches & Trinity Valleys Groundwater Conservation District shall oversee the implementation of this Section, and may, if sufficient data is readily available, make recommendations to the Commissioners Court to waive any of the requirements of this Section. Any person fulfilling the requirement set forth herein shall be deemed to have satisfied these Water Availability Requirements. Failure to satisfy the requirements shall result in the rejection of a subdivision plat application.

2.3. 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 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:
 1. 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.
 2. 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 and complying with the requirements of Subchapter C, Chapter 341, Texas Health and Safety Code and as defined by current rules and regulations of the TCEQ 30 TAC Chapter 290.

1. If the public or community water system will have more than fifteen (15) connections, the developer shall present documentation to the Commissioners court showing that the requirements as specified in Section 2.3 (c) of these Water Availability Requirements have been met and approved by the Neches & Trinity Valleys Groundwater Conservation District. In addition, a letter or other document from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division, shall be supplied approving the business plan and the plans and specifications for the proposed water system. If the proposed water system will have fewer than fifteen (15) connections, the developer shall present a letter from the NTVGCD stating that the NTVGCD has reviewed the plans and specifications for the proposed system, along with any technical data required in subsection 2.3 (c) of these Water Availability Requirements and finds the proposed system adequate for its intended use.
2. Expansion of an Existing Public or Community Water System. If the developer proposed to utilize an existing public or community water system, the developer shall present to the Commissioners Court in satisfaction of these requirements a copy of the executed agreement between the developer and the owner of such existing system for such water. If the total number of connections served by the existing public or community water system as defined above is more than fifteen (15), including the additional lots, the developer shall present a letter from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division, stating that the existing water system has sufficient capacity to service the additional connections. In addition, the developer shall present to the Commissioners Court documentation that has been approved by the NTVGCD which shows that subsection 2.3(c) of these Water Availability Requirements have been met. If the proposed water system will have fewer than fifteen (15) connection, the developer shall present a letter from the NTVGCD stating that the NTVGCD has reviewed the plans and specifications for the proposed system, along with any technical data required in subsection 2.3(c) of these water Availability Requirements and finds the proposes system adequate for its intended use.
3. Individual Wells Prohibited. All subdivision plats which satisfy the Water Availability Requirements by utilizing a new or existing public or community water system shall, by deed restricting or other legal means, prohibit the drilling or use of individual wells within such subdivision. Such prohibition shall be prominently noted on the recorded plat. Any existing wells not owned and utilized by the public or community water system shall be plugged in accordance with the applicable rules and regulations of the Water Well Drillers Board and the NTVGCD.

- 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 must 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. Water Availability Certification. If the developer proposes groundwater as the primary source of water for the tracts in a subdivision, whether by individual private or community wells, the following requirements shall be met:
 - 1. Projected Water Demand Estimates as specified in TCEQ Groundwater Availability Certification of Platting, Ch. 230.6
 - 2. General Groundwater Resource Information as specified in TCEQ Ch. 230.7.
 - 3. Aquifer Testing as specified in TCEQ Ch. 230.2(2); Aquifer testing is a test involving the withdrawal of measured quantities of water from or an addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. Bail and slug test are not considered to be aquifer tests. The required aquifer testing parameters shall be as specified in TCEQ Ch. 2230.8 Obtaining Site-Specific Groundwater Data.
 - 4. Determination of Groundwater Quality as specified in TCEQ Ch. 230.9
 - 5. Determination of Groundwater Availability as specified in TCEQ Ch. 231.10.32
 - 6. Sufficiency of Water and Certification. In addition to the test results required above, submit to the Commissioners Court a certification from a registered professional engineer licensed by the State of Texas or a licensed professional geoscientist. Said certificate shall be based on the pump test results and any other information available, which information shall be detailed, and shall state the opinion of the certifier

that sufficient groundwater exists beneath such subdivision of a quantity and quality adequate for the use of the persons purchasing tracts in such subdivision. In addition, a letter is required from the NTVGCD that based on the pump tests results and other information available to the NTVGCD the development after full build-out will not cause an aquifer mining condition to exist. Specifically, sufficient quantity of groundwater is defined as meeting or exceed a sustainable well production capacity of ten (10) gallons per minute per lot after full build-out. In areas where ten (10) gallons per minute per lot is marginal, additional aquifer test may be required. For those areas where well production capacity is less than ten (10) gallons per minute, lot frontage shall be adjusted accordingly. The developer shall provide to each purchaser or potential purchaser of tract located in such subdivision a summary of the water quality and quantity test results prior to concluding the sale of any tract. If the developer is unable to obtain the certificate that water of sufficient quantity and quality exists, or the commissioners Court receives a letter from the NTVGCD reporting that sufficient water is not available, the Commissioners Court shall deny that specific plat request.

7. Groundwater Availability Determination Conditions, as specified in TCEQ Ch. 230.11(b). The assumptions and uncertainties that are inherent in the determination of groundwater availability should be clearly identified. These conditions must be identified to adequately define the basis for the availability and usability statements. These bases may include, but are not limited to uncontrollable and unknown factors, such as:
 - A. Future pumpage from the aquifer or from interconnected aquifers from area wells outside of the subdivision or any other factor that cannot be predicted that would affect the storage of water in the aquifer.
 - B. Long-term impacts to the aquifer based on climatic variations.
 - C. Future impacts to usable groundwater due to unforeseen or unpredictable contamination.
- f. 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.

2.4. 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 Cherokee County Sewage Inspector, 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, including lot frontage, street width and all-weather capacity to handle emergency vehicles and availability of

sufficient area within each lot for OSSF.

- 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.

2.5. 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.

2.6. 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 along each property line of all lots.
 - 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.

2.7. 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, 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.

2.8. 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 by-laws, 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 sixty-feet (60') 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, roads, and alleys in First Tier Subdivisions must be paved in conformity 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. No utility lines may be placed under a road or street except at 90-degree angles, installed before the subgrade is in place, and cased at a depth of no less than forty-eight (48") inches below drainage ditches. Any other crossing must be bored and cased beneath a road or street.

- h. The actual right-of-way for alleys must not be less than twenty (20) nor more than thirty-five (35) feet in width.
- i. 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 forty feet (140) with a radius of fifty-feet (50) of improved surface with a minimum of six inches (6) of compacted rock.
- j. Mail boxes must be mounted on break away stands and be located so that boxes may be serviced and used from off the pavement. Where multi-tenant mailboxes are used, an appropriate area for access outside the public right-of-way must be provided within the subdivision.

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. Intersections shall be of sufficient size to allow school buses and emergency vehicles room to turn. (140' of turning radius)
- 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, roads, or alleys 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. Cherokee County reserves the right to deny an application for acceptance of any subdivision street or road for permanent public maintenance by the County. No roads or streets will receive consideration for final **acceptance** into the County Road System by the Commissioners Court until at least **two (2) years** after original construction of streets and roads are completed. In Subdivisions in which insufficient development or building has taken place after the two-year period and where there has been insufficient use of the streets and roads to ensure their stability, then such streets and roads will not be accepted by the Commissioners Court until such time as there is sufficient development to insure street and road stability. Sufficient development shall be defined as fifty percent (50%) occupancy of the total lots or tracts within said subdivision. Upon final approval, title to all streets and roads shall be conveyed to the County for their maintenance by a Warranty Deed, or Grant of Right-of-Way, in a form which shall be acceptable to the Commissioners Court. Accompanying such deed shall be an adequate description of streets and roads, either by reference to the approved subdivision plat or by field notes prepared by a Registered Professional Engineer from a survey made on the ground. **From the date of adoption of this Order forward, all streets and roads in any subdivision for which a plat has been filed shall adhere to the Road Construction Specifications which follow, whether or not an eventual request for County maintenance is planned.**
- d. In subdivisions that are developed as "gated communities," or private subdivisions it is the responsibility of the Owner/subdivider/developer, property/homeowner's association and/or the individual property owners to provide a means of access to emergency responders.
- e. 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.
- f. 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.

- g. 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 fourteen (14).
 - 2. Subgrade must be bladed to a depth of twelve inches (12").
 - 3. Subgrade must be compacted with a weighted roller.
 - 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. Iron ore gravel; or,
 - C. Texas road oil at 6% by weight of the sand.
 - 2. The flexible base must have a minimum thickness of eight (8) inches compacted to six (6) inches, and be at least twenty-four (24) feet wide.
 - 3. A flexible rock or iron ore 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.

- 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 two course 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 one (1) course 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). One course penetration asphalt surface treatment must then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate. 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 properly to the satisfaction of the Precinct Commissioner.
- c. All roads and streets constructed with concrete must consist of concrete being at least six inches (6") thick with one half inch (1/2") diameter rebar on centers no wider than eighteen inches (18").
- d. Second Tier subdivision may be served by all-weather roads having a traveled road-bed width of not less than twenty feet (20'), and meet Section 3.5 (a), (b) and (c) specifications.

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 at 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 named or numbered and marked by the developer in compliance with these regulations, the Cherokee County addressing protocols, and the regulations of the regional 9-1-1 network managed by the East Texas Council of Governments ("ETCOG").
- b. The plat application must include a certificate from ETCOG confirming the name or road number is 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, alleys, or easements, in the manner required by law to set aside such roads, streets, rights-of-way, alleys, or easements to public use. Private subdivisions must comply with ETCOG 9-1-1 requirements.

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.
- 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. Lots in a subdivision must be graded so that surface drainage from the lots will flow to drainage courses as directly as possible.
- b. Drainage water from roads and streets must flow to defined drainage courses as directly as possible.
- c. Roads and streets may not be used as drainage courses.
- d. 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.
- e. 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.
- f. 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.
- g. 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 street adjacent to the lot. This rule may be reduced to thirty (30') feet for manufactured home, RV, Tiny Home, and camp frontage to the adjoining street.
- d. Permanent water velocity dissipaters must be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion for any road or street constructed as a water crossing, and where specifically designated by the Commissioners Court.
- e. 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.
- f. Any construction within the right-of-way of a road maintained by the County must be conducted pursuant to a request and approval for the construction within the right-of-way, pursuant to Cherokee County rules.

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. Cherokee County is not responsible for maintenance of drainage easements within the subdivision.
- b. Reference to drainage easements must be included in each instrument of conveyance from a developer to a purchaser.

Chapter 5
Minimum Standards Applicable to Tiny Homes,
Recreational Vehicle Parks or Campground 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 (8) feet and body length less than forty-six (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--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. 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. Campground--an area intended for camping and is intended to address campgrounds 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 campground 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 campground 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 Campgrounds

The subdivision plat application for a Recreational Vehicle Park, Tiny Home development or a Campground 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 Cherokee County Floodplain regulations. (See Appendix T)
- 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 by the Neches & Trinity Valleys Groundwater Conservation District is required. (Appendix S) 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:
 - 1. 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
 - 2. 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). This description of “means and methods” must meet minimum standards established under Chapter 285.4 of the OSSF rules and Cherokee County local order. Approval by the Cherokee County of OSSF Inspector’s or Code Enforcement Officer certificate must be attached to the plat. See Appendix H.
 - 3. 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 Campground 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 Cherokee 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 Cherokee County Subdivision Regulations. Drainage design for the development shall comply with the Cherokee 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 requested by Cherokee County OSSF Inspector or Code Enforcement Officer.
- 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 or 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 Campground roads

- a. All weather private roads adequate to provide access to 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 campground 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 Campground service building requirements

- a. A plat application for a recreational vehicle park, tiny home or campground must address the minimal standards established in this subchapter.
- b. Each recreational vehicle park, tiny home or campground must provide and maintain one or more service buildings for the use of patrons. The service buildings must include:
 - 1. One lockable lavatory (a room or compartment with a toilet and washbasin) for women.
 - 2. One lockable lavatory (a room or compartment with a toilet and washbasin) for men;
 - 3. One shower and dressing accommodation for each sex, provided in an individual lockable compartment or stall; Lavatory and shower accommodations may be combined in a lockable enclosure
 - 4. One clothes washing machine and one clothes drying machine; and
 - 5. One slop sink, measuring not less than fourteen inches (14") by fourteen inches (14") square and fourteen inches (14") deep.
- c. The aforementioned service buildings will accommodate not more than fifty (50) recreational vehicle spaces or tiny home sites.

- d. For each additional 1 to 30 recreational vehicle, tiny home or campground spaces after the first 50, the operator must provide and maintain an additional lockable lavatory (a room or compartment with a toilet and washbasin for women; and additional lockable lavatory for men with an additional lockable shower accommodation for each.
- e. For each additional 1 to 30 recreational vehicle or tiny home spaces after the first 50, the operator must provide and maintain one additional washing machine and drying machine and one additional slop sink.
- f. All lavatories must comply with the Americans with Disabilities Act (ADA).
- g. 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:
- h. 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.
- i. 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.
- j. Chemical cleaners used in a recreational vehicle park must be used only in accordance with TCEQ rules.
- k. 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.
- l. 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.
- m. An operator must provide and maintain garbage receptacles as follows:
- n. 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.
- o. 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.
- p. The storage, collection, and disposal of refuse in a recreational vehicle park

must be conducted as to create no health hazards.

- q. All dumpsters must be screened from public view.
- r. Fuel containers in a recreational vehicle park, tiny home development or campground must comply with the following restrictions:
- s. Bottled gas must not be used at individual recreational vehicle, tiny home or campground space unless the containers are properly connected by copper or other suitable tubing.
- t. Bottled gas cylinders must be securely fastened in place.
- u. No cylinders containing bottled gas may be located in a recreational vehicle or tiny home within five (5) feet of a door thereof.
- v. An operator must provide and maintain fire protection equipment as follows:
- w. A recreational vehicle park, tiny home development or campground 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 campground as to satisfy the applicable regulations of the County.
- x. 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.
- y. An operator must maintain the entire area of a recreational vehicle park, tiny home development or campground 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.
- b. To the extent it does not conflict with these regulations, the Cherokee County Manufactured Home Rental Community Plan, a copy of which is recorded as Commissioner's Court Special Called Meeting Minutes for August 16, 2019, Item #19-232, in the Official Public Records of Cherokee County, Texas, also located on the county website at <https://www.co.Cherokee.tx.us>, is still in effect. To the extent the Cherokee County Manufactured Home Rental Community Plan differs with these regulations, the more stringent regulations will control.

Chapter 6

Plat Applications for Subdivision Approval

6.1. Pre-application meeting

The Developer shall request in writing a meeting with the Precinct Commissioner, County Surveyor and Development Officer 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.

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 and the County Surveyor, 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. The County Surveyor will review and issue a certificate of Compliance.
- b. Each plat required by this subdivision regulation shall identify and detail compliance with required drainage to address a 100-year flood, provide a statement of compliance with 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 or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
- 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. 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, etc.).
- 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 G.
- 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,
- d. A plat application must include a construction schedule for each significant element of construction, including the start dates and completion dates.
- e. 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 Q, 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 street.
 - 11. Areas dedicated for public use.
 - 12. Rights-of-way or easements, including all alleys, 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 ETCOG 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 Cherokee 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 include a certificate from the surveyor who prepared the plat and survey in substantially the form as Appendix E.
- c. Evidence of Review by Cherokee County Surveyor, in the form of Appendix F.
- d. 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 eighteen inches (18") by twenty-four inches (24").
- 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. Eight (8) full size copies for filing, one on mylar or vellum paper in black ink for filing within the County Clerk's records, and the other on bond paper in black ink for use by the Cherokee County Appraisal District's mapping department, County Surveyor or others.
 2. Six (6) full size (18x24") copies of the plat submitted with the plat application to be used by the Commissioners Court.
 3. A copy should also be submitted to the East Texas Council of Governments.

7.4. Digital map

- a. A plat application must include a digital map that is compatible with mapping systems that geo-references the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071, Texas Natural Resources Code.
- 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 Cherokee 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 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, 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 and must be specified by the Commissioners Court in its order granting or denying plat application.

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 will 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.
- 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 authorized 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 Irrevocable Letter of Credit is attached as Appendix R.
- 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, etc.
 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 is 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. 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 Q, which may be amended and republished from time to time by the Commissioners Court. The amount of the fees 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 Cherokee 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.
 3. 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.
- c. A filing fee, as specified in Appendix Q, 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 a Plat by Developer

- 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.
- d. 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.

Chapter 12

Enforcement

12.1. 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 or acknowledgement of exemption 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.
- e. 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.

12.2. Required disclosures

- a. The following notations, to be printed in a bold font, in not less than 14-point type, 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 Cherokee County will assume responsibility for maintenance of roads, streets, alleys 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:

"Cherokee 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 for that lot or tract from a developer must bear the following notation in bold, 14-point type:

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

Passed and approved by Cherokee County Commissioners Court this 23rd day of December, 2025.

Kelly Hume
Pct. 1

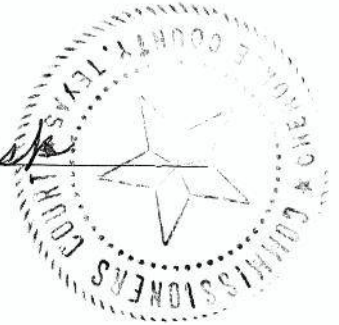
Steve Harts
Pct. 2

Steve Harts
Pct. 3

Billy McTutcher
Pct. 4

Chris Davis
County Judge

Laverne Lusk
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 and Develop Officer 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 or similarly named subdivision that is not a subsequent phase of an existing subdivision.

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.
- _____ Six (6) reduced size (not less than letter sized) copies of the plat.
- _____ A digital map or a certificate regarding the availability of a digital map.
- _____ A certificate from the Neches & Trinity Valleys Groundwater Conservation District that the proposed subdivision will have adequate water availability.
- _____ A survey of the proposed subdivision in compliance with these regulations.
- _____ A certificate from the surveyor who prepared the plat and survey in substantially the form as Appendix E.
- _____ 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 ETCOG confirming the road names or 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 is 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 Cherokee County OSSF Inspector or Code Enforcement Officer stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements or lot frontage, street width and all-weather capacity to handle emergency vehicles.
- _____ 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.
- _____ 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 street.
- _____ Certificates from the developer confirming the following:
 - _____ Availability of water 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 Cherokee County OSSF Inspector or Code Enforcement Officer stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements, street width and all-weather capacity to handle emergency vehicles.

_____ A survey 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.

_____ 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.

_____ 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.

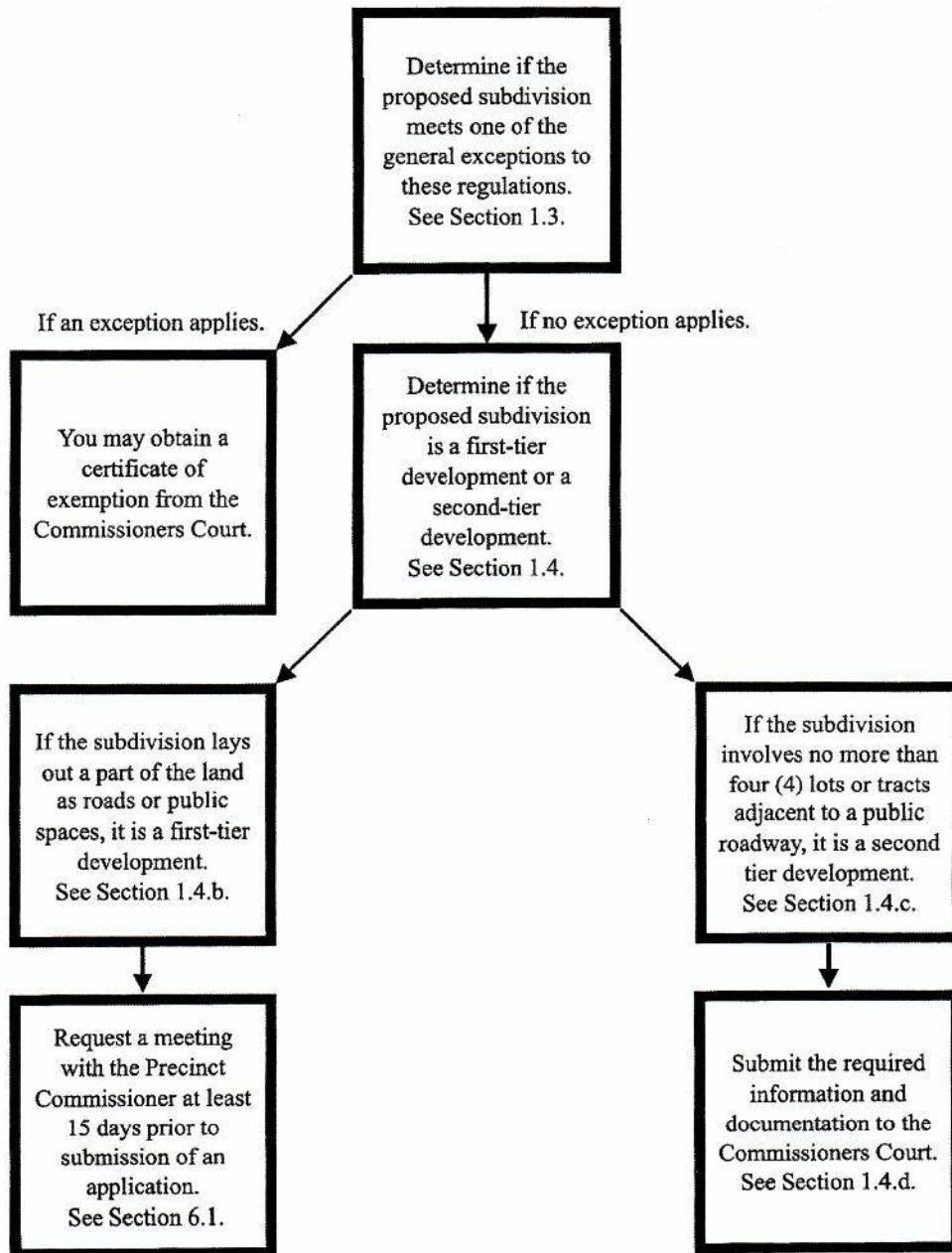
_____ Advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

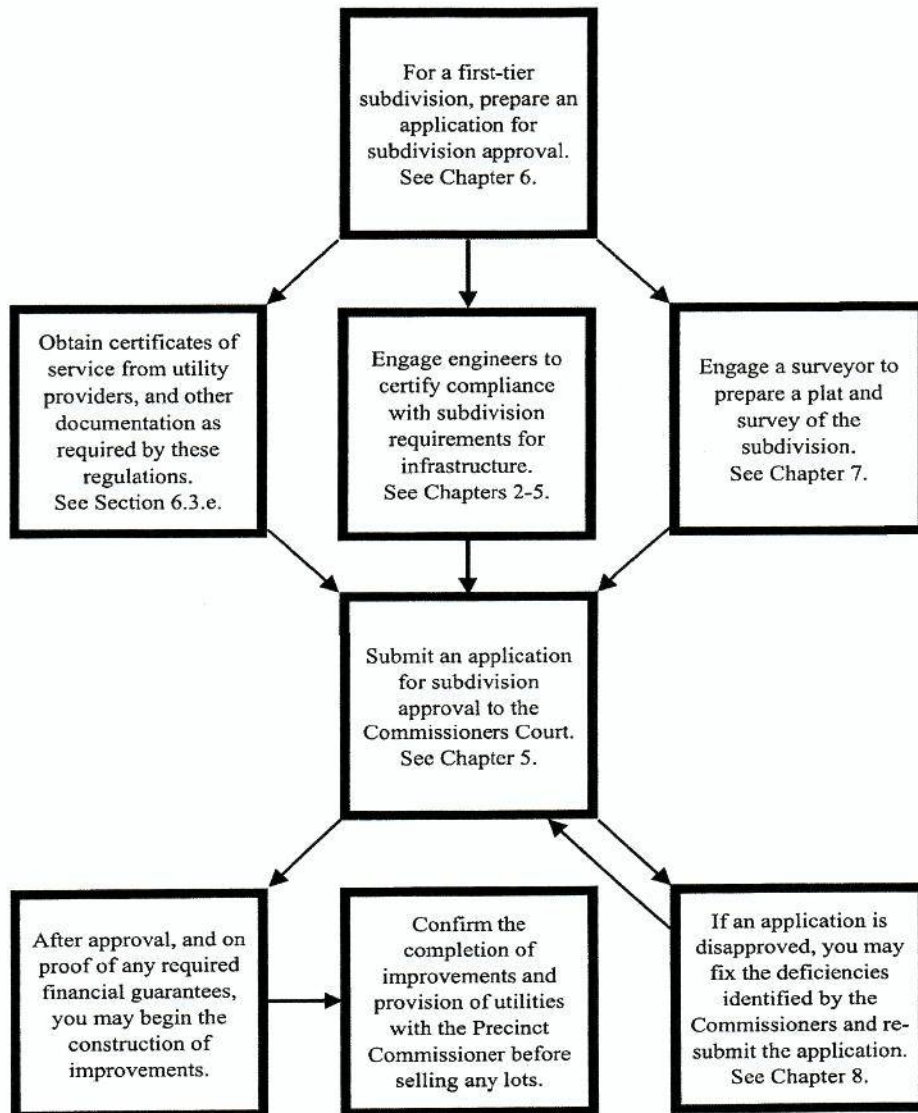
_____ All fees due to the County for an approved application must be paid to the County Clerk no later than ten (10) days after the approval of the application.

_____ 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, Cherokee County, Texas, as conveyed by deed dated _____, and recorded as Instrument No.: _____, in the Real Property Records of Cherokee County, Texas.

(Note: if the subdivision lies in more than one survey, determine an acreage in each survey and submit a unique certificate for each portion of the subdivision in each original survey.)

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 CHEROKEE §

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 Cherokee County, Texas, as conveyed by deed dated _____ and recorded as Instrument No.: _____, in the Real Property Records of Cherokee County.

(Note: if the subdivision lies in more than one survey, determine an acreage in each survey and submit a unique certificate for each portion of the subdivision in each original survey.)

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 CHEROKEE §

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 Cherokee 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 Cherokee 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 Cherokee 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 Texas Land Surveyor

Date

Appendix F

CERTIFICATE OF COUNTY 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, and duly elected County Surveyor of Cherokee County, Texas, do hereby certify that the plat and survey of the subdivision comply with the plat and survey related requirements of the Cherokee County Subdivision Regulations, and I further certify that the plat is prepared from an actual survey of the property made on the ground.

Cherokee County Land Surveyor

Date

Appendix G

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 Cherokee County Subdivision Regulations.

Registered Professional Engineer

Date

Appendix H

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR

Subdivision Name: _____

OSSF Inspector's Name: _____

OSSF Inspector's License No.: _____

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a licensed On-Site Sewage Facility Inspector 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 Cherokee County Subdivision Regulations and rules published by TCEQ. Lot frontage to be dictated by On-Site Sewage Facility standards established by the TCEQ.

OSSF Inspector

Date

Appendix I

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 Cherokee 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 Cherokee County."

Developer

Date

Appendix J

CERTIFICATE OF ROAD MAINTENANCE

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

Subdivision Name: _____

"Upon approval of the plat of the subdivision by the Commissioners Court of Cherokee 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 Cherokee County."

Developer

Date

Appendix K

CERTIFICATE OF COUNTY APPROVAL OF PLAT

THE STATE OF TEXAS §
COUNTY OF CHEROKEE §

I, _____, County Clerk of Cherokee County, Texas, do hereby certify that on the _____ day of _____, 2_____, the Commissioners Court of Cherokee County, Texas, passed an Order authorizing the filing for record of the plat of _____, a subdivision of Cherokee 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 Slide _____, in the Plat Records of Cherokee County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

County Clerk, Cherokee County, Texas

Appendix L

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

Subdivision Name: _____

Developer: _____

County Road: _____

I, Commissioner _____ of Precinct No. ____ Cherokee 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. Where multi-tenant mailboxes are used, an appropriate area for access outside the public right-of-way must be provided within the subdivision.
- 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 M

SUMMARY OF CHEROKEE 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 or their designee. Factors to consider are lot frontage, 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 15000 average daily traffic counts will be designed according to TxDot standards.

Appendix N

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 Acknowledgement, 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 Acknowledgement, if applicable.

Petitioner

**THE STATE OF TEXAS §
COUNTY OF CHEROKEE §**

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 O

LIENHOLDER'S ACKNOWLEDGEMENT 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 Cherokee 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 CHEROKEE §

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 P

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 Acknowledgement)

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 Acknowledgement, if applicable.

Applicant

**THE STATE OF TEXAS §
COUNTY OF CHEROKEE §**

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 Q

SUBDIVISION DEVELOPMENT FEES

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

Plat Application Fee:	\$2,000.00
RV Park Application Fee:	\$2,000.00 plus \$10 per lot
Plat in a Designated Floodplain:	\$275.00
Plat Review by County Surveyor	\$650.00 plus \$25.00 per lot
Plat Revision:	\$300.00 (plus advertising if applicable)
Groundwater Conservation District:	\$1,500.00
Recording of Plat or Plat Revision	\$85.00 payable to County Clerk Plus \$5.00 for each additional page

Appendix R

IRREVOCABLE LETTER OF CREDIT

[Letterhead of bank]

[Date of letter]

Irrevocable Letter of Credit No. _____

Advising Bank: *[name of adviser]*

[Address of adviser]

Beneficiary: *[Cherokee County, Texas]*

[Address of beneficiary]

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

Expiration date: *[date of expiration]*

Dear Judge:

[Name of bank] establishes an irrevocable 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 business days after date of completion of the work but before expiration of this irrevocable 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 Irrevocable 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 Irrevocable 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]

Appendix S

NTVGCD Rules



**NECHES AND TRINITY VALLEYS
GROUNDWATER
CONSERVATION DISTRICT**

DISTRICT RULES

Effective as of June 11, 2003

Amended May 10, 2007

Amended April 1, 2015

Amended August 16, 2017

Amended April 26, 2018

Amended September 17, 2020

Amended July 18, 2024



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NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION DISTRICT
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**RULES OF THE NECHES TRINITY VALLEYS
GROUNDWATER CONSERVATION DISTRICT
Effective as of June 11, 2003**

In accordance with Section 59 of Article 16 of the Texas Constitution and with the Acts of the 77th Legislature (2001), Ch. 313, S.B. 1821 and Chapters 35 and 36 of the Texas Water Code, Neches and Trinity Valleys Groundwater Conservation District adopts the following Rules as the Rules of the District. Each rule as worded below herein has been in effect since date of passage and as may be amended.

The Rules, regulations, and modes of procedure contained below are and have been adopted for the purposes of achieving the goals of the District Act and the Management Plan, prevent waste, and protect rights of owners of interest in groundwater while simplifying procedure, avoiding delays, saving expense, and facilitating the administration of the groundwater laws of the State and the Rules of this District. To the end that these objectives be attained, these Rules shall be so construed.

These Rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion of the Board, where such exist; nor shall they in any event be construed to deprive the Board of an exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law. Any reference to the Texas Water Code includes the section referenced and any subsequent amendments.

RULE 1 – DEFINITIONS AND CONCEPTS

- 1.1 Unless the context indicates a contrary meaning, the words hereinafter defined shall have the following meaning in these Rules:
- (a) "Affected party" means a person who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by an application for a permit, permit amendment, or spacing exception.
 - (b) "Agriculture or Agricultural" means:
 - (1) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
 - (2) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;
 - (3) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial use;
 - (4) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;
 - (5) wildlife management under a written Wildlife Management Plan; Wildlife Management Plan means a plan for managing property for wildlife which follows the Texas Comptroller's "Guidelines for Qualification of Agricultural Land and Wildlife Management Use" and includes provisions for preventing Waste of water.

- (6) raising or keeping equine animals.
- (7) aquaculture, or active farming of fish, crustaceans or mollusks.
- (c) “Beneficial use” means:
 - (1) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;
 - (2) exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals; or
 - (3) any other purposes that is useful and beneficial to the user and approved by the Board.
- (d) The “Board” shall mean the Board of Directors of the Neches and Trinity Valleys Groundwater Conservation District, consisting of seven (7) Board members.
- (e) “Commission” means the Texas Commission on Environmental Quality.
- (f) “District Act” means acts of the 77th Legislature (2001), Chapter 313, S.B. 1821 and the non-conflict of provisions of Chapter 36, Texas Water Code, as same may be amended.
- (g) “District Office or Offices” shall mean the location or locations as may be established by resolution of the Board.
- (h) “District” shall mean Neches and Trinity Valleys Groundwater Conservation District.
- (i) “Domestic Use” means the use of water at a single-family household to support domestic activities including drinking, washing, and sanitation. Domestic use does not include use for any commercial purpose or at any commercial establishment. Domestic use does not include a use at any commercial establishment with a single-family household.
- (j) “Drilling” includes drilling, equipping, or completing wells or modifying the size of wells or well pumps to change pumpage volume.
- (k) “Drilling Permit” means a permit issued by the District allowing a water well to be drilled.
- (l) “Exempt Well” shall mean any well for which the District is prohibited to require a permit under the District Act, Texas Water Code §36.117 or the District Rules.

Exempt wells include wells used solely for domestic or agriculture use or for providing water for active agricultural production that is either drilled, completed, or equipped so that it is incapable of producing more than 36,000 gallons per day and certain wells for hydrocarbon production. Wells to supply water for a subdivision of land for which plat approval is required by law or regulation are not exempt. For all purposes herein, an Exempt Well shall be exempt from permitting requirements and production fees but shall not be exempt from pre-registration or registration requirements.

- (m) “Fee or Fees” means the amount required to be paid as established by the Board of Directors.
- (n) “Groundwater” means water percolating below the surface of the earth.
- (o) “Hearing Body” means the Board, any committee of the Board, or a hearing examiner at any hearing held under the authority of the District Act.
- (p) “Hearing Examiner” means a person appointed by the Board to conduct a hearing or other proceeding.
- (q) “Hearing Rules and Procedures” means the rules and procedures for hearings adopted by the Board for hearings and other proceedings of the District, as they

may be supplemented or amended from time to time.

- (r) “Monitor Well,” means any well used for the sampling or measurement of any chemical or physical property of subsurface strata or their contained fluids.
- (s) “Non-Exempt Well” means a well capable of producing over 36,000 gallons per day. These wells require an operating permit.
- (t) “Operator” shall mean the person who operates a well.
- (u) “Operating Permit” means a permit issued by the District for a water well, allowing groundwater to be withdrawn from a water well for a designated period.
- (v) “Owner” shall mean and include any person that has the right to produce water from the land either by ownership, contract, lease or easement
- (w) “Person” shall mean any individual, partnership, firm, or corporation, limited liability company, or other legal entity.
- (x) “Registration” means the process under Rule 13 of “grandfathering” wells which were in existence and use prior to the Effective Date of these Rules.
- (y) “Remediation Well” means any well used to produce contaminated water from a subsurface strata pursuant to a plan approved by the Texas Commission on Environmental Quality or other agency with applicable jurisdiction.
- (z) “Rules” shall mean these Rules of the District and the Hearing Rules and Procedures as they may be supplemented or amended from time to time.
- (aa) “Waste” means any one or more of the following:
 - (1) withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
 - (2) the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
 - (3) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata not containing groundwater;
 - (4) pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter from another stratum or from the surface of the ground;
 - (5) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26, Texas Water Code; groundwater released on well startup or well development in order to improve water quality shall not constitute waste as defined above.
 - (6) groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or
 - (7) for water produced from an artesian well, “waste” has the meaning assigned by Section 11.205, Texas Water Code.
- (bb) “Well” or “Water Well” shall mean and include any artificial excavation constructed for the purpose of exploring for or producing groundwater
- (cc) “Open Loop Geothermal Well” – Groundwater drawn from an aquifer through one well, passed through the heat pump’s heat exchanger, and discharged to the same aquifer through a second well at a distance from the first.

(dd) “Closed Loop Geothermal Well”—A vertical closed system well used to circulate water, and other fluids or gases through the earth as a heat source or heat sink.

- 1.2 The definitions contained in Texas Water Code Section 36.001 shall also be included to the extent that they are used in these Rules. In the event there is a conflict between these Rules and 36.001, 36.001 shall control.
- 1.3 Purpose of Rules. The Rules are the foundation for achieving the goals of the District Act and Management Plan.
- 1.4 Use and Effect of Rules. The District uses these Rules as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District Act and Management Plan.
- 1.5 Amendment of Rules. The Board may, following notice and hearing, amend these Rules or adopt new Rules from time to time.
- 1.6 Headings and Caption. The section and other headings and captions contained in these Rules are for reference purposes only. They do not affect the meaning or interpretation of these Rules in any way.
- 1.7 Construction. A reference to a title, chapter or section without further identification is a reference to a title, chapter or section of the Water Code, Construction of words and phrases are governed by the Code Construction Act, Subchapter B, Chapter 311, Government Code.
- 1.8 Method of Service under these Rules. Except as otherwise expressly provided in these Rules, any notice or documents required by these Rules to be served or delivered may be delivered to the recipient, or the recipient’s authorized representative, in person, by agent, by courier receipted delivery, by certified mail sent to the recipient’s last known address, by email, or by fax document ~~faesimile~~ transfer to the recipient’s current fax number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by telephonic document transfer is complete upon transfer, except that any transfer occurring after 5:00 p.m. will be deemed complete on the following business day. If service or delivery is by mail, and the recipient has the right, or is required, to do some act within a prescribed time after service, three days will be added to the prescribed period. Where service by one of more methods has been attempted and failed, the service is complete upon notice publication in a generally circulated newspaper in Cherokee, Henderson or Anderson County.
- 1.9 Severability. If any one or more of the provisions contained in these Rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other Rules or provisions of these Rules, and these Rules must be construed as if such invalid, illegal or unenforceable Rules or provision had never been contained in these Rules.
- 1.10 Burden of Proof: In all matters regarding applications for permits, exceptions, and other matters for which District approval is required, the burden shall be upon the applicant or other persons seeking a permit, exception, or other authority to establish that all conditions, criteria, standards, or prerequisites have been met.

RULE 2 – WASTE

- (a) Groundwater shall not be produced within, or used within or without of the District, in such a manner or under such conditions as to constitute waste as defined in Rule 1 hereof.
- (b) Any person producing or using groundwater shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of such water.
- (c) No person shall pollute or harmfully alter the character of a groundwater reservoir of the District by means of salt water or other deleterious matter

admitted from other stratum or strata or from the surface of the ground.

(d) No person shall commit waste as that term is defined by Rule 1.1 (aa).

RULE 3 – PERMIT AND REGISTRATION REQUIRED

- 3.1 No person shall drill, modify, complete, change type of use, plug, abandon, or alter the size of a well within the District without first registering the well with the District, or making application for a new well even though the well may be exempt from the requirement of a permit under Texas Water Code Section 36.117 or Rule 1.1 (l).
- 3.2 The District staff will review the application for registration and make a preliminary determination on whether the well meets the requirements, exclusions, or exemptions.
- 3.3 No permit shall be required for the drilling of wells exempt by Texas Water Code §36.117 or Rule 1.1 (l).
- 3.4 Exempted Wells shall be registered with the District on forms provided therefore and all Fees and/or deposits paid before drilling. All exempt wells shall be equipped and maintained so as to conform to the District's Rules requiring installation of casing, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir. Forms for registrations shall be provided by the District.
- 3.5 Any existing operational well not exempt under Rule 1.1 (l), in existence prior to effective date of these Rules is considered grandfathered and will automatically be granted an operating permit upon completion of the well registration procedure as provided in Rule 13. These grandfathered wells will not be assessed a registration or permit fee if the procedure is completed by January 1, 2004 and the owner or operator provides all the information requested by the District. The volume allowed by the permit will be determined by past or planned production of the well.
- 3.6 A water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Texas Railroad Commission is exempt from District Fees provided the person holding the permit is responsible for drilling and operating the water well and it is located on the same lease or field associated with the drilling rig.
- 3.7 A well-exempted under provision Rule 1.1 (l) above must be permitted and comply with all District Rules if:
 - (1) The purpose of the well is no longer solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas; or
 - (2) The withdrawals are no longer necessary for mining activities or are greater than the amount necessary for mining activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code.
- 3.8 All permits are granted subject to these rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued must contain the following standard permit provisions:
 - (a) This permit is granted in accordance with the provisions of the Rules of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules of the District.
 - (b) This permit confers only the right to operate and its terms may be modified or amended. Within 10 days after the date of sale, the operating permit holder must notify the District in writing the name of the new owner of a permitted well.

Any person who becomes the owner of a currently permitted well must, within 20 calendar days from the date of the change in ownership, file an application for a permit amendment to effect a transfer of the permit.

- (c) The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
 - (d) Metering requirements.
 - (1) Withdrawals from all non-exempt wells, except wells used for Domestic or agricultural, capable of providing more than 36,000 gallons per day but less than 100,000 gallons per day, must be accurately metered and their pumpage reported to the District quarterly.
 - (2) Wells which are required to report pumping under rule 3.8(d)(1) and pay Production Fees to the District and which are not required to meter or report the amount of water produced for any other purpose or to any other governmental agency may apply for a non-metered permit if the well will not produce nor have a demand of more than 3,000,000 gallons annually regardless of the pump size. Wells qualifying under this rule may apply for a non-metered permit as specified by the Rule 4 with forms and requirements set by action of the Board.
 - (e) The application pursuant to which this permit has been issued is incorporated in the permit, and the permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
 - (f) Violation of a permit's terms, conditions, requirements, or special provisions is punishable by civil penalties as provided by the District Rules and by law and may also result in permit revocation or cancellation.
 - (g) The permit may also contain provisions relating to the means and methods of transportation of water produced within the District.
- 3.9 Except as provided below, a permit is not required for a Monitor Well or a Remediation Well. A copy of the Driller's Report must be filed with the District within (30) thirty days. If the use of Monitor Well or Remediation Well is changed to produce non-contaminated water, it then becomes subject to the permitting or registration requirements of these Rules depending upon use and volume.
- 3.10 Geothermal Loops
- (a) Application and fee must be submitted to the Neches & Trinity Valleys Groundwater Conservation District (NTVGCD) office for approval. The District will charge a one-time administrative fee of \$50 for the drilling application for the borehole and /or a series of boreholes. A drilling log shall be filed with the State of Texas and NTVGCD. A file will be maintained in the NTVGCD district offices of the drilling and equipping.
 - (b) The closed loop geothermal system shall be designed and installed by a licensed installer. The design shall be submitted to NTVGCD prior to inspection. The installer shall notify the district prior to installation.
 - (c) A licensed water well driller shall drill the boreholes. The driller shall notify the district prior to drilling.
 - (d) A district representative shall be allowed on the property to inspect the drilling of the borehole, installation and sealing of the closed loop piping, if the district determines it is necessary.
 - (e) Construction of the borehole will follow TDLR regulation described in Technical Standards Chapter 76.100 (F) (6) of the TDLR rules: "The annular

space of a closed loop geothermal well used to circulate water or other fluids shall be backfilled to the total depth with impervious bentonite or similar material, closed loop injection well where there is no water or only one zone of water is encountered you may use sand, gravel or drill cuttings to back fill up to ten (10) feet from the surface. The top ten (10) feet shall be filled with impervious bentonite or similar materials and meets the standards pursuant to Texas Commission on Environmental Quality 30 TAC, Chapter 331.”

- (f) Spacing: Any borehole shall be located a minimum horizontal distance of fifty (50) feet from any watertight sewage and liquid-waste collection facility, and a minimum horizontal distance of fifty (50) feet from the nearest property line.

3.11 An open loop geothermal well system is prohibited within the Neches and Trinity Valleys Groundwater Conservation District.

RULE 4 – FEES AND REPORTS

In accordance with Special District Local Law Code Chapter 8863, and Section 36.205 of the Texas Water Code, and except as provided below, the Board adopts a production Fee of \$0.03 per 1,000 gallons for all nonexempt wells except wells used for Domestic use or Agricultural use, which are not capable of producing more than 100,000 gallons per day. The production Fee for Agricultural use is set at \$0.00. Operators of nonexempt wells shall provide payment to the District each quarter. Payment shall be due within thirty (30) days of the last day of March, June, September, and December with their quarterly reports. Operators shall provide monthly production records to document payment amount. The payment shall be accompanied by the report form specified by the Board.

- 4.1 The District adopts a non-metered production permit for wells as specified in Rule 3.8(d)
 - (2). The annual minimum charge is set at the rate for the production fee as applies to 1,000 gallons. The District may establish different levels of permitted usage and a maximum for non-metered permits by Board action. In addition to the production fees, the District by Board action may establish permit application fees.
- 4.2 In accordance with Section 36.122 of the Texas Water Code the District adopts a transfer fee of:
 - (a) A fee negotiated between the District and the transporter, or
 - (b) A rate not to exceed the greater of 20 cents for each thousand gallons or 50% of and in addition to the production fee for water transported out of the District.
 - (c) The maximum allowable rate the District may impose for an export fee or surcharge may be increased by three percent each calendar year.
 - (d) The District may use export fees as provided under sections 36.122 and 36.207 of the Texas Water Code.
- 4.3 Each application for a permit to drill a well shall be accompanied by the Fee or Fees as established herein or by resolution of the Board.
- 4.4 Each day that a payment remains unpaid after it is due shall constitute a separate violation of these Rules. A late payment charge equal to one percent per month following the due date shall be assessed on past due production fees or as set by the board.
- 4.5 An entity holding a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code that authorized the drilling of a water well shall report monthly to the District:
 - (1) the total amount of water withdrawn during the month;
 - (2) the quantity of water necessary for mining activities; and
 - (3) the quantity of water withdrawn for other purposes.

RULE 5 – ISSUANCE OF PERMITS FOR NON-EXEMPT WELLS

- 5.1 Every person who drills a water well after the effective date of these Rules, other than

an Exempt Well, must file an Application for Permit on a form approved by the Board. Each permit application must be accompanied by the fee.

- 5.2 Drilling Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner must obtain a drilling permit from the District prior to drilling a new water well other than an exempt well, developing a well field or perforating an existing well.
- 5.3 Operating Permit Requirement: Within 14 days after the completion of a new water well, reworking, or re-equipping of an existing water well as provided in Rule 5.10 below, the well owner or well operator must file a completed operating permit application and a well completion report.
- 5.4 Permit Applications: Each original application for a water well drilling permit, operating permit, transport permit, and permit amendment requires a separate application and payment of the associated fee. Application forms will be provided by the District and furnished to the applicant upon request.
The application for a permit shall be in writing and sworn to, and shall include the following:
 - a) the name and mailing address of the applicant and the owner of the land on which the well will be located;
 - b) if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and/or operate a well for the proposed use;
 - c) a location map of all existing wells within a quarter (1/4) mile radius of the proposed well or the existing well to be modified;
 - d) a map from the county appraisal District indicating the location of the proposed well or the existing well to be modified, the subject property, and adjacent owners' physical addresses and mailing addresses;
 - e) notice of any application to the Texas Commission on Environmental Quality to obtain or modify a Certificate of Convenience and Necessity to provide water or wastewater service with water obtained pursuant to the requested permit;
 - f) a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose.
 - g) a declaration that the applicant will comply with the District's Rules and all groundwater use permits and plans promulgated pursuant to the District's Rules.
 - h) a water conservation plan or a declaration that the applicant will comply with the Management Plan.
 - i) the location of each well latitude and longitude and the estimated rate at which water will be withdrawn;
 - j) a water well closure plan or a declaration that the applicant will comply with all District well plugging and capping guidelines and report closure to the Commission.
 - k) a hydrogeological report addressing the area of influence, draw down, recovery time, and other pertinent information required by the District shall be required for the following:
 - (1) Requests to drill a well with a daily maximum capacity of more than 2 million gallons; or,
 - (2) Requests to modify to increase production or production capacity of a Public Water Supply, Municipal, Commercial, Industrial, Agricultural or Irrigation well with an outside casing diameter greater than 10 inches. The well must be equipped (or tested at a rate equal to or greater than the rate

necessary) for its ultimate planned use and the hydrogeologic report must address the impacts of that use. The report must include hydrogeologic information addressing and specifically related to the proposed water pumpage levels at the proposed pumpage site intended for the proposed well or for the proposed transporting of water outside the District. Applicants may not rely solely on reports previously filed with or prepared by the District.

- 5.5 Transfer Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner, must obtain a transfer permit to transfer groundwater produced from within the District outside the District's boundaries as provided in Rule 14.
- 5.6 (1) Notice of Permit Hearing: Once the District has received a completed original application for a water well drilling permit, operating permit, a transport permit, or a permit amendment and associated fees, the General Manager will issue written notice of the application and prepare a draft permit or permit amendment which complies with the District Rules and Management Plan. Notice will be mailed to any person who either owns land within a quarter (1/4) mile of the proposed well or holds a Permit from the District for a well located within a quarter (1/4) mile of the proposed well. A copy of the notice and draft permit or permit amendment shall be mailed to the applicant. The notice shall state:
- a. the name and address of the applicant;
 - b. the location of the well or other facility in the application;
 - c. a summary of the substance of the application including, but not limited to the proposed amount of water to be pumped, rate of pumping, and intended use of the groundwater;
 - d. if the draft permit or permit amendment varies from the application, a statement of the differences;
 - e. the date by which written requests for a contested case must be filed.
- (1) Any person who is entitled to notice as stated above shall be presumed to be an affected person for the purpose of contesting the granting of the application. The notice shall state that any affected party who desires to contest the application must submit a written request for hearing and state the deadline for filing the request. The request must comply with the requirements in District Rules for Hearing Section 12. A contested case hearing may also be requested by the applicant provided the applicant states in its request for hearing the relevant factors for the request.
 - (2) The date for filing a written request for hearing shall not be earlier than 10 days from the date the notice is deposited into the U.S. Mail.
 - (3) If a timely request for hearing is not filed by the deadline stated in the notice or if the request or requests does not meet the requirements in the Rules for Hearing, the General Manager may issue the draft permit.
- 5.7 Drilling Permits: Unless specified otherwise by the Board or these Rules, drilling permits are effective for a term ending 120 calendar days after the date the permit application was received.
- 5.8 Transfer Permits: Unless specified otherwise by the Board or these Rules, transport permits are effective for five (5) years. Notwithstanding the period specified above, the District may periodically review the amount of water that may be transferred under the permit and may limit the amount.
- 5.9 Effect of Acceptance of Permit: Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms,

provisions, conditions, limitations, and restrictions.

5.10 Reworking and Replacing a Well:

- (a) An existing well may be reworked or re-equipped in a manner that will not change the permitted well status. A change in the permitted well status will require an operating permit amendment.
- (b) A permit must be applied for if a party wishes to replace an existing well with a replacement well.
- (c) A replacement well, in order to be considered such, must comply with all District Rules.
- (d) The location of the old well (the well being replaced) shall be protected in accordance with the spacing Rules of the District until the replacement well is drilled and tested. The landowner or his/her agent must within 120 days of the issuance of the permit declare in writing to the District which one of these two wells he desires to produce. If the landowner does not notify the District of his/her choice within this 120 days, then it will be conclusively presumed that the new well is the well he/she desires to retain. Immediately after determining which well is retained for production, the other well shall be:
 - (1) Properly equipped in such a manner that it cannot produce more than 36,000 gallons of water a day; or
 - (2) Closed in accordance with applicable state law and regulation Section 756.002, Texas Health and Safety Code.

A permit to rework, re-equip, re-drill or replace an existing well may be granted by the District without notice or hearing so long as the production capacity of the new well does not exceed the capacity of the existing well.

5.11 Emergency Authorization

An existing retail water utility, as defined in Texas Water Code Chapter 13, or the owner of a well used for Agriculture, who has a Permit or Certificate of Registration from the District to operate the well, may apply to the District for emergency authorization to drill and operate a well as set forth below. The authorization does not constitute a Permit as required above and does not relieve the utility or Agricultural User from applying for and obtaining one. The emergency authorization can be made by any two of the following: the General Manager and any Board officer. Before granting the authorization, the following conditions must be met:

- (a) An Application on the form prescribed by the Board and all Fees must be submitted to the District;
- (b) Persons owning property adjoining the proposed well site must be given written notice of the proposed well;
- (c) The Applicant must have received authorization from the Commission to drill and operate the well, if applicable;
- (d) The "emergency," which must present an imminent threat to the public health and safety or to an Agricultural activity, must be explained to the satisfaction of the District and any requested documentation submitted;
- (e) The Application must not have been previously denied; and,
- (f) Such other information as may be requested has been received by the District.

After the emergency authorization is granted, the Board shall hold a hearing on the application at which it may issue or deny the requested Permit. If the Permit is denied, the applicant shall immediately cease drilling or production operations.

5.12 All Permits are issued on the condition that the well is drilled in strict compliance with these Rules and the rules and regulations of the Commission and the Texas Department of Licensing and Regulation.

RULE 6 – REQUIREMENT OF DRILLERS LOG, CASING AND PUMP DATA

- (a) Complete records shall be kept and reports thereof made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled. Such records shall include an accurate driller's log, any electric log which shall have been made, and such additional data concerning the description of the well, its potential, hereinafter referred to as "maximum rate of production" and its actual equipment and rate of production permitted by said equipment as may be required by the Board. Such records shall be filed with the District Board within 60 days after completion of the well.
- (b) The well driller shall deliver either in person, by fax, email, or send by first-class mail, a photocopy of the State Well Report to the District within 60 days from the completion or cessation of drilling, deepening, or otherwise altering a well.
- (c) No person shall produce water from any well hereafter drilled and equipped within the District, except that necessary to the drilling and testing of such well and equipment, unless or until the District has been furnished an accurate driller's log, any electric log which shall have been made, and a registration of the well correctly furnishing all available information required on the forms furnished by the District to include an accurate gallons per minute of water the well is producing after completion. This cannot be a jetted estimate of gallons per minute. In the case the well has been drilled after Emergency Authorization has been given under Rule 5.11, the foregoing information must be submitted within ten (10) days from the date the well is completed.

RULE 7 – MINIMUM SPACING OF WELLS

- (a) Distance Requirements:
 - (1) No non-exempt well to be drilled subsequent to the date of enactment of this rule shall be drilled such that said well shall be located nearer than fifty (50') feet from the nearest property line; provided that the Board, may grant exceptions to allow drilling within shorter distances in accordance with Rule 8.
 - (2) In the interest of protecting life and for the purpose of preventing waste, preventing overlapping cones of depression resulting from production rates, and preventing confiscation of property, the Board reserves the right to limit the number of wells on a tract of land or require a minimum distance between wells.
 - (3) Subdivision of property:
 - (i) In applying this rule and applying every special rule with relation to spacing in all of the groundwater aquifers and/or reservoirs underlying the confines of this District, no subdivision of property made subsequent to the adoption of the original spacing rule will be considered in determining whether or not any property is being confiscated within the terms of such spacing rule, and no subdivision of property will be regarded in applying such spacing rule or in determining the matter of confiscation if such subdivision took place subsequent to the promulgation and adoption of the original spacing rule.
 - (ii) Any subdivision of property creating a tract of such size and shape that it is necessary to obtain an exception to the spacing rule before a well can be drilled thereon is a voluntary subdivision and not entitled to a permit to prevent confiscation of property if it were either, (a) segregated from a larger tract in contemplation of water resource development, or (b) segregated by fee title conveyance from a larger

tract after the spacing rule became effective and the voluntary subdivision rule attached.

(b) Change in Use of Well:

Any well existing at the date of enactment of this Rule must comply with the provisions of this rule if after the date of enactment of this rule the ultimate use of the water produced from the well is changed in whole or in part such that the water produced from the well annually is increased. Ultimate use of the water shall be defined as domestic, municipal, industrial, agricultural, or irrigation use.

RULE 8 – EXCEPTION TO SPACING RULE

- (a) In order to protect vested property rights, to prevent waste, to prevent confiscation of property, or to protect correlative rights, the Board may grant exception to the above spacing regulations. This rule shall not be construed so as to limit the power of the Board, and the powers stated are cumulative only of all other powers possessed by the Board. The Board may consider whether a well located on adjoining property is draining the Applicant's property.
- (b) If an exception to such spacing regulations is desired, application therefore shall be submitted by the applicant in writing to the Board at its District office on forms furnished by the District. The application shall be accompanied by a plat or sketch, drawn to scale of one (1) inch equaling one thousand (1000) feet. The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale all wells within a quarter mile of the proposed well site. The application shall also contain the names of all property owners adjoining the tract on which the well is to be located and the ownership of the wells within a quarter mile of the proposed location. Such application and plat shall be certified by some person actually acquainted with the facts who shall state that all the facts therein are true and correct.
- (c) Such exception may be granted ten (10) days after written notice has been given to the applicant and all adjoining owners and all well owners within a quarter mile of the proposed location, and after a public hearing at which all interested parties may appear and be heard, and after the Board has decided that an exception should be granted. Provided, however, that if all such owners execute a waiver in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice of hearing except to the applicant. The applicant may also waive notice or hearing or both.

RULE 9 – LOCATION OF DRILLING WELL

After an application for a well permit has been granted, the well, if drilled, must be drilled within fifty feet of the location specified in the permit so long as that location does not violate any spacing requirements in these rules. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code, as amended. The District shall have the right to confirm reported distances and inspect the wells or well locations.

RULE 10 – RIGHT TO INSPECT AND TEST WELLS

- (a) The directors, engineers, attorneys, agents, operators and employees of a district may go on any land to inspect, make surveys, or perform tests to determine the condition, value, and usability of the property, with reference to the proposed location of works, improvements, plants, facilities, equipment, or appliances. The cost of restoration shall be borne by the district or the water supply corporation.
- (b) District employees and agents are entitled to enter any public or private property

within the boundaries of the district or adjacent to any reservoir or other property owned by the district at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulations, permit, or other order of the district. District employees or agents acting under this authority who enters private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection and shall notify any occupant or management of their presence and shall exhibit proper credentials.

RULE 11 – OPEN WELLS TO BE CAPPED

Every owner or operator of any land within the District upon which is located any open or uncovered well is, and shall be, required to close or cap the same permanently with a covering capable of sustaining weight of not less than four hundred (400) pounds, except when said well is in actual use by the owner or operator thereof; and no such owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement. Officers, agents and employees of the District are authorized to serve or cause to be served written notice upon any owner or operator of a well in violation of this rule, thereby requesting such owner and/or operator to close or cap such well permanently with a covering in compliance herewith. In the event any owner or operator fails to comply with this rule, the District may go on the land and close the well safely and securely. Closure may be by the District or an entity under contract with the District, all expenditures thereby incurred shall constitute a lien upon the land where such well is located, provided, however, no such lien shall exceed the actual cost for any single closing. Any officer, agent, or employee of the District, is authorized to perfect said lien by the filing of the affidavit authorized by Section 36.118 of the Texas Water Code. All of the powers and authority granted in such section are hereby adopted by the District, and its officers, agents, and employees are hereby bestowed with all of such powers and authority.

RULE 12 – GENERAL RULES OF PROCEDURE FOR HEARING

All hearings whether conducted by the Board or before a Hearings Examiner shall be conducted in accordance with the Hearing Rules and Procedures as adopted by the Board and as they may be amended from time to time.

RULE 13 – WELL REGISTRATION

In order to provide for the “grandfathering” of existing Exempt or non exempt water wells, a Certification of Registration for a well can be issued only after the location of the well and the wellhead equipment of the well has been determined by field survey by District personnel, and/or designated agents acting for the District. A well owner or agent shall apply to the District for validation. The costs to the well owner or the well owner's agent shall be set by the Board. The Board on its own initiative may cause to be issued a Certificate of Registration for wells drilled and equipped within the District for which the landowner or his agent has not applied for a Permit or for wells not otherwise properly permitted, provided that such wells were not drilled, equipped and operated (pumped) in such a manner as to violate any other Rules and regulations of the District. To the extent available, the well owner shall provide all of the information required in Rules 6 and 5.4 and as may otherwise be requested by the District. Well sites already owned by a retail public utility may be registered with the District.

RULE 14 – TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

- (a) Purpose. In recognition of the fact that the transfer of groundwater resources from the District for use outside of the District impacts residents and property owners of the District differently than use within the District, and in order to manage and conserve groundwater resources within the District, and provide reasonable protection of the public health and welfare of residents and property

owners of the District, a ground water transfer permit is required to produce groundwater from within the District's boundaries and to transfer such groundwater for use outside the District.

- (b) Scope. A groundwater transfer permit is required for production of any water from a well within the District, all or part of which is regularly transported for use outside the District. A groundwater transfer permit shall be obtained prior to commencing construction of wells or other facilities utilized to transfer groundwater from the District. Water wells to be used for the transfer of water outside of the District shall be subject to all other requirements of the District.
- (c) Exceptions. A groundwater transfer permit is not required for transfers of groundwater from the District in the following cases:
 - (1) Transfers of groundwater from the District that were occurring on or before June 11, 2003 to the extent the production or transportation capacity of facilities used to produce or transfer groundwater from the District are not increased over the capacity of such facilities that were existing or permitted by the District on or before June 11, 2003.
 - (2) Transfers of groundwater from the District which are incidental to beneficial use within the District. A groundwater transfer permit is not required for transferring groundwater that is part of a product manufactured in the District, or if the groundwater is to be used on property that straddles the District boundary line. Water that is bottled is not considered to be a product manufactured for this exclusion.
- (d) Application. An application for groundwater transfer permit shall be filed in the District office by the owner of the groundwater rights or owner or operator of the production facilities. The following information shall be provided:
 - (1) The name and mailing address of the applicant and the owner of the land on which the well is or will be located;
 - (2) If the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
 - (3) A statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;
 - (4) A water conservation plan;
 - (5) A declaration that the applicant will comply with the District's management plan and District Rules;
 - (6) The location of each well and the estimated rate at which water will be withdrawn;
 - (7) A water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the District.
 - (8) A drought contingency plan;
 - (9) Data showing the availability of water in the District and in the proposed receiving area during the period for which water supply is requested;
 - (10) Alternate sources of supply that might be utilized by the applicant, and the feasibility and the practicability of utilizing such supplies;
 - (11) The time schedule for construction and/or operation of the well.
 - (12) Construction and operation plans for the proposed facility, including, but not limited to:
 - I. A technical description of the proposed well(s) and production facility, including depth of the well, the casing

diameter, type and setting, the perforated interval, and the size of pump.

II. A technical description of the facilities to be used for transportation of water.

- (13) If the water is to be used by someone other than the applicant, a signed contract between the applicant and the user or users.
- (14) Additional information that may be required by the District.
- (e) Application Processing Fee. An application processing fee, sufficient to cover all reasonable and necessary costs to the District of processing the application, will be charged. The application must be accompanied by the Fee. If the fee is determined by the General Manager or the Board to be insufficient to cover anticipated costs of processing the application, the applicant may be required to post a deposit in an amount determined by the General Manager or the Board's representative to be sufficient to cover anticipated processing cost. As costs are incurred by the District in processing the application, those costs may be reimbursed from funds deposited by the applicant. The applicant shall be provided a monthly accounting of billings against the application processing deposit. Any funds remaining on deposit after the conclusion of application processing shall be returned to the applicant. If initially deposited funds are determined by the General Manager to be insufficient to cover costs incurred by the District in processing the application, an additional deposit may be required. If the applicant fails to deposit funds as required by the District, the application may be dismissed.
- (f) Notice. Within 30 days following a determination by the District that the application is complete, notice of the application shall be mailed by the applicant to all property owners within one-half mile of the property upon which the well(s) is to be located and published in a newspaper of general circulation within the District. The District will provide the notice to the applicant for mailing and publication. Notice shall include at least the following information:
 - (1) the name and address of the applicant;
 - (2) the date the application was filed;
 - (3) the time and place of the hearing;
 - (4) the location of the proposed well(s) from which water to be transported is to be produced;
 - (5) A description of the production facility; and
 - (6) A brief summary of the information in the application.
- (g) Hearing. If requested by the applicant, any affected person opposed to the application having a justifiable interest, or the General Manager, a contested case public hearing shall be conducted in accordance with provisions of the Texas Administrative Procedure Act, Gov't Code- 2000.01, et seq. If not requested by any party, the public hearing on the application may be conducted by the Board at a regular or special meeting.
- (h) Permit
 - (1) The permit to transfer groundwater out of the District may be issued as a consolidated permit authorizing drilling, production, and transfer of water from the District. Whether issued as a consolidated permit or separately, the requirements for a permit to transfer groundwater out of the District are cumulative with all other permits or other requirements of the District.

- (2) In determining whether to issue a permit to transfer groundwater out of the District, Board shall consider, in addition to all other factors applicable to issuance of a permit from the District:
 - I. The availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;
 - II. The availability of feasible and practicable alternative supplies to the applicant;
 - III. The amount and purposes of use for which water is needed in the proposed receiving area;
 - IV. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;
 - V. The indirect cost and economic and social impacts associated with the proposed receiving area;
 - VI. The approved regional water plan and certified District management plan; and,
 - VII. Other facts and considerations necessary by the Board for protection of the public health and welfare and conservation and management of natural resources in the District.
- (3) If it determines to issue a permit to transfer groundwater out of the District, the Board may limit the permit as warranted by consideration of those factors identified above. In addition to conditions identified by Texas Water Code – 36.1131, the permit to transfer water out of the District shall specify:
 - I. The amount of water that may be transferred out of the District;
 - II. The period for which the water may be transferred
 - III. Any monitoring or reporting requirements determined to be appropriate; and,
 - IV. Such other terms and provisions with reference to the drilling, equipping, completion, or alterations of wells or pumps that may be necessary to conserve the groundwater, prevent waste, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence.
 - V. That it may be cancelled if the required production and transfer fees are not paid when due.

RULE 15 – ENFORCEMENT

In accordance with the Texas Water Code, 36.102, the District may enforce Chapter 36 of the Texas Water Code and its Rules by injunction, mandatory injunction or other appropriate remedy in a court of competent jurisdiction. The Board adopts civil penalties for breach of Chapter 36 of the Texas Water Code and any rule of the District. Civil penalties shall not exceed \$10,000 per day per violation, and each day of a continuing violation shall constitute a separate violation of the Rules. The Board must authorize any enforcement action prior to it being filed in a court.

Appendix T

COUNTY OF CHEROKEE

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This application packet is for a Floodplain Development Permit. Section I is to be completed by the Applicant. Please keep in mind that depending on the type of development, you may be required to hire a surveyor or engineer to help complete required forms.

If the property you propose to develop is located within a “Special Flood Hazard Area” on a flood map issued by the Federal Emergency Management Agency (FEMA), you **MUST** obtain a Floodplain Development Permit prior to beginning the project. This is a requirement of the local Flood Damage Prevention Ordinance of your community, and there are penalties for failing to do so, including high insurance rates. If you are proposing development of any kind (constructing a new building, adding on to an existing building, clearing land, placing fill, grading land, mining, dredging, drilling, building of roadways or parking facilities, etc...) in a floodplain, you **MUST** submit this application to your local Floodplain Administrator (FPA).

Depending upon the type of development you are proposing, additional forms may be required. For example, all new buildings in a Special Flood Hazard Area require an Elevation Certificate to document that the lowest floor of the building is elevated at or above the base flood elevation

(BFE).

The Applicant shall complete Section I of this packet and submit the information to the local FPA. The FPA reviews the submission and determines, then notifies whether or not additional information is needed. Once all required materials have been submitted, the FPA will make a permitting decision and either issue (and may include conditions of approval) or deny the requested permit.

The Applicant should understand that a Floodplain Development Permit is only a permit to complete the proposed development; for example, a permit to build a house, small accessory structures, construct a park, storage of materials/cars/misc. items, ditches, to grade a parcel of land, or building of roadways or parking facilities. A community official, the FPA or his designee, will perform inspections throughout the project, as well as when the project is completed to ensure that the development is compliant with the requirements of the local ordinance.

Additionally, there will be a minimal fee of \$275.00 for a licensed engineering firm to represent Cherokee County in reviewing all final plats and applications. This fee could be increased if any additional work by said engineering firm is required.

INSTRUCTIONS FOR COMPLETION

SECTION I

Complete General Information and Owner Information

Applicant Information

If you are applying for this development permit, but are not the owner of the property, list your contact information here. If you are the property owner, leave this section blank.

Project Information

Check the box(es) beside the type of development that is being proposed.

Additional Forms That May Be Required

- Elevation Certificate
- Substantial Improvement Determination
- Floodproofing Certificate
- Hydraulic/Hydrologic Analysis and “No-Rise Certification”

SECTION II

Floodplain Information

The FPA will determine the position of the proposed development relative to community floodplains and floodways. This determination is used to determine whether or not a Floodplain Development Permit and/or any other forms are required prior to commencing the proposed project.

If any of the additional documentation is required, the FPA is to notify the applicant, allow a reasonable length of time for submission of the documents, and then review all submissions to determine whether or not the permit will be issued.

Permit Determination

The FPA will indicate whether or not the proposed development is conformant with the requirements of the local Flood Damage prevention ordinance, and whether or not the requested permit is issued. If the decision is to NOT issue the permit, the FPA will provide an explanation of the perceived deficiencies to the Applicant.

A Certificate of Compliance

The FPA will indicate the “As-Built” lowest floor elevation for structural developments, list inspections which have been performed, and issue the Certificate of Compliance to the Applicant if appropriate.

County of Cherokee

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

OFFICE USE ONLY

Date Received:

File Number

SECTION I: Applicant and Project Information

General Information

1. No work of any kind may begin in a floodplain until a floodplain development permit is issued.
2. The permit may be revoked if any false statements are made in this application.
3. If revoked, all work must cease until a permit is re-issued.
4. The development may not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within 6 months of the date of issue.
6. The permit will not be issued until any other necessary local, state, or federal permits have been obtained.

By signing and submitting this application, the Applicant gives consent to the local Floodplain Administrator or his/her representative to make reasonable inspections prior to the issuance of a Certificate of Compliance.

By signing and submitting this application, the Applicant certifies that all statements contained in SECTION I of the application, and in any additional attachments submitted by the Applicant, are true and accurate.

Owner Information

Property Owner: _____

Mailing Address: _____

Telephone: _____

Email Address: _____

Signature: _____ Date: _____

Applicant Information

Applicant: _____

Notes:

Telephone: _____

Fax Number: _____

Signature: _____

Project Information

Project Address: _____

Subdivision: _____

Lot: _____

Block: _____

Attach Legal Description to Application.

Type of Structure:

- ☐ Residential (1 to 4 families)
- ☐ Residential (More than 4 families)
- ☐ Non-Residential
 - ☐ Elevated
 - ☐ Floodproofed
- ☐ Combined Use
(Residential and Non-Residential)
- ☐ Manufactured Home
 - ☐ Located **INSIDE** a Manufactured Home Park
 - ☐ Located **OUTSIDE** a Manufactured Home Park

*Substantial Improvement

If the value of an addition or alteration to a structure equals or exceeds 50% of the value of the structure before the addition or alteration, the entire structure must be treated as a substantially improved structure.

Substantial Improvement Evaluation

Cost of Improvements (a): \$ _____

Market Value of Building (b): \$ _____

Percent of Value Change (a/b): _____

Type of Structural Activity:

- ☐ New Structure
- ☐ Addition to Existing Structure*
documentation and
- ☐ Alteration of Existing Structure*
- ☐ Relocation of Existing Structure**
- ☐ Demolition of Existing Structure
- ☐ Replacement of Existing Structure

Disclaimer: Substantial Improvement Evaluation must be supported by project cost

approved market evaluation. Attach supporting documentation.

**Relocation or Replacement

A relocated structure or a structure being replaced must be treated as new construction.

Project Information (continued)

Other Development Activities

- | | |
|---|---|
| ☐ Excavation (not related to a structural development) | ☐ Dredging |
| ☐ Clearing | ☐ Watercourse alteration |
| ☐ Placement of Fill Material | ☐ Drainage improvement
(including culvert work) |
| ☐ Grading | ☐ Individual water or sewer system (not
included to a structural development
listed above) |
| ☐ Mining | |
| ☐ Drilling | |
| ☐ Roadway or bridge construction | |
| ☐ Specify other development not listed above: | |
- ☐ Is the proposed development located within the regulator floodway: ☐ No ☐ Yes
(If YES, attach completed Hydraulic/Hydrologic analysis for a No-Rise Certificate)

Structural Development

For structures, the provisions of the flood ordinance specify that the lowest floor, including utilities, be elevated at or above the flood protection elevation.

The minimum required elevation for the proposed development is: _____

The Base Flood Elevation at the site of the proposed development is _____

Source of Base Flood Elevation: ☐ FIRM ☐ FIS or ☐ other: _____

The following documents are required:

- ☐ An Elevation Certificate*
- ☐ Site Plan (Showing location of SFHA and development)

The following documents may be required:

- ☐ Floodproofing Certificate* - required if floodproofing a non-residential structure
- ☐ A No-Rise Certificate* - if any of the proposed development is in a "regulatory floodway"
- ☐ An elevation study showing BFEs on developments/subdivisions exceeding 50 lots or 5 acres in Zone A

**Certificates require completion by a Professional Land Surveyor or Registered Professional Engineer as indicated.*

Property Owner Signature

I certify that to the best of my knowledge the information contained in the application is true and accurate.

Signature of Property Owner

Date

SECTION II: (To be completed by Floodplain Administrator)

Permit Determination

I have determined that the proposed development:

- ☐ IS in conformance with the local Flood Damage Prevention Ordinance. ☐ IS NOT in conformance with the local Flood Damage Prevention Ordinance. (*non-conformance described in separate document*)

The Floodplain Development Permit:

- ☐ IS issued subject to any conditions attached to and made part of this permit. ☐ IS NOT (denials are described in separate document)

Signature of Floodplain Administrator

Date

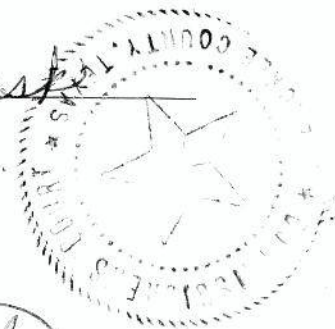
PASSED AND APPROVED THIS 23rd DAY OF December, 20 25.



County Judge



County Clerk





Commissioner, Precinct 1



Commissioner, Precinct 2



Commissioner, Precinct 3



Commissioner, Precinct 4